

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

The Mayor position was vacated upon the resignation of the Ward 1 Council Member in August. Per the Charter, the Mayor Pro Tem has the rights and privileges of the Mayor in his absence.

Mayor Pro Tem Hamrick called the meeting to order and served as the presiding officer.

Reverend Kathy Lamon, First United Methodist Church, delivered the invocation after which the Pledge of Allegiance was recited in unison.

SPECIAL GUEST:

Council Member Figueras introduced Mayor Amadou Kone, City of Tanda, Ivory Coast, West Africa. Mayor Kone provided a brief history about himself and how he came to be the Mayor.

CONSENT AGENDA:

Resolutions:

- A. AR-2013-14 Regarding Fourth Quarter Budget Adjustment for Fiscal Year 2013
- B. BR-2013-40 Cooperative 9-1-1 Emergency Public Safety Answering Point Between Hall County and the City of Gainesville
- C. PR-2013-36 Authorization to Apply for an American Forests Global Releaf Grant
- D. PR-2013-37 Authorization to Apply for and Accept FTA Section 5307 Fuel Provision Capital Grant Application
- E. PR-2013-38 Authorization to Apply for Georgia Transportation Infrastructure Bank (GTIB) Improvement Grant
- F. PR-2013-39 FY14-15 Bureau of Justice Assistance Bulletproof Vest Partnership Grant Acceptance
- G. PR-2013-40 Lakeside Water Treatment Plant – Raw Water Metering Facilities 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: Hamrick, Figueras, Wangemann, Segars

Absent: Bruner

Minutes:

- A. October 1, 2013 Council Meeting

Motion to approve the minutes accepting the edits as presented.

Motion made by Council Member Wangemann

Motion seconded by Council Member Figueras

Votes favoring the motion: Hamrick, Figueras, Wangemann, Segars

Absent: Bruner

RESOLUTION:

**BR-2013-___ Retirement Plan "A" Custodian Contract
(Tabled from the October 1, 2013 Council Meeting)**

Motion to remove the resolution from the table.

Motion made by Council Member Figueras

Motion seconded by Council Member Wangemann

Votes favoring the motion: Hamrick, Figueras, Wangemann, Segars

Absent: Bruner

Motion to refer the resolution back to the Retirement Plan A Board.

Motion made by Council Member Figueras

Motion seconded by Council Member Wangemann

Votes favoring the motion: Hamrick, Figueras, Wangemann, Segars

Absent: Bruner

ANNEXATION / ZONING:

**Second Reading: Ordinance No. 2013-20
Annex 2.72± Acres at 2420 Browns Bridge Road**

Motion to hold second reading on Ordinance 2013-20, AN ORDINANCE ANNEXING A 2.72± ACRES TRACT LOCATED ON THE NORTH SIDE OF BROWNS BRIDGE ROAD, SOUTHWEST OF CORPORATE DRIVE (A/K/A **2420 BROWNS BRIDGE ROAD); 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 Figueras

Motion seconded by Council Member Wangemann

Votes favoring the motion: Hamrick, Figueras, Wangemann, Segars

Absent: Bruner

**Second Reading: Ordinance No. 2013-21
Zone 2.72± Acres at 2420 Browns Bridge Road**

Motion to hold second reading on Ordinance 2013-21, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA BY ESTABLISHING THE ZONING ON A 2.72± ACRES TRACT LOCATED ON THE NORTH SIDE OF BROWNS BRIDGE ROAD, SOUTHWEST OF CORPORATE DRIVE (A/K/A **2420 BROWNS BRIDGE ROAD) AT THE TIME OF ANNEXATION AS GENERAL BUSINESS (G-B); 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 Wangemann
Motion seconded by Council Member Figueras
Votes favoring the motion: Hamrick, Figueras, Wangemann, Segars
Absent: Bruner

Second Reading: Ordinance No. 2013-22
Rezone 2.59± Acres at 3030 McEver Road

Motion to hold second reading on Ordinance 2013-22, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A 2.59± ACRE TRACT LOCATED ON THE WEST SIDE OF MCEVER ROAD, SOUTH OF GOULD ROAD (A/K/A 3030 MCEVER ROAD) FROM OFFICE AND INSTITUTIONAL (O-I) TO NEIGHBORHOOD BUSINESS, WITH CONDITIONS (N-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 Figueras
Motion seconded by Council Member Wangemann
Votes favoring the motion: Hamrick, Figueras, Wangemann, Segars
Absent: Bruner

REPORT:

Community Development, Planning Division

Action taken by the Gainesville Planning and Appeals Board on October 8, 2013 and new items to be referred to the Planning and Appeals Board.

Community Development Director Rusty Ligon stated there was one item to refer to the November 5th Council Meeting consisting of a special use request and there were four items to refer to the November 12th Planning and Appeals Board Meeting including three variances and one annexation request. The report was noted as follows:

This report contains **(A)** action taken by the Planning and Appeals Board during their public hearing held on **October 8, 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 **November 12, 2013**.

A. Planning and Appeals Board Actions for 10/08/13:

- 1) **Recommended conditional approval** of the request from **B & L Bowling Center, LLC** for a Special Use on an 2.442± acres parcel located on the southwest side of the intersection of Browns Bridge Road and Green Crest Drive (a/k/a **2317 Browns Bridge Road**), having a zoning classification of Light Industrial (L-I).
Ward Number: Five
Tax Parcel Number(s): 08-007-003-020
Proposed Use: Outdoor electric go-kart track

B. New items to be referred to the Planning and Appeals Board for 11/12/13:

- 1) Request from **Tennent Slack** to vary the right side yard building setback requirement on a 0.70± acre tract located on the south side of the intersection of Heritage Road and Heritage Place, east of the intersection of Riverside Drive and Heritage Road, having road frontage on the northwest side of Blue Ridge Drive (a/k/a **1466 Heritage Road NE**), having a zoning classification of Residential-I (R-I).
Ward Number: One
Tax Parcel Number(s): 01-092-003-044
Request: Carport addition
- 2) Request from **David and Mamie Coker** to vary the right side yard building setback requirement on a 0.38± acre tract located on the west side of Prior Street, north of its intersection with Park Street (a/k/a **0 and 423 Prior Street NE**), having a zoning classification of Residential-II (R-II).
Ward Number: Two
Tax Parcel Number(s): 01-038-003-021 and 027
Request: Patio cover
- 3) Request from **Georgia Truss, LLC** to vary the stream protection buffer requirement on a 3.65± acres property located on the west side of Murphy Boulevard near its terminus, south of its intersection with Browns Bridge Road (a/k/a **2360 Murphy Boulevard**), having a zoning classification of Light Industrial (L-I).
Ward Number: Five
Tax Parcel Number(s): 08-007-003-008 (part)
Request: Expand an existing industrial use
- 4) Request from **Georgia Truss, LLC** to annex a 3.34± acres tract located on the west side of Murphy Boulevard near its terminus, south of its intersection with Browns Bridge Road (a/k/a **0 and 2384 Murphy Boulevard**) and to establish zoning as Light Industrial (L-I).
Ward Number: Five
Tax Parcel Number(s): 08-007-003-008F, 027 and 028
Request: Sewer to expand an existing industrial use

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

Motion made by Council Member Wangemann

Motion seconded by Council Member Figueras

Votes favoring the motion: Hamrick, Figueras, Wangemann, Segars

Absent: Bruner

Public Works Report

Public Works Director David Dockery thanked Council for authorizing the resolutions for (1) grant funding for the transportation master plan and (2) beautification along Exit 20. He provided a report summarizing the various services which included information pertaining to the following projects: paving initiatives, leaf collection season, solid waste and recycling program, Alta Vista Cemetery, and issues with deer in residential areas of Gainesville.

Upon inquiry from Council Member Segars, Mr. Dockery commented on the street paving evaluation process which includes a road rating project conducted by staff.

Council Member Wangemann commented on the issues concerning the area of Browns Bridge Road near the Cresswind's subdivision indicating it was dangerous and may need widening. Mr. Dockery stated the Traffic Engineer had discussed this with the Department of Transportation and area residents in hopes of identifying solutions to this problem.

Upon inquiry from Mr. Wangemann, Mr. Dockery stated the Local Maintenance Improvement Grant (LMIG) funds have remained at the same funding level over the last few years.

Mr. Wangemann inquired if recycling levels have changed since the ordinance changed. Mr. Dockery felt it had increased and indicated he would seek confirmation through the Solid Waste Superintendent.

Council Member Figueras expressed appreciation to Mr. Dockery and staff for keeping the City of Gainesville beautiful.

EXECUTIVE SESSION:

Mayor Po Tem Hamrick requested an Executive Session to discuss litigation and personnel matters.

Motion to close the Council Meeting and to enter an Executive Session to discuss litigation matters at 5:55 PM.

Motion made by Council Member Figueras

Motion seconded by Council Member Wangemann

Votes favoring the motion: Hamrick, Figueras, Wangemann, Segars

COUNCIL PRESENT: Hamrick, Figueras, Wangemann, Segars

COUNCIL ABSENT: Bruner

STAFF PRESENT: Padgett, Sheppard, Palmour, Jordan

Motion to close the Executive Session and to continue the Council Meeting at 6:29 PM.

Motion made by Council Member Figueras

Motion seconded by Council Member Segars

Votes favoring the motion: Hamrick, Figueras, Wangemann, Segars

CITY MANAGER'S ISSUES:

BR-2013-41

Resolution to Authorize Submission and Execution of Certificate of Distribution of the Local Option Sales Tax

City Manager Kip Padgett stated the proposed resolution authorized the submission and execution of a Certificate of Distribution for Local Option Sales Tax (LOST). Due to the ruling by the Georgia Supreme Court on October 7, 2013 in the Turner County v. City of Ashburn case and pursuant to recommendations of the Georgia Department of Revenue, Gainesville and Hall

County found it necessary to submit the Certificate of Distribution of the LOST as attached to the proposed resolution.

Motion to adopt the resolution BR-2013-41 as presented.

Motion made by Council Member Figueras

Motion seconded by Council Member Wangemann

Votes favoring the motion: Hamrick, Figueras, Wangemann, Segars

Absent: Bruner

City Manager Kip Padgett reported Attorney Chris Huskins was in attendance and would address any questions.

NOTE: The Certificate of Distribution documented the LOST allocation as follows:

Braselton	0.01%
Buford	0.03%
Clermont	0.44%
Flowery Branch	1.39%
Gainesville	19.87%
Gillsville	0.09%
Lula	1.05%
Oakwood	1.63%
Hall County	75.49%

CITY CLERK ISSUES:

City Clerk Denise Jordan announced early voting began on Monday, October 14, 2013. She encouraged citizens to exercise their right to vote.

OTHER ISSUES:

The One Community Meeting

Council Member Figueras expressed appreciation to the election candidates and to all that attended the Citizens Advisory Roundtable Meeting, a/k/a Second Saturday Meeting on Saturday, October 5th. She commented on the importance of voting. She also expressed special thanks to Reverend Evelyn Johnson for organizing the political forum segment of the meeting.

Fair Street Elementary School Grand Opening

Council Member Figueras thanked everyone for attending the grand opening of the Fair Street Elementary School on October 13, 2013.

Gateway House

Council Member Figueras thanked the Gateway House for presenting the Domestic Violence Program on October 8, 2013.

Georgia Municipal Employee Benefits System (GMEBS) Meetings

Council Member Figueras commented on attending recent GMEBS meetings noting she would share the information with staff and other interested parties.

Destruction of Trees

Council Member Wangemann received a call from a citizen from the Village area indicating they were concerned about the destruction of trees in the area.

ADJOURNMENT: 6:36 PM

DJ/ag

Robert L. Hamrick, Mayor Pro Tempore

Denise O. Jordan, City Clerk