

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

Mayor Dunagan called the meeting to order and served as the presiding officer.

Council Member Wangemann delivered the invocation after which the Pledge of Allegiance was recited in unison.

ORGANIZATIONAL MEETING:

Appointment of Mayor Pro Tem (2 Year Term)

Motion to appoint Council Member Robert L. Hamrick to serve as Mayor Pro Tem for a two-year term.

Motion made by Council Member Figueras

Motion seconded by Council Member Wangemann

Votes favoring the motion: Dunagan, Figueras, Wangemann, Couvillon

Absent: Hamrick, Bruner

Emergency Interim Successors Resolution

Motion to adopt Business Resolution BR-2014-01 naming the Emergency Interim Successors as follows: Mayor C. Danny Dunagan, Jr.; Mayor Pro Tem Robert L. Hamrick; Council Member Myrtle W. Figueras; Council Member Ruth H. Bruner; Council Member George Wangemann; and Council Member Warren Samuel Couvillon.

Motion made by Council Member Figueras

Motion seconded by Council Member Wangemann

Votes favoring the motion: Dunagan, Figueras, Wangemann, Couvillon

Absent: Hamrick, Bruner

2014 Council Meeting and Work Session Calendar

Motion to adopt the 2014 Council Meeting and Work Session Calendar as presented scheduling Council Meetings on the first and third Tuesday of each month at 5:30 PM in the Municipal Court Room within the Gainesville Justice Center and scheduling Work Sessions on the Thursday preceding each Council Meeting at 9:00 AM in the Bill William's Conference Room located in the Administration Building.

Motion made by Council Member Wangemann

Motion seconded by Council Member Figueras

Votes favoring the motion: Dunagan, Figueras, Wangemann, Couvillon

Absent: Hamrick, Bruner

The Mayor voted on every motion during this meeting to satisfy the Charter's requirement that all actions be approved by four affirmative votes.

Designation of Official Organ

Motion to designate *The Times* as the Official Organ for 2014.

Motion made by Council Member Wangemann

Motion seconded by Council Member Figueras

Votes favoring the motion: Dunagan, Figueras, Wangemann, Couvillon

Absent: Hamrick, Bruner

Appointment of City Attorney (1 Year Term)

Motion to reappoint the Law Office of James E. Palmour, III as the City Attorney for a one-year term.

Motion made by Council Member Figueras

Motion seconded by Council Member Couvillon

Votes favoring the motion: Dunagan, Figueras, Wangemann, Couvillon

Absent: Hamrick, Bruner

Appointment of Administrative Hearing Officer (1 Year Term)

Motion to reappoint G. Hammond Law, III to serve as the Administrative Hearing Officer for a one-year term.

Motion made by Council Member Wangemann

Motion seconded by Council Member Figueras

Votes favoring the motion: Dunagan, Figueras, Wangemann, Couvillon

Absent: Hamrick, Bruner

Appointment of the Auditor

Motion to reappoint Rushton and Company to serve as the City Auditor.

Motion made by Council Member Figueras

Motion seconded by Council Member Wangemann

Votes favoring the motion: Dunagan, Figueras, Wangemann, Couvillon

Absent: Hamrick, Bruner

Appointment of the Chief Judge

Motion to appoint G. Hammond Law, III to serve as the Chief Judge.

Motion made by Council Member Figueras

Motion seconded by Council Member Wangemann

Votes favoring the motion: Dunagan, Figueras, Wangemann, Couvillon

Absent: Hamrick, Bruner

The Mayor voted on every motion during this meeting to satisfy the Charter's requirement that all actions be approved by four affirmative votes.

Appointment of Solicitor (2 Year Term)

Motion to reappoint John G. Breakfield to serve as Solicitor for a two-year term.

Motion made by Council Member Figueras

Motion seconded by Council Member Wangemann

Votes favoring the motion: Dunagan, Figueras, Wangemann, Couvillon

Absent: Hamrick, Bruner

Appointment of Deputy Solicitor (2 Year Term)

Motion to reappoint Anne Marie Bishop to serve as Deputy Solicitor for a two-year term.

Motion made by Council Member Figueras

Motion seconded by Council Member Wangemann

Votes favoring the motion: Dunagan, Figueras, Wangemann, Couvillon

Absent: Hamrick, Bruner

Appointment to Gainesville-Hall '96 Board (1 Year Term)

Motion to appoint Council Member Bruner to serve on the Gainesville-Hall '96 Board for a one-year term.

Motion made by Council Member Wangemann

Motion seconded by Council Member Figueras

Votes favoring the motion: Dunagan, Figueras, Wangemann, Couvillon

Absent: Hamrick, Bruner

Appointment to Georgia Mountains Regional Commission (1 Year Term)

Motion to appoint Council Member Wangemann to serve on the Georgia Mountains Regional Commission for a one-year term.

Motion made by Council Member Figueras

Motion seconded by Council Member Couvillon

Votes favoring the motion: Dunagan, Figueras, Wangemann, Couvillon

Absent: Hamrick, Bruner

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Appointment of Council Members to serve as Ex-Officio Members on Boards/Committees

Motion to appoint the following to serve as 2014 Ex-Officio Members for a one-year term:

**Mayor Dunagan to the Chicopee Woods Area Park Commission
Mayor Dunagan to the Economic Development Council
Mayor Dunagan to the Gainesville-Hall County Development Authority
Mayor Dunagan to the Gainesville Redevelopment Authority
Mayor Dunagan to the Greater Hall Chamber of Commerce Board of Directors
Mayor Dunagan to the HALLmark Initiative
Council Member Couvillon to the Airport Advisory Committee
Council Member Wangemann to the Beautification Steering Committee
Council Member Bruner to the Chattahoochee Golf Course Advisory Committee
Council Member Bruner to the Friends of the Parks
Council Member Figueras to the Gainesville Non-Profit Development Foundation
Council Member Hamrick to the Historic Preservation Commission
Mayor Dunagan and Council Member Figueras to the Housing Authority
Council Member Figueras to the Main Street Gainesville Advisory Board
Council Member Couvillon to the Parks and Recreation Board
Council Member Wangemann to the Planning and Appeals Board**

Motion made by Council Member Figueras

Motion seconded by Council Member Wangemann

Votes favoring the motion: Dunagan, Figueras, Wangemann, Couvillon

Absent: Hamrick, Bruner

Oath of Office Administered by the Mayor

Mayor Dunagan administered the Oath of Office to Chief Judge G. Hammond Law, III, Solicitor John G. Breakfield, and Deputy Solicitor Anne Marie Bishop. The Oaths read as follows:

"I do solemnly swear that I will carry out the duties of judge of the Municipal Court of Gainesville, Georgia, in accordance with the law, that I will act without fear, favor, or partiality in deciding issues between the municipality and persons accused of violating ordinances of the municipality, and that I will conduct myself and the affairs of the municipal court in such a manner as will reflect credit upon the municipality in its administration of justice."

"I do solemnly swear that I will conduct the office of the solicitor of the Municipal Court of Gainesville, Georgia, in accordance with the law, that I will prosecute all cases made in said court to the very best of my ability, and that I will so conduct myself in carrying out the duties of the office in such a manner as will reflect credit upon the municipality in its administration of justice."

CONSENT AGENDA:

Alcoholic Beverage License Applications

1. Avocados Restaurant, 109 Bradford Street
New application for consumption on the premises of liquor.

The Mayor voted on every motion during this meeting to satisfy the Charter's requirement that all actions be approved by four affirmative votes.

2. Bluefin Hibachi & Sushi, 1642 Park Hill Drive
New application for consumption on the premises of beer and wine.
3. El Rodeo Restaurant, 1736 Atlanta Hwy, Ste 500 & 600
New application for consumption on the premises of beer.
4. Kroger #682, 1931 Jesse Jewell Parkway
New application for package sale of beer and wine.
5. Rio Balsas, 975 Dawsonville Hwy, Unit 12
New application for consumption on the premises of beer, wine and liquor.

Motion to approve the applications as presented.

Motion made by Council Member Figueras

Motion seconded by Council Member Wangemann

Votes favoring the motion: Dunagan, Figueras, Wangemann, Couvillon

Absent: Hamrick, Bruner

Business Resolution 2014-02

Amendment to Personnel Policies & Procedures Manual as it Pertains to the Drug-Free Workplace Policy

City Manager Kip Padgett stated the amendment was for a revised policy that clarified safety-sensitive positions as it applies to random drug testing.

Motion to adopt the resolution as presented.

Motion made by Council Member Wangemann

Motion seconded by Council Member Figueras

Votes favoring the motion: Dunagan, Figueras, Wangemann, Couvillon

Absent: Hamrick, Bruner

Project Resolution 2014-01

Athens Highway Utilities Relocation – Design and Bidding Services

City Manager Kip Padgett stated the Georgia Department of Transportation requested the City to relocate existing water mains located along the US 129 roadway that are in conflict with the proposed roadway project. As a result, Public Utilities desired to upgrade of the existing infrastructure by installing larger water mains.

Motion to adopt the resolution as presented.

Motion made by Council Member Figueras

Motion seconded by Council Member Wangemann

Votes favoring the motion: Dunagan, Figueras, Wangemann, Couvillon

Absent: Hamrick, Bruner

Project Resolution 2014-02

FY14 Records Software System – Award of Contract

City Manager Kip Padgett stated the proposed resolutions allow the replacement of the current antiquated system. The software will assist in transitioning to a paperless system in the Police Department.

The Mayor voted on every motion during this meeting to satisfy the Charter's requirement that all actions be approved by four affirmative votes.

Motion to adopt the resolution as presented.

Motion made by Council Member Wangemann

Motion seconded by Council Member Figueras

Votes favoring the motion: Dunagan, Figueras, Wangemann, Couvillon

Absent: Hamrick, Bruner

Minutes: November 19, 2013 Council Meeting

Minutes: December 3, 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, Figueras, Wangemann, Couvillon

Absent: Hamrick, Bruner

PUBLIC HEARING:

Annexation/Zoning Items

City Attorney Palmos reviewed the public hearing process and confirmed the hearing item had been properly advertised.

Request from Michael Slate to rezone a 0.67± acre tract located on the north side of Lanier Avenue, between Thompson Bridge Road and Walker Street (a/k/a 971 Lanier Avenue NE) from Residential-I (R-I) to Residential and Office (R-O). Ward: Two. Tax Parcel Number: 01-087-004-014. Request: Professional office use.

Planning Manager Matt Tate provided a brief overview of the application. The Planning and Appeals Board and the staff recommended approval with the following five conditions:

Conditions:

1. Any new or replacement structure(s), exterior facade change(s), and/or future development at this location shall be of a single-family residential appearance and be characteristic of the surrounding residential properties, and shall be subject to the Community Development Director approval.
2. Any proposed new parking areas or potential storm water management areas shall be located to the west side or rear of the primary structure.
3. The subject property shall be limited to one (1) monument sign for a future office use not to exceed five (5) feet in height and twenty (20) square feet in size.
4. The existing healthy, significant trees located on the subject property shall be retained and incorporated where possible into the design of site improvements, including the proposed parking area, and shall be protected throughout construction of any required and/or proposed improvements per Community Development Director approval.
5. An updated as-built survey/plat of the subject property, indicating existing conditions and all improvements shall be recorded prior to obtaining a Certificate of Occupancy for the future professional office use.

Upon inquiry from Council Member Figueras, Mr. Tate commented on the difference between residential and residential office zoning classification.

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City Attorney Palmour opened the floor for comments.

FAVOR:

Attorney Brian Reed, 815 Washington Street, represented the applicant. It was his understanding that the opposition was concerned about commercial use creeping into the neighborhood. He felt the proposal would help eliminate this concern. He also felt the zoning request was the best possible use for the property. Mr. Reed commented on the vision of a small office that would not generate a large amount of traffic.

Chris Slate, 5215 Shirley Road, indicated she was the owner of the property. She stated this request had been before the Planning Board twice and had been approved by them both times. She commented on her experience with renting the property and problems associated with tenants. Ms. Slate indicated they were not looking for a retail business and hoped the neighbors would be in favor of an office professional instead of a renter based on prior experiences.

OPPOSE:

Eddie Hartness, 1550 Berkley Court, indicated he was present as a resident in the area and as the President of the Homeowner's Association. He stated he and his neighbors were opposed to this application. Riverside Drive is a community gathering place. They wanted to preserve the area noting there were signs of revitalization. He commented on the traffic flow and what could happen. Mr. Hartness stated the property owners were aware of the zoning classification when they purchased the lot. He understood development on Thompson Bridge Road needed to happen. He felt the Council was right when it unanimously denied the previous request and hoped the same would happen tonight. Mr. Hartness shared his thoughts on how to assess the quality of a tenant.

Upon inquiry from Council Member Couvillon, Mr. Hartness stated why no one spoke in opposition at the Planning and Appeals Board meetings.

REBUTTAL:

Mrs. Slate indicated she was uncertain what Mr. Hartness was trying to convey with his comments about the cost of a home. She indicated the quality of a neighborhood was important. Her decisions about the property would be based upon economics as well as supply and demand.

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

Council Member Wangemann stated it was difficult to make a decision that will make everyone happy. He commented on a planning/zoning application in his neighborhood then expressed his opinion that the proposal would offer an improvement to the neighborhood.

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Motion to hold first reading on Ordinance 2014-01, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A 0.67± ACRE PARCEL LOCATED ON THE NORTH SIDE OF LANIER AVENUE, BETWEEN THOMPSON BRIDGE ROAD AND WALKER STREET (A/K/A 971 LANIER AVENUE NE) FROM RESIDENTIAL-I (R-I) TO RESIDENTIAL AND OFFICE, WITH CONDITIONS (R-O-c); REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES with five conditions as presented.

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

DISCUSSION:

Mayor Dunagan stated this was a tough decision for the Council. He commented on experiences in his neighborhood then agreed with Mr. Wangemann.

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

EXECUTIVE SESSION:

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

Motion to close the Council Meeting to enter an Executive Session to discuss real estate and personnel matters at 6:13 PM.

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

COUNCIL PRESENT: Dunagan, Figueras, Wangemann, Couvillon
COUNCIL ABSENT: Hamrick, Bruner
STAFF PRESENT: Padgett, Sheppard, Palmour, Jordan, Allison

Motion to close the Executive Session and to continue the Council Meeting at 6:38 PM.

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

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OTHER BUSINESS:

Announcements

Council Member Figueras made the following two announcements:

1. The Main Street Board had a productive meeting earlier in the day.
2. The Citizen's Information Roundtable (aka Second Saturday Meeting) would be held on Saturday, January 11th at 9:30 AM at the Fair Street Neighborhood Center. All are welcome to come.

Citizen's Government Academy

City Manager Kip Padgett announced the Citizen's Government Academy will start in early March. Applications will be available soon.

ADJOURNMENT: 6:39 PM

DJ/ag

C. Danny Dunagan, Jr., Mayor

Denise O. Jordan, City Clerk

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