

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

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

Council Member Robert L. Hamrick delivered the invocation after which the Pledge of Allegiance was recited in unison.

**PROCLAMATION:**

**National Police Week**

Mayor Dunagan read a proclamation declaring the week of May 11-17, 2014 to be *National Police Week*. The proclamation was presented to Police Chief Brian Kelly and Officers Mike Huckaby, Kevin Holbrook and Griggs Wall.

Officer Wall commented on the upcoming National Law Enforcement Ride event noting it is funded by donations.

**CONSENT AGENDA:**

**Resolutions:**

- A. BR-2014-14 Authorize the Execution of an ISDA Credit Support Annex, Custody Agreement and Bilateral Dodd-Frank Agreement
- B. BR-2014-15 Authorization to Transfer Property to the Gainesville Nonprofit Development Foundation, Incorporated
- C. BR-2014-16 Terms of Service of the Gainesville Nonprofit Development Foundation, Incorporated Board of Directors
- D. PR-2014-16 Bureau of Justice Assistance – Bulletproof Vest Partnership Grant Program FY15-16
- E. PR-2014-17 Lakeside Dry Storage Building Project
- F. PR-2014-18 Mayor & City Council Support for “PlanFirst” Designation
- G. PR-2014-19 PUD Administration Building Renovation Project Award of Contract
- H. PR-2014-20 Pump Station 23 Improvements – White Sulphur Road Addition
- I. PR-2014-21 Rebid of Memorial Drive and Virginia Circle Drainage Project

City Manager Kip Padgett provided a brief overview of each resolution.

**Motion to adopt the resolutions as presented.**

Motion made by Council Member Bruner

Motion seconded by Council Member Hamrick

**Votes favoring the motion: Hamrick, Bruner, Wangemann, Couvillon**

**Officials Absent: Figueras**

**Minutes: April 15, 2014 Council Meeting**

**Motion to approve the minutes accepting the edits as presented.**

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

**PUBLIC HEARING:**

Mayor Dunagan stated each side will have 15 minutes to present information.

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

**Community Development Item:**

***Community Development Block Grant (CDBG) 2014-2018 Consolidated Plan 2014 Annual Action Plan***

Housing Program Manager Chris Davis stated this is the final step for the Annual Action Plan. He briefly reviewed the purpose of the Plan noting the City is a HUD (Housing and Urban Development) entitlement City which requires the adoption of the Plan. The Plan is a compilation of data from various sources determining the needs of the community and provides guidance regarding the distribution of the funds.

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 adopt Resolution PR-2014-22 entitled Community Development Block Grant (CDBG) 2014-2018 Consolidated Plan 2014 Annual Action Plan as presented.***

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

**Annexation/Zoning Items**

***Request from Mercy Housing to rezone a 2.2± acres tract located between Queen City Parkway, Banks Street, Gordon Avenue and Longstreet Avenue (a/k/a 620 and 628 Gordon Avenue SW; 0, 602 and 612 Longstreet Avenue SW; 627 Queen City Parkway SW; 504, 512, 514, 520 and 528 Banks Street SW) from Residential-II (R-II), Office and Institutional (O-I), General Business (G-B) and Heavy Industrial (H-I) to Planned Unit Development (P-U-D). Ward: Three. Tax Parcel Number(s): 01-013-002-001, 002, 003, 004, 005, 006, 007, 007A, 008, 009 and 010. Request: Multi-family housing.***

Planning Manager Matt Tate presented the application indicating the request would generate multi-family apartments through a private developer. He commented on the plans for onsite management. The Planning and Appeals Board and staff recommended approval with the following three conditions:

1. The development standards within narrative, site plan and architectural renderings submitted with the applicant's rezoning application shall be made part of the zoning ordinance, and shall be subject to the Community Development Director approval.
2. The proposed on street parking spaces along Banks Street and Gordon Avenue shall be subject to the approval of the Gainesville Public Works Director and both Banks Street and Gordon Avenue shall be required to maintain two, 12-foot wide lanes. Any required road and striping improvements shall be at the expense of the developer.
3. 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 use.

Upon inquiry from Council Member Wangemann, Mr. Tate discussed road improvements and the associated funding to be provided by the developer.

City Attorney Palmour opened the floor for comments.

**Jason Braga**, representative of Mercy Housing, described the company indicating it is based out of Denver, Colorado. He worked out of the Atlanta office. He stated the property would be geared toward families and would consist of 90 units offering a mixture of 1, 2 and 3 bedroom apartments. The developer was targeting families at the 50% - 60% of the area medium income as well as for unrestricted units.

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

Council Member Couvillon commented on the irony of the Police Department expressing concerns about traffic instead of the community. He felt this was a nice project in the gateway of the community.

**Motion to hold first reading on Ordinance 2014-06**, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A 2.2± ACRES TRACT LOCATED BETWEEN QUEEN CITY PARKWAY, BANKS STREET, GORDON AVENUE AND LONGSTREET AVENUE (A/K/A 620 AND 628 GORDON AVENUE SW; 0, 602 AND 612 LONGSTREET AVENUE SW; 627 QUEEN CITY PARKWAY SW; 504, 512, 514, 520 AND 528 BANKS STREET SW) FROM RESIDENTIAL-II (R-II), OFFICE AND INSTITUTIONAL (O-I), GENERAL BUSINESS (G-B) AND HEAVY INDUSTRIAL (H-I) TO PLANNED UNIT DEVELOPMENT, WITH CONDITIONS (P-U-D-c); REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (Amendment to Zoning Map) **with conditions** as presented.

Motion made by Council Member Couvillon

Motion seconded by Council Member Bruner

**Votes favoring the motion: Hamrick, Bruner, Wangemann, Couvillon**

**Officials Absent: Figueras**

***Request from Polestar Development LLC to rezone a 1.741± acres tract located on the west side of Thompson Bridge Road between Brandon Place and Virginia Circle (a/k/a 1435 Thompson Bridge Road) from Residential-II (R-II) to Regional Business (R-B). Ward: Two. Tax Parcel Number(s): 01-088-002-016 (Part). Request: Grocery store and fuel service station.***

Community Development Director Rusty Ligon presented the application. He also presented the history of the property. The Planning and Appeals Board voted to deny the request. Staff recommended approval with the following seven conditions:

1. The subject property shall be limited to a building footprint not to exceed 50,000 square feet in size. All roof top equipment shall be screened from adjacent properties.
2. An automotive paint and body repair shop or auto sales facility is not an approved use for the subject property.
3. Sound emitted from any outdoor speaker devices shall be regulated in a manner to have no impact on the adjacent residential properties.
4. The exterior architecture of the proposed building shall be generally consistent with the elevation rendering submitted with application to be constructed with a mixture of brick and split face block and brick materials. The exterior wall facing Thompson Bridge Road and Brandon Place shall be constructed with a minimum of 50% brick, stone, split face block or glass window materials. The exterior walls facing the adjacent residential properties to the north and west shall be of earth tone colors.
5. The subject property shall contain a minimum 25-foot wide perimeter buffer area along the northerly and westerly property lines adjacent to the single-family residential properties and the multi-family apartments. The buffer shall consist of an 8-foot tall black vinyl coated fence and the combination of existing and new vegetation in order to provide for a solid buffer. The new vegetation shall consist of a mixture of Cryptomeria trees, Leyland Cypress trees and other similar evergreen vegetation at a minimum height of six feet (6) upon installation. The final number, type and location of trees shall be subject to the approval of the Community Development Department Director.
6. All access point design must be reviewed and approved by the Gainesville Public Works Director in conjunction with the Georgia Department of Transportation. Any required traffic improvements associated with the proposed development shall be at the full expense of the developer/property owner.
7. The existing freestanding sign shall be replaced to meet City of Gainesville standards. A uniform sign plan shall be provided for the development as described in Section 9-18-2-7 of the Gainesville Unified Land Development Code.

Mayor Dunagan confirmed a portion of the property in question could not be occupied for any commercial use. He confirmed if the development was not approved and the owner redesigns the shopping center, the non-conforming portion of the property must be brought into compliance before it could be occupied. He confirmed stormwater management was not in existence when the property in question was developed.

Council Member Bruner asked if the developer could modify the design. Mr. Ligon felt this would be better addressed by the developer. He commented on some of the changes recommended by staff noting the developer was receptive. Mrs. Bruner also commented on stormwater drainage and lighting then asked questions about the projects compatibility with the Comprehensive Plan.

Council Member Wangemann asked if the development would increase traffic. Mr. Ligon stated he would defer the question to the traffic engineers. However, he could say traffic would

increase but according to the study it would not move the flow to an unacceptable level on Thompson Bridge Road.

Upon further inquiry about changes to roads/entryways into the development, Mr. Ligon commented on their proposed plans noting all recommendations from the traffic study and plans would be subject to approval from the Department of Transportation.

City Attorney Palmour opened the floor for comments.

FAVOR:

**Steve Gilliam**, representative for the applicant, presented the information noted below:

- Zoning history of the property in question
- An aerial view of the current building showing the nonconforming use
- The environmental impact
- Improvements to be offered by the development
- The economic impact to the community, i.e., tax base before and after build out, total investment and jobs created

In closing, Mr. Gilliam requested Council's approval of the application.

OPPOSE:

**Johnny Sullivan, 724 Honeysuckle Road**, commented on his involvement in the development of the 2030 Comprehensive Plan. He commented on the anticipated growth of the community and emphasized the importance of having a plan. He felt the proposal was more urban sprawl and did not protect the integrity of the community. He also felt the plan could be better.

**Everett and Linda Roseberry, 565 Honeysuckle Road** stood together. Mrs. Roseberry read a statement prepared by her husband Everett which questioned the need for the fast track process and raised questions about the developer. She commented on statements from the developer's website. There was reference to building the 12th grocery store in an arc around the city. There was also reference to a 12 pump gas station, traffic issues, and air pollution that would impact the last golden corridor (Thompson Bridge Road). There was a request to consider the real possibility that the original dual zoning was deliberate or left alone when discovered to prevent over usage of the land and to protect the surrounding homes/apartments surrounding it. They asked that the process be open and available for all to have the opportunity to communicate their concerns.

**Abb Hayes**, attorney for Hulsey, Oliver and Mahar, represented the owners of El Sombrero Restaurant. He commented on his client's lease noting there were lease options through 2020. He was concerns about statements of going to the courthouse to protect tenancy. He felt the purpose of the development was to destroy the shopping center and there were no plans to relocate. They want the rights of their tenants respected and not disparaged.

Upon inquiry from Council Member Couvillon, Mr. Hayes indicated his client's experience with the current landlord had not been positive and they recognize the need for improvement. They had been at that location for 30 years and did not feel improvement should come as a result of threats to protect tenancy.

**Bill Brookshire, 974 Virginia Avenue**, felt at minimum, the request should be tabled and/or delayed given the questions/concerns surrounding the project. He questioned whether taxpayer dollars were at risk if there was a lawsuit because tenants were not made whole. He was concerned about traffic (specifically mentioning Riverside Drive) and felt a study was necessary. Mr. Brookshire stated he was a big fan of redevelopment, i.e., smart development, but questioned the reason for rezoning to Regional-Business. He felt there were a number of questions that need further review and something this important deserves more time.

**Bob Owen, 820 Holly Drive**, stated his fear was silt going into the cove again. He asked if the City would foot the bill to clear silt from the cove. He also expressed his opinion about the origin of the silt problem.

Mr. Ligon stated there are systems in place to monitor developments during construction periods.

**Frank Patton** stated there will be a problem with traffic on Thompson Bridge Road. He also stated there were procedures for property development which are to (1) acquire the property, (2) secure the financing, (3) reveal the client, and (4) obtain zoning. He asked if the client had been revealed. Mr. Patton didn't understand why this request did not go through the normal procedure.

Upon inquiry from Council Member Couvillon, Mr. Ligon indicated the code allows a fast track process and this was the first request to use it. He reviewed the requirements then stated Council authorized staff to proceed. Every required action had been completed.

Council Member Bruner stated there had been a lot of talk about big box development coming to this area. This project will eliminate that possibility. Traffic on Riverside Drive is a concern but before any action occurs, a study will be completed by the Department of Transportation with a recommendation for addressing traffic concerns.

Mr. Patton felt this was a situation of go ahead and pass it then see what it means. He asked if this was related to taxes or about the integrity of the community and protecting the citizens who have voted for those in office.

Mayor Dunagan stated this was not about traffic. It was about fixing a problem noting 1.7 acres of the 5 acres was non-conforming. He stated the property owner can destroy and rebuild within the zoning classification without the Council's approval.

City Attorney Palmour asked all those in favor of the proposal and those in opposition to stand at which time approximately 5 people stood in favor and approximately 50 stood in opposition.

**Jeff Rosetti**, United Electronics, clarified that since the last meeting there had been more dialogue with the owner and the Hutton group. His opposition was stepping on the small guy to bring business into the community. If all tenants are taken care of then he doesn't have a problem with the development. The problems don't end if this group goes away. You're stuck with a landlord that is not putting money into the center. He has rented in many places. They want things to be done correctly. He wanted to make sure Council was aware there were attempts to correct tenancy.

REBUTTAL:

Steve Gilliam stated he lives at the corner of Riverside and Terrace. He commented on why the development was fast tracked noting there was nothing out of order. There is redevelopment throughout the City. He commented on correcting a non-conforming use.

Council Member Bruner asked if there was anything the developer would be willing to do to make it less like a strip shopping center, for example, awnings.

Matt Phillips, Hutton Company, stated they had worked with city staff to make improvements to elevation. He agreed to consider awnings in a few places.

Upon inquiry from Council Member Couvillon, Mr. Gilliam stated there is a confidentiality agreement that prohibits the release of the client until the process was completed to close the property.

City Attorney Palmour closed the hearing and the matter was returned to Council for a decision.

**Motion to hold first reading on Ordinance 2014-07, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A 1.741± ACRES TRACT LOCATED ON THE WEST SIDE OF THOMPSON BRIDGE ROAD BETWEEN BRANDON PLACE AND VIRGINIA CIRCLE (A/K/A 1435 THOMPSON BRIDGE ROAD) FROM RESIDENTIAL-II (R-II) TO REGIONAL BUSINESS, WITH CONDITIONS (R-B-c); REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (Amendment to Zoning Map) with conditions as presented.**

Motion made by Council Member Bruner

Motion seconded by Council Member Wangemann

**Votes favoring the motion: Hamrick, Bruner, Wangemann, Couvillon**

**Officials Absent: Figueras**

**OTHER BUSINESS:**

Mayor Dunagan read and presented a certificate to Council Member Couvillon. It was received from the University of Georgia and the Georgia Municipal Association (GMA) in recognition of his satisfactory completion of the GMA Newly Elected Officials training program.

**EXECUTIVE SESSION:**

Attorney Palmour requested an Executive Session to discuss litigation matters.

**Motion to close the Council Meeting to enter an Executive Session to discuss litigation matters at 7:11 PM.**

Motion made by Council Member Bruner

Motion seconded by Council Member Wangemann

**Votes favoring the motion: Hamrick, Bruner, Wangemann, Couvillon**

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

**Motion to close the Executive Session and to continue the Council Meeting at 7:29 PM.**

Motion made by Council Member Couvillon

Motion seconded by Council Member Bruner

**Votes favoring the motion: Hamrick, Bruner, Wangemann, Couvillon**

**ADJOURNMENT: 7:29 PM**

**DJ/ag**

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C. Danny Dunagan, Jr., Mayor

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Denise O. Jordan, City Clerk