

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

Mayor Dunagan called the meeting to order at 5:30 PM and served as the presiding officer.

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

PUBLIC COMMENTS:

Jerry Gonzalez, Executive Director of Georgia Association of Latino Elected Officials (GALEO), stated they have been trying to work amicably with the City to eliminate at-large voting since 2011. He felt at-large voting was a discriminatory voting process. He noted Latinos and African Americans make up the majority of the city and their voices should be respected. In 2013, they were asked to produce a map and they were close to completing it. He indicated they would like to move forward without litigation noting this was an election year and they would make sure this was an election issue. He asked the Council to eliminate at-large voting.

Council Member Bruner inquired about the map under development at which time Mr. Gonzalez stated he would not disclose the map unless litigation was warranted. He wanted to work with the City and avoid litigation.

Cristian Ramos, 903 Charleston Court, University of North Georgia (UNG) student stated this matter was personal for him. He was a witness of the consequences of not having proper representation. Mr. Ramos shared details surrounding his experience with law enforcement. As a result, he decided to become educated on the political system. He felt the current voting process was a detriment to the system and asked the Council to eliminate at-large voting. He commented on an article in *The Times* back in 2011. He stated Jerry Gonzales was a well-respected member of the Latino community and an advocate on their behalf. He urged the Council to be on the good side of history.

Elton Garcia Castillo, 3005-A St. Charles Avenue, stated he was a student at UNG. He wanted to give his perspective on the at-large voting system and its effects on the local business owners. He spoke on behalf of his parents who were local business owners in the city limits as well as taxpayers and registered voters. He commented on businesses being located in neglected parts of the city where unpaved/unkept roads existed with no sidewalks. He felt the system did not allow proper representation of the community and the taxes were not distributed properly. He asked the Council to eliminate the at-large voting system and to help the neglected parts of the city.

Council Member Bruner encouraged Mr. Castillo to consider becoming a part of the political system someday.

Council Member Figueras commented on this year's election indicating Wards 2, 3 and 5 would be addressed.

Diana Paola Vela Martinez, 2718 Summer Creek, stated she was a student at UNG. She was present as a student, an activist, a Latina and most importantly as a human being. She was against at-large voting. She felt it harmed her community and discouraged voting. She urged change that would 1) encourage voting, 2) have someone with their ideal principals represent

them, and 3) provide a better future for tomorrow's children. Miss Martinez commented on taxes being distributed evenly to help the community. She strongly encouraged elimination of at-large voting and asked Council to do the right thing. She concluded her comments by reciting lyrics from a Michael Jackson song.

Charles Thomas Preston Jr., 4952 Cottonwood Trail, UNG professor stated he would like to see an end to at-large voting for two reasons: 1) taxation without representation; and 2) accountability that should be in direct proportion to whomever they are representing.

Maritza Pineda, 2351 Spring Haven Drive, stated she represented all humans. She commented on the need for unity and for everyone to be treated equally. She was in support of all those that do their best for the world.

Victor Moranda, 903 Charleston Court, spoke with the assistance from a translator. He stated he was a registered voter and had the honor of being a citizen. The property tax on his home had increased and was affecting his finances. He was unsure why the taxes increased. He stated he had seen very few changes in his community over the past 17 years. He asked the Council to pay more attention to the Hispanic community. He commented on giving his children an education.

Council Member Figueras stated the Council operates as a unit and anyone was welcome to contact her. She announced a community cleanup was scheduled for May 16th and asked those interested in participating to please contact her. She commented on the Ward 3 seat being addressed during the upcoming election.

Mayor Dunagan stated the Council was always open to receiving calls.

Council Member Bruner stated this issue will be discussed in the future.

Council Member Couvillon commended the young people that spoke for having the courage to address elected officials in their second language.

CONSENT AGENDA:

Resolutions

- A. AR-2015-08 Regarding Second Quarter Budget Adjustment for Fiscal Year 2015
- B. BR-2015-27 Authorization to Develop a Stormwater Management System
- C. BR-2015-28 Authorization to Execute Use Agreement By and Between City of Gainesville and Gainesville City Board of Education
- D. CR-2015-01 Support of an Application for Low Income Housing Tax Credits - Atlanta Street Development, Phase 1
- E. PR-2015-15 Bureau of Justice Assistance Bulletproof Vest Partnership Grant Program FY16-17
- F. PR-2015-16 Flat Creek Water Reclamation Facility Digester Lid Removal

City Manager Padgett provided a brief review of each resolution.

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, Bruner, Wangemann, Couvillon

Minutes: April 16, 2015 Work Session

Minutes: April 21, 2015 Mayor/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, Bruner, Wangemann, Couvillon

APPOINTMENTS:

Mayor Dunagan asked citizens interested in serving on a Board or Committee to contact the City Clerk's Office.

Cemetery Committee

Position held by Nancy Keleman

Position held by Margaret Howington

Motion to reappoint Nancy Keleman and Margaret Howington to serve another three-year term on the Cemetery Committee.

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

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

Chicopee Woods Area Park Commission

Position held by R.K. Whitehead

Motion to reappoint R.K. Whitehead to serve another three-year term on the Chicopee Area Parks Commission.

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

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

Convention and Visitors Bureau Authority

Position held by Mike Azotea

Motion to appoint Tharp Ward to fill the unexpired term of Mike Azotea on the Convention and Visitors Bureau Authority.

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

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

Housing Authority

Position held by Broughton Cochran

Motion to reappoint Broughton Cochran to serve another five-year term on the Housing Authority.

Motion made by Council Member Wangemann

Motion seconded by Council Member Bruner

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

BUDGET HEARING

Presentation of Proposed FY2016 Budget

City Manager Kip Padgett stated the proposed FY2016 budget was discussed extensively at the April 16th Work Session. He provided a brief recap of the recommended budget to include a \$30.7 million general budget with no tax increase; \$2.3 million of the fund balance to be used for capital needs to include equipment purchases and beautification projects; and \$800,000 in Council contingency for implementation of the pay study and any merit increases in FY2016. He stated there were two ordinances for first reading tonight. The budget would be considered at the next Mayor/Council Meeting.

Public Comments Regarding Proposed Budget

Mayor Dunagan opened the floor for comments. There being none, the hearing was closed and returned to Council for a decision on the proposed ordinances.

Proposed Ordinance

FY2016 Ad Valorem Tax Rate for the Gainesville Board of Education

Motion to hold first reading on Ordinance 2015-07, AN ORDINANCE OF THE GOVERNING AUTHORITY OF THE CITY OF GAINESVILLE, GEORGIA, TO FIX THE AD VALOREM TAX RATE FOR THE GAINESVILLE BOARD OF EDUCATION FOR THE FISCAL YEAR 2016; AND OTHER PURPOSES.

Motion made by Council Member Bruner

Motion seconded by Council Member Wangemann

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

Proposed Ordinance

FY2016 Ad Valorem Tax Rate for City of Gainesville (Exclusive of the Gainesville Board of Education)

Motion to hold first reading on Ordinance 2015-08, AN ORDINANCE BY THE GOVERNING AUTHORITY OF THE CITY OF GAINESVILLE, GEORGIA, TO FIX THE AD VALOREM TAX RATE FOR THE CITY OF GAINESVILLE, GEORGIA EXCLUSIVE OF ACTIVITIES OF THE GAINESVILLE BOARD OF EDUCATION FOR THE FISCAL YEAR 2016; AND OTHER PURPOSES.

Motion made by Council Member Bruner

Motion seconded by Council Member Figueras

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

PUBLIC HEARING(S):

Community Development Block Grant (CDBG) 2015 Annual Action Plan

Mayor Dunagan reviewed the public hearing process and confirmed the matter had been properly advertised.

Housing Manager Chris Davis stated the proposed action plan was discussed in detail at the previous meeting. He provided a brief overview of the plan, its purpose and the approval process. The annual action plan identifies the activities to be carried out with the use of the allocated funds. An award of \$441,721 was allocated to the city. The funding would be used for public facilities and infrastructure improvements, public services, code enforcement activities and program administration. After this process, the plan would be submitted to Housing and Urban Development (HUD) for final approval.

Council Member Figueras commended Mr. Davis for his efforts.

Council Member Hamrick stated the funds are federal funds and the City is eligible for them through the Metropolitan Statistical Area (MSA) designation.

Mayor Dunagan opened the floor for comments. There being none, the hearing was closed and the matter returned to Council for a decision.

Motion to adopt Resolution PR-2015-17 entitled *Community Development Block Grant (CDBG) 2015 Annual Action Plan* as presented.

Motion made by Council Member Hamrick

Motion seconded by Council Member Figueras

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

Request from Fernando Martinez to annex a 0.24± acre tract located on the west side of Pine Circle Drive, having road frontage on Spring Road (a/k/a 2321 Pine Circle Drive) and to establish zoning as Residential-I (R-I). Ward Number: Five. Tax Parcel Number(s): 08-006-006-001. Request: Sewer for an existing single-family residence.

Planning Manager Matt Tate reviewed the application request indicating the purpose was to connect to the sewer system.

Mayor Dunagan opened the floor for comments. There being none, the hearing was closed and the matter returned to Council for a decision.

Motion to hold first reading on Ordinance 2015-09, AN ORDINANCE ANNEXING A 0.24± ACRE TRACT LOCATED ON THE WEST SIDE OF PINE CIRCLE DRIVE, HAVING ROAD FRONTAGE ON SPRING ROAD (A/K/A 2321 PINE CIRCLE DRIVE); 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 Hamrick

Motion seconded by Council Member Figueras

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

Motion to hold first reading on Ordinance 2015-10, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA BY ESTABLISHING THE ZONING ON A 0.24± ACRE TRACT LOCATED ON THE WEST SIDE OF PINE CIRCLE DRIVE, HAVING ROAD FRONTAGE ON SPRING ROAD (A/K/A 2321 PINE CIRCLE DRIVE) AT THE TIME OF ANNEXATION AS RESIDENTIAL-I (R-I); 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 Bruner

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

Request from Chris Patton to amend the existing condition of zoning for a 0.67± acre tract zoned Neighborhood Business (N-B) located on the east side of Thompson Bridge Road, south of Virginia Avenue (a/k/a 1510 Thompson Bridge Road). Ward Number: Two. Tax Parcel Number(s): 01-087-004-006. Request: Professional office.

Planning Manager Matt Tate reviewed the application request. The Planning and Appeals Board and Planning staff recommended approval with three conditions:

1. The exterior architecture of the proposed building shall be generally consistent with the photograph submitted with the application to be constructed with a minimum of 50% of brick, stone or rock materials on the exterior walls.
2. The subject property shall contain a minimum 25-foot wide perimeter buffer area along the easterly property line adjacent to the single-family residential property. The buffer shall consist of a 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.
3. The subject property shall be limited to uses permitted within the Neighborhood Business (N-B) zoning district excluding a convenience store, coin laundry or tattoo parlor.

Upon inquiry from Council Member Bruner, Mr. Tate confirmed the Planning and Appeals Board recommended reducing the buffer size from 30 to 25 feet.

Mayor Dunagan opened the floor for comments.

FAVOR:

Chris Patton, 419 Bradford Street, stated the code allows for a reduction of the buffer to one-half. He commented on the adjoining property being an established neighborhood with the closest house being 135 feet away. He did not feel the reduction was asking for too much. Property along the corridor was not being developed. The owner was ready to develop it. The owner agreed with all the conditions except for condition number two and was ready to move forward with the development if the reduction to a 15 foot buffer was allowed.

Mr. Tate clarified that the existing condition requires a 30 foot buffer. Staff recommended a 25 foot buffer and did not support a reduction to 15 feet or cutting the 25 feet in half due to residential zoning behind the property in question. He called attention to the property backing up to Thompson Bridge Road which was an arterial roadway. He also stated there were other

design elements on the proposed plan that did not meet code requirements including the frontage landscape strip and impervious area. If Council approves a reduced buffer, the property will be back before the Planning and Appeals Board requesting variances for the proposed design.

Council Member Wangemann asked if Council agreed with staff's recommendation, would the developer proceed with the building. Mr. Tate felt an amendment to the plan would be necessary in order to proceed.

City Manager Padgett confirmed the proposed ordinance was staff's recommendation.

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

Motion to hold first reading on Ordinance 2015-11, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY AMENDING AN EXISTING CONDITION OF ZONING FOR A 0.67± ACRE TRACT ZONED NEIGHBORHOOD BUSINESS, WITH CONDITIONS (N-B-c) LOCATED ON THE EAST SIDE OF THOMPSON BRIDGE ROAD, SOUTH OF VIRGINIA AVENUE (A/K/A 1510 THOMPSON BRIDGE ROAD); REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (Amendment to the Zoning Map)

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

DISCUSSION:

Council Member Couvillon stated he was inclined to support the applicants request for a reduction; however, the proposed plan would require other variances.

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

CITY MANAGER ISSUES:

Summer Intern Program

City Manager Kip Padgett reported there had been discussion with the Georgia Mountain Regional Commission regarding summer interns through their Workforce Development Office. Several departments expressed an interest and would like to enter into an agreement. There was no cost to the city other than providing liability and worker's compensation insurance.

There was consensus from the Council to proceed.

EXECUTIVE SESSION:

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

Motion to close the meeting to enter an Executive Session to discuss litigation and real estate matters at 6:31 PM.

Motion made by Council Member Hamrick

Motion seconded by Council Member Figueras

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

OFFICIALS PRESENT: Dunagan, Hamrick, Figueras, Bruner, Wangemann, Couvillon

STAFF PRESENT: Padgett, Sheppard, Palmour, Jordan

Motion to close the Executive Session and to continue the meeting at 7:06 PM.

Motion made by Council Member Hamrick

Motion seconded by Council Member Bruner

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

OTHER BUSINESS:

Georgia Municipal Employees Benefits System (GMEBS)

Council Member Figueras reported she would attend the National League of Cities for GMEBS in Savannah this week (May 6 – 8).

ADJOURNMENT: 7:06 PM

/ag

C. Danny Dunagan, Jr., Mayor

Denise O. Jordan, City Clerk