

OFFICIALS PRESENT: Dunagan, Hamrick, Figueras, Bruner, Wangemann, Couvillon  
STAFF PRESENT: Lackey, Sheppard, Palmour, Jordan, Grayson

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

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

Mayor Dunagan welcomed new City Manager Bryan Lackey.

### **PUBLIC COMMENTS:**

**Douglas Aiken, 6230 Brady Road, Murrayville**, stated he couldn't believe the "rain tax". He referenced a SPLOST VII agreement authorized by the City in the amount of \$12,914,482 to be used for water, bridges and sewer. He stated it was important to ask why implement another tax to do the same thing and why two taxes at the same time while trying to annex more properties. He commented on the affects this tax would have on churches, schools and county facilities. The poor would suffer the most. He asked about the legacy of elected officials serving their last term. He felt it would be fairer to the newly elected Council Members to table this until the second meeting in 2016. Mayor Dunagan informed Mr. Aiken some of his questions will be addressed with the presentation tonight. He commented on the SPLOST VII funds indicating some of the funds were dedicated to the stormwater issues but not all.

**Mike Scupin, 5315 Innisbrook Lane**, addressed the tax issue. He stated the Bible teaches us that God ordains government and elected officials have a duty to protect the sheep. Government was allowed to tax property with the understanding that the money would be used wisely. Failure to plan for replacement of facilities that deteriorate was not a wise use of money. He commented on a "rain tax" that was imposed by the Environmental Protection Agency (EPA) in the Chesapeake Bay area. He didn't feel Gainesville needed the Council acting like the EPA. Failure to plan should not become the citizen's problem. He commented on Council's obligation to protect the citizens and asked that they start now by tabling the new tax.

**Reverend Evelyn Johnson** stated it has been a privilege and pleasure to see the Council working through the year in their due diligence and making accomplishments. She applauded the Council for all they've done in a thankless job. The efforts put forth make Gainesville a better place to live, work and play.

**Stephen Wang, 1380 Montrose Drive**, strongly urged the Council to not enact the stormwater fee/tax at this time and asked that it be tabled until the newly elected Council Members were seated. He felt this was a reasonable course of action. He commented on the \$30,000 fee to be paid by the school system noting it was foolish, redundant and would never be replaced.

### **CONSENT AGENDA:**

#### **Resolutions**

- A. BR-2015-57 Authorization to Execute Lease Agreement with Supporting Adoption & Foster Families Together (SAFFT)
- B. PR-2015-42 Authorization to Apply for Environmental Solutions for Communities Grant from Wells Fargo & National Fish & Wildlife Foundation

City Manager Bryan Lackey provided a brief review of each item.

**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: October 15, 2015 Mayor/Council Work Session**

**Minutes: October 20, 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**

**RESOLUTION:**

**BR-2015-58 Authorization to Implement a Stormwater Management Program and Enterprise Fund**

Department of Water Resources Director Kelly Randall commented on the history of the stormwater plan noting it has been a topic of discussion for the past three years. Staff received direction to form a stormwater program due to increasing regulations and to address the aging infrastructure. He used a power point presentation to supplement discussion on the following topics:

- Regulatory Requirements
- Infrastructure Requirements
- Flooding at Flat Creek
- Aging and Failing Infrastructure
- Level-of-Service Options
- Funding Alternatives
- 20 Year Stormwater Capital Improvement Plan
- Recommended Funding Plan – Five Year Funding Plan
- Stormwater Program Fee Credit and Rebate
- Projected Fund Generation in 2017
- Funding Model – Assumptions
- Stormwater Program Implementation Plan

Mr. Randall stated the city needed to make some improvements to be eligible for grants and other funding. He stated this would be the first of many votes on the issue of stormwater.

Upon request from Council Member Bruner, Mr. Randall shared details surrounding the failing infrastructure in the Wilshire Trail Park and the cost of repairs if the problems were not addressed.

Upon inquiry from Council Member Hamrick, Mr. Randall commented on the current mandates and penalties imposed by the state and federal government which could include not issuing

permits for the wastewater plants as well as not being eligible for some grants and/or low interest loans. There were plans to apply for grants before the end of the year.

Council Member Wangemann asked why many other cities/counties were not engaged in the same process. Mr. Randall indicated there were approximately 54 cities that have a stormwater utility. He stated the question was not whether to fund the plan but where to get the funds. He commented on funding sources used by other cities noting it was impossible to do a comparison with Gainesville.

Mr. Wangemann stated he was concerned about the amount of money needed to fund the plan and felt stormwater runoff was a regional problem. Mr. Randall agreed then commented on Gainesville having one of the best water and sewer systems in the state. He felt the same was possible with a stormwater system.

Mr. Randall reviewed the proposed resolution which authorized staff to 1) develop and codify the new Stormwater Management Program to incorporate elements previously discussed with Council, 2) provide a robust public outreach effort to include individual discussions with concerned property owners, and 3) develop a project prioritization policy to ensure resources are expended fairly, equitably, and in a cost-effective manner.

Mr. Randall stated it was important to review the program in detail annually and make adjustments as needed. The two proposed ordinances authorized the implementation of a stormwater fee and a reduction in the sanitary sewer fee effective January 1, 2017.

Council Member Figueras commended the Department of Water Resources for following the direction of the Council to find a way to make the stormwater problem become equitable for everyone.

Council Member Hamrick stated he felt Gainesville has the finest Water Resources Department in the state, region and nation. He also stated he felt the city had planned very well for the future. He announced he would vote against this business item considering the short time he had left as a Council Member.

Council Member Wangemann expressed concerns about where Lakeshore Mall would get the funds to pay the fees. Mr. Randall stated this was a concern for him as well then commented on ways they could reduce their fee through the credit program.

Mr. Wangemann expressed a desire to reduce the fee and focus on stormwater management with SPLOST VIII funding.

**Motion to adopt the resolution BR-2015-58 as presented.**

Motion made by Council Member Bruner

Motion seconded by Council Member Figueras

**DISCUSSION:**

Mr. Wangemann felt it would better to table this and get more input from the citizens and the businesses.

Mayor Dunagan stated he understood the concern surrounding the fee and felt it was necessary to move forward. There would be ample opportunity to change the fee structure later.

Council Member Figueras stated she felt they were doing a disservice to businesses by not implementing the program.

Mr. Randall felt the program model was more important than the amount of money to be collected during the first year. He encouraged Council not to abandon the program.

Council Member Couvillon felt part of the problem was trying to plan for the future and thought the process could have been handled differently. He expressed a desire to address the issue in a manner that allowed the public to have an opportunity to voice their concerns.

**Votes favoring the motion: Figueras, Bruner**

**Votes opposing the motion: Hamrick, Wangemann, Couvillon**

**Motion failed due to lack of four affirmative votes.**

**GENERAL LEGISLATION:**

**Proposed Ordinance**

**Amend Title 10 Entitled Schedule of Fees to Establish a Stormwater Fee**

AN ORDINANCE TO AMEND TITLE 10 ENTITLED SCHEDULE OF FEES OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, GEORGIA; TO ADD ARTICLE 6 ENTITLED "STORMWATER"; TO PROVIDE STORMWATER FEES; TO PROVIDE A CREDIT PROGRAM FOR PAYMENT OF FEES; TO PROVIDE PENALTIES FOR FAILURE TO PAY MONTHLY FEES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

There was no action.

**Proposed Ordinance**

**Amend Title 10 Entitled Schedule of Fees as it Pertains to Sanitary Sewer Fees**

AN ORDINANCE TO AMEND TITLE 10, ENTITLED "SCHEDULE OF FEES" OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, GEORGIA; TO REVISE MONTHLY SANITARY SEWER SERVICE FEES FOR ALL CLASSES OF USERS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

There was no action.

**Proposed Ordinance**

**Amend Article 3, Chapter 5-2 Entitled "Water" - Water Wasting Prohibited**

Environmental Services Administrator Horace Gee stated the proposed ordinance was a mandated requirement of the Metro North Georgia Water Planning District (MNGWPD). This requirement outlines the policy that will reduce and/or prevent wasteful use of potable water and ensure compliance. He commented on a recent issue that could have been prevented had this policy been in place.

**Motion to hold first reading on Ordinance 2015-36**, AN ORDINANCE TO AMEND CHAPTER 5-2 ENTITLED WATER OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, GEORGIA; TO ADD ARTICLE 4 ENTITLED WATER WASTE; TO SET FORTH REQUIREMENTS OF ALL USERS OF CITY POTABLE WATER IN A PRUDENT FASHION; TO PROVIDE FOR PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Motion made by Council Member Wangemann

Motion seconded by Council Member Hamrick

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

### **CITY MANAGER ISSUES:**

#### **Eggs & Issues Breakfast**

City Manager Bryan Lackey reminded Council of the Eggs & Issues Breakfast to be held on Thursday, December 10<sup>th</sup> at the Gainesville Civic Center. The scheduled Work Session start time was changed to 10:00 AM due to the event.

### **CITY CLERK ISSUES:**

#### **Service Recognition Reception**

City Clerk Denise Jordan reminded everyone of the service recognition reception honoring Council Members Bob Hamrick and Myrtle Figueras along with City Attorney James Palmour. The event would be held on Wednesday, December 2<sup>nd</sup> at the Brenau Downtown Center from 3:00 PM – 6:00 PM. The community was invited to attend.

#### **Electric Vehicle Charge Station Ribbon Cutting**

City Clerk Denise Jordan reminded Council, on behalf of the Communication & Tourism Office, of the electric vehicle charging station ribbon cutting to be held at 2:00 PM on December 8 at the Main Street parking lot.

### **OTHER ISSUES:**

#### **Staff Appreciation**

Mayor Dunagan thanked Interim City Manager Melody Marlowe and Assistant City Manager Angela Sheppard for all their work during the transition period.

#### **Doyle Johnson Proclamation**

Council Member Hamrick felt a proclamation should be presented to the family of Doyle Johnson in appreciation for his service on the Planning and Appeals Board. Mayor Dunagan requested staff to proceed with presenting at the next Council Meeting.

#### **Run Off Election Results**

Upon inquiry, City Clerk Denise Jordan stated she anticipated the official results of the election should be available at or shortly after 8:00 PM.

**Council Member Figueras**

Council Member Figueras shared the following:

1. Reported a hazard situation on Athens Highway at West Ridge Road.
2. Reported garbage pickup days will change from Tuesday and Friday to Monday and Thursday in Ward 3 beginning on Monday, December 7.
3. Thanked Fire Chief Jerome Yarbrough for the new recruits' ceremony.

**ADJOURNMENT: 7:31 PM**

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C. Danny Dunagan, Jr., Mayor

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Denise O. Jordan, City Clerk