

OFFICIALS PRESENT: Danny Dunagan, Ruth Bruner, George Wangemann,  
Zack Thompson, Barbara Brooks  
OFFICIALS ABSENT: Sam Couvillon  
STAFF PRESENT: Bryan Lackey, Angela Sheppard, Abb Hayes, Denise Jordan,  
Alisa Grayson

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

Pastor Efrahim Frank Medina, Restoration Community Church, delivered the invocation after which the Pledge of Allegiance was recited in unison.

**PRESENTATION(S):**

**Proclamation: White Cane Safety Day**

Mayor Dunagan read a proclamation declaring October 15, 2016 to be White Cane Safety Day. Mike Hall and Anita Sherby, Gainesville Lions Club, received the proclamation. Mr. Hall shared information about the *Walk Around the Square* event occurring on Saturday, October 15, 2016.

**COUNCIL ANNOUNCEMENTS:**

Council Member Brooks extended appreciation to those who participated in the Annual Shore Sweep on Saturday, September 24. She reported there were over 1,000 volunteers and over 3,600 pounds of litter was removed from the Longwood Park shoreline.

Council Member Thompson thanked everyone for attending today's meeting.

**CONSENT AGENDA:**

**Appointments**

**Ethics Committee – Position held by Joan Alford**

**Motion to appoint Kris Nordholtz to serve a four-year term on the Ethics Committee.**

Motion made by Council Member Thompson

Motion seconded by Council Member Brooks

**Votes favoring the motion: Bruner, Wangemann, Thompson, Brooks**

**Absent: Couvillon**

**Minutes**

- A. September 15, 2016 Called Mayor/Council Meeting
- B. September 15, 2016 Work Session
- C. September 20, 2016 Mayor/Council Meeting

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

Motion made by Council Member Wangemann

Motion seconded by Council Member Bruner

**Votes favoring the motion: Bruner, Wangemann, Thompson, Brooks**

**Absent: Couvillon**

**Resolutions**

- A. BR-2016-43 Intergovernmental Agreement for Certain Road Improvements and Bridge Projects on Tumbling Creek Road
- B. PR-2016-43 Approve Hall Area Transit Drug & Alcohol Policy

City Manager Bryan Lackey 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 Wangemann  
**Votes favoring the motion: Bruner, Wangemann, Thompson, Brooks**  
**Absent: Couvillon**

**GENERAL LEGISLATION:**

**Second Reading: Ordinance No. 2016-23**

**Amend Title 10 Entitled Schedule of Fees as it Pertains to Road Abandonment and Renaming Fee**

**Motion to hold second reading on Ordinance 2016-23**, AN ORDINANCE TO AMEND TITLE 10 ENTITLED SCHEDULE OF FEES OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE; TO AMEND SECTION 10-1-6 (b) (4) TO REVISE THE ROAD ABANDONMENT OR RENAMING FEE; 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 Bruner  
Motion seconded by Council Member Brooks  
**Votes favoring the motion: Bruner, Wangemann, Thompson, Brooks**  
**Absent: Couvillon**

**Second Reading: Ordinance No. 2016-24**

**Amend Chapter 2-3 to Provide Terms and Conditions Applicable to the Disposition of Narrow Strips of City Property**

**Motion to hold second reading on Ordinance 2016-24**, AN ORDINANCE TO AMEND CHAPTER 2-3 ENTITLED "FINANCE GENERALLY" OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE; TO CREATE A SECTION 2-3-2 IN ARTICLE 1 TO PROVIDE THE TERMS AND CONDITIONS APPLICABLE TO THE DISPOSITION OF PARCELS OF NARROW STRIPS OF CITY PROPERTY; 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 Thompson  
**Votes favoring the motion: Bruner, Wangemann, Thompson, Brooks**  
**Absent: Couvillon**

**PUBLIC HEARING(S):**

***Request from Synergy Recovery Center for a Special Use on a 0.50± acre tract located on the west side of Cleveland Street, south of its intersection with Myrtle Street (a/k/a 746 Cleveland Street SW), having a zoning classification of Residential-II (R-II). Ward Number: Four. Tax Parcel Number(s): 01-048-001-007. Request: Group home for men.***

City Attorney Hayes called for the public hearing, confirmed the public notice was properly advertised and outlined the public hearing process.

Planning Manager Matt Tate reviewed the application. He reported the Planning and Appeals Board and the Planning staff recommended approval with the following six conditions:

1. The use of the subject property shall be limited to the proposed group home for 36 adult men and those uses inherently permitted under the Residential-II (R-II) zoning classification. Any use permitted within the R-II zoning as a Special Use, including a new or different group home, shall require a separate public hearing. The maximum occupancy of men residing in the group home shall be determined by the Gainesville Buildings Inspections Division and shall not exceed 36 adult men.
2. A house / property manager shall be on site daily to enforce program rules and to assure that the property is being properly maintained.
3. Any replacement structure, exterior facade changes, and/or future development at this location shall be of a residential appearance.
4. The existing, healthy significant trees located within the subject property shall be retained and incorporated into any site improvements, where possible, as determined by the Director of the Community Development Department.
5. The exterior of the subject property and building shall be improved and cleaned per the approval of the Director of the Community Development Department.
6. The existing dumpster pad location shall be properly maintained and sufficiently screened by an opaque fence and/or evergreen buffer trees as determined by the Director of the Community Development Department.

City Attorney Hayes opened the floor for public comments.

**FAVOR:**

A handout regarding the Synergy program was distributed to the Council and staff by a representative of the program.

Stuart Smith, Buford resident, spoke on behalf of Synergy. He stated Synergy Recovery Center was not a detox center and their only purpose was to support men's sobriety. He also stated no sex offenders or violent crime offenders were permitted. He commented on the financial investment to repair/upgrade the property. A night vision security system was installed to allow staff to monitor the facility from a cell phone and a monitor in the office. Staff would be on the property at all times. Mr. Smith stated he believed in recovery and wanted to see the men improve to above average citizens. He shared his educational background noting he hoped bringing his hard working efforts to the recovery community would benefit the men and their families. He commented on plans for community activities. In closing, he stated the drug epidemic is out of control. They were trying to improve the world.

Gina Diresta, Hall County, stated she is a real estate agent and property manager. The property was purchased with a recovery center in mind. After being purchased, a lot of issues were

noticed with the building. As improvements occurred, they noticed the building was not compliant with the Fair Housing Act. She stated the day care operating within the building was now closed and felt this was the reason for the discourse in the community. Ms. Diresta briefly shared how drug addiction in her family affected her and why she believes in recovery. She expressed concern about the well-being of the children in the community and wished they could do something for the children as well.

Todd Price, Dacula, showed before and after pictures of the property and commented on the improvements. He also commented on his history with alcohol addiction noting recovery saved his life. He wanted to support others.

Krista Crowe, 3629 Thompson Mill Road, Buford, stated she was a mental health specialist and had worked for specialty court programs including drug court and mental health court. She was available to answer questions about the program.

Andy Duff, Gainesville, stated he was speaking on behalf of someone who had battled substance abuse. He shared some of his story and stated it was important to be able to see multiple choices. He spoke about becoming an ordained minister with a successful business noting he would not have accomplished this without a recovery program. He wanted the men to know there are choices that lead to a better life.

John Corbin, Villa Rica, Georgia, stated he experienced the effects of substance abuse through his girlfriend who struggled on a regular basis. He felt it was important to have a program in place such as Synergy for those needing the support.

#### OPPOSITION:

Attorney Michael Saul, Cobb County, stated he represents Teresa Conseco and Nancy Rostro who live on Cleveland Street noting they both had a substantial interest in the outcome of this zoning decision because their property was directly across the street. If approved, their homes will decrease in value because of the history of the attendees. The increase in traffic and noise generated from the men using the facility was also a concern. He stated the reason the residents were opposed to this project was because there were a lot of children in this neighborhood. They were against drug addicts, alcoholics and those with a criminal history moving into their neighborhood. He cited the definition of Residential-II and indicated the proposed facility appeared to be a drug rehab center and did not meet the definition. He also felt the applicant's definition of a group home did not meet the definition of a group home. Under the crisis center definition, this was a half-way house and should be applied for as such. He asked the Council to protect the community by not allowing this request.

Ludin Deaza, 2981 River Birch Lane, shared information about her children and grandchildren. She felt her seven year old granddaughter said it best when she stated this was a very good program but it was in the wrong place. Ms. Deaza indicated if others were in this situation they would be here to address this issue as well. She was not against the program but felt it should not be in a place with so many children that could be affected. She asked Council to please consider the parents that are here today. It was a risk to have such a large group of men in their community. (Ms. Deaza's comments were translated by Pastor Frank Medina, Community Restoration Church.)

Haydee Anderson, 4723 Cleveland Highway, stated she has lived in Gainesville for many years. She and her husband put their hearts into and invested their time in Gainesville in many ways. She was approached by a parent about this situation. She didn't have any doubts about the

organization and the benefits of the program; however, she felt it was being placed in the wrong place considering the number of children in the area. Mrs. Anderson expressed concern about the impact 36 men would have on the children living in this area noting they would not be a good influence. She stated she was proud to see the mix of the young people living, playing and working together. She asked the Council to take the children into consideration. This is a big impact to the young Hispanic community and she wouldn't want it to interrupt all the good things that have been done in the community.

Fernando Sanchez, 783 Cleveland Street, stated he and his family live on the same street as the proposed project. He did not feel the children had anything to do with applicants wanting to obtain the permit for the property. He commented on several incidents that have occurred with subjects in the area involving drugs and alcohol that concerned him. He was also concerned about pictures being taken of the residents in the community. He commented on the smell of marijuana in the area and on someone hiding small liquor bottles in the trees. He spoke on behalf of many who live in his community and asked why this project was being placed on Cleveland Street, in their community, and not somewhere else.

Marcial Mosqueda, stated he's a member of the Keep Hall Beautiful Committee. He did outreach in the Hispanic community and was present to speak on their behalf. They have indicated they were not against this type of program but felt this was not the appropriate location.

Phillip Gillespie spoke on behalf of Sergio Arroyo who resides at 755 Cleveland Street. He stated the concerns have already been voiced. They felt the facility was needed but should not be placed on a residential street with fifty kids. They were not concerned about the property value. They were concerned about the safety of their children.

Andrea Trejo, 749 Cleveland Street, felt this was a good project but it was not in a good place because of all the children in the area. She stated they (the children) were scared to play outside due to the activities of the men in the area.

Andres Trejo, 739 Cleveland Street, indicated he lived across the street from the property with his three children. He expressed concerns about this project being placed in this location noting this was not a suitable place for it considering the many children that live there. He commented on the streets looking sad because the children don't go outside to play. (Mr. Trejo's comments were translated by Pastor Frank Medina, Community Restoration Church.)

Jonny Marban, 3748 Ridge Bluff Overlook, stated he attends church with the members of the community. He believed in second chances but just like everyone else, he didn't feel this was the appropriate location for the project. The program needed to be relocated to another location. The children are the future of the community and they should be taken care of first. Then, think about the money. He has been a long time resident of Gainesville and has seen it grow. It is a great place and a lot of great things are taking place.

Ebrahim Frank Medina, Pastor of Restoration Community Church as well as property owner of 938 and 942 Myrtle Street, commented on bus stops in the area used by approximately 450 children that live in that area. He stated traffic has been an issue and brings hardships. People tend to sleep there because the shelters are full. He stated the community believes in restoration. He knew restoration was a process. He felt this was not the right location for this type of program. He felt this program was a danger because the individuals going through the process are not ready to go back into the community. He stated the members of his congregation represent the community and he asked them to stand. This application has

brought fear to the family members and the children of the community. He stated Latinos care more about family than about property and things. Pastor Medina felt blessed to be part of restoration for people in many walks of life. He shared his experience with helping two men transition from a shelter to restoring relationships with family members and helping others. He felt this was an example of restoration through the community without a center.

**REBUTTAL:**

Todd Price addressed the concerns that were raised noting the attendees will be productive members of the community and will be required to maintain a 40 hour per week job. He also stated this was not a crisis center and individuals will be sober when they arrive. He addressed the issue with concerns regarding the children. He understood the concerns of the community and stated they were not there to hurt or cause any danger to the children. He closed by commenting on illegal dumping by area residents.

Gina Diresta stated property values had already increased because of the improvements. If they are not allowed to develop the property into the Synergy Recovery Center, it will become an apartment community which could pose a danger. With the recovery center, the men are coming to them looking for help and already detoxed. She also commented on staff being on the premises at all times which will make this a safer environment.

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

Council Member Brooks expressed concern about the location being within approximately two miles of similar facilities. If approved, there would be approximately 137 men within a mile and half of each other in this neighborhood. She was concerned about locating these facilities so close together. She also felt there was a need for parity by offering women/children facilities.

City Attorney Hayes reopened the public hearing for questions from the governing body.

Council Member Brooks stated she had great empathy for the men using the services. She asked if Synergy was in a position to serve women instead of men. Todd Price stated it was a goal to serve women in the future but not at this facility. The proposed facility would serve as an overflow to the other facilities in the area.

Council Member Thompson asked the applicants if they had investigated other sites that were not in communities or neighborhoods. Mr. Price stated they had explored multiple facilities. However, based on the needs, this seemed to be the best fit.

Upon further inquiry from Council Member Thompson, Ms. Diresta stated zoning was the primary reason the proposed location was a good fit. She commented on working with other real estate agents for recovery sites noting there were not a lot of locations for these facilities.

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

**Motion to deny the special use request.**

Motion made by Council Member Bruner

Motion seconded by Council Member Wangemann

**Votes favoring the motion: Bruner, Wangemann, Thompson, Brooks**

**Absent: Couvillon**

***Request from Jack Bailey to rezone a 0.69± acres tract located on the west side of Thompson Bridge Road, north of its intersection with Virginia Circle (a/k/a 1665 Thompson Bridge Road NW) from Residential-I (R-I) to Office and Institutional (O-I). Ward Number: One. Tax Parcel Number(s): 01-091-003-015. Request: Insurance office.***

City Attorney Hayes called for the public hearing and confirmed the public notice was properly advertised.

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

1. Any new or replacement structure(s), exterior façade change(s), and/or future development at this location shall be of a single-family residential appearance and be subject to Community Development Department approval. Said new or replacement structure(s), and / or future development, shall consist of a pitched roof with architectural shingles.
2. The existing, healthy significant trees located on the subject property shall be retained and incorporated into the design of site improvements where possible, including the proposed parking area, and shall be protected throughout construction of any required and/or proposed improvements.
3. All access point design along Thompson Bridge Road and sidewalk installation must be reviewed and approved by the Georgia Department of Transportation in conjunction with the Gainesville Public Works Director. All required access / traffic / sidewalk improvements associated with the proposed development shall be at the full expense of the developer / property owner.
4. An updated as-built boundary survey / plat of the subject property, indicating all improvements required for the proposed use, shall be recorded prior to obtaining a Certificate of Occupancy.

City Attorney Hayes opened the floor for public comments.

FAVOR:

Ken Day, 1521 Woodland Way, stated he was the property owner and commented on converting the property into an insurance office with improvements.

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

**Motion to hold first reading on Ordinance 2016-25**, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A 0.69± ACRE TRACT LOCATED ON THE WEST SIDE OF THOMPSON BRIDGE ROAD, NORTH OF ITS INTERSECTION WITH VIRGINIA CIRCLE (A/K/A 1665 THOMPSON BRIDGE ROAD NW) FROM RESIDENTIAL-I (R-I) TO OFFICE AND INSTITUTIONAL, WITH CONDITIONS (O-I-c); REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES, **with conditions as presented.**

Motion made by Council Member Wangemann

Motion seconded by Council Member Bruner

**Votes favoring the motion: Bruner, Wangemann, Thompson, Brooks**

**Absent: Couvillon**

**CITY MANAGER ISSUES:**

City Manager Bryan Lackey reported Gainesville was named the healthiest city in Georgia by MSN.com.

**ADJOURNMENT:** 6:45 PM

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C. Danny Dunagan, Jr., Mayor

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Denise O. Jordan, City Clerk