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

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

Elder Henderson, Church of Jesus Christ of Latter Day Saints, delivered the invocation after which the Pledge of Allegiance was recited in unison.

PUBLIC COMMENTS:

Reverend Evelyn Johnson thanked Council for all they have done for the City of Gainesville and for the black history presentation that aired on TV18 during the month of February. She extended an invitation to attend a ribbon cutting ceremony for the Harper Smith House located at 817 Athens Street on April 11, 2015 at 1:00 PM.

CONSENT AGENDA:

Minutes: January 29, 2015 Work Session
Minutes: February 3, 2015 Mayor/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: Hamrick, Figueras, Bruner, Wangemann, Couvillon

RESOLUTIONS:

AR-2015-02 FY14 Closure of General Government Capital Projects
Financial Analyst Alisha Gamble stated there were a total of four closed capital projects for the FY14 general government capital projects with a total budget of $291,300. The total cost was $271,719.21. The restricted funds totaled $1,123.65 and would be returned to impact fees. A surplus of $18,457.14 would be available for future appropriation.

Motion to adopt the resolution as presented.

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

AR-2015-03 FY14 Closure of Grant Capital Projects
Financial Analyst Alisha Gamble stated there was one grant project to close. The total budget was $978,475.44 and the total cost was $547,618.18. A total of $208,000 was reappropriated to another project. A surplus of $222.857.26 would be available for future appropriations.

Motion to adopt the resolution as presented.

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

AR-2015-04 FY14 Closure of Parks & Recreation Capital Projects
Financial Analyst Alisha Gamble reviewed the proposed resolution indicating there were three closed capital projects. The total budget was $296,530 with a total cost of $255,117.24. A restricted amount of $22,731.76 was returned to the Park Development Fund. The remaining surplus of $18,681 was available for future appropriations.

Motion to adopt the resolution as presented.

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

AR-2015-05 FY14 Closure of Public Utilities Capital Projects
Financial Analyst Alisha Gamble stated there was a total of eight closed projects for the year. The total budget for the closed projects was $11,913,903.43 and the total cost spent was $11,117,531.88. The remaining surplus of $796,371.55 was available for future appropriations.

Motion to adopt the resolution as presented.

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

BR-2015-17 Clothing Donation
Police Chief Carol Martin requested permission to donate used uniforms to Good News at Noon for the less fortunate indicating they no longer meet acceptable standards for service. She confirmed all the identifying features had been removed from the uniforms.

Motion to adopt the resolution as presented.

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

PR-2015-07 Approval of Local DCA Homeless Assistance Program Applications
Housing Program Manager Chris Davis stated this was a yearly process to provide local approval to any agencies within the City of Gainesville that are applying to the Department of Community Affairs (DCA). The two agencies applying this year were Ninth District Opportunity and the Salvation Army. This process assured compliance with the city's consolidated plan. The applications totaled approximately $500,000.

Motion to adopt the resolution as presented.

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

Council Member Couvillon commended Council Member Figueras on her outreach to the homeless.

Council Member Figueras expressed appreciation to Shannon Cotton for coordinating the homeless count project.

PR-2015-08 Corrugated Metal Sanitary Sewer Replacements - Award of Contract
Civil Engineer Joel Altherr presented the resolution proposing to replace sections of corrugated metal pipe that are currently in the sanitary sewer system. He provided a brief overview of the project. There were 21 sanitary sewer gravity lines and approximately 1,090 linear feet of corrugated metal pipe to be replaced in this project. Bids were received and the lowest acceptable bid was submitted by Anderson Grading and Pipeline, LLC in the amount of $471,390. The total authorized expenditure from the Public Utilities Capital Projects Fund was limited to $583,529 which included contingency and other miscellaneous expenditures.

Upon inquiry from Council Member Couvillon, Mr. Altherr explained trenchless piping.

Motion to adopt the resolution as presented.

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

PR-2015-09 PUD Administration Building HVAC System Upgrade Project
Civil Engineer Barclay Fouts presented the proposed resolution to award a construction contract for the referenced project. He provided a brief history indicating it was necessary to replace some of the components due to the age of the equipment. Two proposals were received. Lawson Air Conditioning and Plumbing was recommended to receive the contract. The total authorized expenditure, including contingency and miscellaneous expenditures, was limited to $387,500.

Council Member Wangemann asked if it was typical for this type of equipment to wear out over a short period of time. Mr. Fouts indicated some components were still operational where others needed to be replaced.

Motion to adopt the resolution as presented.

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

DISCUSSION

Upon inquiry from Council Member Hamrick, Mr. Fouts confirmed the expenditures would be from the Public Utilities Capital Projects Fund.

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

PRESENTATION:

Proclamation: UNG-Gainesville Partnership Day
Mayor Dunagan read a proclamation proclaiming March 3, 2015 as *UNG-Gainesville Partnership Day*. He presented the proclamation to Dr. Bonita Jacobs, President of University of North Georgia. Dr. Jacobs expressed appreciation for the partnership.

Main Street Manager Regina Mansfield thanked UNG for their cooperation and help with a project that provides a virtual tour of the downtown area.

Council extended words of appreciation.

PUBLIC HEARING(S):

Annexation/Zoning Item

Request from David P. Johnson to rezone a 1.458± acres tract located on the southwest side of the intersection of Virginia Circle and Thompson Bridge Road (a/k/a 1537 and 1551 Thompson Bridge Road NW; 135 Virginia Circle NW) from Residential-I (R-I) to Neighborhood Business (N-B), with a special use. Ward Number: Two. Tax Parcel Number(s): 01-088-002-004, 005 and 006. Request: Restaurant with drive thru and retail building.

Tabled at the February 3, 2015 Mayor/Council Meeting

Motion to remove the item from the table.

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

Mayor Dunagan reviewed the public hearing process.

Planning Manager Matt Tate reviewed the application noting it involved three parcels. In summary, the application originally came before the Planning and Appeals Board (PAB) in November at which time the PAB and Planning staff recommended denial. At the December Council Meeting, the applicant requested to modify the site plan at which time it was returned to the PAB for further consideration. In January, the amended request was presented at the PAB hearing. The PAB and Planning staff again recommended denial. The hearing was tabled at the February Council Meeting upon the request of the applicant. Mr. Tate stated the applicant has again modified the plan with the biggest change being the elimination of the driveway on Virginia Circle. The Planning staff felt the applicant made strides to improve the development; however, due to many concerns regarding protection of the neighborhoods (no further encroachments), they still recommended denial of the request.

Council Member Figueras asked if the request should have been sent back to the department. Mr. Tate stated Council had a choice to return the item to PAB or to table the matter. The decision was to table the matter.

Council Member Hamrick commented on the changes compared to the original application. He was confused about the subject on the table and felt it referenced the second amendment to the

plan. He also felt the applicant had made a third modification to the plan to accommodate the neighborhood.

Mr. Tate confirmed staff had reviewed the third modification and still recommends denial. Council has the ability to hear the request, table it or send it back to PAB.

There was consensus from the Council to hear the request.

Mayor Dunagan opened the floor for comments.

FAVOR:

Steve Giliam, 1450 Heritage Road, represented the applicant. He stated the two issues with the request were the Comprehensive Land Use Plan and the driveway off of Virginia Circle which has been eliminated. He commented on the changes noting the only way to develop the front two lots was to use the third lot behind it. He used a PowerPoint to supplement his presentation which referenced several different site plans. He commented on the configurations that have been consistently used with other businesses in the area. Mr. Gilliam distributed copies of a petition containing 91 signatures supporting the request noting it was signed by active citizens that live on Virginia Avenue, Virginia Circle, Riverside Drive, Honeysuckle Lane, Mountain View Drive, Oakland Drive and Long View Drive. He asked for approval of the request and reserved time for rebuttal.

Franklin Morrow, 249 Oakland Drive, stated he has lived in the area for approximately 20 years and has seen a lot of positive changes. He was concerned about allowing only the front parcels to proceed because it created limitations on what could be developed. The requested changes had occurred. Mr. Morrow asked for approval of the zoning request.

OPPOSE:

Brenda Coursey, 493 Mountain View Drive, stated she doesn't know anyone on her street that favored the proposal. She realized the site would be developed and felt this request would impact the park. The greatest impact would be allowing the development to encroach deep into the neighborhood. She stated the Comprehensive Plan called for the third parcel to remain R-I for future development. She called attention to the fact that no one ever talks about the investment made by the people who live in and around the area to be zoned. Mrs. Coursey asked that the Comprehensive Plan be followed. If allowed to go deeper into the neighborhood, it will have a negative effect on the rest of the neighborhood around the park. The park is very well used. She wanted to maintain the integrity of the park and the neighborhood.

Emily Cook, 144 Virginia Circle, stated she lived directly across from the property in question. She stated the Planning staff got it right. She read a prepared statement noting Dr. Johnson bought the property as an investment and was aware of its zoning classification. She mentioned the term "war of attrition" meaning the community involvement in the neighborhood and its concerns are wearing on them. She requested a no vote tonight. If it was within the 2030 Vision to change the residential lot to commercial zoning, vote yes. And, if yes, then the line that goes across the park should be potential commercial property. Ms. Cook stated she wants to feel like her neighborhood is protected and it would stay residential. She hoped the Council would listen to the staff indicating they got it right.

Julie Butler, 164 Virginia Circle, disagreed with Mr. Gilliam's opinion and did not believe a viable commercial business could not be developed on the two front lots. Her family moved to

Gainesville ten years ago and made an investment in the community. She was scared her property value would decrease with a commercial development in the neighborhood. She felt there was a desire for the neighborhood to fit the development instead of the development fitting the neighborhood. Mrs. Butler stated if it can't fit on the front two lots then it doesn't fit the neighborhood. She asked Council to deny the request.

Pablo Colombini, 164 Virginia Circle, stated he did not believe the proposed development would be a prime investment for the neighborhood. The prime investment was the park and the houses. He stated he was not against betterment for the City of Gainesville. He felt this development did not fit. If you want credibility in the city, you need to have a clear understanding about what is to happen and, if changes occur, they should benefit the neighborhood.

Kathleen Pendleton, 974 Chattahoochee Drive, stated she was not a resident of the area in question. She also believed the Planning and Appeals Board got it right twice. She commented on the pressure to collect revenues and understood commercial tax revenues provide more bang for buck.

Council Member Figueras stated she didn't like these assumptions and stated that's not what the Council does.

Ms. Pendleton stated she was happy to hear the tax revenue was not at the forefront of any decision regarding this matter. She stated the City has appropriately zoned but unused commercial property. These properties could be found and developed without encroaching into neighborhoods. She was concerned about the precedence that would be set if this change occurs. What would stop someone else from doing the same thing? It would be difficult to deny the request and preserve the character of neighborhoods. She asked Council to consider the Planning and Appeals Board's decision.

John Fuller, 210 Oakland Drive, stated he was a longtime resident and did not want to give up the house that is in the neighborhood. He realized Thompson Bridge Road was commercial. He felt the lot could be used but if not, maybe it was a bad investment. He commented on traffic issues in the area and a development would cause more congestion.

REBUTTAL

Mr. Gilliam stated the Comprehensive Land Use Plan is a suggestion that is sometimes overruled. He felt the facts regarding the property have shown it can't be developed into a first class development unless all three parcels are used. This would have less impact on the parking. He commented on the length of the BB&T driveway and the buffer space behind it. He indicated other available property in the area had nothing to do with this request. In looking at the plan, the third lot is necessary. He felt the Comprehensive Plan got it wrong and asked Council to correct it.

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

Council Member Couvillon asked if anyone knew for a fact that this change would devalue their investment.

Ms. Cook stated she explored selling her home and the real estate agent stated she should sell before this development happens.

Linda Roseberry, 565 Honeysuckle Road, commented on a zoning change in the Mountain View Drive and Mountain View Road area a few years ago. Since that time, homes have been sold to investors as rental property. She stated the cosmopolitan change on Mountain View Drive has gone down. This was an example of what a light business does to a neighborhood.

Mr. Couvillon stated he understood the frustration of citizens for having to attend various hearings. He commended Dr. Johnson for trying to make amenable changes.

Motion to deny the request.

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

DISCUSSION:

Council Member Wangemann believed one of the last hearings on the Comprehensive Land Use Plan indicated most people did not want significant intrusion into their neighborhoods. He felt this may be a little too much intrusion. Mr. Wangemann stated he has been hearing from citizens all over the city. They were asking to preserve the neighborhoods.

Council Member Hamrick stated Dr. Johnson tried to submit three different plans but ironically staff recommended denial of all three plans. He stated he would vote with staff and felt they have studied it according to the Comprehensive Plan.

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

APPOINTMENTS:

Gainesville Non-Profit Development Foundation
Position Currently Held by Camille Viera-Hewell

Motion to appoint Maria Calkins to fill the unexpired term of Camille Viera-Hewell on the Gainesville Non-Profit Development Foundation.

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

CITY MANAGER ISSUES:

Business Resolution-2015-18:
A Resolution in Support of Senate Bill 63 Regarding Craft Breweries
Tourism Manager Deb Gregson presented a proposed resolution to support a Senate Bill for craft breweries. The State and Regional Convention and Visitor Bureaus were interested in this bill because of the affect it has on tourism. She asked for support of the bill to allow craft breweries to have tasting rooms.

Mayor Dunagan commented on Georgia being one of a few states that do not allow this. This would mirror what wineries are allowed to do.

Council Member Hamrick suggested changing the language in the resolution to replace "the citizens support" with "the Council supports" this bill.

Motion to adopt the resolution BR-2015-18 with the amendment as presented.

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

OTHER ISSUES:

House Bill 217 and House Bill 344
Council Member Figueras provided a brief report on the two bills. HB 217 gives the authority to continue to make investments in mutual funds. HB 344 creates a training council for trustees of public retirement systems. The Georgia Municipal Association supports these bills.

Amerigroup Community Partner
Council Member Figueras announced she will speak at the Amerigroup Community Partner Breakfast on March 4, 2015 at 9:00 AM at the Gainesville Civic Center.

EXECUTIVE SESSION:

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

Mayor Dunagan requested an Executive Session to discuss personnel matters.

Motion to close the meeting to enter an Executive Session to discuss litigation, real estate and personnel matters at 6:46 PM.

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

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

The following individuals attended portions of the Executive Session at various times: Janeann Allison, David Dockery and Stan Aiken.

Motion to close the Executive Session and to continue the meeting at 7:18 PM.

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

ADJOURNMENT: 7:18 PM

/ag

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C. Danny Dunagan, Jr., Mayor

_____
Denise O. Jordan, City Clerk