

OFFICIALS PRESENT: Danny Dunagan, Sam Couvillon, George Wangemann, Ruth Bruner, Zack Thompson, Barbara Brooks
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.

Reverend Michelle Rizer-Pool, Bethel AME Church, delivered the invocation after which the Pledge of Allegiance was recited in unison.

Reverend Rizer-Pool read a prepared speech expressing appreciation for the support received from the community.

PRESENTATIONS / RECOGNITIONS:

70th Annual Mayors' Motorcade

Tabitha Rodriguez, Community Service Center, introduced Cindy Levi, Chief Executive Officer AVITA Community Partners and shared information about the Mayors' Motorcade program. She thanked AVITA for the partnership and the City of Gainesville employees, residents and businesses for making this year's motorcade a success. Mayor Dunagan presented a \$368.25 check to AVITA and gift donations to be distributed this Christmas season.

Ms. Levi extended heartfelt appreciation to the City noting approximately 200 individuals will benefit from this year's donations.

COUNCIL ANNOUNCEMENTS:

The Mayor and Council wished everyone a Merry Christmas and Happy New Year.

Council Member Thompson

Commented on 2019 being a successful year and looked forward to the upcoming year.

Council Member Wangemann

Extended thanks to those that made the Christmas parade possible.

Mayor Dunagan

Stated he was also looking forward to the year 2020.

PROCLAMATION:

Council Member Ruth Bruner's Retirement

Mayor Dunagan read and presented a proclamation to Council Member Bruner acknowledging her leadership role, distinguished honors, and invaluable contributions to the Gainesville-Hall County Community. Mayor Dunagan expressed his appreciation for Mrs. Bruner over her many years of service to the community and wished her the very best in her retirement. Mrs. Bruner extended words of appreciation.

PUBLIC COMMENTS:

Bennett Bryan, Atlanta citizen and veteran, thanked the Council for their service. He commented on local government being important. He felt it was important to have judges with experience and who recognized the importance of local government.

CONSENT AGENDA:

Appointment: Municipal Court Judge - G. Hammond Law, III

Appointment: Chattahoochee Golf Course Advisory Committee - Position held by Fred Kelly

Appointments: Friends of the Parks Board - Positions held by Chris Morgan and Staci Tunkel

Appointments: Parks and Recreation Board - Positions held by Kingsley Peeples, Kristin Daniel and Jerry Castleberry

Motion to reappoint G. Hammond Law, III to serve another one-year as the Municipal Court Judge; appoint Jay Jacobs to replace Fred Kelly on the Chattahoochee Golf Course Advisory Committee; reappoint Chris Morgan and Staci Tunkel to the Friends of the Parks Board; and reappoint Kingsley Peeples, Kristin Daniel and Jerry Castleberry to the Parks and Recreation Board as presented.

Motion made by Council Member Thompson

Motion seconded by Council Member Wangemann

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

Resolutions:

- A. AR-2019-12 Fourth Quarter Budget Adjustment for Fiscal Year 2019
- B. AR-2019-13 First Quarter Budget Adjustment for Fiscal Year 2020
- C. BR-2019-42 Agreement Regarding Term of Municipal Court Judge - Year 2020
- D. BR-2019-43 Property Acquisition from Liberty Utilities Corporation
- E. BR-2019-44 Tax Allocation District (TAD) Funding for Wimberly Funeral Home
- F. BR-2019-45 Tax Allocation District (TAD) Funding for Liberty Midland
- G. PR-2019-15 Apply For and Accept FY2021 Section 5307 Grant

City Manager Bryan Lackey provided a brief overview of the resolutions.

Motion to adopt the resolutions as presented.

Motion made by Council Member Bruner

Motion seconded by Council Member Brooks

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

GENERAL LEGISLATION:

Ordinance 2019-33: Amend Chapter 6-9 entitled "Permits"

Ordinance 2019-34: Amend Chapter 6-7 entitled "Amusements, Public Demonstrations, Parades, Special Events, etc."

Business Resolution 2019-46: Special Event Policy & Permit Application

City Manager Bryan Lackey presented information pertaining to these three business items noting they were related.

He stated the proposed changes to Chapter 6-9 deleted language that would be added to Chapter 6-7.

He summarized the changes to Chapter 6-7 noting a special event was clarified as something that occurs on public property. Overall, the changes establish perimeters and provide clarification of the process.

Mr. Lackey also stated the proposed resolution establishes and authorizes the Special Event Permit Review Committee to amend the policy, permit application and associated fee schedule as may be needed from time to time.

Motion to approve Ordinance No. 2019-33, AN ORDINANCE TO AMEND CHAPTER 6-9 OF THE CODE OF ORDINANCES, WHICH CHAPTER IS ENTITLED "PERMITS," BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; 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 Thompson

Motion seconded by Council Member Wangemann

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

Motion to approve Ordinance No. 2019-34, AN ORDINANCE TO AMEND CHAPTER 6-7 OF THE CODE OF ORDINANCES, WHICH CHAPTER IS ENTITLED "AMUSEMENTS, PUBLIC DEMONSTRATIONS, PARADES, SPECIAL EVENTS, ETC.," BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; 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 Brooks

Motion seconded by Council Member Bruner

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

RESOLUTIONS:

Business Resolution 2019-46 Special Event Policy & Permit Application

Motion to adopt the resolution BR-2019-46 as presented.

Motion made by Council Member Wangemann

Motion seconded by Council Member Brooks

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

PUBLIC HEARING(S):

Request from the City of Gainesville to amend the Unified Land Development Code for the City of Gainesville, Georgia to amend Table 9-6-1 of Article 9-6 entitled "Permitted and Special Uses for Nonresidential Zoning Districts"; to amend Table 9-6-2 of Article 9-6 entitled "Dimensional Requirements for Nonresidential Zoning Districts"; to amend

Section 9-8-7-6 entitled “Prohibited and Permitted Uses” within the Midtown Overlay Zone; to amend Article 9-10 entitled “Specific Use Provisions”; to adopt a new Section 9-10-6-2 entitled “Hookah, E-Cigarette and/or Vapor Lounge/Bar”; to adopt a new Section 9-10-6-13 entitled “Special Event Facility”; to adopt a new Section 9-10-6-14 entitled “Food Processing Plant”; to adopt a new Section 9-10-6-15 entitled “Lodging Services”; to adopt a new Section 9-10-6-16 entitled “Extended Stay Lodging Services”; to amend Section 9-10-1-2 entitled “Fences and Walls”; to amend Section 9-20-14-15 entitled “Suspension of Permits and Certificates”; and to amend Section 9-9-1-4 entitled “General Requirements”.

- ***Proposed Ordinance 2019-35***

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

Community and Economic Development Deputy Director Matt Tate summarized the request noting there were 11 code amendments with this application. He outlined the additions and exemptions throughout the amended document. The Planning and Appeals Board and staff recommended approval of the request.

Council Member Brooks requested clarification on the extended stay provisions.

City Manager Bryan Lackey commented on discussions and feedback received from the community and non-profit agencies which allowed for adjustments and clarifications. He also commented on the provisions surrounding the 30-day stay noting there were four reasons for the amendments to this section, i.e., life safety issues, other older hotels changing to the extended stay model, new extended stay facilities, and public safety issues surrounding registration.

Fire Chief Yarbrough shared some of the issues/concerns with life safety in these type facilities that violate the fire code (i.e., fire protection and alarm systems, overcrowding, unauthorized cooking devices, etc.). He stated it was the responsibility of facility owners to address these issues.

Police Chief Parrish commented on concerns indicating arrests at extended stay facilities outweighed those of traditional hotels. He expressed the importance of knowing how many people should be in a room and who is paying for the purpose of accountability which was subsequently the basis for requiring registration information. He provided statistics noting drug deals and prostitution were common.

City Attorney Abb Hayes opened the floor for comments.

Laura Colaninno, Flowery Branch resident, stated she was appalled to learn that approximately 300 students live in the extended stay facilities. She expressed a need to find other housing for the students and families and asked the Council to consider low-income housing for them.

A Powder Springs resident who was also a hotel business owner commented on patrons that live in extended stay facilities indicating they are not all bad and most choose to live there. He felt it was necessary for the individual owner of the facilities to take responsibility for what occurs at the facility. It was a struggle for most to have to leave after 30 days.

Ellen Smith, Parker Poe Law Firm, represented Budgetel on Jesse Jewell Parkway. She stated a letter of Opposition to Applicability of Ordinance 2019-35 was presented to the Council and

City Clerk. She was appreciative of the change in the draft ordinance indicating the amendments do not apply to existing operations. She provided some history about her client that has been in operation since the 1960's. She commented on a portion of the language in a certain section that was unclear suggesting a correction may be needed.

Christine Osasu, 1738 Lanier Springs Drive, stated she was a member of Habitat for Humanity. She commented on the provisions set forth in section (d) being problematic and burdensome to the non-profits as well as to the individuals seeking shelter. She was unsure of the goal for documentation to prove shelter was needed. She also expressed confusion about the life safety component for existing hotels compared to new hotels.

Joshua Silavent, 475 North Avenue, stated he participates in direct street outreach to the homeless in Gainesville and felt the proposed ordinance was burdensome. He requested clarification regarding the purpose of the new provisions. He commented on the criminalization of homelessness and felt the Council has an opportunity to make Gainesville a model for addressing homelessness.

Latonya Luke, 1848 Calvary Drive, stated she partners with a lot of non-profits in the area and noticed there is a housing issue. She commented on her role in the community to provide public awareness and assistance for the homeless. She expressed a need for more affordable housing.

Erik Rock, 1115 Jesse Jewell Parkway, spoke as a resident and employee of Hometown Studios. He shared the concerns about crimes at these establishments and thanked first responders for being his backup. He stated they were willing to work with the City. As an employee, he wants to keep his job and as a father, he wants to have a safe place for his children. He shared there are communities inside extended stay hotels and they want to stay together.

A 91-year-old retired war veteran commented on living in an extended stay facility located at 1115 Jesse Jewell Parkway for over five (5) years. He doesn't have anywhere else to go and called this his home.

There being no other comments, the hearing was closed and the matter returned to the governing body for consideration.

Council Member Couvillon stated this was an emotional topic and not an easy decision considering the circumstances. He commented on Council being fully aware of the need for affordable housing. He assured the citizens that the need for affordable housing has been heard noting he felt Council has done a decent job in trying to address it.

Council Member Brooks stated she understands the concerns noting she has been one phone call away from being homeless. She stated the City could only do so much and relies on developers and/or investors to assist with housing. The Council is touched by the stories and will do what it can.

Council Member Thompson stated there is no profit in affordable housing which is why the private market does not invest in this type business. The Council wants to and is working to bring in more affordable housing as quickly as it can. He invited citizens to come in and discuss their ideas. Mr. Thompson stated the purpose of the provisions was not to push people out of extended stay facilities but to make them safer.

Mayor Dunagan echoed what the other Council Members said. Public Safety and crime are the City's focus. He served on the Housing Authority for several years and they were moving forward as fast as possible with the production of affordable housing.

Council Member Wangemann stated he serves on the Housing Authority and it was moving forward with creating new housing in the future. He sympathized with those that could not afford housing. He stated progress takes time and realized the burden being placed on those needing housing.

Motion to approve Ordinance No. 2019-35, AN ORDINANCE TO AMEND TABLE 9-6-1 ENTITLED "PERMITTED AND SPECIAL USES FOR NONRESIDENTIAL ZONING DISTRICTS" OF THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF GAINESVILLE, GEORGIA (THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF GAINESVILLE, GEORGIA HEREINAFTER REFERRED TO AS "THE ULDC") AS SET FORTH BELOW; TO AMEND TABLE 9-6-2 ENTITLED "DIMENSIONAL REQUIREMENTS FOR NONRESIDENTIAL ZONING DISTRICTS" OF THE ULDC BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; TO AMEND SECTION 9-8-7-6 ENTITLED "PROHIBITED AND PERMITTED USES" OF THE ULDC BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; TO AMEND CHAPTER 9-10-6 ENTITLED "PRINCIPAL NONRESIDENTIAL USES" OF THE ULDC BY ADDING SECTION 9-10-6-12 ENTITLED "HOOKAH, E-CIGARETTE LOUNGE, AND/OR VAPOR LOUNGE/BAR," SECTION 9-10-6-13 ENTITLED "SPECIAL EVENT FACILITY," SECTION 9-10-6-14 ENTITLED "FOOD PROCESSING PLANT," SECTION 9-10-6-15 ENTITLED "LODGING SERVICES," AND SECTION 9-10-6-16 ENTITLED "EXTENDED STAY LODGING SERVICES" AS SET FORTH BELOW; TO AMEND SUBSECTIONS (a), (b), AND (c) OF SECTION 9-10-1-2 ENTITLED "FENCES AND WALLS" OF THE ULDC BY ELIMINATING THEM IN THEIR ENTIRETY AND SUBSTITUTING IN THEIR PLACE THE LANGUAGE SET FORTH BELOW; TO AMEND SECTION 9-20-14-15 ENTITLED "SUSPENSION OF PERMITS AND CERTIFICATES" OF THE ULDC BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; TO AMEND SECTION 9-9-1-4 ENTITLED "GENERAL REQUIREMENTS" OF THE ULDC BY ADDING SUBSECTIONS (f), (g), AND (h) AS SET FORTH BELOW; 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 Thompson

Motion seconded by Council Member Brooks

Votes favoring the motion: Couvillon, Bruner, Thompson, Brooks

Oppose: Wangemann

CITY MANAGER ISSUES:

City Manager Bryan Lackey made the following comments:

1. Thanked Mrs. Bruner for her vision and leadership and expressed his appreciation for her.
2. Thanked staff for all their hard work over the past year noting new initiatives were coming.
3. Wished everyone a Merry Christmas.

CITY ATTORNEY ISSUES:

City Attorney Abb Hayes expressed appreciation for Mrs. Bruner and her service noting she will be missed.

CITY CLERK ISSUES:

City Clerk Denise Jordan expressed her appreciation for Mrs. Bruner.

ADJOURNMENT: 6:55 PM

/ag

C. Danny Dunagan, Jr., Mayor

Denise O. Jordan, City Clerk