



Mayor/Council Meeting Agenda
Tuesday, April 21, 2020, 6:15 PM
Public Safety Complex, Municipal Court Room
701 Queen City Parkway, Gainesville, GA 30501
Mayor or Mayor Pro Tem Presides

*DUE TO THE CURRENT STATE OF EMERGENCY AND THE NEED FOR SOCIAL DISTANCING,
PUBLIC PARTICIPATION WILL BE AVAILABLE VIA FACEBOOK LIVE AT
www.facebook.com/GainesvilleGeorgiaGovernment.*

INVOCATION:

PLEDGE OF ALLEGIANCE:

COUNCIL ANNOUNCEMENTS:

CONSENT AGENDA:

Minutes

- A. February 13, 2020 Work Session
- B. February 18, 2020 Mayor/Council Meeting
- C. February 27, 2020 Work Session
- D. March 3, 2020 Mayor/Council Meeting
- E. March 12, 2020 Work Session

RESOLUTIONS:

- A. BR-2020-18 Approval of Exercising Power of Eminent Domain at 628 EE Butler Parkway
- B. BR-2020-19 Sale of Real Property - 0.21 Acre Tract to Juan Luna

CITY MANAGER ISSUES:

CITY ATTORNEY ISSUES:

- A. Capstone Acquisitions, LLC Annexation Request
(Tabled at the February 4, 2020 Council Meeting)

CITY CLERK ISSUES:

PUBLIC COMMENTS: (20 minutes maximum)

EXECUTIVE SESSION:

ADJOURNMENT:

Final: Monday, April 20, 2020, 3:45 PM

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 4/14/2020

Presenter:

Item of Business: Consent Agenda Items

Meeting Date: 4/21/2020

Purpose of Request:

The following appointments, minutes and/or resolutions are being considered under the Consent Agenda Section. These items were previously distributed for review and/or discussed. Unless otherwise directed by Mayor and Council, they will not be discussed during this meeting.

If you have questions regarding these documents, please feel free to contact the City Clerk's Office during normal business hours (Monday through Friday from 8:00 AM to 5:00 PM) at 770-535-6865 or via email to cityclerk@gainesville.org.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Department Director:

If funding is involved, are funds approved within the current budget?

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 4/17/2021
Presenter: Denise Jordan
Item of Business: February 13, 2020 Work Session
Meeting Date: 4/21/2020

Purpose of Request:

The purpose of this request is to allow the governing body to approve minutes from the referenced meeting.

History/Background:

Facts & Issues for Consideration:

Draft minutes were distributed to the governing body, City Manager, City Attorney and Department Directors for comments/corrections.

Department Recommendation:

Approve the minutes accepting edits as presented.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description

Type

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 4/14/2020
Presenter: Denise Jordan
Item of Business: February 18, 2020 Mayor/Council Meeting
Meeting Date: 4/21/2020

Purpose of Request:

The purpose of this request is to allow the governing body to approve the referenced meeting minutes.

History/Background:

Facts & Issues for Consideration:

The referenced draft minutes were distributed to the governing body, City Manager, City Attorney and Department Directors for comments/corrections.

Department Recommendation:

Approve the minutes accepting edits as presented.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description

Type

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 4/17/2020
Presenter: Denise Jordan
Item of Business: February 27, 2020 Work Session
Meeting Date: 4/21/2020

Purpose of Request:

The purpose of this request is to allow the governing body to approve minutes from the referenced meeting.

History/Background:

Facts & Issues for Consideration:

Draft minutes were distributed to the governing body, City Manager, City Attorney and Department Directors for comments/corrections.

Department Recommendation:

Approve the minutes accepting edits as presented.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description

Type

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 4/14/2020
Presenter: Denise Jordan
Item of Business: March 3, 2020 Mayor/Council Meeting
Meeting Date: 4/21/2020

Purpose of Request:

The purpose of this request is to allow the governing body to approve the referenced meeting minutes.

History/Background:

Facts & Issues for Consideration:

The referenced draft minutes were distributed to the governing body, City Manager, City Attorney and Department Directors for comments/corrections.

Department Recommendation:

Approve the minutes accepting edits as presented.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description

Type

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 4/17/2020
Presenter: Denise Jordan
Item of Business: March 12, 2020 Work Session
Meeting Date: 4/21/2020

Purpose of Request:

The purpose of this request is to allow the governing body to approve minutes from the referenced meeting.

History/Background:

Facts & Issues for Consideration:

Draft minutes were distributed to the governing body, City Manager, City Attorney and Department Directors for comments/corrections.

Department Recommendation:

Approve the minutes accepting edits as presented.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description

Type

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 4/15/2020

Presenter: Bryan Lackey

Item of Business: BR-2020-18 Approval of Exercising Power of Eminent Domain at 628 EE Butler Parkway

Meeting Date: 4/21/2020

Purpose of Request:

The purpose of this request is to approve utilizing eminent domain to acquire the property at 628 EE Butler Parkway for a public purpose.

History/Background:

Facts & Issues for Consideration:

A sign was placed on the property on April 3, 2020. Public Notice appeared in the weekend edition of the Gainesville Times dated April 4-5 and April 11-12, 2020.

Department Recommendation:

Adopt the resolution as presented.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget?

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
 Public Notice in Gainesville Times	Legal Ad

Legal Organ: The Times
Published: April 4-5, 2020 Edition
Published: April 11-12, 2020 Edition

PUBLIC NOTICE

The Governing Authority of the City of Gainesville will consider whether to exercise the power of eminent domain to acquire the property located at 628 S.E. E. E. Butler Parkway, Gainesville, Georgia for a public purpose. The consideration of this question will come before the City of Gainesville Governing Authority on April 21, 2020, at 6:15 PM at the Gainesville Justice Center, Municipal Court Room, 701 Queen City Parkway, Gainesville, Georgia 30501.

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 4/16/2020
Presenter: Abb Hayes
Item of Business: BR-2020-19 Sale of Real Property - 0.21 Acre Tract to Juan Luna
Meeting Date: 4/21/2020

Purpose of Request:

The purpose of this request is to authorize the sale of property.

History/Background:

Facts & Issues for Consideration:

The City Manager recommends the sale of a 0.21 acre tract of real property to the abutting property owner, Juan Luna, for the sum of \$24,000.

Department Recommendation:

Adopt the resolution as presented.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ BR-2020-19 Sale of a 0.21 Acre Tract to Juan Luna	Resolution
☐ BR-2020-19 Exhibit A	Attachments/Exhibits
☐ BR-2020-19 City Manager Determinations	Backup Material
☐ BR-2020-19 Notice of Property Available for Purchase	Backup Material
☐ BR-2020-19 Letter Accepting Offer	Backup Material

RESOLUTION BR-2020-19

SALE OF REAL PROPERTY - 0.21 ACRE TRACT TO JUAN LUNA

WHEREAS, the City of Gainesville owns a 0.21 acre tract of real property shown on the attached Exhibit "A" (hereinafter referred to as "the Property"); and

WHEREAS, the Gainesville City Manager has made determinations pursuant to Sec. 2-3-2(b) of the Gainesville Code of Ordinances and a recommendation of sale pursuant to Sec. 2-3-2(d) of the Gainesville Code of Ordinances; and

WHEREAS, the City of Gainesville agrees with the recommendation made by the City Manager.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby approves of the sale of the Property to the abutting property owner, Juan Luna, for the sum of \$24,000.00.

BE IT FURTHER RESOLVED THAT the governing body for the City of Gainesville hereby authorizes the Mayor, the City Manager and City Attorney to execute all such documents and agreements that may be necessary to complete the closing of the sale of the Property.

Adopted this _____ day of _____, 2020.

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

EXHIBIT A

All that tract or parcel of land lying and being in Land Lot 154, 8th Land District, City of Gainesville, Hall County, Georgia, containing 0.21 acres, more or less, according to a survey for the City of Gainesville by Patton Land Surveying, LLC dated January 6, 2020 and more particularly described according to said survey as follows:

BEGINNING at an iron pin set on the south right-of-way of Washington Street (ROW width varies) said pin located South 72°53'37" West, 95.91' from a PK nail set in the centerline intersection of Washington Street and West Avenue; thence South 06°39'41" East, 116.65' to an iron pin found; thence South 07°16'27" East, 55.56' to an iron pin found; thence South 76°52'59" West, 82.47' to a 1/2 inch iron pin set; thence North 13°28'51" East, 120.06' to an iron pin set; thence North 06°39'13" West, 70.99' to an iron pin found on the south right-of-way of Washington Street; thence along said right-of-way North 86°30'32" East, 40.06' to an iron pin located at the TRUE POINT OF BEGINNING.

Reference to said survey is hereby made for a more full and complete description of said property.

Said property is subject to a 20' drainage easement as depicted on said survey.

TWR/mmk/11401/W235542

[illegible]

CITY MANAGER DETERMINATIONS

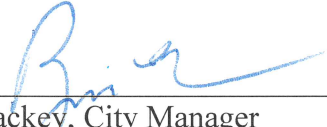
Bryan Lackey, City Manager of the City of Gainesville, Georgia, hereby makes the following determinations pursuant to Sec. 2-3-2(b) of the Gainesville Code of Ordinances:

The 0.21 acre tract of real property shown on the attached Exhibit "A" (hereinafter referred to as "the Property") is a narrow strip of land, so shaped and so small as to be incapable of being used independently as zoned and under applicable subdivision and other development ordinances, and is also incapable of being used as a street, whether owned in fee or used by easement. The sale of the Property to abutting property owners will facilitate the enjoyment of the highest and best use of the abutting owners' property. The reasonable fair market value of the Property, based upon an appraisal conducted by a licensed real estate appraiser within the last twelve (12) months, is \$24,000.00.

Based on the aforementioned determinations, the abutting property owners, J. Pittman Properties, LLC, Ferman Garcia Cabrera, Francisco Garcia Cabrera, Juan Luna, and Oak Street Property Management, LLC, have been notified of the availability of the Property for purchase at the fair market value of \$24,000.00, and an abutting property owner, Juan Luna, has expressed his desire to purchase the Property for the sum of \$24,000.00.

I hereby recommend that the governing body of the City of Gainesville authorize the sale of the Property to Juan Luna for the sum of \$24,000.00.

This 16th day of April, 2020.



Bryan Lackey, City Manager

EXHIBIT A

All that tract or parcel of land lying and being in Land Lot 154, 8th Land District, City of Gainesville, Hall County, Georgia, containing 0.21 acres, more or less, according to a survey for the City of Gainesville by Patton Land Surveying, LLC dated January 6, 2020 and more particularly described according to said survey as follows:

BEGINNING at an iron pin set on the south right-of-way of Washington Street (ROW width varies) said pin located South 72°53'37" West, 95.91' from a PK nail set in the centerline intersection of Washington Street and West Avenue; thence South 06°39'41" East, 116.65' to an iron pin found; thence South 07°16'27" East, 55.56' to an iron pin found; thence South 76°52'59" West, 82.47' to a 1/2 inch iron pin set; thence North 13°28'51" East, 120.06' to an iron pin set; thence North 06°39'13" West, 70.99' to an iron pin found on the south right-of-way of Washington Street; thence along said right-of-way North 86°30'32" East, 40.06' to an iron pin located at the TRUE POINT OF BEGINNING.

Reference to said survey is hereby made for a more full and complete description of said property.

Said property is subject to a 20' drainage easement as depicted on said survey.

TWR/mmk/11401/W235542

[illegible]

LAW OFFICES
HULSEY, OLIVER & MAHAR, LLP

200 E. E. BUTLER PARKWAY

POST OFFICE BOX 1457

GAINESVILLE, GEORGIA 30503

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WWW.HOMLAW.COM

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T. BURNS MARLOW

E. D. KENYON
(1890-1981)
SAMUEL L. OLIVER
(1942-2011)

OF COUNSEL
JAMES E. MAHAR, JR.
(Practice Limited to
Mediation and Arbitration)

JANE A. RANGE

March 5, 2020

**VIA CERTIFIED/RETURN RECEIPT REQUESTED
AND REGULAR U.S. MAIL**

J. Pittman Properties, LLC
Eric P. Wilborn, Registered Agent
200 Main Street SW, Suite 600
Gainesville, GA 30501

Francisco Garcia Cabrera
529 College Avenue
Gainesville, GA 30501

J. Pittman Properties, LLC
Eric P. Wilborn, Registered Agent
3772 East Hall Rd
Gainesville, GA 30507

Francisco Garcia Cabrera
829 SW West Ave.
Gainesville, GA 30501

Ferman Garcia Cabrera
529 College Avenue
Gainesville, GA 30501

Juan Luna
669 Dixon Drive
Gainesville, GA 30501

Ferman Garcia Cabrera
829 SW West Ave.
Gainesville, GA 30501

Oak Street Property Management, LLC
Sean A. Black, Registered Agent
141 W. Savannah St., Suite B
Toccoa, GA 30577

Oak Street Property Management, LLC
c/o Sarah Wood
P O Box 18
Gainesville, GA 30503

Dear Property Owners:

I am an attorney for the City of Gainesville. I am writing to you regarding the 0.21 acre tract of real property shown on the attached Exhibit A (hereinafter referred to as "the Property"). The Property is a narrow strip of land, so shaped and so small as to be incapable of being used independently as zoned and under applicable subdivision and other development ordinances, and is also incapable of being used as a street, whether owned in fee or used by easement. The sale of the Property to abutting property owners will facilitate the enjoyment of the highest and best use of the abutting owners' property. The reasonable fair market value of the Property, based upon an appraisal conducted by a licensed real estate appraiser within the last twelve (12)

months, is \$24,000.00. Please accept this as notification, pursuant to Section 2-3-2 of the Gainesville Code of Ordinances, that the Property is available for purchase. I am offering you the opportunity, as abutting property owners, to purchase the Property for \$24,000.00. You have thirty (30) days from the date of this letter to express your desire in writing to purchase the Property for \$24,000.00. In the event that you wish to purchase the Property, please respond in writing to me, expressing your desire to purchase the Property for \$24,000.00.

Sincerely,

A handwritten signature in black ink, appearing to read 'Abbott S. Hayes, Jr.', with a long horizontal line extending to the right.

Abbott S. Hayes, Jr.

Enclosures

cc: Angela Sheppard (via email)
Matt Tate (via email)
Myron Bennett (via email)

ASH/lcg/15100/11401/W235596

EXHIBIT A

All that tract or parcel of land lying and being in Land Lot 154, 8th Land District, City of Gainesville, Hall County, Georgia, containing 0.21 acres, more or less, according to a survey for the City of Gainesville by Patton Land Surveying, LLC dated January 6, 2020 and more particularly described according to said survey as follows:

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Reference to said survey is hereby made for a more full and complete description of said property.

Said property is subject to a 20' drainage easement as depicted on said survey.

TWR/mmk/11401/W235542

JAMES M. WALTERS

Attorney at Law

Telephone:
(770) 536-3264
Fax (770) 536-3265

Suite 103
311 Green St. NW
Gainesville, GA 30501

March 11, 2020

VIA UPS OVERNIGHT AND
EMAIL

Abbott S. Hayes, Jr.
HULSEY, OLIVER & MAHAR, LLP
200 E.E. Butler Parkway
Gainesville, GA 30501

Dear Ab:

This is in response to your letter to Juan Luna, et.al. dated March 5, 2020 regarding the .21 acre tract. Mr. Luna accepts the offer and agrees to purchase the referenced property for \$24,000.00.

Please advise how you would like to handle.

Best regards.

Very truly yours,

James M. Walters

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 4/17/2020
Presenter: Abb Hayes
Item of Business: Capstone Acquisitions, LLC Annexation Request
(Tabled at the February 4, 2020 Council Meeting)
Meeting Date: 4/21/2020

Purpose of Request:

Purpose of this request is to address the referenced annexation request.

History/Background:

This item was tabled from the January 7, 2020 Council Meeting to the February 4, 2020 Council Meeting; then tabled at the February 4, 2020 Council Meeting to the April 21, 2020 Council Meeting.

Facts & Issues for Consideration:

Department Recommendation:

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget?

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:
