OFFICIALS PRESENT: Danny Dunagan, Zack Thompson, Sam Couvillon, Barbara Brooks, Juli Clay
OFFICIALS ABSENT: George Wangemann
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.

City Manager Bryan Lackey delivered the invocation after which the Pledge of Allegiance was recited in unison.

PRESENTATIONS / RECOGNITIONS:

Proclamation: Constitution Week
Mayor Dunagan read a proclamation proclaiming September 12-23, 2021 to be Constitution Week. The proclamation was presented to representatives of the Colonel William Candler Chapter of the National Daughters of the American Revolution.

COUNCIL ANNOUNCEMENTS:

Council Member Clay
1. Thanked the Daughters of the American Revolution representatives for their work.
2. Announced September 28 is National Voter Registration Day. October 4 is the last day to register to vote for the November 2 election. Advance voting is scheduled for October 12 – 29 from 9 AM – 5 PM.

Council Member Brooks
Reported the Greater Hall Chamber of Commerce is initiating an end COVID campaign. A free one-day COVID-19 vaccine and flu shot clinic for the community will be held on Wednesday, October 6 from 7 AM – 7 PM at the Civic Center.

Council Member Couvillon
1. Expressed appreciation for Council Member Brooks leadership and relentless efforts in promoting the vaccines.
2. Announced the B-Entertainment is hosting a groundbreaking concert to celebrate the Bourbon Brothers event venue on Friday, October 1 on Roosevelt Square. He encouraged everyone to come out to this community event.

Council Member Thompson
1. Extended get well wishes for Council Member Wangemann.
2. Shared information about the Lake Lanier Association's 33rd annual Shore Sweep event to be held on Saturday, September 25 from 8 AM – 1 PM. This effort will take place at 13 different locations around Lake Lanier.

Mayor Dunagan
Shared information about the upcoming Mule Camp Market event to be held the weekend of October 8 – 10 in celebration of the City's 200th birthday.

CONSENT AGENDA:

Appointments: Airport Advisory Committee - Reappoint Casey Cagle and Rodney Smith
Appointment: Housing Authority – Reappoint Mary Brown

Motion to reappoint Casey Cagle and Rodney Smith to the Airport Advisory Committee and reappoint Mary Brown to the Housing Authority as presented.

Motion made by Council Member Thompson
Motion seconded by Council Member Clay
Votes favoring the motion: Thompson, Couvillon, Brooks, Clay
Absent: Wangemann

Minutes: July 29, 2021 Work Session
Minutes: August 3, 2021 Mayor/Council Meeting
Minutes: August 12, 2021 Work Session
Minutes: August 17, 2021 Mayor/Council Meeting

Motion to approve the minutes accepting edits as presented.

Motion made by Council Member Brooks
Motion seconded by Council Member Clay
Votes favoring the motion: Thompson, Couvillon, Brooks, Clay
Absent: Wangemann

Resolution:
A. BR-2021-41 Tax Allocation District (TAD) Funding for "The National" at 111 Green Street

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

Motion to adopt the resolution as presented.

Motion made by Council Member Thompson
Motion seconded by Council Member Couvillon
Votes favoring the motion: Thompson, Couvillon, Brooks, Clay
Absent: Wangemann

PUBLIC HEARING:

Request from Optum Development to annex a 7.77± acres tract located on the northeast side of Limestone Parkway, across from the intersection of Tapawingo Drive and Riverwood Drive (a/k/a 1744 Cleveland Highway) and to establish zoning as Planned Unit Development (P-U-D). Ward Number: Two. Tax Parcel Number(s): 09-126-000-024 (Part). Request: 36 residential townhomes.

- ***Proposed Annexation Ordinance 2021-25***
- ***Proposed Zoning Ordinance 2021-26***

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

Community & Economic Development Deputy Director Matt Tate reviewed the request noting the request was previously tabled at a Planning and Appeals Board meeting for further consideration. The Planning and Appeals Board and staff recommended approval with the following 18 conditions:

1. The proposed development shall not exceed 36 fee-simple residential townhome units.
2. The development shall be consistent with the concept plan and architectural renderings provided with this annexation application.
3. Signage for the development shall adhere to the Residential-II (R-II) zoning requirements of the Unified Land Development Code.
4. The development shall require a minimum 50-foot wide undisturbed vegetated buffer on both sides of the stream adjacent to the single-family properties located off of Tapawingo Drive and Wildwood Circle. Additional evergreen trees shall be planted between the townhome units and stream where deemed necessary and adjacent to all proposed stormwater detention pond areas. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.
5. The existing trees located within the Limestone Parkway right-of-way shall remain undisturbed except for where required for access, signage and regular maintenance.
6. Vehicular access shall be limited to Limestone Parkway, with a single entrance/exit as shown on the submitted concept plan. No vehicular access on Tapawingo Drive will be allowed.
7. All streets within the development shall be privately maintained with a minimum width of 24-feet (back of curb to back of curb). Minimum 5-foot wide sidewalks shall be provided on both sides of the street with a 2-foot grass beauty strip between the curb and the sidewalk.
8. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director and the Georgia Department of Transportation. The approval of said design shall be required prior to issuance of a land development permit. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.
9. The development shall comply with all relevant sections of the Unified Land Development Code of the City of Gainesville, including all amendments passed on 11/30/20.
10. The development shall comply with all relevant sections of City of Gainesville Unified Land Development Code CHAPTER 9-16-5 – Tree Protection.
11. No rentals for less than 30 days will be permitted as part of the HOA.
12. Any trail system shall not be accessible to the general public.
13. There shall be no above ground, open air detention or retention for control of storm water. All storm water detention and retention shall be sub-terrain.
14. There shall be no vehicular access from the subject property onto Tapawingo Drive.
15. Neither the developer/builder nor its successors and assigns shall seek a dock permit of any kind from the Corps of Engineers for access to Lake Lanier per the HOA.
16. Siding will consist of a mixture of masonry siding i.e. Shakes, lag, board Batten on the front facade.
17. The only fencing that will be installed is fencing required by code and at the entrance.
18. Developer and/or builder shall purchase Contractor's Pollution Liability Coverage acceptable to the City to indemnify against any pollution damage caused to Lake Lanier or any other adjacent or nearby properties as a result of land disturbance activities and the construction of homes on the subject property. Said Liability Coverage shall contain a policy limit of no less than one million dollars ($1,000,000.00) and shall remain in effect throughout the entire duration of development and build-out of the proposed neighborhood and will be maintained

until permanent vegetation is established on the downhill slopes. Developer agrees to install three rows of silt fence between the proposed townhomes and the stream buffer prior to construction.

City Attorney Hayes opened the floor for comments.

FAVOR:

Attorney Steve Gilliam, 301 Green Street, presented on behalf of the applicant. He distributed handouts and indicated Ed Maxwell met with the neighbors and their lawyer several times. He emphasized the current land uses allowed for this zoning noting this development was within the uses and met the density requirements. He summarized the highpoints regarding issues from the neighbors which included the proximity of the closest house to the development, the height of the proposed wall, trees surrounding the development and the view of the development from the elevation point. He stated James Irvin, Engineer, and Ed Maxwell were also available to answer any questions.

OPPOSE:

Attorney Joshua Scoggins from the law office of Miles, Hansford and Tallant, LLC spoke on behalf of clients Scott and Stacey Rutherford as well as many neighbors who live near the proposed development. He recognized the neighbors who were in attendance. He stated, for the record, his clients reserved all constitutional and other legal rights. He was advocating that the property be developed in a manner consistent with the density and intensity of the surrounding areas. The density as it pertains to the number of units proposed is not consistent with the Comprehensive Plan. He stated this use is asking for more density than the existing developments in the area and more than what's allowed in the future development map. He commented on conditions of concern and offered suggestions to resolve them.
Dean Davis, 2000 Riverwood Drive, commented on the information forwarded to Council for review. He stated he had not reviewed the revisions distributed at this meeting. He shared concerns about the proposed development which included the size and scale of the development, the view of the site area, managing the landscape, grading for the proposed wall, and density for the long-term future land use map. He read an excerpt from the Unified Land Development Code (ULDC) referencing the Limestone Parkway Overlay Zone. Maintaining a consistent appearance along the parkway was also a concern then expressed concerns based on assumptions.

Candace Ramsey, 1938 Tapawingo Drive, distributed a picture and commented on concerns with the view from her dock. She was concerned with the natural beauty of the area and the lake. She described the age and types of homes in this area. She was also concerned about the loss of trees and the wildlife.

REBUTTAL:

Steve Gilliam addressed the density issue. a He also commented on the trees and the view in the photo of the lake .

Ed Maxwell, 3547 Lake Breeze Lane, commented on the density concerns noting there were many residential/duplex units throughout the area with the same or more density as the proposed development. He also commented on (1) concerns surrounding the exterior finishes of the proposed project and (2) protection of the green buffers. He stated their intent was to improve the area by building a high-quality product and not to diminish the communities or homes in the area.

Council Member Thompson asked about the percentages on the exterior finishes of the development after which, Mr. Maxwell commented on the approximate percentages and indicated they met the requirements of the conditions as proposed by the community.

There being no further comments, the matter was returned to the governing body for consideration.

Upon inquiry from Council Member Couvillon, Mr. Tate explained staff's interpretation regarding density for this development.

Council Member Clay confirmed the developer was willing to amend condition 16, as it relates to the siding, to include "subject to the approval of the Community & Economic Development Director".

After some discussion about the restrictions on rentals,. it was noted the developer was trying to avoid rental conditions.

Council Member Clay suggested adding condition 19, i.e., "no more than 10% of the completed units would be offered for long term rental".

Mr. Thompson inquired if the developer was agreeable to amending condition 11 to add "no rentals for less than one year" based on previous conversations with staff.

Mr. Thompson commented on concerns surrounding the wall height and asked if there was a willingness to add a condition addressing the maximum wall height. Engineer James Irvin commented on some possibilities. Mr. Maxwell provided additional information and shared what might be possible.

Mr. Thompson asked if there was an opportunity to move the footprint down Limestone away from Tapawingo Drive. Mr. Maxwell stated this option was being explored.

Mayor Dunagan asked if the request could be tabled to provide time to address the concerns presented by the governing body. Attorney Hayes summarized actions allowed in the code.

Mr. Couvillon suggested tabling to the next Council Meeting to provide time to review and address the concerns.

Mr. Tate indicated the burden of determining whether a stream exist was on the applicant.

Mayor Dunagan expressed a desire to know the height of the walls.

Council Member Brooks asked if the two-week period was enough time for the developer to address the issues raised by Council tonight?
Upon inquiry from Mr. Thompson, Mr. Scoggins confirmed interest in shifting the development further away from Tapawingo Drive.

Motion to table the request to the October 5, 2021 Council Meeting.

Motion made by Council Member Couvillon

Motion seconded by Council Member Clay
Votes favoring the motion: Thompson, Couvillon, Brooks, Clay
Absent: Wangemann

EXECUTIVE SESSION:

City Manager Bryan Lackey requested an Executive Session to discuss real estate matters.

Motion to enter an Executive Session at 6:49 PM to discuss real estate matters.

Motion made by Council Member Thompson
Motion seconded by Council Member Clay
Votes favoring the motion: Thompson, Couvillon, Brooks, Clay
Absent: Wangemann

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

Motion to close the Executive Session at 6:57 PM.

Motion made by Council Member Clay
Motion seconded by Council Member Thompson
Votes favoring the motion: Thompson, Couvillon, Brooks, Clay
Absent: Wangemann

ADJOURNMENT: 6:57 PM

/ag

C. Danny Dunagan, Jr., Mayor

Denise O. Jordan, City Clerk