

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

Council Member Wangemann delivered the invocation after which the Pledge of Allegiance was recited in unison.

COUNCIL ANNOUNCEMENTS:

Council Member Dunagan

Shared information about Gainesville Police Department's CRASE (Civilian Response to Active Shooter Events) training program.

Council Member Brooks

1. Announced Food Truck Friday will be held on March 11 from 5 – 9 PM at the Lake Lanier Olympic Park.
2. Commented on March 8 being International Women's Day.

Council Member Clay

Reported the Greater Gainesville Sports Alliance will host a Sports Fest on Saturday, March 12 from 11 AM - 3 PM at Cabbell Field.

Council Member Wangemann

1. Commented on the Longwood Park clean up event.
2. Shared information about the annual Sweep the Hooch cleanup scheduled for Saturday, March 26. Visit www.chattahoochee.org for details.

Mayor Couvillon

1. Thanked Council Member Wangemann for all he does with Keep Hall Beautiful.
2. Stated he served on the judging panel for the Technical College System of Georgia's Student of the Year noting the finalists were top-notch and the City is fortunate to have Lanier Technical College as part of the community.

CONSENT AGENDA:

Minutes: February 15, 2022 Mayor/Council Meeting

Motion to approve the minutes accepting edits as presented.

Motion made by Council Member Wangemann

Motion seconded by Council Member Clay

Votes favoring the motion: Brooks, Clay, Dunagan, Wangemann

Absent: Thompson

Resolutions

- A. BR-2022-07 Authorization to Execute Acceptance Letter Regarding GA Power Funding for

- Electronic Charging System Infrastructure At Main Street Parking Deck
B. GR-2022-03 GFSTC Fireworks Tax Grant
C. GR-2022-04 Georgia Public Safety Officials and First Responders Supplement Grant

Motion to adopt the resolutions as presented.

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

APPOINTMENTS:

Parks and Recreation Board – Position previously held by Chris Romberg
Mayor Couvillon nominated Trey McPhaul to fill the unexpired term.

Motion to appoint Trey McPhaul to serve on the Parks and Recreation Board as presented.

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

PUBLIC HEARING:

Request from McKinley Homes US, LLC for a special use on a 7.74± acres tract located on the west side of Florence Drive, across from its intersection with Bentley Park Circle (a/k/a 2920 Florence Drive, SW), having a zoning of Office and Institutional (O-I). Ward Number: Four. Tax Parcel Number(s): 08-015-005-029. Request: Residential townhomes.

- ***Proposed Zoning Resolution ZR-2022-02***

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

Community and Economic Development Deputy Director Matt Tate reviewed the request. The Planning and Appeals Board and staff recommended approval with the following nine (9) conditions:

1. The proposal shall be generally consistent with the concept plan and architectural elevations provided with this application per the review and approval of the Community and Economic Development Director.
2. The proposed townhome development shall adhere to the development standards stated within Section 9-10-2-5 of the Unified Land Development Code entitled "Single-Family Attached Dwelling (Fee-Simple Townhouse)."
3. Each townhome unit shall provide a two-car garage.
4. The rear and sides of each townhome building shall be constructed with a minimum 3-foot high watermark of brick or stone material. In addition, all roof structures shall be constructed with architectural shingles.
5. All proposed privacy fencing shall be decorative in nature and shall consist of wrought iron, aluminum or vinyl material.

6. A minimum 20-foot wide planted landscape buffer shall be required along Florence Drive. The landscape buffer shall include a minimum 3-foot high landscaped berm. In addition, a minimum 10-foot wide landscape buffer shall be required along the northerly property line to help screen the rear and side of the proposed townhomes, pocket park and dog walk.
7. All stormwater detention ponds shall be properly fenced and screened with a mixture of evergreen trees. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.
8. The developer/property owner shall construct 5-foot (5') wide sidewalks on both sides of the proposed interior private streets.
9. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director. The approval of said design shall be required prior to issuance of a building permit. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.

Attorney Hayes opened the floor for comments.

Attorney Steve Gilliam with Smith Gilliam Williams & Miles, P.A., represented the applicant and provided a brief background regarding the project noting they agreed with the conditions of the PAB and staff. They were unable to afford any further reduction in the number of townhomes due to the increased amenities and concessions made by the developer. He asked Council to grant the rezoning request and stated a representative from McKinley Homes was available for questions. In closing he briefly shared some information about the company and their presence in Gainesville.

OPPOSITION:

Betty Lou Pfister, Bently Park resident, stated there was no objection to the project. She commented on Florence Drive being a narrow road dead-end street. She stated the report of access through the church and the Sheriff's Office was incorrect. She expressed concerns surrounding traffic flow onto Browns Bridge Road, construction access/entry points, and the safety of the elderly residents.

Dr. Douglas Young, 2890 Florence Drive, stated he was a retired teacher and a writer. He also opposed the proposal or to urge the number of new townhomes be significantly reduced. He shared his concerns with adding an additional 70 residences to the dead-end, short, narrow street with no sidewalks noting there are already 169 residences on this street. He commented on Hall County's Planning Board rezoning approval for an auto detail shop to be allowed at a home on their street. He was very concerned about traffic and public safety hazards. He implored the Council to either deny the request or significantly reduce the number of townhomes. He expressed appreciation to Council for their public service.

Sandra Saucier, 2899 Florence Drive, stated the traffic is already terrible on their street and do not need to add any additional cars to it. She also stated no trucks are allowed which led her to believe the street was never intended to be a major thoroughfare. She agreed with the other two opposers that this development would be an extreme inconvenience and a hazard.

REBUTTAL:

Mr. Gilliam stated any other development for this type zoning would cause traffic. He reviewed staff's report regarding peak hour trips noting it would not increase during the hours of concern.

The project meets the density requirements and the Planning and Appeals Board as well as staff recommended approval. He commented on there being misinformation about the use of the Free Chapel and Sheriff's Office parking lots. He asked Council to take the information into consideration and vote to allow the rezoning.

Upon inquiry, Mr. Gilliam confirmed the church on the property will not stay and the price point is at \$300,000 and above.

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

Motion to approve resolution ZR-2022-02 with conditions as presented.

Motion made by Council Member Dunagan

Motion failed due to lack of a second.

Council Member Brooks stated her preference is for developments to be accessible at least two ways. She was aware of the housing needs.

Motion to deny the request as presented.

Votes favoring the motion: Brooks, Wangemann

Votes opposing the motion: Dunagan, Clay

Absent: Thompson

Resolution ZR-2022-02 failed due to lack of four affirmative votes.

Request from the City of Gainesville to amend the Unified Land Development Code for the City of Gainesville, Georgia to amend Table 9-5-1 of Article 9-5 entitled "Permitted and Special Uses for Residential Zoning Districts"; to amend Table 9-6-1 of Article 9-6 entitled "Permitted and Special Uses for Nonresidential Zoning Districts"; to amend Section 9-10-2-5 entitled "Single-Family Attached Dwelling (Fee-Simple Townhouse); to amend Section 9-10-3-5 entitled "Private Swimming Pools"; to amend subsection (b) of Section 9-18-6-6 entitled "Changeable Copy"; to amend subsection (c) of Section 9-21-1-12 entitled "Powers and Duties"; to amend subsection (d) of Section 9-22-2-18 entitled "Action by Governing Body".

• Proposed Ordinance 2022-09

City Attorney Abb Hayes opened the public hearing and confirmed the public notice was properly advertised.

Community and Economic Development Deputy Director Matt Tate reviewed the code amendment request.

Attorney Hayes opened the floor for comments.

Niraj Patel, 1133 Springdale Road, commented on the need for the short-term rental market in the area and hoped they were not over-regulated. He shared an example where this lodging service was used by his family and traveling nurses. He hoped over-regulation would not occur.

He felt imposing restrictions on property owners that are not a part of an HOA may make the city a less desirable place for buying.

Joy Pinder, 301 Ridgewood Avenue, stated she worked for many owners with their short-term rentals and admired Gainesville for allowing them. She briefly commented on concerns with too much regulations affecting the small business owner, tax issues and collection.

Shrina Patel, 3795 Princeton Court, stated she has personal experience managing Airbnb's; urged Council to look at the positives for them; and felt more education was needed by both the community and Airbnb owners. She shared her experience as an Airbnb owner. It creates a private space for individuals that do not want to be in a hotel. She understands the concerns about guests having parties which is why she has strict policies in place. She felt the solution was to create certain ordinances for the operation of Airbnb's. Opportunities should be available for those that care and want to create income.

Bob Owen, 820 Holly Drive, stated he served as one of the spokespersons for the R-1 Preservation Group. They thanked Council for addressing short-term rentals and agreed with the City's position for providing regulations. They were in favor of the 15 day or less restriction for most of residential zoning and requested further restrictions to 30 days or less in R-1 zoning. He felt R-1 neighborhoods were the backbone of the City and allowing single family detached homes to become businesses instead of neighborhoods would disastrous to the fabric that binds R-1 neighborhoods together. He felt it was unethical to buy a home and somehow monetize the neighborhood for a profit. This does nothing for the residents that spent decades creating that safe space.

Bill Morrison, 801 Honeysuckle Road, commented on good neighbors, good neighborhoods and R-1. He shared his family's legacy of 105 years of continuous eyecare in Gainesville noting there are many others throughout Gainesville like this. He shared a recent incident in his neighborhood where neighbors worked together to address an emergency situation noting this is the reason they are trying to preserve the R-1 neighborhoods.

Nan Williams, 4302 Tall Hickory Trail, stated they've invested in rental property for approximately ten years. She commented on renting to people in distressed situations. She felt it was short sighted to only consider what has been heard thus far. She asked for consideration beyond face value and consideration of the extenuating circumstances. and shared her experience with both long-term annual rentals and short-term rentals. She indicated some of her rentals were from people who live in Gainesville.

CJ Greene, 839 Cherokee Road, stated she has managed short-term rental properties and that long-term renters can be much worse. The rental business is a money-making endeavor that's already being conducted in the R1 and R2 zonings. She felt a study between short-term and long-term rentals for owners and residents would be beneficial in providing more insight into the issue. She commented on housing of interns for Carroll Daniel every summer which would be hard to do without short-term rental options. She closed stating there is a lot to discuss.

Graham Williams, 1522 Northwood Circle, stated he used his home to provide an Airbnb service as a result of his use of them in other cities. He commented on the need for this service by traveling nurses and the opportunities it provided. Other cities with a live, work and play mentality allow this service. He stated he uses Airbnb's when he travels. He commented on issues others have had with rentals noting he has never had any issues with his properties. He was in favor of a study and happy to provide a list of individuals that stayed in his home.

Robert Seyler, Mountain View Circle, stated he has experienced short-rentals for years and felt the big issue was the amount of time that should be allowed. He commented on his experience and concerns with big groups and the number of days permitted. He agreed there should be more discussion and was in favor of restrictions more than 15 days.

Upon inquiry from Council Member Clay, City Manager Bryan Lackey provided clarification surrounding the request as it relates to Tables 9-5-1 and 9-6-1 for short-term rentals noting staff is aware of the various concerns and felt there is a need to review and address this everchanging issue, over the next few months, and come up with a "Gainesville" solution. Staff's recommendation is to clarify lodging services by providing a new definition of short-term rentals and where they are allowed.

Mr. Hayes stated this issue was brought to the city's attention and a notice was sent to discontinue. The individual felt the definition was unclear which prompted the need for further clarification. The only change is to allow this in an R-O zoning district with the same regulations noting this was not a policy change.

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

Mayor Couvillon spoke to the uniqueness of the situation and commented on decisions rendered by Council. He took sympathy with parties on both sides noting they have looked at the issues through many different lenses and want to work towards a proper, well thought out solution in an effort to make the right decision.

Council Member Wangemann stated he wanted to make sure they do the right thing for the citizens.

Motion to approve Ordinance 2022-09, AN ORDINANCE TO AMEND TABLES 9-5-1 AND 9-6-1 AND SECTIONS 9-10-2-5, 9-10-3-5, 9-18-6-6, 9-21-1-12, AND 9-22-2-18 OF THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF GAINESVILLE, GEORGIA HEREINAFTER REFERRED TO AS "THE ULDC" 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 as presented with the understanding they will be examining the short-term rental concept in the coming months.

Motion made by Council Member Clay

Motion seconded by Council Member Dunagan

Votes favoring the motion: Couvillon, Brooks, Clay, Dunagan

Votes opposing the motion: Wangemann

Absent: Thompson

**The Mayor provided the fourth affirmative vote as required by the Charter.*

In closing, Mayor Couvillon stated this is a matter to be considered further.

ADJOURNMENT: 6:47 PM

/ag

W. Samuel Couvillon, Mayor

Denise O. Jordan, City Clerk