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

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

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

PRESENTATIONS / RECOGNITIONS:

Parks & Recreation Employee Awards
Parks and Recreation Director Kate Mattison recognized staff for their contributions and presented each with the following awards:

Innovator – Sam Ballinger
Go Getter – Alan Cline
Customer Service – Shannon Jones
Team Player – Janice Teams
Overachiever – Steve Woods
MacGyver – Kyle Hewell
Growth Driver – Michael Williams
Big Picture – Julie Butler
Change Agent – Jennifer Hill
Rookie of the Year – Bryan Rodriguez
Coaching Champion – Zandrea Stephens
Steadfast – Staci Butts
Pursuit of Excellence – Crystal Tavares

COUNCIL ANNOUNCEMENTS:

Council Member Wangemann
Announced Parks and Recreation will host the "Do Your Part and Love Your Parks" beautification effort on Wednesday, April 20 from 1 – 4 PM.

Council Member Clay
Commented on the ribbon cutting and shared information about Gainesville's newest and first inclusive playground located on the Midland Greenway.

Council Member Brooks
Stated the Gainesville leadership recognized the 50th Anniversary of March for Meals during the month of March.

Council Member Thompson
Announced National Travel and Tourism Week is May 1 – 7 noting the City will hold a Gainesville Visitor Center Open House on May 3 from 1 – 5 PM.

Council Member Dunagan
Announced the return of the Blue Sky Concert series to downtown Gainesville in May.

Mayor Couvillon
Introduced local restaurant owner Abigail Guzman.

Proclamation: Georgia Cities Week 2022
Mayor Couvillon read a proclamation proclaiming April 24 - 30, 2022 to be Georgia Cities Week.

CONSENT AGENDA:

Appointment: Chicopee Woods Area Park Commission - Appoint Kelly Lee

Motion to appoint Kelly Lee to the Chicopee Woods Area Park Commission as presented.

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

Appointment: Development Authority - Appoint Melissa Tymchuk

Motion to appoint Melissa Tymchuk to the Development Authority as presented.

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

Minutes: March 10, 2022 Work Session
Minutes: March 15, 2022 Mayor/Council Meeting

Motion to approve the minutes accepting edits as presented.

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

Resolutions

A. BR-2022-14 Abandonment and Conveyance of 0.361 Acre Tract on Mitchell Street
B. BR-2022-15 Transfer 0.126 Acre Tract to Koch Foods of Gainesville, LLC
C. BR-2022-16 Allen Creek Soccer Complex Intergovernmental Lease Agreement with Hall County
D. BR-2022-17 Declaration of Surplus Property
E. BR-2022-18 Modify Boundaries Related to Downtown Dining District
F. BR-2022-19 Tax Allocation District (TAD) Funding for Grubs Market
G. BR-2022-20 Write-off of Delinquent Personal Property Tax
H. BR-2022-21 Write-Off of Delinquent Utility Receivables
I. BR-2022-22 Write-off of Uncollectible Checks

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

Motion to adopt the resolutions as presented.

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

PUBLIC HEARING:

Request from Interface Properties, LLC to rezone a 6.6± acres tract located on the southwest side of the intersection of Dawsonville Highway and Beechwood Boulevard

(a/k/a 989 Dawsonville Highway, NW) from Residential-I (R-I), Residential-II (R-II) and General Business (G-B) to General Business (G-B). Ward Number: One. Tax Parcel Number(s): 01-115-002-002E. Request: Retail, drive-through restaurant and auto service.

- ***Proposed Rezoning Ordinance 2022-11***

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 eight conditions:

1. The proposed buildings shall be generally consistent with the standards depicted on the concept plan and architectural elevation provided with this rezoning application and shall adhere to the Gateway Corridor Overlay Zone standards.
2. Prohibited uses for the subject property shall include group homes, crisis centers, adult novelty stores, adult entertainment centers, pawn shops, dollar-type stores, massage parlors, tobacco or vaping stores, tire stores, auto parts stores, gas station/convenience store, auto body shops, automobile sales establishments, marine sales or repair stores, automated or non-automated car washes, truck stops, coin-laundry facilities, tattoo parlors, psychics, fortune tellers, clairvoyants and the like.
3. A mixture of evergreen and deciduous buffer trees shall be planted at the top of the grade between Beechwood Boulevard adjacent to the proposed building/parking lot/service areas. In addition, the frontage landscape strip at the street grade of Beechwood Boulevard shall be planted with trees, shrubs and sod similar to the adjacent Olive Garden restaurant property. The location, size and type of landscaping /trees shall be subject to the approval of the Community and Economic Development Department Director.
4. An electronic message board / changeable copy sign shall not be permitted.
5. Free-standing signage shall not be allowed along Beechwood Boulevard.
6. The subject property shall be limited to one driveway on Beechwood Boulevard and one driveway on Dawsonville Highway as generally depicted on the concept plan. In addition, an inter-parcel access drive shall be permitted to connect with the adjacent McEver Corners shopping center located south of the subject property.
7. Prior to a permit being issued, the developer/property owner shall exhaust all reasonable measures to provide for inter-parcel vehicular access with the adjacent McEver Corners shopping center property located south of the subject property as determined by the Gainesville Public Works Director. Documentation shall be provided to the City of Gainesville in this regard.
8. All access point design for the subject property shall be submitted for review by the Georgia Department of Transportation in conjunction with the Gainesville Public Works Director. 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.

FAVOR:

Attorney Tyler Smith with Smith Gilliam Williams & Miles, P.A. stated he represented the applicant and recognized Patrick Bentley with High Point Real Estate as being present. He provided a brief overview of the proposed project development noting they were contemplating low traffic uses for the rear portion of the property. The suggested commercial use of the property is in line with the Dawsonville Corridor and the results of a traffic study indicated the current facilities can handle any additional traffic that may be generated by the proposed development.

OPPOSITION:

Christine Osasu, 1738 Lanier Springs Drive, distributed a handout noting it was a petition which represented over 75 percent of the households that would be affected daily. She expressed concerns about traffic impeding on the ability of residents to enter/exit the subdivision from Beechwood Boulevard. The petition requests to oppose the rezoning. If denial was not possible, she hoped a condition would be added to remove the proposed driveway on Beechwood Boulevard and pursue an inter-parcel connection to the adjacent retail center.

Brooke Reid, 4702 Rocky Branch Crossing, stated her mother lives on Beechwood Boulevard. She distributed two handouts and described the issues and traffic concerns the proposed project development would have with the exit onto Beechwood Boulevard. To potentially eliminate the exit onto Beechwood Boulevard, she proposed flipping the design of the project for the parking lot to be on the Beechwood Boulevard side and the driveway exit onto Dawsonville Highway. She also expressed concerns about the unknowns of Phase II and whether additional conditions should be added. In closing, she noted the traffic study's project impact on Dawsonville Highway.

REBUTTAL:

Tyler Smith stated they understood the issue of traffic flow and noted the traffic study indicated the current facilities are adequate to handle additional traffic from the development. The access onto Beechwood Boulevard was necessary for the development and would serve Phase I and Phase II. Inter-parcel access with the owners of the Michael's site is being explored. He commented on exploring other options for the driveway and stated the Department of Transportation (DOT) has potential plans to implement modifications to this area.

Council Member Dunagan asked if the drive off Beechwood Boulevard was a right turn only at which time Mr. Smith stated it was a two-way. There was some discussion about this option.

Upon inquiry from Council Member Thompson, Mr. Smith stated they were encouraged by the progress made with the representatives of the Michael's site for inter connectivity between the properties.

Council Member Clay commented on flipping the site plan and inquired if this had been explored. Mr. Smith expressed a need to explore this further to determine it would be feasible for the tenant.

Council Member Brooks asked Mr. Smith if he was willing to take the Council's issues/concerns to the developer to be addressed at which time Mr. Smith stated he was willing but unsure if the timeframe for addressing would be viable to the project.

Upon inquiry, Mr. Tate briefly commented on the proposed plan for improvements to the intersection noting there was no date certain for the plan of action by the DOT. He also shared other access plans onto Beechwood to consider that would meet the local separation requirements. Mrs. Clay felt the additional space for traffic stacking raises more concerns if this is the single point of entry for the residents.

Mrs. Clay confirmed the developer would be open to adding language to condition 8 requiring the developer to exhaust all reasonable measures to have both the inter-parcel connectivity and also examining the alternatives for relocating the curb cut directly across from the Olive Garden or flipping the property to allow the exit directly onto Dawsonville Highway.

There was further discussion about concerns with the traffic flow affecting the residents in the Beechwood Boulevard area. Upon inquiry, Mr. Tate stated the road improvements were part of DOT's overall upgrades for Dawsonville Highway.

Patrick Bentley, Sandy Springs resident and Traffic Engineer, commented on the signalized access point between Olive Garden and Cheddars currently being used by the residents in the Beechwood area.

Mrs. Brooks commented on the inter-parcel access being a benefit to both the customers. Mr. Bentley agreed noting the access valuation is at the adjacent property owner's discretion. They continue to have an open dialogue on the matter.

Mr. Bentley stated in his retail leasing expertise and given the location of the development, the uses proposed will be a low traffic generating type such as a self-storage facility. As it pertains to noise and light disturbances, he stated the significant grade change, thick landscape and vegetative buffer between the adjacent residents and the commercial development would eliminate the disturbance to the residents.

Attorney Hayes clarified the practice for uses/conditions related to zonings noting this is simply a rezoning to General Business.

Council Member Brooks stated while no solution is perfect, the Council serves to advocate for the community and consider new developments. She proposed a revision to condition 1 and the addition of a new condition to require a minimum undisturbed buffer along the property line.

Mrs. Clay proposed to amend condition 8 to include language related to the inter-parcel vehicular access.

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

Motion to adopt the Ordinance 2022-11, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A 6.6± ACRES TRACT LOCATED ON THE SOUTHWEST SIDE OF THE INTERSECTION OF DAWSONVILLE HIGHWAY AND BEECHWOOD BOULEVARD (A/K/A 989 DAWSONVILLE HIGHWAY, NW) FROM RESIDENTIAL-I (R-I), RESIDENTIAL-II (R-II) AND GENERAL BUSINESS (G-B) TO GENERAL BUSINESS, WITH CONDITIONS (G-B-c); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES **with the following nine (9) conditions including revisions presented during the meeting:**

1. **The proposed buildings shall be generally consistent with the standards depicted on the concept plan and architectural elevation provided with this rezoning application and shall adhere to the Gateway Corridor Overlay Zone standards. In addition, the rear exterior walls of all buildings within Phase II of the development facing the westerly property line shall be earth tone in color.**
2. **Prohibited uses for the subject property shall include group homes, crisis centers, adult novelty stores, adult entertainment centers, pawn shops, dollar-type stores, massage parlors, tobacco or vaping stores, tire stores, auto parts stores, gas station/convenience store, auto body shops, automobile sales establishments, marine sales or repair stores, automated or non-automated car washes, truck stops, coin-laundry facilities, tattoo parlors, psychics, fortune tellers, clairvoyants and the like.**
3. **A mixture of evergreen and deciduous buffer trees shall be planted at the top of the grade between Beechwood Boulevard adjacent to the proposed building/parking lot/service areas. In addition, the frontage landscape strip at the street grade of Beechwood Boulevard shall be planted with trees, shrubs and sod similar to the adjacent Olive Garden restaurant property. The location, size and type of landscaping /trees shall be subject to the approval of the Community and Economic Development Department Director.**
4. **A minimum 35-foot wide undisturbed buffer shall be required along the westerly property line. In addition, two staggered rows of evergreen trees shall be planted adjacent to the undisturbed buffer. The location, size and type of buffer trees shall be subject to the approval of the Community and Economic Development Department Director.**
5. **An electronic message board / changeable copy sign shall not be permitted.**
6. **Free-standing signage shall not be allowed along Beechwood Boulevard.**
7. **The subject property shall be limited to one driveway on Beechwood Boulevard and one driveway on Dawsonville Highway as generally depicted on the concept plan. In addition, an inter-parcel access drive shall be permitted to connect with the adjacent McEver Corners shopping center located south of the subject property.**
8. **Prior to a permit being issued, the developer/property owner shall exhaust all reasonable measures to provide for inter-parcel vehicular access with the adjacent McEver Corners shopping center property located south of the subject property as determined by the Gainesville Public Works Director. The developer/property owner shall exhaust all commercially reasonable measures to relocate the proposed curb cut on Beechwood Boulevard across from the location of the curb cut at Olive Garden. Documentation shall be provided to the City of Gainesville in this regard.**
9. **All access point design for the subject property shall be submitted for review by the Georgia Department of Transportation in conjunction with the Gainesville Public Works Director. 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.**

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

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 2022-03***

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

Mr. Hayes stated this request was previously heard at the March 15, 2022 Council Meeting. It failed due to lack of four affirmative votes required for approval. The applicant appealed the decision to the Hall County Superior Court. The Hall County Superior Court ordered the matter to be returned for further consideration.

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. He briefly reviewed the proposed request noting it had been reviewed and approved by staff. This allowed for some control with it being zoned office and institutional. He closed by stating Bill Schimdt with McKinley Homes was available for any technical questions.

OPPOSITION:

Betty Lou Pfister, 3012 Bentley Park Circle, expressed concerns about traffic on Florence Drive calling attention to the approval of a garage. She described the street as narrow with no sidewalks. She felt this project would enhance traffic issues and questioned why there was no construction entrance. Ms. Pfister also commented on the possibility of public safety personnel not being able to get to an emergency quickly.

Courtney Hall, 2871 Florence Drive, felt the multiple entrances will be a major issue. She commented on her experiences while heading to work each morning. She felt reducing the number of homes in the area would help. It would also be helpful if the Free Chapel and Hall County Sheriff's Office driveways could be open to the residents to use.

Dr. Douglas Young, 2890 Florence Drive, submitted a handout and stated he was in opposition to the proposal for same reason as outlined in a letter to Mayor/Council. He described Florence Drive as a short, narrow, dead-end street that was not designed for this type of traffic. He mentioned the existing homes and businesses on and around the Florence Drive area noting an additional 70 townhomes would add to the traffic issues. There are no sidewalks and a high share of elderly residents, widows and young families with children. Mr. Young felt most of the residents could not afford to move. He closed by asking the Council if they wanted this development on their street and, if not, can you vote in conscious to place it on another street.

Patricia Wilson, 3021 Bentley Park Circle, stated the new community will have a playground and expressed concerns with school buses impeding both lanes of the street. She commented traffic backups and accidents believing this would be a dangerous situation.

REBUTTAL:

Attorney Gilliam noted this was a self-contained development with two entrances. He reiterated the fact that something will be built on the property noting there would be no control if an institution or office park development was proposed.

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

Mayor Couvillon commented on the concern regarding the school buses noting there are already children in the area. He also felt this development would address the need for affordable housing in the community and would add value to the properties in the area.

Motion to adopt the resolution ZR-2022-03 with conditions as presented.

Motion made by Council Member Dunagan

City Attorney Hayes reopened the public hearing for comments.

Council Member Thompson confirmed this was a fee-simple property with the intent of being owner occupied and currently zoned office institutional. He also confirmed uses allowed under office industrial zoning don't require approval by the Council.

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

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

(Tabled at the March 15, 2022 Council Meeting)
Request from Clayton Properties Group, Inc. d/b/a Chafin Development for a permit to relocate an abandoned cemetery located on real property owned by Butler Property, LLC, which real property is more particularly described in a Limited Warranty Deed dated September 29, 2010, recorded at Deed Book 6749, Pages 226-241, Hall County, Georgia Deed Records, from said real property to Hillside Memorial Gardens, 1212 Hillside Gardens Lane, Gainesville, Georgia 30504.

- ***Proposed Resolution BR-2022-12***

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

Attorney Hayes stated an overview regarding the application for the relocation of the abandoned cemetery under state law was previously provided.

Attorney Hayes opened the floor for comments.

Attorney Tyler Smith represented the applicant. He presented the information, supplemented with a power point, noting it was a balancing situation between the development of a property and honoring the culture/heritage of an abandoned cemetery. He provided some history on the property. The current developer had the property reassessed to determine how to relocate the cemetery. Seven gravesites have been identified with the possibility of finding more. Hillside Memorial Gardens has agreed to accept the remains. He stated the cemetery site is not currently being maintained and commented on efforts to contact the descendants. It was their intent to put the property to good use and relocate the cemetery to a better location in a respectful manner.

OPPOSITION:

Darryl Strickland, 4606 Winder Highway, stated one of the potential graves may be his great grandfather Irvin Strickland. He referenced and provided a copy of an application document from the State of Georgia requiring a signature to approve the relocation. If the permit is approved, he requested relocating the remains to the Memorial Park Cemetery veterans' section. A family history was conducted by a local historian. He stated he was in opposition to the relocation and provided a letter of opposition on behalf of another descendent. He also commented on his concern with the removal process.

Amy Stanton, Buford resident, shared information about other small family cemeteries in Hall County that are located within neighborhoods and accessible to descendants to view. She noted there is an option to leave them and put a fence around.

Tyler Holman, Hoschton resident, archeologist and local historian briefly shared his background noting he was an interested party. He commented on lessons to be learned from other communities where historical sites were lost to developments and spent a lot time and money trying to restore some of the heritage that was lost. He asked for additional review to ask why

accommodations were not possible. He expressed appreciation for the developers trying to do this honestly and respectfully. He frankly stated that wasn't possible. He asked that the plans be reviewed to determine if revisions can be made to accommodate the site.

REBUTTAL:

Mr. Smith stated the law calls for cemeteries to be maintained to the extent that it gives counties and municipalities the ability to acquire such cemeteries so that they can be maintained properly and gives them the right of imminent domain to acquire the property to properly maintain. He commented on the property being dilapidated with no evidence of anyone visiting or maintaining in recent history. He referenced an opinion of the Georgia Superior Court that states "due to the lack of maintenance and inappropriate surroundings, relocation would preserve rather than destroy the cultural heritage of the County and the cemetery" noting this is what they are seeking to do. He recognized and called upon Mr. Webb to provide details about the relocation and other processes.

Steve Webb, Jasper resident, Senior Principal Archeologist and President of R.S. Webb & Associates, provided information about the chain of title search process that was conducted to identify the individuals buried noting six families were identified through the process. Mr. Strickland was one of the decedents that was notified. He shared, in detail, the measures taken in the process for relocating graves. He noted plaques are often left at the original site to provide the relocation site information and at the relocation site to provide the original site information.

Council Member Thompson asked if they've ever been able to identify remains through this process and what process is taken if/when a positive identification is made.

Council Member Brooks asked if there have been any requests from next of kin for DNA.

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

Mrs. Brooks commented on the discovery of approximately 1146 graves of unknown individuals in the City's cemetery noting there were no markers to identify them. She inquired if markers were being considered to identify the group of individuals being relocated.

Attorney Hayes reopened the public hearing for discussion.

Mr. Smith confirmed grave markers and a plaque will be placed at the relocation site. A ceremony will be planned as well.

Council Member Wangemann stated he didn't feel it was unreasonable to relocate the graves to another cemetery if they've been identified.

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

Motion to adopt the resolution BR-2022-12 as presented.

Motion made by Council Member Dunagan
Motion seconded by Council Member Brooks

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

CITY ATTORNEY ISSUES:

City Attorney Abb Hayes introduced Kathrin Merritt, new staff member with Hulsey Oliver & Mahar Law Firm.

ADJOURNMENT: 7:34 PM

/ag

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W. Samuel Couvillon, Mayor

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Denise O. Jordan, City Clerk