CITY OF
GAINESVILLE

Mayor/Council Meeting Agenda
Tuesday, May 17, 2022, 5:30 PM
Public Safety Complex, Municipal Court Room
701 Queen City Parkway, Gainesville, GA 30501
Mayor or Mayor Pro Tem Presides

INVOCATION:

PLEDGE OF ALLEGIANCE:

PRESENTATIONS / RECOGNITIONS:

A. You're the Reason Scholarship Awards

B. Gainesville Spring Chicken Scholarship Award

C. Proclamation: National Public Works Week

COUNCIL ANNOUNCEMENTS:

PUBLIC COMMENTS: (20 minutes maximum)

CONSENT AGENDA:

Minutes

A. April 28, 2022 Work Session

B. May 3, 2022 Mayor/Council Meeting

Resolutions

A. BR-2022-23 Gillsville Highway Pump Station, Gravity Sewers and Force Main Project Acquisition of Easements

CITY MANAGER ISSUES:

CITY ATTORNEY ISSUES:

CITY CLERK ISSUES:

EXECUTIVE SESSION:

ADJOURNMENT:

Final: Friday, May 13, 2022, 2:09 PM

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 5/11/2022

Presenter: Sam Couvillon

Item of Business: You're the Reason Scholarship Awards

Meeting Date: 5/17/2022

Purpose of Request:

To present You're the Reason Scholarship Awards.

History/Background:

The You're the Reason Scholarship fund was created to benefit employees of the City of Gainesville. Funds are collected through donations from City employees and through the Gainesville Spring Chicken Festival proceeds.

Facts & Issues for Consideration:

The 2022 You're the Reason Scholarship recipients are:

- Michelle Morris
- Alyssa Yarck

In coordination with the City Managers Office, the Finance Office, and the Communication and Tourism Office, along with leaders from the Poultry Industry and the North Georgia Community Foundation, funds were raised, applications submitted, reviewed, and scholarships have been awarded.

Department Recommendation:

To give recipients the accolades they deserve, we ask that the scholarships are presented at the May 17th City Council Meeting.

Department Director:

Robyn Lynch

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

Yes

Amount Requested:

$3,500

Source of Funds:

You're the Reason Scholarship Funds

Finance Comments:

Administrative Comments:

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 5/11/2022

Presenter: Sam Couvillon

Item of Business: Gainesville Spring Chicken Scholarship Award

Meeting Date: 5/17/2022

Purpose of Request:

To present the Gainesville Spring Chicken Scholarship Award.

History/Background:

The City of Gainesville and the local poultry industry recognize the need for outstanding young men and women to continue the City's legacy as the "Poultry Capital of the World". The Gainesville Spring Chicken Scholarship supports college students pursuing a degree in poultry science or a related agricultural degree.

Facts & Issues for Consideration:

The 2022 Gainesville Spring Chicken Scholarship recipient is:

- Alexander Turner

In coordination with the City Managers Office, the Finance Office, and the Communication and Tourism Office, along with leaders from the Poultry Industry and the North Georgia Community Foundation, funds were raised, applications submitted, reviewed, and scholarships have been awarded.

Department Recommendation:

To give recipients the accolades they deserve, we ask that the scholarships be presented at the May 17th City Council Meeting.

Department Director:

Robyn Lynch

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

Yes

Amount Requested:

$2,000

Source of Funds:

Gainesville Spring Chicken Scholarship Fund

Finance Comments:

Administrative Comments:

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 5/3/2022

Presenter: Mayor Couvillon

Item of Business: Proclamation: National Public Works Week

Meeting Date: 5/17/2022

Purpose of Request:

To recognize the importance of Public Works and their commitment to maintaining the infrastructure, facilities and services to ensure the health, safety and well-being of the Gainesville community.

History/Background:

2022 marks the 62nd National Public Works Week sponsored by the American Public Works Association.

Facts & Issues for Consideration:

Department Recommendation:

Department Director:

Chris Rotalsky

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
Proclamation: National Public Works Week	Presentation

PROCLAMATION

WHEREAS: *public works infrastructure, facilities and services are of vital importance to sustainable communities and to the health, safety and well-being of the people of Gainesville; and*

WHEREAS: *such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers, managers and employees from state and local units of government and the private sector, who are responsible for and must plan, design, build, operate, and maintain the transportation systems, solid waste and recycling, cemetery, vehicles and equipment, public buildings, and other structures and facilities essential to serve our citizens; and*

WHEREAS: *it is in the public interest for the citizens and civic leaders in the United States of America to gain knowledge of and to maintain a progressive interest and understand the importance of public works and public works programs in their respective communities; and*

WHEREAS: *the year 2022 marks the 62nd annual National Public Works Week sponsored by the American Public Works Association.*

NOW, THEREFORE, BE IT RESOLVED, *that I, W. Samuel Couvillon, Mayor and the Gainesville City Council, do hereby proclaim the week May 15-21, 2022 as*

"National Public Works Week"

and urge all our people to join with representatives of the American Public Works Association and government agencies in activities and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they have made to our national health, safety, welfare and quality of life.

Presented this 17th day of May, 2022

W. Samuel Couvillon, Mayor
City of Gainesville

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 5/12/2022

Presenter:

Item of Business: Consent Agenda Items

Meeting Date: 5/17/2022

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@gainesvillega.gov.

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: 5/13/2022

Presenter: Denise Jordan

Item of Business: April 28, 2022 Work Session

Meeting Date: 5/17/2022

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: 5/13/2022

Presenter: Denise Jordan

Item of Business: May 3, 2022 Mayor/Council Meeting

Meeting Date: 5/17/2022

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:

To 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
May 3, 2022 CM Minutes	Minutes

OFFICIALS PRESENT: Sam Couvillon, Barbara Brooks, Zack Thompson, Juli Clay, 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.

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

PRESENTATIONS / RECOGNITIONS:

Proclamation: Drinking Water Week
Mayor Couvillon read a proclamation declaring May 1 – 7, 2022 to be *Drinking Water Week* and presented it to Director of Water Resources Linda MacGregor.

Department of Water Resources Awards and Kudos
Director of Water Resources Linda MacGregor stated the City received five (5) awards and numerous customer service accolades and kudos in recognition of the hard work and dedication made by the City's water professionals. The following award recipients were recognized:

Plant of the Year, Linwood Award - Dewayne Cooper
Top Operator, District 2 Award - Aaron Akemon
Fox McCarthy Award - Kristen Howard
Customer Service Award - Renee Ward
The Smart 50 Award - Chris Hamilton

Council Member Thompson and Mayor Couvillon expressed words of appreciation.

Proclamation: Municipal Clerks Week
Mayor Couvillon read a proclamation declaring May 1 – 7, 2022 to be *Municipal Clerks Week* and presented it to City Clerk Denise Jordan and Deputy City Clerk Alisa Grayson.

Council Member Clay and Council Member Dunagan expressed words of appreciation.

COUNCIL ANNOUNCEMENTS:

Council Member Wangemann
Reported this is hydrant-testing season and shared some information.

Council Member Clay
Reported the Gainesville Police Department is partnering with Safe Kids of Northeast Georgia, Hall County Sheriff's Office and Georgia Department of Natural Resources for a child passenger safety check on May 21 from 11 AM to 3 PM at the Gainesville Police Department.

Council Member Thompson
Announced the University of North Georgia with the support of the City of Gainesville, Greater Gainesville Sports Alliance and Gainesville CVB, will host the 2022 NCAA Division II Women's Golf Championship on May 10 – 14 at the Chattahoochee Golf Club.

Council Member Dunagan

Announced the return of the Food Truck Friday at the Lake Lanier Olympic Park on Friday, May 13 from 5 – 9 PM.

CONSENT AGENDA:

Minutes: March 25-26, 2022 Retreat
Minutes: April 14, 2020 Work Session
Minutes: April 19, 2022 Mayor/Council Meeting

Motion to approve the minutes accepting edits as presented.

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

Resolutions
A. GR-2022-05 Community Development Block Grant (CDBG) 2022 Annual Action Plan
B. GR-2022-06 Rucker Dog Training Therapy Dog

Motion to adopt the resolutions as presented.

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

PUBLIC HEARING:

(Tabled at the April 12, 2022 Planning and Appeals Board Meeting)
Request from Lane & Block, LLC to amend an existing Planned Unit Development (P-U-D) zoning on a 60.71± acres tract located at the west side of the intersection of Jesse Jewell Parkway and Limestone Parkway, having road frontage on the east side of Lakeview Drive (a/k/a 0 Limestone Parkway). Ward Number: Two. Tax Parcel Number(s): 00-082-003-001. Request: Mixed-use development.

City Attorney Abb Hayes stated the referenced request was tabled at the Planning and Appeals Board Meeting and the public hearing will not be conducted at this meeting.

Request from Carl Volle to annex a 0.40± acre tract located on the south side of Meadowlark Lane, east of the intersection of Cleveland Highway and Meadowlark Lane (a/k/a 1646 Meadowlark Lane) and to establish zoning as Residential-II (R-II). Ward Number: Two. Tax Parcel Number(s): 00-084-006-001(Part). Request: Single-family lot.

- ***Proposed Annexation Ordinance 2022-12***
- ***Proposed Zoning Ordinance 2022-13***

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 four (4) conditions:

1. The development shall be limited to one single-family home.
2. The development shall be generally consistent with the site plan and pictures provided with this annexation application. In addition, the roof shall be constructed with architectural shingles and the front and sides of the home shall be constructed with a minimum 3-foot tall watermark of brick or stone material.
3. The front and side yards of the home shall be sodded with grass.
4. An updated as-built boundary survey/plat of the subject property, indicating new property boundaries, shall be recorded prior to obtaining a Certificate of Occupancy.

Attorney Hayes opened the floor for comments.

Carl Volle, County resident and applicant, stated the purpose of the request was to connect to the City's sewer for a single-family home.

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

Motion to approve Ordinance 2022-12, AN ORDINANCE ANNEXING A 0.40± ACRE TRACT LOCATED ON THE SOUTH SIDE OF MEADOWLARK LANE, EAST OF THE INTERSECTION OF CLEVELAND HIGHWAY AND MEADOWLARK LANE (A/K/A 1646 MEADOWLARK LANE) ADJACENT TO BUT NOT NOW WITHIN THE CORPORATE LIMITS OF THE CITY OF GAINESVILLE, GEORGIA; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

Motion to approve Ordinance 2022-13, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA BY ESTABLISHING THE ZONING ON A 0.40± ACRE TRACT LOCATED ON THE SOUTH SIDE OF MEADOWLARK LANE, EAST OF THE INTERSECTION OF CLEVELAND HIGHWAY AND MEADOWLARK LANE (A/K/A 1646 MEADOWLARK LANE) AT THE TIME OF ANNEXATION AS RESIDENTIAL-II, WITH CONDITIONS (R-II-c); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES **with conditions as presented**.

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

Request from West Ridge Storage, LLC to rezone a 3.69± acres tract located on the east side of West Ridge Road, northeast of its intersection with E. E. Butler Parkway (a/k/a 891 West Ridge Road, SE) from Regional Business (R-B) to Light Industrial (L-I). Ward Number: Three. Tax Parcel Number(s): 01-055-000-046. Request: Climate controlled self-storage.

- ***Proposed Rezoning Ordinance 2022-14***

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 request. The Planning and Appeals Board and staff recommended approval with the following five (5) conditions:

1. 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.
2. The proposal shall be generally consistent with the standards depicted on the concept plan and architectural elevation provided with this rezoning application.
3. A vegetated buffer consisting of a mixture of evergreen buffer trees shall be planted at the top of the grade between the subject property and the adjacent single-family property located at 915 Black Drive. The trees shall be a minimum installation height of 7 feet. The location, size and type of landscaping /trees shall be subject to the approval of the Community and Economic Development Department Director.
4. Signage shall only be permitted on West Ridge Road. An electronic message board changeable copy sign shall not be permitted.
5. Access shall only be permitted on West Ridge Road as generally depicted on the concept plan. All access point design for the subject property shall require approval by the Gainesville Public Works Director. All required access / traffic / sidewalk and 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, 340 Jesse Jewell Parkway, Suite 300, represented the applicant. Ashur Lawand, representative of the applicant was also in attendance. Mr. Gilliam provided a brief overview about the project development noting all the conditions were acceptable to the applicant.

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

Motion to approve Ordinance 2022-14, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A 3.69± ACRES TRACT LOCATED ON THE EAST SIDE OF WEST RIDGE ROAD, NORTHEAST OF ITS INTERSECTION WITH E. E. BUTLER PARKWAY (A/K/A 891 WEST RIDGE ROAD, SE) FROM REGIONAL BUSINESS (R-B) TO LIGHT INDUSTRIAL, WITH CONDITIONS (L-I-c); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES **with conditions as presented**.

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

Request from 523 Park Street, LLC to rezone a 0.31± acre tract located on the north side of Park Street and east of the intersection of Park Street and Boulevard (a/k/a 523 Park Street, NE) from Residential-I (R-I) to Residential-II (R-II). Ward Number: Two. Tax Parcel Number(s): 01-038-003-015. Request: Accessory carriage house apartment.

- ***Proposed Rezoning Ordinance 2022-15***

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 request. The Planning and Appeals Board and staff recommended approval with the following two (2) conditions:

1. The proposed accessory carriage house apartment shall be generally consistent with the standards depicted on the concept plan and architectural elevation provided with this rezoning application and shall not exceed 1,245 square feet in size.
2. A vegetated buffer consisting of a mixture of evergreen buffer trees shall be required adjacent to the property located at 529 Park Street. The trees shall be a minimum installation height of 7 feet. The location, size and type of landscaping/trees shall be subject to the approval of the Community and Economic Development Department Director.

Attorney Hayes opened the floor for comments.

Jon Canada, County resident, stated he represented the property owner and was happy to answer any questions.

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

Motion to approve Ordinance 2022-15, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A 0.31± ACRE TRACT LOCATED ON THE NORTH SIDE OF PARK STREET AND EAST OF THE INTERSECTION OF PARK STREET AND BOULEVARD (A/K/A 523 PARK STREET, NE) FROM RESIDENTIAL-I (R-I) TO RESIDENTIAL-II (R-II), WITH CONDITIONS (R-II-c); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES **with conditions as presented**.

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

Request from Angela Zubar to amend an existing Planned Unit Development (P-U-D) zoning totaling 3.29± acres located at the southwest side of the intersection of Pemmican Run and Bruce Drive, west of McEver Road (a/k/a 2475 Pemmican Run, NW). Ward Number: Five. Tax Parcel Number(s): 08-005-000-038. Request: Special event facility / Wine tasting room.

- ***Proposed Zoning Amendment Ordinance 2022-16***

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 request. The Planning and Appeals Board and staff recommended denial of the request. However, if approved, the following nine conditions are recommended:

1. The proposed development shall be generally consistent with the architectural rendering and concept plan provided with this zoning amendment request. Should the applicant/developer wish to modify slightly the architectural character to incorporate community input, said minor modification shall be subject to Planning Department approval.
2. The hours of operation for the proposed special event facility and tasting room shall not exceed the hours of 9 a.m. to 11 p.m.
3. Special events shall not be held on the dock within Corps of Engineers property.
4. One sign, not to exceed 64 square feet including the monument base, shall be permitted at the entrance to the development fronting Pemmican Run. The sign shall be limited to external/indirect lighting. An electronic message board / changeable copy sign shall not be permitted.
5. Removal of existing healthy trees in order to accommodate the proposed building and parking shall be minimized where possible. Existing healthy trees shall be integrated into the natural tree line along the northwesterly property line to include a minimum 35-foot wide evergreen planted buffer. The location, number, spacing, size and type of trees planted shall be subject to Community and Economic Development Department Director approval.
6. No on street parking shall be permitted.
7. All access point design for the subject property shall require approval by the Hall County Traffic Engineer in conjunction with the Gainesville Public Works Director. All required access / traffic / sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.
8. All improvements required for the provision of sanitary sewer, including but not limited to the construction of an off-site sewer extension consisting of approximately 500 linear feet of gravity line sewer, shall be at the full expense of the applicant/developer of the subject property.
9. Any standard not identified above shall comply with those requirements set forth in the Unified Land Development Code for Neighborhood Business (N-B) zoning.

Attorney Hayes opened the floor for comments.

FAVOR

Angela Zubar, Flowery Branch resident, stated the proposed venue space would be a better option for the City as opposed to a proposed 56-unit condominium and townhomes development. She shared information about the benefits of having the venue space, the hours of operation and the project design which will add a beautiful landscape. She stated her purpose for acquiring the property was due to concerns with the other potential proposed development. The proposed venue will be for celebrations, gatherings and meetings and offered as a donation to local charity organizations. In addition, the venue will promote public health and well-being. She commented on her efforts in communicating with the neighbors noting she addressed some concerns and received some positive feedback. She received a few letters of support from neighbors and distributed a copy of one from Michael Smith who was unable to attend the meeting. Concerns related to traffic, noise and lighting were addressed by the modifications.

The access point to the community was a major concern. She commented on the actions taken to address it noting a new driveway has been proposed to accommodate the standards. She also shared information addressing the noise and lighting concerns. She was in full agreement with the conditions as recommended by staff.

Bill Hallowes, 3216 Dunlap Drive, stated he is a longtime resident and watched the growth in the City. He was in favor of the development noting the community can benefit from it.

Dawn Mumpower, Flowery Branch resident and small business owner in Gainesville, spoke in support of the proposed project and commented on its benefits. She felt the Zubar's will continue to care for and enrich the community. She commended the City for their growth noting this will add to the beauty of the City and attract visitors.

OPPOSITION

Denise Collum, Hall County resident, stated they appreciate positive property cash flow and respect the best land use for the area. However, she opposed request noting she did not feel it was the best fit for the residential area. She commented on her concerns with the sound and traffic it may produce. She referenced the City's Code ordinance Section 3-8-1 *Loud Noises Prohibited* and shared research information that was conducted on traffic accidents in the area. She also commented on concerns with the proposed venue serving alcohol and it being located near Gainesville Elementary School. In closing, she asked Council to follow the Planning and Appeals Board and staff's recommendation to deny the request.

Ken Flammang, 2768 Waters Edge Drive, commented on having property at the cove noting it is an unbelievable place. His biggest concern was with the noise and felt this would decrease property values.

Robert Shipley, Hall County resident, stated he lives adjacent to the property and felt he would be impacted the most. He asked everyone in opposition to stand and be recognized. His biggest concern was the noise noting the venue would create a problem for him possibly seven nights a week. Other concerns included lighting from the parking lot, the creation of a large impervious area, water runoff and silt in the cove. In closing, he asked Council if they would vote for this if it was developed next to their house.

REBUTTAL:

Mrs. Zubar distributed a map outlining the property and the location of Mr. Shipley's house in relation to the property and commented on the distance. She stated all of the music will be inside the building and there will not be seven days of loud music. She commented on their purpose for purchasing the property noting they plan to retire to the property next to it and would not want a huge development. They felt this was the best choice for the area.

Upon inquiry from Council Member Brooks, Mrs. Zubar clarified the location of her home and the neighbors' homes in proximity to the proposed development. Mrs. Brooks stated her only concern was where the development was in relation to the other residents.

Council Member Clay inquired about other mitigating steps to address the light concerns and plans for security with alcohol related events at which time Mrs. Zubar confirmed low-profile lighting will be used for illuminating the building, pathways around the pavilion and the parking area(s). As for the security, two uniformed police officers will be in place as required at alcohol related events along with experienced bartenders. She commented on the venue not being

advertised as a party place. The plans were to offer a sophisticated wedding venue with an opportunity for local businesses to use. She confirmed there will not be a community dock.

Upon inquiry from Council Member Thompson, Mr. Tate confirmed the process for an amplification permit and regulations.

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

Motion to deny the request.

Motion made by Council Member Wangemann
Motion seconded by Council Member Brooks

Motion failed due to lack of four affirmative votes.

Motion to approve Ordinance 2022-16, AN ORDINANCE AMENDING THE EXISTING PLANNED UNIT DEVELOPMENT, WITH CONDITIONS (P-U-D-c) ZONING TOTALING 3.29± ACRES LOCATED AT THE SOUTHWEST SIDE OF THE INTERSECTION OF PEMMICAN RUN AND BRUCE DRIVE, WEST OF MCEVER ROAD (A/K/A 2475 PEMMICAN RUN, NW); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES **with conditions as presented to include an additional condition to read as follows: *"no outside amplification shall be allowed within the Planned Unit Development (P-U-D) zoning"*.**

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

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

Mayor Couvillon commented on this being the best option for the area.

EXECUTIVE SESSION:

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

Motion to enter an Executive Session at 6:36 PM to discuss personnel and real estate matters.

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

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

Motion to close the Executive Session at 6:54 PM.

DRAFT

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

ADJOURNMENT: 6:55 PM

/ag

DRAFT

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 5/10/2022

Presenter: Bryan Lackey

Item of Business: BR-2022-23 Gillsville Highway Pump Station, Gravity Sewers and Force Main Project Acquisition of Easements

Meeting Date: 5/17/2022

Purpose of Request:

The purpose of this request is to request adoption of a resolution authorizing the power of eminent domain to acquire property for the referenced project.

History/Background:

Facts & Issues for Consideration:

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
BR-2022-23 Gillsville Highway Pump Station, Gravity Sewers and Force Main Project	Resolution

RESOLUTION BR-2022-23

GILLSVILLE HIGHWAY PUMP STATION, GRAVITY SEWERS AND FORCE MAIN PROJECT ACQUISITION OF EASEMENTS

WHEREAS, the City of Gainesville Department of Water Resources operates a sewage collection, treatment, and disposal system that serves the general public; and

WHEREAS, the City of Gainesville Department of Water Resources has determined to design and construct the Gillsville Highway Pump Station, Gravity Sewers and Force Main Project to provide additional sewage collection, treatment, and disposal services; and

WHEREAS, in order to maintain the projected schedule of construction of the Gillsville Highway Pump Station, Gravity Sewers and Force Main Project, the City of Gainesville has determined that it is necessary to acquire certain land and easements immediately and without delay, such project being in the public interest of the citizens of the City of Gainesville; and

WHEREAS, Article 9, Section 2, Paragraph 5 of the Georgia Constitution authorizes municipalities to exercise the power of eminent domain for any public purpose; and

WHEREAS, pursuant to Section 22-13-140 of the Official Code of Georgia, the City of Gainesville is authorized to acquire land, in fee simple, or in any lesser interest, under the procedures set forth in Article 1 of Chapter 3 of Title 32 of the Official Code of Georgia; and

WHEREAS, the Gillsville Highway Pump Station, Gravity Sewers & Force Main Project does not involve the location, construction, or improvement of a highway or highways in the City of Gainesville or elsewhere.

NOW, THEREFORE, BE IT RESOLVED, that the City of Gainesville finds that the Gillsville Highway Pump Station, Gravity Sewers and Force Main Project is necessary to serve a public purpose, and, in furtherance of that public purpose the City has determined to use its power of eminent domain to acquire certain property rights, by negotiation and sale or donation, under the requirements of Georgia law, and to acquire through the condemnation process in the event that clear title to the necessary property rights cannot be timely acquired by voluntary negotiation and sale. The condemnation acquisition procedure shall comply with the requirements of Georgia law, and may proceed under Title 32 of the Official Code of Georgia, as the project schedule of completion requires acquisition of all parcels quickly, and without delay. Time is of the essence.

IT IS FURTHER RESOLVED, that the Mayor, City Manager, employees and agents of the Water Resources Department and City Attorney's office may acquire the property rights needed for the Gillsville Highway Pump Station, Gravity Sewers and Force Main Project by gift, sale, or condemnation; that the Mayor, City Manager, employees and agents of the Water Resources Department, and City Attorney's office, are hereby directed to prepare the necessary deeds, easements, closing documents, petitions, declarations of taking, orders, and any other documents required to effectuate the foregoing; that all actions taken and easements acquired for this Project by the Mayor, City Manager, employees and agents of the Water Resources Department, and City Attorney's office which have heretofore occurred, are hereby ratified.

IT IS FURTHER RESOLVED, that the Mayor, City Manager, and City Attorney's office, are authorized to sign any of the documents referenced in the preceding paragraph on behalf of the City of Gainesville, Georgia to complete the acquisition of the property rights required for this project.

Adopted this _____ day of May, 2022.

W. Samuel Couvillon, 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