

COUNCIL PRESENT: Bruner, Dunagan, Wangemann, Hamrick, Figueras
STAFF PRESENT: Padgett, Sheppard, Palmour, Felts, Jordan, Grayson

Mayor Bruner called the meeting to order.

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

CONSENT AGENDA:

Minutes:

- A. June 21, 2011 Council Meeting
- B. July 5, 2011 Council Meeting
- C. July 19, 2011 Council Meeting

Motion to approve the minutes excepting the edits as presented.

Motion made by Council Member Figueras
Motion seconded by Council Member Wangemann
Vote – 5 favor

RESOLUTIONS:

CR-2011-03

Closing of Streets and Downtown Square for 2011 Mule Camp Market

Public Works Assistant Director Chris Rotalsky stated the 2011 Mule Camp Market is sponsored by the Gainesville Jaycees. The resolution named the streets to be closed and slides were used to display the affected areas. Mr. Rotalsky noted a few changes in the street closures since the last event due to the addition of a carnival on the Greater South lot and the barricades in the Square for alcohol consumption. The resolution had a list of conditions noted in an attachment. The event will be held on October 7-9, 2011. The closings will begin on October 4th to setup the carnival, food and stage areas.

Council Member Figueras confirmed there had been discussion with the downtown business owners.

City Manager Kip Padgett confirmed the Main Street Manager and a representative for the Gainesville Jaycees had discussed the event with area businesses.

Motion to approve the resolution as presented.

Motion made by Council Member Dunagan
Motion seconded by Council Member Hamrick
Vote – 5 favor

PR-2011-32

Partnership Agreement with the U. S. Army Corps of Engineers

Environmental Services Administrator Horace Gee presented the item and stated this resolution was created partnership agreement with the Corp of Engineers. He stated it is a requirement of the district and the Georgia Environmental Protection Division to identify and implement watershed improvement plans. The project began in 2006 which consisted of the development of a Watershed Improvement Program and Ecosystem Restoration Plan. He used a slide presentation to discuss projects associated with this plan which met the requirements of the agreement. Mr. Gee stated the Corp wanted to initiate the agreement on October 1st and anticipated the project would be completed by December 2013. He reviewed the schedule for the project noting this was a \$1.8M project of which the Corp will pay \$1.2M leaving \$649,000 for the City to fund. He asked for approval of the resolution and execution of the partnership agreement.

Motion to approve the resolution as presented.

Motion made by Council Member Figueras

Upon inquiry from Council Member Hamrick, Mr. Gee shared details about the timeline indicating the majority of the work would occur in FY2012 and 2013. Funding was included in the Public Utilities Department Capital Improvements Plan.

Motion seconded by Council Member Dunagan

Vote – 5 favor

ALCOHOLIC BEVERAGE LICENSE APPLICATIONS:

Applebee's Neighborhood Grill & Bar #11, 1705 Browns Bridge Road

City Manager Kip Padgett stated this was a new application for consumption on the premises of beer, wine and liquor. The application was in order.

Motion to approve the application as presented.

Motion made by Council Member Figueras

Motion seconded by Council Member Wangemann

Vote – 5 favor

APPOINTMENTS:

Friends of the Parks

(To address position held by Leigh Justice)

Motion to appoint Dennis Ingle to fill the unexpired term of Leigh Justice on the Friends of the Parks.

Motion made by Council Member Dunagan

Motion seconded by Council Member Wangemann

Vote – 5 favor

ANNEXATION / ZONING:

**Second Reading: Ordinance No. 2011-14
Amending Conditions 17 and 18 of Existing Planned Unit Development on 105.51± Acres
within the Mundy Mill Development**

Motion to hold second reading on Ordinance 2011-14, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY AMENDING CONDITIONS 17 and 18 OF THE EXISTING PLANNED UNIT DEVELOPMENT ZONING AS CONTAINED IN ORDINANCE NO. 2011-01 ON A 105.51± ACRES PORTION OF THE 605± ACRES MUNDY MILL DEVELOPMENT CONSISTING OF POD'S C, D, E, J and K HAVING ROAD FRONTAGE ALONG MILLSIDE PARKWAY, MOUNTAIN VIEW ROAD AND OLD OAKWOOD ROAD; REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (Amendment to Zoning Map)

Motion made by Council Member Wangemann
Motion seconded by Council Member Figueras
Vote – 5 favor

PUBLIC HEARINGS:

**Redistricting Hearing:
Home Rule Ordinance 2011-01 Amendment to Ward Boundaries**

City Attorney Palmour confirmed the hearing had been properly advertised and reviewed the public hearing process.

City Clerk Denise Jordan stated the following:

“The redistricting project began in April with public discussions beginning in July. The last discussion occurred during the last Council Meeting at which time the vote authorized staff to proceed with drafting a home rule ordinance that would adopt Proposal 3. Attorney Drew Whalen prepared the proposed ordinance. The legal description within the ordinance and its attachments pertain specifically to Proposal 3. Copies of the proposed ordinance were available in the agenda packages and on the agenda table.”

The existing map and Proposal 3 (PROP3) were displayed on the meeting room monitors.

City Attorney Palmour read the caption of the Home Rule Ordinance at which time he opened the floor for comments. There being none, the public hearing was closed and the matter was returned to Council.

Council Member Figueras commended staff for efforts to keep the Council informed. An effort was made to draw a map in a manner that was non-political. She stressed the importance and need for citizen input and was grateful for the many people who participated in the seven public hearings that had occurred. At the last meeting, Council voted on a map that had not been seen in its entirety. Because of Council's interest in transparency, she moved to rescind the motion from the last Council Meeting (to send map 3 to the Department of Justice) and replace it with Map 2 which citizens were most informed about.

Motion to rescind the September 6, 2011 motion regarding Map 3 and to submit Map 2 to the Department of Justice for preclearance.

Motion made by Council Member Figueras
Motion seconded by Council Member Dunagan

DISCUSSION:

Council Member Wangemann stated he has had a change in heart mainly because he has been quoted as being most interested in the one person one vote rule. He looked at the deviations on both maps and Map 2 contained the least amount of deviation for the one person one vote rule. In his way of thinking, he doesn't like to see anyone's vote diluted. He has decided to favor Map 2. Council Member Wangemann appreciated what the Board of Education has done noting they prepared a good map. Based upon comments from Attorney Whalen, he felt Map 2 was the better way to go.

Vote – 3 favor, 2 oppose (Bruner, Hamrick)

Council Member Dunagan asked that the Board of Education go along with Map 2 when submitting their map to the Legislators so as not to confuse the voters or add extra expenses in the future.

Council Member Figueras stated she felt it was necessary to reconsider Map 2 based upon comments from the citizens at the recent Second Saturday meeting.

City Manager Kip Padgett clarified the process of moving forward with the Home Rule Ordinance indicating the ordinance for Map 2 would be presented at the next Council Meeting for Council to consider first reading.

REPORT:

Community Development, Planning Division

Action taken by the Gainesville Planning and Appeals Board on September 13, 2011 and new items to be referred to the Planning and Appeals Board.

Community Development Director Rusty Ligon stated there was one item to be referred to the October 4th Council meeting consisting of a road abandonment request and one item to be referred to the October 11th Planning and Appeals Board meeting consisting of a variance.

This report contains **(A)** action taken by the Planning and Appeals Board during their public hearing held on **September 13, 2011**, and **(B)** all new items, including variance requests, received by Planning Division staff to be referred by City Council to the Planning and Appeals Board for consideration during the public hearing to be held on **October 11, 2011**:

A. Planning and Appeals Board Actions for 09/13/11:

- 1) **Conditionally approved** the request from **Steve Rossi** to vary the front yard setback along Browns Bridge Road on a 0.7± acre property located at the east side of the intersection of Browns Bridge Road and McEver Road (a/k/a **2896 Browns Bridge Road SW**), having a zoning classification of Regional Business (R-B).
Ward Number: Four
Tax Parcel Number(s): 08-015-006-002

Request: Drive-thru restaurant

- 2) **Recommended conditional approval** of a request from the **Gainesville City Schools** to abandon 0.58± acre portion of School Street right-of-way located between its intersection with Fair Street and High Street having a zoning classification of Residential-II (R-II).

Ward Number: Three

Request: Abandonment of right-of-way

B. New items to be referred to the Planning and Appeals Board for 10/11/11:

- 1) Request from **Welcomb and Berlinda Lipscomb** to vary the front yard setback along Center Street from 30-feet to 16-feet on a 0.24± acre tract located on the southwest side of the intersection of Center Street and Fair Street (a/k/a **518 Fair Street**), having a zoning classification of Neighborhood Conservation (N-C).

Ward Number: Three

Tax Parcel Number(s) 01-022-008-020

Request Carport addition

Motion to accept the report as presented.

Motion made by Council Member Figueras

Motion seconded by Council Member Dunagan

Vote – 5 favor

COUNCIL'S ISSUES:

Council Member Wangemann

1. Commented on a community cleanup effort in Longwood Cove as part of the Rivers Alive Program noting 3,120 lbs. of litter was picked up.
2. Distributed 175 invitations for this meeting and recognized four people in attendance as a result of this effort.
3. Met with Jim Hardman and reported his desire to attend a future work session to discuss sidewalks along Brown's Bridge Road (between the hotels and the eateries) and to discuss the focus areas for industrial development. Mr. Hardman suggested conducting an inventory for future retail sites. Mayor Bruner and Council Member Dunagan felt it would be better if Mr. Hardman met with staff before attending a work session.
4. Announced his term as President of the Civitan Club will end tonight.

NOTE: Council Member Wangemann left the meeting

Council Member Hamrick

1. Commended the Board of Education for getting their house in order in terms of their financial status.
2. Reported Engine 209 was in need of repair and hoped that work would occur soon.

Council Member Figueras

1. Announced a fundraiser for the Alliance for Literacy would occur at the Hall Book Exchange beginning October 21st at 5:00 PM and ending October 22nd at 5:00 PM.
2. Commended Angela Thompson on a very productive Main Street Board retreat last week. Many thoughts were generated that will help maintain businesses in the downtown area and improve communications.
3. Commented on the Generation Inspiration Youth Leadership Academy Program.
4. Reported a complaint about a barking dog at 735 Harvey Street.

Mayor Bruner

1. Attended a two-day session with the Georgia Municipal Association.
2. Attended a DUI Court Graduation. She thanked Judge Wynn for all of the work he's done and for all of the lives he has touched through this program.

EXECUTIVE SESSION:

City Manager Kip Padgett requested an Executive Session to discuss personnel.

Motion to close the Council Meeting to enter an Executive Session to discuss personnel at 6:08 PM.

Motion made by Council Member Dunagan

Motion seconded by Council Member Figueras

Council Members voting in favor of the motion were Bruner, Dunagan, Hamrick and Figueras.

COUNCIL PRESENT: Bruner, Dunagan, Wangemann, Hamrick, Figueras
COUNCIL ABSENT: Wangemann
STAFF PRESENT: Padgett, Sheppard, Palmour, Jordan

Motion to close the Executive Session and adjourn the Council Meeting at 7:10 PM.

Motion made by Council Member Dunagan

Motion seconded by Council Member Figueras

Council Members voting in favor of the motion were Bruner, Dunagan, Hamrick and Figueras.

ADJOURNMENT: 7:10 PM

DJ:ag

Ruth H. Bruner, Mayor

Denise O. Jordan, City Clerk