

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

Mayor Dunagan called the meeting to order.

Reverend Evelyn Johnson, Bethel AME Church, delivered the invocation after which the Pledge of Allegiance was recited in unison.

PROCLAMATION:

Footloose for Fitness

Mayor Dunagan read a joint City/County proclamation declaring Tuesday, November 13, 2012 to be *Footloose For Fitness Day*. The proclamation was presented to Dr. David Westfall, Dr. Bill Lightfoot, Dr. Anderson Flen, Angie Caton, Stacie Phillippi, Kierstyn Hammet and Christopher Nish.

Council extended words of appreciation.

CITIZEN'S ISSUES:

John Lipscomb, Foxhole Gun and Archery, 311 Jessie Jewel Parkway, voiced concern about the proposed Pawnshop Ordinance. He had contacted the Police Department and was unable to obtain a definition of "Secondhand Dealers". He wanted to know who would be in compliance with this ordinance. A large part of his business addressed pre-owned or used items. He was in compliance with all current laws and would comply with any other laws that are passed. Mr. Lipscomb shared comments from customers indicating they would go elsewhere to trade if the ordinance was adopted and was unsure if this would affect his business. He was also concerned about this being a gun control ordinance.

William Lapointe, Lanier Jewelry and Loan, thanked staff for reviewing the ordinance with him to address his concerns. He stated he had been in the pawnshop business for a long time. He was strongly in favor of the electronic maintenance portion of the ordinance. He felt the goal of the proposed ordinance would not be accomplished if all used goods, including precious metals, were not included in the proposed system. His only major disagreement was passing the charge of a pawn transaction to a customer, noting this was prohibited by state law meaning the store owner would absorb the cost. He also objected to the employee background fees believing potential employees would not pay this cost thus placing him at a competitive disadvantage. Mr. Lapointe stated he had a similar discussion with Hall County and felt there was a big misconception with the pawn shop industry.

Susan Collins stated it was upsetting when proposed ordinances/laws only affect law abiding citizens. The criminals are not going to abide by a local ordinance. She asked Council to think about enforcing the current laws instead of passing more laws to encumber businesses. She felt government should not inhibit growth.

CONSENT AGENDA:

Minutes

- A. April 17, 2012 Council Meeting
- B. May 1, 2012 Council Meeting
- C. May 15, 2012 Council Meeting
- D. June 5, 2012 Council Meeting
- E. June 19, 2012 Council Meeting
- F. July 3, 2012 Council Meeting
- G. July 17, 2012 Council Meeting
- H. July 23, 2012 Local Option Sales Tax Meeting
- I. August 2, 2012 Called Council Meeting

Motion to approve the minutes excepting edits as presented.

Motion made by Council Member Bruner

Motion seconded by Council Member Wangemann

Votes favoring the motion: Dunagan, Wangemann, Hamrick, Figueras, Bruner

Resolutions:

- A. AR-2012-13 Regarding Fourth Quarter Budget Adjustment for FY2012
- B. CR-2012-03 Jingle Mingle
- C. PR-2012-47 Adding Montrose Drive Storm Drain Repairs into Year 23 Sanitary Sewer Repairs Contract II
- D. PR-2012-48 Amendment to 2010 Annual Action Plan Community Development Block Grant Program
- E. PR-2012-49 GDOT 2013 Local Maintenance and Improvement Grant (LMIG)
- F. PR-2012-50 Ratification of Submittal of an Application for Historical Marker (Cooper Pants Factory)

Motion to adopt the resolutions as presented.

Motion made by Council Member Figueras

Motion seconded by Council Member Bruner

Votes favoring the motion: Dunagan, Wangemann, Hamrick, Figueras, Bruner

GENERAL LEGISLATION:

Proposed Ordinance

Amendment to Chapter 6-4 Entitled Alcoholic Beverages

City Marshall Debbie Jones stated the proposed ordinance addressed amendments necessary to allow Brenau to assume responsibility of the Georgia Mountain Center.

Motion to hold first reading on Ordinance 2012-27, AN ORDINANCE TO AMEND TITLE 6 ENTITLED "LICENSES, PERMITS AND BUSINESS REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, GEORGIA; TO AMEND THE DEFINITION OF SCHOOL AS PROVIDED IN SECTION 6-4-26; TO AMEND SECTION 6-4-28(a) TO REMOVE THE DISTANCE REQUIREMENTS FOR DISPENSING MALT BEVERAGES AND/OR WINE NEAR COLLEGES AND UNIVERSITIES; TO AMEND SECTION 6-4-28(c) TO REMOVE THE DISTANCE REQUIREMENTS FOR DISPENSING DISTILLED SPIRITS

NEAR A COLLEGE BUILDING OR COLLEGE CAMPUS; TO AMEND THE HEADING OF SECTION 6-4-38 TO DELETE REFERENCE TO THE GEORGIA MOUNTAINS CENTER; TO AMEND SECTION 6-4-38(a), (c), (e), (f) AND (g) TO DELETE REFERENCE TO THE GEORGIA MOUNTAINS CENTER; TO AMEND SECTION 6-4-38(a),(c(1)), (c(4)), (e), (f), AND (g) TO DELETE REFERENCES TO THE GEORGIA MOUNTAIN CENTER; TO AMEND SECTION 6-4-50 TO DELETE REFERENCE TO THE GEORGIA MOUNTAIN CENTER.

TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Motion made by Council Member Hamrick

Motion seconded by Council Member Bruner

Votes favoring the motion: Dunagan, Hamrick, Figueras, Bruner

Oppose: Wangemann

Proposed Ordinance

Amendment to Title 6 to Provide Chapter 6-16 Entitled Licenses, Permits and Business Requirements (Pawn Shop Ordinance)

Police Chief Brian Kelly stated the proposed ordinance was presented at the last work session. Its intent was to address the interest of public safety, health, and welfare of the community; to aid and assist in the recovery of stolen property; and to aid and assist local law enforcement in fulfilling their public safety functions. He addressed questions related to the definition of "secondhand dealer" indicating it falls under the definition of pawnbroker. He also commented on the owner carrying the cost of the pawn transaction indicating staff had pursued passing that cost on to the customer but state law does not allow this to occur. This cost is 20 cents per transaction. Precious metals and precious gems would be addressed under another ordinance that is being discussed with the City Attorney. He stated background investigation fees must be borne by the employee. Annual renewals will cost half of the initial fee to minimize the impact.

Upon inquiry from Council Member Figueras, Chief Kelly stated it was unlawful for anyone under the age of 18 to pawn an item; therefore it was necessary to remain consistent with the laws concerning juveniles as it pertains to employment at a pawnshop. This was a regulatory item.

Upon inquiry from Council Member Bruner, Chief Kelly felt the ordinance was strong enough to assist with investigating and/or searching for stolen items. He commented on the manual process being time consuming which hindered the ability to quickly investigate theft incidents.

Motion to hold first reading on Ordinance 2012-28, AN ORDINANCE BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF GAINESVILLE, GEORGIA TO AMEND TITLE 6 TO PROVIDE CHAPTER 16 ENTITLED "LICENSES, PERMITS AND BUSINESS REQUIREMENTS" OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, GEORGIA; TO PROVIDE CHAPTER 6-16 ENTITLED "PAWNBROKERS AND SECONDHAND DEALERS"; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR ENFORCEMENT; TO PROVIDE FOR PERMITTING; TO PROVIDE FOR APPLICATION PROCEDURES; TO PROVIDE FOR A RECORD OF TRANSACTIONS; TO PROVIDE FOR DISPOSAL OF ARTICLES; TO PROVIDE FOR AGE REQUIREMENTS; TO PROVIDE FOR DISPOSITION OF LOST OR STOLEN ITEMS; TO PROVIDE FOR APPEALS; TO

PROVIDE FOR VIOLATIONS; TO PROVIDE PENALTIES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

Motion made by Council Member Bruner

Motion seconded by Council Member Hamrick

Votes favoring the motion: Dunagan, Wangemann, Hamrick, Figueras, Bruner

PUBLIC HEARING:

City Attorney Palmour reviewed the public hearing process and conducted the hearings.

Annexation/Zoning Items

Request from Grelove, LLC to annex a 2.36± acres tract located at the southeast side of the intersection of Athens Highway and Old County Dump Road, across from its intersection with Athens Street (a/k/a 1800 Athens Highway) and to establish zoning as General Business (G-B). Ward Number: Three. Tax Parcel Number(s): 15-032-000-035. Request: Retail and restaurant use.

Community Development Director Rusty Ligon reviewed the request. The Planning and Appeals Board voted to approve the request with the following two conditions:

1. Any new road improvements required by the Gainesville Public Works Director and Georgia Department of Transportation (GDOT) for the development of this property shall be the financial responsibility of the applicant/developer.
2. An updated as-built boundary survey/plat of the subject property, indicating existing conditions and all improvements shall be recorded prior to obtaining a Certificate of Occupancy for the future use.

City Attorney Palmour opened the floor for comments.

FAVOR:

Abb Hayes, Hulseay, Oliver, Mahar, 200 E.E. Butler Parkway, commented on behalf of his client, John Lovell. He felt this was a non-controversial request to bring business to the southside (a Family Dollar Store) which would be an improvement to the area. The recommended conditions were accepted.

There being no other comments, the hearing was closed and the matter was returned to the Council for a decision.

Motion to hold first reading on Ordinance 2012-29, AN ORDINANCE ANNEXING A 2.36± ACRES TRACT LOCATED AT THE SOUTHEAST SIDE OF THE INTERSECTION OF ATHENS HIGHWAY AND OLD COUNTY DUMP ROAD, ACROSS FROM ITS INTERSECTION WITH ATHENS STREET (A/K/A 1800 ATHENS HIGHWAY); ADJACENT TO BUT NOT NOW WITHIN THE CORPORATE LIMITS OF THE CITY OF GAINESVILLE, GEORGIA; REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Motion made by Council Member Figueras

Motion seconded by Council Member Hamrick

Votes favoring the motion: Dunagan, Wangemann, Hamrick, Figueras, Bruner

Motion to hold first reading on Ordinance 2012-30, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA BY ESTABLISHING THE ZONING ON A 2.36± ACRES TRACT LOCATED AT THE SOUTHEAST SIDE OF THE INTERSECTION OF ATHENS HIGHWAY AND OLD COUNTY DUMP ROAD, ACROSS FROM ITS INTERSECTION WITH ATHENS STREET (A/K/A 1800 ATHENS HIGHWAY) AT THE TIME OF ANNEXATION AS GENERAL BUSINESS, WITH CONDITIONS (G-B-c); REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Motion made by Council Member Hamrick

Motion seconded by Council Member Figueras

Votes favoring the motion: Dunagan, Wangemann, Hamrick, Figueras, Bruner

Request from the Harold R. Westbrook to abandon a 0.115± acre unopened cul-de-sac portion of Longstreet Circle south of its intersection with Longstreet Trail having a zoning classification of Residential-I (R-I). Ward Number: Two. Request: Abandonment of right-of-way.

Community Development Director Rusty Ligon reviewed the application. The Planning and Appeals Board voted to approve the request with one condition noted as follows:

1. The existing 8-inch sanitary sewer main located within the portion of right-of-way to be abandoned shall be maintained. A 30-foot wide perpetual sanitary sewer easement for the operation of maintenance of the existing main shall be recorded by plat and referenced to within the deed provided by the applicant or property owner.

City Attorney Palmour opened the floor for comments.

FAVOR:

Harold R. Westbrook, 876 Longstreet Circle, shared history about the property and commented on how he'd volunteered to care for the property. He requested approval of the request thus allowing him to become responsible for the care of this property.

There being no other comments, the hearing was closed and the matter was returned to Council for a decision.

Motion to hold first reading on Ordinance 2012-31, AN ORDINANCE OFFICIALLY DISCONTINUING, CLOSING AND ABANDONING, WITH CONDITION, A 0.115± ACRE (5,027 SQUARE FEET) UNOPENED CUL-DE-SAC PORTION OF LONGSTREET CIRCLE; WITH ALL ACREAGE BEING LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF GAINESVILLE, GEORGIA; TO RESERVE A 30-FOOT WIDE PERPETUAL SANITARY SEWER EASEMENT FOR THE OPERATION OF MAINTENANCE OF THE EXISTING MAIN; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Motion made by Council Member Bruner
Motion seconded by Council Member Hamrick
Votes favoring the motion: Dunagan, Wangemann, Hamrick, Figueras, Bruner

CITY MANAGER'S ISSUES:

AR-2012-14

Chattahoochee Golf Course Capital Purchase

Golf Superintendent Sheldon Foote asked for funding from the General Fund to purchase a new heating and air system (HVAC) at the Golf Course. Repairs had occurred over the last few years. It was no longer feasible to continue to repair the system. He asked Council to approve the request for a transfer of funds to make the necessary purchase.

Motion to adopt the resolution as presented.

Motion made by Council Member Hamrick
Motion seconded by Council Member Bruner
Votes favoring the motion: Dunagan, Wangemann, Hamrick, Figueras, Bruner

Tax Allocation District (TAD) for Lakeshore Mall

City Manager Kip Padgett stated Ken Bleakley met with staff on behalf of the Garrison Investment Group and requested Council's consideration to establish a TAD for the Lakeshore Mall area. Staff was working on the request with the intent of presenting this business item in December.

CITY ATTORNEY ISSUES:

Proposed Ordinance

Amendment to Title 10, Chapter 10-1-61 Entitled Schedule of Fees as it pertains to Pawnbrokers

City Attorney Palmour presented an ordinance to establish fees for the pawnbrokers. The proposed ordinance was distributed to Council. These fees were mentioned by the Police Chief and are necessary to implement the pawnshop ordinance.

Motion to hold first reading on Ordinance 2012-32, AN ORDINANCE TO AMEND TITLE 10, CHAPTER 10-1-61 ENTITLED "SCHEDULE OF FEES" OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, GEORGIA TO AMEND SECTION 10-1-61(1) TO ADD A REGULATORY FEE FOR A PAWNBROKER AND A FEE FOR THE CHANGE OF LOCATION, MANAGING AGENT AND/OR REGISTERED AGENT; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Motion made by Council Member Bruner
Motion seconded by Council Member Hamrick
Votes favoring the motion: Dunagan, Wangemann, Hamrick, Figueras, Bruner

EXECUTIVE SESSION:

City Manager Kip Padgett requested an executive session to discuss litigation and real estate matters.

Motion to close the Council Meeting to enter an Executive Session to discuss litigation and real estate matters at 6:21 PM.

Motion made by Council Member Bruner

Motion seconded by Council Member Figueras

Votes favoring the motion: Bruner, Dunagan, Wangemann, Hamrick and Figueras

NOTE: Council Member Wangemann left the meeting at 6:21 PM.

COUNCIL PRESENT: Bruner, Dunagan, Hamrick, Figueras

COUNCIL ABSENT: Wangemann

STAFF PRESENT: Padgett, Sheppard, Palmour, Jordan

Motion to close the Executive Session and continue the Council Meeting at 6:57 PM.

Motion made by Council Member Bruner

Motion seconded by Council Member Figueras

Votes favoring the motion: Bruner, Dunagan, Hamrick and Figueras

Absent: Wangemann

OTHER ISSUES:

Council Member Figueras stated her comments in the newspaper were not accurately reflected. She then summarized her statements to the Hall County Commission regarding the Highway 129 Corridor.

ADJOURNMENT: 7:00 PM

DJ:ag

C. Danny Dunagan, Mayor

Denise O. Jordan, City Clerk