

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

Mayor Dunagan called the meeting to order and served as the presiding officer.

Minister Andrew Shaffer, Gainesville First United Methodist Church, delivered the invocation after which the Pledge of Allegiance was recited in unison.

CONSENT AGENDA:

Pawnshop License Application: Zip Cash Title Pawn, 235 Pearl Nix Parkway, Suite 6

Motion to approve the application as presented.

Motion made by Council Member Hamrick

Motion seconded by Council Member Couvillon

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

Resolutions:

- A. AR-2014-10 Regarding Fourth Quarter Budget Adjustment for Fiscal Year 2014
- B. BR-2014-36 Authorization to Lease Property at 106 Spring Street
- C. BR-2014-37 DCA CHIP Policies, Procedures and Written Rehabilitation Standards and Specifications
- D. BR-2014-38 Declaration of Surplus Property
- E. BR-2014-39 Gainesville Parks and Recreation Designee for Alcoholic Beverage License for Gainesville Civic Center
- F. CR-2014-05 Authorization to Waive the Sale of Alcohol for Public Consumption – First Friday – November 7, 2014

City Manager Kip Padgett provided a brief overview of each resolution.

Motion to adopt the resolutions as presented.

Motion made by Council Member Figueras

Motion seconded by Council Member Bruner

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

GENERAL LEGISLATION:

Second Reading: Ordinance No. 2014-23
Amend Chapter 6-4 Entitled Alcoholic Beverages

Motion to hold second reading on Ordinance 2014-23, AN ORDINANCE TO AMEND CHAPTER 6-4 ENTITLED ALCOHOLIC BEVERAGES OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, GEORGIA; TO AMEND SECTION 6-4-45 ENTITLED BROWN BAGGING TO PROVIDE THAT SECTION 6-4-45 DOES NOT APPLY TO AN ART SHOP OR PRIVATE FUNCTION; TO AMEND SECTIONS 6-4-47(b) and 6-4-47(g) ENTITLED SALES BY FOR-PROFIT ORGANIZATIONS TO ALLOW THE ISSUANCE OF TEMPORARY EVENT PERMITS TO CONSUMPTION ON PREMISES AND RETAIL

PACKAGE LICENSEES AND TO DELETE THE GEORGIA MOUNTAIN CENTER FROM SUBSECTION (g); TO AMEND SECTION 6-4-50(a)(1) TO ALLOW ISSUANCE OF CATERING LICENSES TO CONSUMPTION ON PREMISES AND RETAIL PACKAGE LICENSEES; TO AMEND SECTION 6-4-50(b)(3) AND 6-4-50(c)(2) BY DELETING SAID SUBSECTIONS; TO ADD SECTION 6-4-52 TO ALLOW ISSUANCE OF MALT BEVERAGE AND HARD CIDER BREWERY LICENSES; 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 Figueras

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

Votes opposing the motion: Wangemann

Second Reading: Ordinance No. 2014-24
Amend Chapter 1-7 Entitled Recreation and Parks

Motion to hold second reading on Ordinance 2014-24, AN ORDINANCE TO AMEND CHAPTER 1-7 ENTITLED RECREATION AND PARKS OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, GEORGIA; TO AMEND SUBPARAGRAPH (6) OF SECTION 1-7-2 ENTITLED PROHIBITED ACTS WHICH CAUSE A DISTURBANCE OR ENGAGE IN ANY ACTIVITY WHICH UNREASONABLY INTERFERES WITH THE INTENDED USE OF AN ENJOYMENT OF A PARK; TO AMEND SUBPARAGRAPH (8) OF SECTION 1-7-2 ENTITLED PROHIBITED ACTS WHICH CAUSE DEFACE, REMOVE DAMAGE OR ALTER PROPERTY IN THE PARKS; TO ADD SUBPARAGRAPH (18) TO SECTION 1-7-2 TO PROVIDE THAT TENNIS COURTS ARE TO BE USED FOR INTENDED PURPOSES EXCEPT AS AUTHORIZED BY THE DIRECTOR OF THE PARKS AND RECREATION OR HIS DESIGNEE. 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 Figueras

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

ANNEXATION/ZONING:

Second Reading: Ordinance No. 2014-25
Rezone 1.04± Acres at 510, 514 and 520 Maple Street SW

Motion to hold second reading on Ordinance 2014-25, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A 1.04± ACRES TRACT LOCATED ON THE NORTHWEST SIDE OF THE INTERSECTION OF PARKER STREET AND MAPLE STREET (A/K/A 510, 514 AND 520 MAPLE STREET SW) FROM GENERAL BUSINESS (G-B) TO LIGHT INDUSTRIAL, WITH CONDITION (L-I-c); 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 Figueras
Motion seconded by Council Member Bruner
Votes favoring the motion: Dunagan, Figueras, Bruner, Couvillon
Votes opposing the motion: Hamrick, Wangemann

NOTE: The Mayor voted to provide the fourth affirmative vote as required by the Charter.

Resolution ZR-2014-03

Special Use Permit to allow a brewery or distillery within a Light Industrial (L-I) District with conditions located at 510, 514 and 520 Maple Street SW

Tabled from the October 7, 2014 Mayor/Council Meeting

Motion to remove this item from the table.

Motion made by Council Member Figueras
Motion seconded by Council Member Bruner

NOTE: See "Other Business" for the vote on this motion.

Motion to adopt Resolution ZR-2014-03 as presented.

Motion made by Council Member Figueras
Motion seconded by Council Member Bruner

DISCUSSION:

Council Member Hamrick asked if there were any restrictions on the signage or graphics for the business.

Council Member Couvillon recalled the logo bearing the initials LNB.

Community Development Director Rusty Ligon stated the city code has a content neutral sign ordinance which does not allow staff to dictate content unless there is something inappropriate. He confirmed freedom of speech was a factor.

Pap Datta, Forsyth County, stated there was no explicitness in their intent or their actions. The intent was to publicize LNB because that's the way to order beer. He confirmed there was a humorous story on the backend. Most of the signage would show the prominence of LNB and would highlight the sub-brands and different types of ales.

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

NOTE: The Mayor voted to provide the fourth affirmative vote as required by the Charter.

REPORT:

Community Development, Planning Division

Action taken by the Gainesville Planning and Appeals Board on October 14, 2014 and new items to be referred to the Planning and Appeals Board.

Community Development Director Rusty Ligon stated there were two items to be referred to the November Council Meeting including one annexation request and a rezoning request and there were three items to refer to the November Planning and Appeals Board meeting including a variance, a rezoning and a zoning amendment request. The report was noted as follows:

This report contains **(A)** action taken by the Planning and Appeals Board during their public hearing held on **October 14, 2014**, 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 **November 11, 2014**.

A. Planning and Appeals Board Actions for 10/14/14:

- 1) **Tabled until February 10, 2015**, the request from **Medical Arts Properties, LP** to abandon a 0.58± acre (561± linear feet) portion of right-of-way known as Broad Street intersecting Prior Street and Spring Street having a zoning classification of Planned Unit Development (P-U-D) and General Business (G-B).
Ward Number: Three
Request: Abandonment of right-of-way
- 2) **Recommended conditional approval** of the request from **West Ahaluna, LLC** to annex a 70.23± acres tract located on the north and south side of Ahaluna Drive, southeast of the intersection of Strickland Drive and Karen Lane (a/k/a **0 and 1817 Ahaluna Drive; 1982 Dawsonville Highway; 2208 Karen Lane; 2008, 2016 and 2029 Strickland Drive**) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number: One
Tax Parcel Number(s): 00-109B-000-003A; 00-110-000-001, 005 (Part), 028 (Part), 030, 031 and 032 (Part); 00-110A-004-001 (Part)
Request: Single-family subdivision
- 3) **Recommended conditional approval** of the request from **West Ahaluna, LLC** to rezone a 31.93± acres tract located on the south side of Ahaluna Drive, having road frontage on the north side of West Lake Drive at its terminus (a/k/a **0 Ahaluna Drive NW and 1489 West Lake Drive NW**) from Residential-I (R-I) to Planned Unit Development (P-U-D).
Ward Number: One
Tax Parcel Number(s): 00-110-000-006 (Part); 01-110-001-006 (Part); 01-114-001-001 and 145
Request: Single-family subdivision

B. New items to be referred to the Planning and Appeals Board for 11/11/14:

- 1) Request from **First Baptist Church of Gainesville** to vary the lighting and size requirements to allow for an electronic message board sign insert on an existing monument sign on a 24.64± acres property located on the southwest side of the intersection of Green Street and Holly Drive, having road frontage on Bradford Street

and Simmons Street (a/k/a **751 Green Street NW**), having a zoning classification of Residential-I (R-I) and Residential and Office (R-O).

Ward Number: Two
Tax Parcel Number(s): 01-041-001-036
Request: Electronic message board sign

- 2) Request from **David P. Johnson** to rezone a 1.458± acres tract located on the southwest side of the intersection of Virginia Circle and Thompson Bridge Road (a/k/a **1537 and 1551 Thompson Bridge Road NW; 135 Virginia Circle NW**) from Residential-I (R-I) to Neighborhood Business (N-B), with a special use.

Ward Number: Two
Tax Parcel Number(s): 01-088-002-004, 005 and 006
Request: Restaurant with drive thru and retail building

- 3) Request from **Over The Hill Holdings, LLC** to amend the existing Planned Unit Development (P-U-D) zoning on a 10.34± acres tract located west of Thompson Bridge Road, north of Minor Drive (a/k/a **2601 Thompson Bridge Road NW**).

Ward Number: One
Tax Parcel Number(s): 01-100-001-002A
Request: Assisted living facility

Motion to accept the report as presented and to refer new items to the Planning and Appeals Board.

Motion made by Council Member Bruner

Motion seconded by Council Member Figueras

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

CITY MANAGER ISSUES:

Joint Municipal Association (JMA) Meeting

City Manager Kip Padgett commented on the upcoming JMA meeting scheduled for Monday, October 27th at 5:30 PM in Buford.

EXECUTIVE SESSION:

City Manager Kip Padgett requested an Executive Session to discuss real estate matters.

Motion to close the Council Meeting to enter an Executive Session to discuss real estate matters at 5:40 PM.

Motion made by Council Member Bruner

Motion seconded by Council Member Figueras

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

OFFICIALS PRESENT: Dunagan, Hamrick, Figueras, Bruner, Wangemann, Couvillon
STAFF PRESENT: Padgett, Sheppard, Palmour, Jordan, Dockery, Ligon, Randall

Motion to close the Executive Session and continue the meeting at 6:22 PM.

Motion made by Council Member Bruner

Motion seconded by Council Member Wangemann

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

OTHER BUSINESS:

Revisit Resolution ZR-2014-03

Special Use Permit to allow a brewery or distillery within a Light Industrial (L-I) District with conditions located at 510, 514 and 520 Maple Street SW

Tabled from the October 7, 2014 Mayor/Council Meeting

Mayor Dunagan stated there was a motion and second to remove this item from the table but the vote did not occur. He called for the vote.

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

Christmas Holiday Schedule

Mayor Dunagan commented on the normal Christmas holiday closing schedule. He suggested this year for the City to close for a half day on Christmas Eve, and to be closed on Christmas day and the day after Christmas.

The governing body accepted the recommendation.

Feeding Our Future Program

Council Member Figueras commended the Junior League for their efforts with the "Feeding Our Future" Program.

ADJOURNMENT: 6:24 PM

DJ/ag

C. Danny Dunagan, Jr., Mayor

Denise O. Jordan, City Clerk