

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

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

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

**PRESENTATION:**

**Daughters of the American Revolution Proclamation**

Council Member Bruner read a proclamation proclaiming September 17 - 23, 2015 to be *Constitution Week*. The proclamation was presented to Christine Lanzing and Margaret Whalen, Colonel William Candler Chapter of the National Daughters of the American Revolution. Ms. Lanzing thanked the Council for their recognition of Constitution Week.

**PUBLIC COMMENTS:**

**Support for City Council**

Reverend Evelyn Johnson expressed a desire to keep the Council lifted up for the work they're assigned to do. These are difficult days we're facing. The work is not easy but it is all divine. She asked that they keep their heads focused and minds clear. Doing so, the Police Department, the judicial system and government will be one in the same with the community.

**CONSENT AGENDA:**

**Minutes: August 13, 2015 Work Session**

**Minutes: August 18, 2015 Mayor/Council Meeting**

**Motion to approve the minutes accepting the edits as presented.**

Motion made by Council Member Figueras

Motion seconded by Council Member Hamrick

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

**APPOINTMENTS:**

**Airport Advisory Committee – Position held by Greg Hake**

**Motion to reappoint Greg Hake to serve another three-year term on the Airport Advisory Committee.**

Motion made by Council Member Hamrick

Motion seconded by Council Member Figueras

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

**Airport Advisory Committee – Position held by Rodney Smith**

**Motion to reappoint Rodney Smith to serve another three-year term on the Airport Advisory Committee.**

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. 2015-27  
Polling Precincts and Nominating Petitions**

**Motion to hold second reading on Ordinance 2015-27, AN ORDINANCE TO AMEND CHAPTER 1-2 ENTITLED ELECTION DISTRICTS, POLLING PLACES DESIGNATED OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, GEORGIA; TO DELETE THE CURRENT SECTION 1-2-1(b). WHICH ESTABLISHES THE POLLING PLACE FOR EACH DISTRICT IN THE CITY OF GAINESVILLE, GEORGIA WHICH IS PROVIDED FOR IN THE GEORGIA ELECTION CODE; TO DELETE THE CURRENT SECTION 1-2-3. WHICH PROVIDES THE FILING NOTICE OF CANDIDANCY BY NOMINATION PETITION WHICH IS PROVIDED FOR IN THE GEORGIA ELECTION CODE; 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 Wangemann

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

**PUBLIC HEARING:**

**Annexation/Zoning Items**

Mayor Dunagan reviewed the public hearing process.

***Request from Jose Valerio to rezone a 0.28± acre tract located on the north side of Myrtle Street, northeast of its intersection with Airport Drive and Ralston Street (a/k/a 1230 Myrtle Street SW), from General Business (G-B) to Residential-II (R-II). Ward Number: Four. Tax Parcel Number(s): 00-125-002-004A. Request: Two-family residence.***

Planning Manager Matt Tate reviewed the application. He indicated this parcel was one of the original 115 parcels annexed into the city in 2013. The Planning and Appeals Board and Planning staff recommended approval of the request with the following two conditions:

1. Prior to a Certificate of Occupancy being issued for the proposed residential addition, the front, side and rear yards of the subject property shall be stabilized with new vegetation acceptable to the Community Development Department Director. This may include the addition of grass, shrubs, mulch and other landscape materials.

2. There shall be no yard parking for any motor vehicles within the subject property. All vehicles shall be parked on a hard surface which may include concrete, asphalt or an approved pervious surface material acceptable to the Community Development Department Director.

Council Member Bruner inquired about the giant tree on the property.

Council Member Couvillon confirmed this would be two separate residences and the property would function as a duplex.

Upon inquiry from Council Member Couvillon, Mr. Tate shared the concerns of the Planning and Appeals Board.

Mayor Dunagan opened the floor for comments. There being none, the hearing was closed and the matter returned to Council for a decision.

**Motion to hold first reading on Ordinance 2015-28, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A 0.28± ACRE TRACT LOCATED ON THE NORTH SIDE OF MYRTLE STREET, NORTHEAST OF ITS INTERSECTION WITH AIRPORT DRIVE AND RALSTON STREET (A/K/A 1230 MYRTLE STREET SW) FROM GENERAL BUSINESS (G-B) TO RESIDENTIAL-II, WITH CONDITIONS (R-II-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: Hamrick, Figueras, Bruner, Wangemann**

**Votes opposing the motion: Couvillon**

***Request from the City of Gainesville to amend the Unified Land Development Code for the City of Gainesville, Georgia. The proposed amendments are to amend Chapter 9-2-2, entitled "General Definitions" to provide for definitions of "Consumer Fireworks," "Consumer Fireworks Retail Sales Facility," and "Fireworks;" to amend table 9-6-1 entitled "Permitted and Special Uses for Nonresidential Zoning Districts" to specify Consumer Fireworks Retail Sales Facility as a permitted use within the Light Industrial (L-I) zoning district to provide for better clarity.***

Planning Manager Matt Tate reviewed the application indicating House Bill 110 legalized the sale of Consumer Fireworks in Georgia effective on July 1, 2015. The proposed amendment will provide definitions for "Consumer Fireworks", "Consumer Fireworks Retail Sales Facility," and "Fireworks." It also amends a table to specify consumer fireworks retail sales facilities will be permitted within the Light Industrial zoning districts. This does not regulate against general mercantile industries (Wal-Mart, Kroger, etc.). Local governments are restricted in terms of regulating the sale of fireworks. Mr. Tate shared the allowed hours for fireworks usage. He also stated there's a lot of discussion about this bill. In summary, the proposed amendment will regulate the free-standing facilities that sell consumer fireworks and will not impact businesses that are already set up to do so.

There was discussion about a specific location on Riverside Drive after which, Mr. Tate indicated the business meets the requirements of state law. Further discussion indicated there could be some changes at that location in the coming months.

Mr. Tate stated effective January 1, 2016 consumer retail stands (temporary buildings less than 800 square feet) will be allowed as part of this bill.

Mayor Dunagan expressed concern about the impact this bill has on local jurisdictions and felt there was a need to speak with the legislative delegation.

Mayor Wangemann hoped citizens would exercise courtesy when using fireworks noting there had been some problems in his neighborhood.

Mayor Dunagan opened the floor for comments. There being none, the hearing was closed and the matter returned to Council for a decision.

**Motion to hold first reading on Ordinance 2015-29, AN ORDINANCE TO AMEND TITLE 9 ENTITLED "UNIFIED LAND DEVELOPMENT CODE" OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, GEORGIA; TO AMEND CHAPTER 9-2-2, ENTITLED "GENERAL DEFINITIONS" TO PROVIDE FOR DEFINITIONS OF "CONSUMER FIREWORKS," "CONSUMER FIREWORKS RETAIL SALES FACILITY," AND "FIREWORKS;" TO AMEND TABLE 9-6-1 ENTITLED "PERMITTED AND SPECIAL USES FOR NONRESIDENTIAL ZONING DISTRICTS," TO SPECIFY CONSUMER FIREWORKS RETAIL SALES FACILITY AS A PERMITTED USE IN CERTAIN NONRESIDENTIAL ZONING DISTRICTS; 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 Wangemann

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

**OTHER ISSUES:**

**Qualifying for Candidacy**

Council Member Figueras commended all those qualified for candidacy in the upcoming election. She also commended Council Member Bruner for her candidacy.

**ADJOURNMENT: 5:55 PM**

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C. Danny Dunagan, Jr., Mayor

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Denise O. Jordan, City Clerk