

OFFICIALS PRESENT: Danny Dunagan, George Wangemann, Sam Couvillon, Zack Thompson, Barbara Brooks
TELECONFERENCE: Ruth Bruner
STAFF PRESENT: Bryan Lackey, Angela Sheppard, Abb Hayes, Denise Jordan, Alisa Grayson

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

Pastor Aluba Zetina, Ministeria Cristo la Cosecha, delivered the invocation after which the Pledge of Allegiance was recited in unison.

COUNCIL ANNOUNCEMENTS:

Council Member Brooks reminded everyone of Dr. Patrick Phillips' book signing event on Saturday, August 5 at 1:00 PM at the Grace Episcopal Church.

TELECONFERENCE ANNOUNCEMENT:

Attorney Hayes stated Council Member Bruner was participating in today's meeting via teleconference, in accordance with O.C.G.A. 50-14-1(g), due to her absence from the jurisdiction.

PUBLIC COMMENTS:

Dale Caldwell, 405 Brookhaven Court, commented on the changes to alcohol sales. He shared positive comments about living and working in Gainesville. He felt we are in a time where people can gather and consume alcohol responsibly. It's also a time when citizens advocate for less governmental regulations. In regards to the proposed ordinance, Mr. Caldwell felt it didn't seem logical to increase beer sales and decrease wine sales.

Aimee Hoecker, owner of Downtown Drafts, 115 Bradford Street, expressed concerns about the proposed decrease in the amount of wine for samplings. She noted some beers have more alcohol by volume than wine and expressed concerns about going backwards with the progressive laws that have already been created. She commented on the impact these changes will have on their business and requested a public hearing or postponement of the ordinance to allow further discussion and public input.

David Mercer, 1081 Wessell Road, shared some history regarding the planting of trees when Gainesville first began to promote itself as the City of Trees. He commented on the beautiful greenspace in downtown Charlotte, N.C. noting Gainesville can be just as beautiful. He challenged the Council to consider the idea of planting trees.

Reverend Evelyn Johnson, 1517 Park Lane Street, Lawrenceville, extended an invitation on behalf of Bethel A.M.E. Church to the Council and citizens of Gainesville to join together in prayer from wherever you are on Sunday, August 20th at 11:00 AM to whisper a prayer of thanksgiving for the City of Gainesville.

CONSENT AGENDA:

Minutes: July 13, 2017 Work Session

Minutes: July 18, 2017 Mayor/Council Meeting

Motion to approve the minutes accepting the edits as presented.

Motion made by Council Member Wangemann

Motion seconded by Council Member Thompson

Votes favoring the motion: Wangemann, Couvillon, Thompson, Brooks

Votes favoring the motion via teleconference: Bruner

GENERAL LEGISLATION:

City Manager Bryan Lackey commented on recent changes in state law prompting a review of the alcohol ordinances and other related ordinances at the local level. This review provided an opportunity to make changes and to ensure interactions with the business community are as efficient as possible. The comprehensive review resulted in four proposed ordinances which included changes to mirror state law.

Proposed Ordinance

Amend Chapter 6-4 entitled Alcoholic Beverages

City Manager Bryan Lackey stated the proposed ordinance addressed the following: 1) referenced state law in regards to breweries and brewpubs; 2) clarifies regulations for tastings and samplings; 3) establishes a Downtown Dining District for the purposes of clarifying the boundaries; and 4) realigns resources in regards to licensing and field regulations. Mr. Lackey stated a map reflecting the boundaries will be presented at the next meeting assuming the proposed ordinance is approved. He also commented on changes in regards to interaction with businesses offering more flexibility among staff which is a common change in the next three proposed ordinances.

Motion to hold first reading on Ordinance 2017-17 with amendments, AN ORDINANCE TO AMEND CHAPTER 6-4 ENTITLED "ALCOHOLIC BEVERAGES" OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES amending Section 6-4-62 to have it remain the same as the current ordinance and amending Section 6-4-87(f)(3) to read as follows:

"Within a Downtown Dining District, no unsealed container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed sixteen (16) fluid ounces in size. No person shall hold in its possession on the streets and sidewalks, in parks and squares, or in other public places within a Downtown Dining District any open alcoholic beverage container which exceeds sixteen (16) fluid ounces in size. "

Motion made by Council Member Couvillon

Motion seconded by Council Member Thompson

DISCUSSION:

Council Member Brooks expressed concern about not fully understanding the changes. Council Member Couvillon provided some clarification.

Council Member Wangemann commented on his opposition. He felt this was a move toward open bars and commented on a personal experience. He stated alcohol is a drug that needs to be regulated for safety purposes.

Council Member Thompson further clarified the intent of the amendments.

Votes favoring the motion: Couvillon, Thompson, Brooks

Votes favoring the motion via teleconference: Bruner

Votes opposing the motion: Wangemann

Proposed Ordinance

Amend Chapter 6-2 entitled Occupation Tax

City Manager Bryan Lackey stated the proposed ordinance provides the flexibility to have more staff involved in enforcement.

Motion to hold first reading on Ordinance 2017-18, AN ORDINANCE TO AMEND CHAPTER 6-2 ENTITLED "OCCUPATION TAX" OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; 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 Couvillon

Motion seconded by Council Member Brooks

Votes favoring the motion: Wangemann, Couvillon, Thompson, Brooks

Votes favoring the motion via teleconference: Bruner

Proposed Ordinance

Amend Chapter 6-13 entitled Sidewalk Cafes

City Manager Bryan Lackey stated the proposed ordinance provides flexibility among staff to address matters. He also stated a definition for parklets was added to clarify they fall under the sidewalk cafe rules and regulations.

Motion to hold first reading on Ordinance 2017- 19, AN ORDINANCE TO AMEND CHAPTER 6-13 ENTITLED "SIDEWALK CAFES" OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; 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 Couvillon

Motion seconded by Council Member Thompson

Votes favoring the motion: Couvillon, Thompson, Brooks

Votes favoring the motion via teleconference: Bruner

Votes opposing the motion: Wangemann

Proposed Ordinance

Amend Section 10-1-63 entitled Alcoholic Beverage Fees and Excise Taxes

City Manager Bryan Lackey stated the proposed ordinance extracts all the fees from the ordinance and allows a schedule of fees to be referenced by resolution. If approved for first reading, a companion resolution with the schedule of fees will be presented at the next meeting.

Motion to hold first reading on Ordinance 2017-20, AN ORDINANCE TO AMEND SECTION 10-1-63 ENTITLED "ALCOHOLIC BEVERAGE FEES AND EXCISE TAXES" OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; 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 Couvillon

Motion seconded by Council Member Brooks

Votes favoring the motion: Couvillon, Thompson, Brooks

Votes favoring the motion via teleconference: Bruner

Votes opposing the motion: Wangemann

ANNEXATION/ZONING:

Second Reading: Ordinance No. 2017-16

Rezone 53.177± acres at 1515, 1545, 1560 and 1581 Community Way, NE

Motion to hold second reading on Ordinance 2017-16, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A 53.177± ACRES TRACT LOCATED ON THE NORTHEAST AND NORTHWEST SIDE OF THE INTERSECTION OF JESSE JEWELL PARKWAY AND COMMUNITY WAY (A/K/A 1514, 1515, 1545, 1560 AND 1581 COMMUNITY WAY, NE) FROM RESIDENTIAL-II (R-II) TO OFFICE AND INSTITUTIONAL (O-I); REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Motion made by Council Member Wangemann

Motion seconded by Council Member Thompson

Votes favoring the motion: Wangemann, Couvillon, Thompson, Brooks

Votes favoring the motion via teleconference: Bruner

PUBLIC HEARING(S):

Project Resolution-2017-22

Community Development Block Grant (CDBG) 2017 Annual Action Plan

City Attorney Abb Hayes called for the public hearing and outlined the public hearing process.

Community Development Department Director Rusty Ligon presented information regarding the action plan noting the allocated funding amount for the 2017 program year is \$412,753. He briefly reviewed the budget.

Attorney Hayes opened the floor for public comments. There being none, the hearing was closed and the matter was returned to the governing body for consideration.

Motion to adopt the resolution PR-2017-22 as presented.

Motion made by Council Member Wangemann

Motion seconded by Council Member Brooks

Votes favoring the motion: Wangemann, Couvillon, Thompson, Brooks

Votes favoring the motion via teleconference: Bruner

Request from Keel Property Management, LLC to annex a 6.32± acres tract located on the northeast side of the intersection of Jesse Jewell Parkway and White Sulphur Road (a/k/a 0 White Sulphur Road), and to establish zoning as General Business (G-B). Ward Number: Two. Tax Parcel Number(s): 09-123-000-008. Request: Restaurant and retail uses.

City Attorney Abb Hayes called for the public hearing, confirmed the public notice was properly advertised and outlined the public hearing process.

Planning Manager Matt Tate reviewed the application noting the applicant was required to provide a traffic study for additional traffic counts. The Planning and Appeals Board and Planning staff recommended approval with the following five conditions:

1. Prohibited commercial uses shall include motels or hotels with rooms accessed from the exterior of the building, adult novelty stores, adult entertainment centers, pawn shops, gas stations, tire stores, massage parlors except for practitioners licensed by the State of Georgia, vaping stores, auto body shops, automobile sale establishments, marine sales or repair stores, automated or non-automated car wash, coin-laundry facilities, truck stop, non-climate controlled mini-warehouses or storage facilities, tattoo parlors, psychics, fortune tellers, clairvoyants and the like.
2. The exterior of the buildings shall be constructed with brick, stone or masonry finish on all sides visible from a public street and will comply with the Limestone Parkway Overlay Zone standards and Architectural Design Guidelines stated within the Gainesville Unified Land Development Code.
3. The proposed development shall be limited to one free standing sign per lot. Each sign shall be limited to a maximum height of 10-feet, maximum sign face area of 50 square feet, maximum sign structure area of 96 square feet with internal or indirect lighting. No electronic changeable copy signs shall be permitted. The purpose of these sign standards is to provide for consistency with the adjacent New Holland Market development.
4. Prior to a permit being issued, the developer shall provide a traffic study and coordinate with the Georgia Department of Transportation (GDOT) Traffic Division to determine the traffic development impacts on the intersection of SR 369 / Jesse Jewell Parkway and White Sulphur Road and to determine whether the existing turn lanes will accommodate the future traffic generated by the development.
5. All access point design for the subject property shall require approval by the Georgia Department of Transportation 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.

Attorney Hayes opened the floor for public comments.

FAVOR:

Wayne Keel, 4871 Sherman Allen Road, provided a brief overview about the application noting he had spoken with Doug Carter regarding the decisions and conditions placed on the property. He introduced the project team and commented on the goal to build a Fazoli's restaurant and to have an extreme auto spa. He felt the car wash would serve the community well. He appreciated Council's consideration to amend the petition to allow the proposed type of car wash and the restaurant within the proposed zoning.

Ed Myers, 752 Chattahoochee Place, stated there were three (3) lots to be subdivided with one common entrance noting the properties would have similar architectural styles. The restaurant would remain as proposed and they were requesting permission to allow an upscale car wash. He shared the reason the car wash was not included in the initial application. The use for the third lot was yet to be determined. They were happy to comply with the other recommended conditions and the requirement for a traffic study.

John Lovelle, Riverwood Drive, distributed a picture of the car wash and commented on the addition of the car wash to the application.

Reverend Evelyn Johnson asked if alcohol would be sold on the premises noting she felt the development was an excellent addition.

Mr. Keel responded stating there were no intention of selling alcohol at their facility.

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

Motion to hold first reading on Ordinance 2017-21, AN ORDINANCE ANNEXING A 6.32± ACRES TRACT LOCATED ON THE NORTHEAST SIDE OF THE INTERSECTION OF JESSE JEWELL PARKWAY AND WHITE SULPHUR ROAD (A/K/A 0 WHITE SULPHUR ROAD); 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; and first reading on Ordinance 2017-18 with conditions, amending conditions 1 and 2 and adding conditions 6 and 7 as presented, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA BY ESTABLISHING THE ZONING ON A 6.32± ACRES TRACT LOCATED ON THE NORTHEAST SIDE OF THE INTERSECTION OF JESSE JEWELL PARKWAY AND WHITE SULPHUR ROAD (A/K/A 0 WHITE SULPHUR ROAD) 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 amending conditions 1 and 2 as well as adding conditions 6 and 7 as noted below.

- Amend condition 1 to strike "automated or" and to reference climate controls as "climate controlled and non-climate controlled".
- Amend condition 3 to add "The final design shall be subject to the Community Development Department Director for approval."
- Add condition 6 to read as follows: "The location of the proposed automated car wash facility shall be located on lot 2 or lot 3 as shown on the concept plans submitted with the annexation application."

- Add condition 7 to read as follows: "The proposed lot containing the automated car wash shall have a minimum 20-foot wide frontage landscape buffer along White Sulphur Road. The number, location, spacing size and type of trees planted shall be subject to the Community Development Department Director for approval."

Motion made by Council Member Thompson

Motion seconded by Council Member Wangemann

Votes favoring the motion: Wangemann, Couvillon, Thompson, Brooks

Votes via teleconference: None

Request from Will & McCay Crumley to rezone a 0.308± acre tract located on the north side of Park Street and northeast of the intersection of Park Street and Boulevard (a/k/a 523 Park Street) from Residential-II (R-II) to Residential-I (R-I). Ward Number: Two. Tax Parcel Number(s): 01-038-003-015. Request: Single-family home.

Planning Manager Matt Tate reviewed the application. The Planning and Appeals Board and Planning staff recommended approval.

City Attorney Hayes opened the floor for public comments.

FAVOR:

Will Crumley, 523 Park Street, stated time and money had been spent renovating the property with intentions for it to remain a single family home. He felt it was in their best interest to protect themselves by providing their property with the benefits of Residential - I (R-I) zoning.

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

Motion to hold first reading on Ordinance 2017-23, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A 0.308± ACRE TRACT LOCATED ON THE NORTH SIDE OF PARK STREET AND NORTHEAST OF THE INTERSECTION OF PARK STREET AND BOULEVARD (A/K/A 523 PARK STREET) FROM RESIDENTIAL-II (R-II) TO RESIDENTIAL-I (R-I); REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Motion made by Council Member Couvillon

Motion seconded by Council Member Wangemann

Votes favoring the motion: Wangemann, Couvillon, Thompson, Brooks

Votes favoring the motion via teleconference: Bruner

ADJOURNMENT: 6:22 PM

/ag

C. Danny Dunagan, Jr., Mayor

Denise O. Jordan, City Clerk