

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

Mayor Dunagan called the meeting to order.

Mayor Dunagan requested a moment of silence in memory of the Newtown, CT victims, families and community.

Pastor Barona, St. Michael Catholic Church, delivered the invocation after which the Pledge of Allegiance was recited in unison.

**PRESENTATION:**

**Flag Certificate**

President of the Georgia Society Sons of the American Revolution, Ed Rigel, Sr., presented the Council with a certificate for the proper display of the American Flag at the Public Safety Complex. Paul Prescott, President of the Piedmont Chapter, joined Mr. Rigel, Sr. for the presentation. Mayor Dunagan asked Police Chief Kelly to display the certificate in the lobby of the Public Safety Complex.

**CONSENT AGENDA:**

**Alcoholic Beverage License Applications:**

- A. El Rodeo Restaurant, 1736 Atlanta Highway, Ste 500 & 600  
New application for consumption on the premises of beer
- B. EZ Trip, 1785 Browns Bridge Road  
New application for package sale of beer
- C. Legg's Package, 1472 Browns Bridge Road  
New application for package sale of beer, wine and liquor
- D. The Dawg House, 420 Wall Street  
New application for consumption on the premises of beer, wine and liquor
- E. The Monkey Barrel, 115 Washington Street  
New application for consumption on the premises of beer, wine and liquor

**Motion to approve the applications as presented.**

Motion made by Council Member Figueras

Motion seconded by Council Member Bruner

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

**Minutes**

- A. November 6, 2012 Council Meeting
- B. November 20, 2012 Council Meeting
- C. December 4, 2012 Council Meeting
- D. December 13, 2012 Called Council Meeting

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

Motion made by Council Member Wangemann

Motion seconded by Council Member Hamrick

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

**Resolutions:**

- A. BR-2012-40 Declaration of Surplus Property
- B. BR-2012-41 Authorization to Amend the Lease Agreement for the Georgia Mountains Center
- C. BR-2012-42 Authorization to Amend the Alcoholic Beverage Services Agreement

**Motion to adopt the resolutions as presented.**

Motion made by Council Member Hamrick

Motion seconded by Council Member Bruner

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

**GENERAL LEGISLATION:**

**Proposed Ordinance**

**Amendment to Chapter 3-5 Entitled "Offenses - Miscellaneous" as it pertains to Loitering**

Police Chief Brian Kelly presented a revised ordinance to address comments from the work session. The revision provided a specific definition for loitering.

Pastor Dewayne Payne, New Walk Christian Fellowship, expressed a concern about targeting the homeless. He was also concerned about profiling. He wasn't agreeing or disagreeing with the proposed ordinance. He was concerned that there could be discrimination against those who may be waiting for a job.

Mayor Dunagan stated the ordinance has been on the books for a while and today's action was to amend the ordinance to address some issues occurring in the downtown area.

Chief Kelly stated the ordinance was not specifically directed toward the homeless. The officers will enforce this ordinance under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.

**Motion to hold first reading on Ordinance 2012-37, AN ORDINANCE TO AMEND CHAPTER 3-5 ENTITLED "OFFENSES – MISCELLANEOUS" OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, GEORGIA; TO AMEND SECTION 3-5-13 ENTITLED "LOITERING AND IDLING" TO ADD THAT IT SHALL BE UNLAWFUL FOR ANY PERSON TO BE LOITERING WITHIN ANY PUBLIC BUILDING OR FACILITY OR UPON ANY LOCATION WITHIN THE CITY NORMALLY USED BY THE PUBLIC OR CONSIDERED PUBLIC PROPERTY; 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

**DISCUSSION:**

Council Member Figueras emphasized that it would be under “justifiable and reasonable” circumstances, even if it’s 50 years from now.

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

**PUBLIC HEARING:**

**Tax Allocation District Item**

**Request from Garrison Investment Group to create a Tax Allocation District (TAD) regarding the Lakeshore Mall Redevelopment Plan.**

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

**Ken Bleakley**, Bleakly Advisory Group, represented the Garrison Investment Group. He was present to seek approval of the city’s second TAD for the Lakeshore Mall area. He commented on investments of \$20+ million on improvements to the mall. He asked the City to support a TAD that will provide additional financial support for the renovation. He stated the goal was to return this area to the primary retail asset in the community. They were hoping to keep the dollars in the community and to offer more jobs in the community. He requested approval of the request.

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

**Motion to hold second reading on Ordinance 2012-36, Tax Allocation District (TAD) for Lakeshore Mall Redevelopment Area** AN ORDINANCE CREATING THE LAKESHORE MALL REDEVELOPMENT AREA AND TAX ALLOCATION DISTRICT NUMBER TWO--LAKESHORE MALL; DESIGNATING THE BOUNDARIES OF THE REDEVELOPMENT AREA AND TAX ALLOCATION DISTRICT; ESTABLISHING THE TAX ALLOCATION INCREMENT BASE FOR THE TAX ALLOCATION DISTRICT; ADOPTING A REDEVELOPMENT PLAN FOR THE AREA; ESTABLISHING THE INTENT TO ISSUE AND SELL TAX ALLOCATION BONDS OR OBTAIN OTHER FINANCING NECESSARY TO EFFECTUATE THE REDEVELOPMENT OF THE AREA; AUTHORIZING THE CITY COUNCIL TO ACT AS THE REDEVELOPMENT AGENT TO IMPLEMENT THE REDEVELOPMENT PLAN PURSUANT TO THE REDEVELOPMENT POWERS LAW AND THE URBAN REDEVELOPMENT LAW; AND FOR OTHER PURPOSES.

Motion made by Council Member Figueras

Motion seconded by Council Member Wangemann

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

**REPORT:**

**Community Development, Planning Division**

New items to be referred to the Planning and Appeals Board.

Community Development Director Rusty Ligon stated there were no items to be referred to the January 8<sup>th</sup> Council Meeting and there was one rezoning request item to be referred to the January 15<sup>th</sup> Planning and Appeals Board meeting.

This report contains **(A)** action taken by the Planning and Appeals Board during their public hearing held on **December 11, 2012**, 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 **January 15, 2013**:

**A. Planning and Appeals Board Actions for 12/11/12:**

This meeting was cancelled since no new applications were received by the closing date.

**B. New items to be referred to the Planning and Appeals Board for 01/15/13:**

- 1) Request from **Michael Slate** to rezone a 0.67± acre tract located on the north side of Lanier Avenue, between Thompson Bridge Road and Walker Street (a/k/a **971 Lanier Avenue NE**) from Residential-I (R-I) to Residential and Office (R-O).  
Ward: Two  
Tax Parcel Number: 01-087-004-014  
Request: Professional office use

**Motion to accept the report as presented.**

Motion made by Council Member Figueras

Motion seconded by Council Member Bruner

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

**OTHER ISSUES:**

**Mayor Dunagan**

1. Wished the Council, staff, and the citizens of Gainesville a Merry Christmas.
2. Congratulated the Gainesville High School Red Elephants on their State Championship win.

**Council Member Bruner**

Expressed her excitement about the future renovations to the Lakeshore Mall.

**Council Member Figueras**

Thanked citizens for coming out to express their concerns.

**ADJOURNMENT: 5:57 PM**

**DJ/ag**

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C. Danny Dunagan, Mayor

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Denise O. Jordan, City Clerk