



AGENDA

**Gainesville Mayor/Council Meeting
Tuesday, March 21, 2017, 5:30 PM
Public Safety Complex (Gainesville Justice Center)
Municipal Court Room, 701 Queen City Parkway
Mayor or Mayor Pro Tem Presides**

INVOCATION:

PLEDGE OF ALLEGIANCE:

PRESENTATION(S):

- A. Special Recognition - Beth Morris

COUNCIL ANNOUNCEMENTS:

PUBLIC COMMENTS: (20 minutes maximum)

CONSENT AGENDA:

Appointments

- A. Planning and Appeals Board
 - Position held by Lemuel Betancourt

Minutes

- A. February 16, 2017 Work Session
- B. February 21, 2017 Mayor/Council Meeting

Resolutions

- A. BR-2017-13 Approval of TAD Funding for "The Enclave" Redevelopment Project
- B. BR-2017-14 2017 Work Session/Council Meeting Calendar (July thru December)
- C. BR-2017-15 Updated Elected Officials Credit Card Policy

GENERAL LEGISLATION:

- A. **First Reading on Proposed Ordinance
Amend Chapter 1-9 Entitled "Code of Ethics"**

AN ORDINANCE TO AMEND CHAPTER 1-9 ENTITLED "CODE OF ETHICS" 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.

PUBLIC HEARING(S):

Community Development Items

- A. BR-2017-16 Transmittal of the FY2016 Annual Update to the Capital Improvements Element (CIE)

CITY MANAGER ISSUES:

CITY ATTORNEY ISSUES:

CITY CLERK ISSUES:

EXECUTIVE SESSION:

ADJOURNMENT:

Draft: Friday, March 17, 2017, 8:30 AM

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 3/16/2017
Presenter: Danny Dunagan
Item of Business: Special Recognition - Beth Morris
Meeting Date: 3/21/2017

Purpose of Request:

The purpose of this request is to recognize former Youth Program Manager Beth Morris for her service.

History/Background:

Beth Morris retired from Parks and Recreation with 31 years, 6 months and 30 days of service.

Facts & Issues for Consideration:

Beth Morris has shown dedication to the youth of Gainesville/Hall County. Since her retirement, she has been recognized by the Kiwanis Club.

Department Recommendation:**Department Director:**

Janeann Allison

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:**Source of Funds:**

General Fund, i.e., Mayor/Council Budget

Finance Comments:

Administrative Comments:

Funding is included through the annual budget process.

ATTACHMENTS:

Description	Type
☐ Elizabeth Morris - Testimonial	Backup Material
☐ Article: Kiwanis Recognize Longtime Youth Programs Manager Beth Morris	Backup Material



Elizabeth Morris

Your retirement, after 31 years, 6 months and 30 days of service to the Gainesville City Government, is an occasion which fully merits a formal and sincere expression of the appreciation for the sterling qualities of mind and spirit which have been reflected in your devotion to the citizens of our City.

As Council Members, we are acutely aware that progress in municipal government is largely predicated upon the loyalty and effectiveness of its employees in faithfully carrying out the acts of the Council, and efficiently delivering the services provided by the departments in which they are employed.

Let it be further known, that the City of Gainesville takes great pleasure in the caliber of employees such as yourself, whose records of service have contributed substantially to the stature of our City as one of the most progressive of Georgia's municipalities.

Therefore, the governing body of the City of Gainesville issues this "Testimonial" in grateful appreciation for your loyalty and dedication to the City of Gainesville during your long and honorable record of service.

Executed this 21st day of March 2017.

Mayor C. Danny Dunagan, Jr.

Council Member W. Samuel Couvillon

Mayor Pro Tem Ruth H. Bruner

Council Member Zack Thompson

Council Member George Wangemann

Council Member Barbara B. Brooks

KIWANIS RECOGNIZES LONGTIME YOUTH PROGRAMS MANAGER BETH MORRIS

Hailey Van Parys
hvanparys@gainesvilletimes.com
770-718-3416
March 14, 2017

The highest honor the Kiwanis Club awards went to a woman who dedicated three decades to helping children.

Beth Morris, a retired Gainesville Parks and Recreation youth programs manager, was given the John W. Jacobs Jr. Youth Service Award Tuesday night at the Chattahoochee Country Club.

The award is presented to a person who has shown their dedication to the betterment of youth in the community.

"Working with kids is one of the most rewarding things we do," Kiwanis member Helen Henderson said.

Charles Kelley, another member of Kiwanis, spoke about Morris and her influence. Kelley had gotten to know Morris through the years as part of the sports programs his kids played.

According to Kelley, Morris is a woman who used her kind talents and resources to enrich the community around her, especially when working with children.

"She wanted to make sure all kids got a chance. It's about all the kids, not just some," Kelley said.

Over the years, Morris was always found on the sidelines, refereeing or handling sports equipment for the Parks and Recreation department.

"She always had a positive outlook, no matter what," Kelley said.

Working with at-risk kids was also a passion of hers and she spent countless hours helping others, on a local and national level.

"We will all miss her," Kelley said.

When Morris took the stage, she said she had been tricked by Julie Butler into coming.

KIWANIS RECOGNIZES LONGTIME YOUTH PROGRAMS MANAGER BETH MORRIS

"She told me to wear black pants," Morris said jokingly.

Morris said it was a true honor to be given the award and she thanked her Parks and Recreation family.

"I'm not going anywhere for a while," she said.

Noah Merck, a junior at Chestatee High School and vice president and treasurer of the school's Key Club, was given the John C. Thompson Award for volunteerism.

The Charles J. Thurmond Youth Art Scholarship recipients were Flowery Branch High senior Brooke Blackwell, Gainesville High sophomore Delaney Benson and Gainesville High senior Jazmine Ellison.

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 3/16/2017

Presenter:

Item of Business: Consent Agenda Items

Meeting Date: 3/21/2017

Purpose of Request:

The following appointments, minutes and/or resolutions are being considered under the Consent Agenda Section. These items were previously distributed for review and/or discussed. Unless otherwise directed by Mayor and Council, they will not be discussed during this meeting.

If you have questions regarding these documents, please feel free to contact the City Clerk's Office during normal business hours (Monday through Friday from 8:00 AM to 5:00 PM) at 770-535-6865 or via email to cityclerk@gainesville.org.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Department Director:

If funding is involved, are funds approved within the current budget?

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 3/10/2017
Presenter: Danny Dunagan
Item of Business: Planning and Appeals Board
• Position held by Lemuel Betancourt
Meeting Date: 3/21/2017

Purpose of Request:

The purpose of this request is to address an expired term.

History/Background:

The PAB follows the guidelines set forth in the City Charter, Code of Ordinances and the Unified Land Development Code.

Facts & Issues for Consideration:

The appointment to address the Ward 2 position was discussed during the March 16, 2017 Work Session at which time the Mayor nominated Rich White to replace Lemuel Betancourt.

Department Recommendation:

Accept the nomination as presented.

Department Director:

Danny Dunagan

If funding is involved, are funds approved within the current budget?

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
 PAB Members	Backup Material

PLANNING APPEALS BOARD

POST	LAST NAME		APPOINTED	REAPPOINTED	EXPIRES
At-Large	Martin, Sr.	Eddie	9/16/2014 UE	12/15/2015	11/30/2017
At-Large	Thompson	Ryan	11/15/2016		11/30/2018
Ward 1 (Chairman)	Carter	Doug	12/15/2015		11/30/2017
Ward 2	Lemuel	Betancourt	12/15/15 UE		11/30/2016
Ward 3	Rucker	Connie	5/20/2008	12/1/2009 10/18/2011 11/5/2013 12/15/2015	11/30/2017
Ward 4	Fleming	Jane	12/5/2006	1/6/2009 12/21/2010 11/20/2012 8/4/2015 11/15/2016	11/30/2018
Ward 5	Delgado	Carmen	8/4/15 UE	11/15/2016	11/30/2018
Ex-Officio	Wangemann	George	1/10/2017		1/9/2018

TERM: Two year terms

(Always expire on November 30th)

NOTES: The Chairman is appointed by the City Council and the Vice Chairman is elected by the Board.

CONTACT: Rusty Ligon, Director of Community Development

UPDATED: 1/12/17 ag

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 3/16/2017
Presenter: Denise Jordan
Item of Business: February 16, 2017 Work Session
Meeting Date: 3/21/2017

Purpose of Request:

The purpose of this request is to allow the governing body to approve the minutes from the referenced meeting.

History/Background:

Facts & Issues for Consideration:

Draft minutes were distributed to the governing body, City Manager, City Attorney and Department Directors for comments/corrections.

Department Recommendation:

Approve the minutes accepting edits as presented.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description

Type

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 3/16/2017
Presenter: Denise Jordan
Item of Business: February 21, 2017 Mayor/Council Meeting
Meeting Date: 3/21/2017

Purpose of Request:

The purpose of this request is to allow the governing body to approve the referenced minutes.

History/Background:

Facts & Issues for Consideration:

Draft minutes were distributed to the governing body, City Manager, City Attorney and Department Directors for comments/corrections.

Department Recommendation:

Approve the minutes accepting edits as presented.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested: **Source of Funds:**

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description

Type

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 2/24/2017
Presenter: Bryan Lackey
Item of Business: BR-2017-13 Approval of TAD Funding for "The Enclave" Redevelopment Project
Meeting Date: 3/21/2017

Purpose of Request:

Resolution to approve Tax Allocation District (TAD) funding for a redevelopment project by Davis Pine, LLC on a full city block in Midtown.

History/Background:

The subject property is a full city block in the southern part of Midtown that is bound by Martin Luther King, Jr. Blvd, Pine Street, Davis Street and Wills Street in Midtown (a/k/a 904, 910, 920 & 928 MLK, Jr. Blvd; 860, 872 & 882 Pine Street; 614, 620 & 634 Davis Street; and 873, 881 & 891 Wills Street). Currently the subject property has 13 dilapidated structures, which until recently were used for rental residential dwellings but have been vacated.

It is the applicant/developer's intent to demolish the existing structures and redevelop the full city block with 45 townhome-style rental dwellings.

Facts & Issues for Consideration:

It was determined by the City's TAD consultant and the TAD Advisory Committee that the redevelopment project by Davis Pine, LLC on the MLK/Pine/Davis/Wills Block in Midtown achieves the TAD criteria.

TAD Advisory Committee unanimously recommended approval of the TAD funding request of up to \$769,058.00 with the following conditions and payment schedule:

Conditions:

1. **The design includes an offset between units of at least one foot (1').**
2. **Sidewalks shall have a two-foot (2') beauty strip along the street, separating the five-foot (5') sidewalk and the street.**
3. **Building design shall go through an architectural review process of the City. Building colors and design shall be varied so that no two adjacent dwelling units look the same, and there shall be no discernible pattern in the building design.**

Payment Schedule: Up to \$300,000 in TAD funds shall be made payable upon submittal of paid invoices for the asbestos study and remediation, demolition of the 13 structures, and grading. The remaining TAD funding up to \$469,058 shall be made payable annually from the actual increment generated by the redevelopment project, with the rebate amount not to exceed 75% of the increment paid for that tax year.

Department Recommendation:

Approve the resolution.

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget?

Amount Requested:

\$769,058.00

Source of Funds:

TAD Fund (\$300,000 from TAD Fund Balance & \$469,058 from TAD increment generated by project)

Finance Comments:

Administrative Comments:

ATTACHMENTS:

	Description	Type
	BR-2017-13 Approval of TAD Funding for "The Enclave" Redevelopment Project	Resolution
	Exhibit A: Location Map	Attachments/Exhibits

RESOLUTION BR-2017-13

APPROVAL OF TAX ALLOCATION DISTRICT (TAD) FUNDING FOR “THE ENCLAVE” REDEVELOPMENT PROJECT ON THE MLK/PINE/DAVIS/WILLS BLOCK IN MIDTOWN

WHEREAS, the Gainesville City Council is committed to the success of the redevelopment of Midtown Gainesville into a live, work and play area; and

WHEREAS, on October 17, 2006 the Gainesville City Council adopted the Midtown Redevelopment Plan and created Tax Allocation District (TAD) Number One – Midtown pursuant to the Georgia Redevelopment Powers Law (O.C.G.A. § 36-44-1 et seq.) as the next steps in the City’s redevelopment effort to reinvigorate Midtown; and

WHEREAS, the City of Gainesville will only consider applications for TAD financing for purposes or uses that are consistent with the definition of “redevelopment” as defined in the Georgia Redevelopment Powers Law [O.C.G.A. § 36-44-3(5)], with said eligible purposes or uses including public works and utilities, telecommunications infrastructure, street/streetscape improvements, parks and open space amenities, transit facilities and public parking structures, pedestrian amenities and safety improvements, and site preparation; and

WHEREAS, upon approval of a request for TAD funding, a TAD Development Agreement between the applicant/developer and the City shall be executed, and shall specify the eligible expenses, what method of funding will be utilized (i.e. pay-as-you-go, bank financing, bond financing or other method), and any special conditions and performance standards of the developer; and

WHEREAS, an application involving the redevelopment of thirteen parcels bound by Martin Luther King, Jr. Boulevard, Pine Street, Davis Street, and Wills Street (as shown in blue on Exhibit A: Location Map) was reviewed by the TAD Advisory Committee and determined to achieve the TAD criteria; and

WHEREAS, the TAD Advisory Committee unanimously recommended approval of the TAD funding request of up to \$769,058.00 with the following conditions and payment schedule:

Conditions:

- 1. The design includes an offset between units of at least one foot (1’).**
- 2. Sidewalks shall have a two-foot (2’) beauty strip along the street, separating the five-foot (5’) sidewalk and the street.**
- 3. Building design shall go through an architectural review process of the City. Building colors and design shall be varied so that no two adjacent dwelling units look the same, and there shall be no discernible pattern in the building design.**

Payment Schedule: Up to \$300,000 in TAD funds shall be made payable upon submittal of paid invoices for the asbestos study and remediation, demolition of the 13 structures, and grading. The remaining TAD funding up to \$469,058 shall be made payable annually from the actual increment generated by the redevelopment project, with the rebate amount not to exceed 75% of the increment paid for that tax year.

RESOLUTION BR-2017-13

**APPROVAL OF TAX ALLOCATION DISTRICT (TAD) FUNDING FOR “THE ENCLAVE”
REDEVELOPMENT PROJECT ON THE MLK/PINE/DAVIS/WILLS BLOCK IN MIDTOWN**

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby approves the TAD application of up to \$769,058.00 for “The Enclave” development project at 904, 910, 920 and 928 Martin Luther King, Jr. Boulevard; 860, 872, and 882 Pine Street; 614, 620 and 634 Davis Street; and 873, 881 and 891 Wills Street.

BE IT FURTHER RESOLVED THAT that the governing body for the City of Gainesville hereby approves funding for the redevelopment improvement from the fund balance of the Tax Allocation District Fund.

Adopted this ____ day of _____, 2017.

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

THE ENCLAVE (STEVE MCKIBBON)

MIDTOWN TAD - FUNDING REQUEST



904, 910, 920 & 928 MLK, Jr. Blvd;
860, 872 & 882 Pine Street;
614, 620 & 634 Davis Street; &
873, 881 & 891 Wills Street

Meeting: 2/15/2017

Prepared: 2/13/2017

Gainesville Community Development Department


$$1'' = 920'$$

Tax Parcel: 01-030-004-001, 002, 003, 004, 005, 006, 006A, 007, 008, 009, 010, 011 & 012

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 3/13/2017
Presenter: Bryan Lackey
Item of Business: BR-2017-14 2017 Work Session/Council Meeting Calendar (July thru December)
Meeting Date: 3/21/2017

Purpose of Request:

The purpose of this request is to consider the governing body's meeting calendar for the last half of 2017.

History/Background:

The governing body adopted a meeting calendar for the first half of the year during it's 12/20/16 Council Meeting.

Facts & Issues for Consideration:

The proposed calendar continues the practice of holding Council Meetings on the first and third Tuesday of each month with Work Sessions occurring on Thursday before the Council Meeting. It also makes adjustments for scheduled holidays on July 4th and September 5th as well as prepares for 2018.

Department Recommendation:

Adopt the proposed calendar as presented.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget?

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ BR-2017-14 2017 Work Session/Council Meeting Calendar (July thru December	Resolution
☐ Governing Body's Calendar - July thru December	Attachments/Exhibits

RESOLUTION BR-2017-14
2017 MEETING CALENDAR OF THE GOVERNING BODY
(JULY THRU DECEMBER)

WHEREAS, the governing body has regular scheduled meetings each month; and

WHEREAS, regular scheduled Mayor/Council Meetings are scheduled for the first and third Tuesday of each month; and

WHEREAS, regular scheduled Work Sessions are scheduled on the Thursday before each Mayor/Council Meeting; and

WHEREAS, the Charter for the City of Gainesville requires a resolution to set forth regular meeting dates of the governing body.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the City of Gainesville adopts the attached as the meeting calendar for the last half of 2017.

BE IT FURTHER RESOLVED that resolution BR-2016-56 which establishes the meeting schedule for the first half of the year shall remain in effect unless amended.

BE IT FURTHER RESOLVED that the June meeting dates are amended as shown on the attached and any other amendments to the 2017 meeting calendar may occur in accordance with Chapter 14 of Title 50 of the O.C.G.A. and in accordance with the Section 2.20 of the City Charter.

Adopted this ____ day of March, 2017.

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk



CITY OF GAINESVILLE

**OFFICE OF
THE CITY CLERK**

Denise O. Jordan, CMC
City Clerk

Post Office Box 2496
Gainesville, Georgia 30503-2496
Telephone: 770.535.6865
Fax: 770.535-6896
Web Site: www.gainesville.org

BR-2017-14 Attachment

WORK SESSIONS, 9:00 AM		COUNCIL MEETINGS, 5:30 PM	
Thursday before Council Meeting Administration Building Board Room 300 Henry Ward Way		First and Third Tuesday Public Safety Complex Municipal Court Room 701 Queen City Parkway	
June 1	June 15	June 6	June 20
-	July 13	-	July 18
July 27	August 10	August 1	August 15
-	September 14	-	September 19
September 28	October 12	October 3	October 17
November 2	November 16	November 7	November 21
November 30	December 14	December 5	December 19
January 4	January 18	January 9	January 23

NOTICE OF ANY DEVIATIONS TO THE SCHEDULE OR ANY SPECIAL MEETINGS SHALL BE POSTED BY PUBLIC NOTICE ON THE OFFICIAL BULLETIN BOARD LOCATED IN THE ADMINISTRATIVE BUILDING, 300 HENRY WARD WAY AND ON THE CITY OF GAINESVILLE WEBSITE www.gainesville.org/council-meeting.

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 3/1/2017
Presenter: Bryan Lackey
Item of Business: BR-2017-15 Updated Elected Officials Credit Card Policy
Meeting Date: 3/21/2017

Purpose of Request:

The purpose of this request is to update the referenced policy.

History/Background:

Business Resolution 2015-60 was adopted on December 15, 2015 to comply with O.C.G.A. §36-80-24(d).

Facts & Issues for Consideration:

Department Recommendation:

To approve the resolution.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget?

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ BR-2017-15 2017 Elected Officials Credit Card Policy	Resolution
☐ Elected Officials Credit Card Policy	Policy
☐ Business Resolution 2015-60	Backup Material

RESOLUTION BR-2017-15

UPDATED ELECTED OFFICIALS CREDIT CARD POLICY

WHEREAS, state law was enacted to provide that no municipal corporation shall issue government purchasing cards or government credit cards to elected officials on or after January 1, 2016 until such issuance was authorized by public vote and a policy was established; and

WHEREAS, a policy was prepared in compliance with O.C.G.A. §36-80-24(d) and was adopted on December 15, 2015 via Business Resolution 2015-60.

WHEREAS, the governing body for the City of Gainesville desires to update the referenced policy.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby rescinds Business Resolution 2015-60 and implements the attached Elected Officials Credit Card Policy.

BE IT FURTHER RESOLVED THAT all elected officials shall sign the new policy immediately after its adoption agreeing to abide by its requirements.

BE IT FURTHER RESOLVED THAT newly elected officials shall sign the policy agreeing to abide by its requirements prior to receiving a government issued credit card.

Adopted this ____ day of _____, 2017.

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

ELECTED OFFICIALS CREDIT CARD POLICY

A. Overview

The Georgia General Assembly established guidelines and penalties into the Official Code of Georgia Annotated (“O.C.G.A.”) which provides that no municipal corporation shall issue government purchasing cards or government credit cards to elected officials on or after January 1, 2016, until the governing authority of the municipal corporation, by public vote, has authorized the issuance and has promulgated specific policies regarding the use of such government purchasing cards or government credit cards for elected officials of such municipal corporation.

B. Purpose

The purpose of this policy is to set requirements and standards for the governing body of the City of Gainesville, hereinafter “the City”, regarding credit cards. This policy is not intended to replace current State of Georgia statutes but is intended to comply with such state laws and establish more efficient guidelines for elected officials using such cards. At no time should the city issued credit card be used for personal purchases regardless of the circumstances. Utilizing the credit card for personal use or for any item or service not directly related to such official’s public duty may result in disciplinary action including, but not limited to, felony criminal prosecution. All purchases utilizing a government credit card must be in accordance with these guidelines and with state law. This policy will be amended to address purchasing cards if/when it becomes necessary to issue such cards to the governing body.

C. Scope

This policy, as required by state law under O.C.G.A. § 36-80-24, applies to the use of government issued credit cards used by elected officials. The Mayor and Council Members, hereinafter “the Mayor and Council”, are authorized by the governing authority to use government credit cards and must abide by all of the applicable state laws and this policy.

D. Public Inspection

In accordance with O.C.G.A. § 36-80-24(c) any documents related to purchases using government credit cards incurred by elected officials shall be available for public inspection.

ELECTED OFFICIALS CREDIT CARD POLICY

E. Transaction Limits

Transaction limits are hereby established to insure compliance with state purchasing laws, maintain proper budgetary controls, and to minimize excessive use of any individual credit line. Individual monthly card limits cannot exceed those established by the Mayor and Council. The established monthly card limit is based upon the city's budgetary constraints and is not to exceed \$5,000 per month. Any exceptions to these limits must have express written approval by the Mayor and Council and must be added to this policy by amendment or addendum. All transactions shall be documented by itemized receipts.

F. Purchasing Restrictions

1. The Mayor and Council may not use a government credit card for the following:
 - a. Any purchases of items for personal use.
 - b. Cash refunds or advances.
 - c. Any transaction amount greater than the transaction limits set forth by this policy.
 - d. Items specifically restricted by this policy, unless a special exemption is granted by the municipal governing body.
 - e. Alcohol or liquor of any kind. Such purchases should not be made with the credit card and may not be reimbursed by the city.
 - f. Purchases or transactions made with the intent to circumvent the city's purchasing policy, transactional limits, or state law.
2. The Mayor and Council may use government credit cards to purchase goods and/or services not prohibited by this policy or state law. Such purchases include, but are not limited to:
 - a. Purchases of items for official city use which fall within the transactional restrictions of this policy.
 - b. Travel expenses to include lodging, food and non-alcoholic beverages while on city business, including food and non-alcoholic beverage expenses for the elected official plus one guest at no more than one team building gathering/meal at conferences/meetings attended by the Mayor and Council related to City business.
 - c. Education and training expenses as applicable to elected officials.
 - d. Emergency purchases necessary to protect city property.
3. Non-Reimbursable Expenses. The City will not pay for any of the following charges:
 - a. Expenses for another person(s) unrelated to city business, except as set forth within this policy.
 - b. Alcoholic beverages.

ELECTED OFFICIALS CREDIT CARD POLICY

- c. Laundry, cleaning and pressing of clothes.
- d. Shoe shine.
- e. Carwash.
- f. Movies and videos.
- g. Entertainment for yourself or others.
- h. Other miscellaneous items such as: toiletry items, snacks, pain relief medication, souvenirs, books, magazines or newspapers.
- i. Transportation insurance.
- j. Rental car insurance (Personal Accident Insurance aka PAI).

G. Administrator

The Mayor and Council designate the City Clerk as the program administrator of this credit card policy. The City Manager shall designate a program administrator in the absence of the City Clerk. Such administrator shall:

- 1. Serve as a liaison between the city's cardholders and the issuers of such cards.
- 2. Maintain the cardholder agreement for all cardholders.
- 3. Provide instruction, training, and assistance to cardholders.
- 4. Maintain account information and secure all cardholder information.
- 5. Keep cardholders up-to-date on new or changing information.
- 6. Upon receipt of information indicating fraudulent use or lost/stolen cards immediately report it to the City Manager and the issuer.
- 7. Ensure all card accounts are being utilized properly as set forth by state law and this policy.
- 8. Define the city's policy and procedures for proper documentation and storage of receipts, logs, and approvals required under this policy.
- 9. Identify any changes to named persons authorized to use a government credit card.
- 10. Any other duties assigned by the municipal governing authority.

H. Accounting and Auditing

The Administrator, in an effort to ensure compliance with city policy and state law, will conduct monthly reviews/audits of all applicable government credit card transactions. The review is designed to ensure compliance, identify non-compliance issues and misuse, and, through corrective measures, assist the city with improving compliance. The monthly review/audit should happen within ten (10) days from receipt of the statement. After completing the monthly review/audit, the Administrator shall notify cardholders of any violations or questions within that previous month.

Any unresolved violations should be reported to the City Auditor in writing within thirty (30) business days.

ELECTED OFFICIALS CREDIT CARD POLICY

I. Violations

The use of a government credit card may be suspended or revoked when the City Auditor determines that the cardholder has violated the approved policies or state law regarding its use. The following actions are required to suspend/revoke an elected official's government credit card:

1. Notify the City Manager
2. Notify the City Attorney
3. Notify the governing body and obtain consensus to proceed
4. Notify the cardholder
5. Notify the program administrator
6. Contact the banking institution

The government credit card shall automatically be revoked when a cardholder leaves office and shall be automatically suspended when a cardholder has been suspended from office.

J. Agreement

Before being issued a government credit card under this policy and state law, all authorized users shall sign and accept below indicating he/she will use the card only in accordance with the policies of the city and with the requirements of state law.

Signature

Date: _____

Printed Name

RESOLUTION BR-2015-60

ELECTED OFFICIALS CREDIT CARD POLICY

WHEREAS, state law has been enacted to provide that no municipal corporation shall issue government purchasing cards or government credit cards to elected officials on or after January 1, 2016 until such issuance has been authorized by public vote and a policy has been established; and

WHEREAS, a policy has been prepared in compliance with O.C.G.A. §36-80-24(c); and

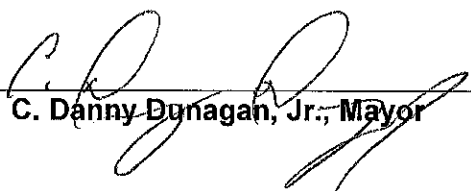
WHEREAS, the policy was submitted to the City Attorney for legal review.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby adopts the attached Elected Officials Credit Card Policy and authorizes staff to issue government credit cards to elected officials taking office on or after January 1, 2016.

BE IT FURTHER RESOLVED THAT newly elected officials shall sign the policy agreeing to comply with its requirements prior to receiving the card.

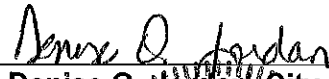
BE IT FURTHER RESOLVED THAT elected officials currently assigned a city issued credit card shall, upon adoption of this resolution, sign the policy agreeing to comply with its requirements.

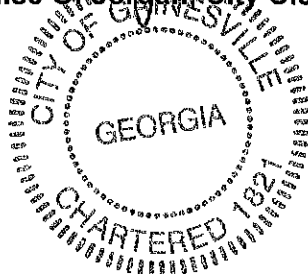
Adopted this 15th day of December, 2015.


C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:


Denise O. Jordan, City Clerk



ELECTED OFFICIALS CREDIT CARD POLICY

A. Overview

The Georgia General Assembly established guidelines and penalties into the Official Code of Georgia Annotated ("O.C.G.A.") which provides that no municipal corporation shall issue government purchasing cards or government credit cards to elected officials on or after January 1, 2016, until the governing authority of the municipal corporation, by public vote, has authorized the issuance and has promulgated specific policies regarding the use of such government purchasing cards or government credit cards for elected officials of such municipal corporation.

B. Purpose

The purpose of this policy is to set requirements and standards for the governing body of the City of Gainesville, hereinafter "the City", in regards to credit cards. This policy is not intended to replace current State of Georgia statutes but is intended to comply with such state laws and establish more efficient guidelines for elected officials using such cards. At no time should the city issued credit card be used for personal purchases regardless of the circumstances. Utilizing the credit card for personal use or for any item or service not directly related to such official's public duty may result in disciplinary action including, but not limited to, felony criminal prosecution. All purchases utilizing a government credit card must be in accordance with these guidelines and with state law. This policy will be amended to address purchasing cards if/when it becomes necessary to issue such cards to the governing body.

C. Scope

This policy, as required by state law under O.C.G.A. § 36-80-24(c), applies to the use of government issued credit cards used by elected officials. The Mayor and Council Members, hereinafter "the Mayor and Council", are authorized by the governing authority to use government credit cards and must abide by all of the applicable state laws and this policy.

D. Public Inspection

In accordance with O.C.G.A. § 36-80-24(b) any documents related to purchases using government credit cards incurred by elected officials shall be available for public inspection.

ELECTED OFFICIALS CREDIT CARD POLICY

E. Transaction Limits

Transaction limits are hereby established to insure compliance with state purchasing laws, maintain proper budgetary controls, and to minimize excessive use of any individual credit line. Individual monthly card limits cannot exceed those established by the Mayor and Council. The established monthly card limit is based upon the city's budgetary constraints and is not to exceed \$5,000 per month. Any exceptions to these limits must have express written approval by the Mayor and Council and must be added to this policy by amendment or addendum. All transactions shall be documented by itemized receipts.

F. Purchasing Restrictions

1. Elected Officials may not use a government credit card for the following:
 - a. Any purchases of items for personal use.
 - b. Cash refunds or advances.
 - c. Any transaction amount greater than the transaction limits set forth by this policy.
 - d. Items specifically restricted by this policy, unless a special exemption is granted by the municipal governing authority.
 - e. Alcohol or liquor of any kind. Such purchases should not be made with the credit card and may not be reimbursed by the city.
 - f. Purchases or transactions made with the intent to circumvent the city's purchasing policy, transactional limits, or state law.
2. The Mayor and Council may use government credit cards to purchase goods and/or services not prohibited by this policy or state law. Such purchases include, but are not limited to:
 - a. Purchases of items for official city use which fall within the transactional restrictions of this policy.
 - b. Travel expenses to include lodging, food and non-alcoholic beverages while on city business.
 - c. Education and training expenses as applicable to elected officials.
 - d. Emergency purchases necessary to protect city property.
3. Non-Reimbursable Expenses. The City will not pay for any of the following charges:
 - a. Expenses for another person(s) unrelated to City business
 - b. Alcoholic beverages
 - c. Laundry, cleaning and pressing of clothes
 - d. Shoe shine
 - e. Carwash
 - f. Movies and videos
 - g. Entertainment for yourself or others

ELECTED OFFICIALS CREDIT CARD POLICY

- h. Other miscellaneous items such as: toiletry items, snacks, pain relief medication, souvenirs, books, magazines or newspapers
- i. Transportation insurance
- j. Rental car insurance (Personal Accident Insurance aka PAI)

G. Administrator

The Mayor and Council designate the City Clerk as the program administrator of this credit card policy. The City Manager shall designate a program administrator in the absence of the City Clerk. Such administrator shall:

1. Serve as a liaison between the city's cardholders and the issuers of such cards.
2. Maintain the cardholder agreement for all cardholders.
3. Provide instruction, training, and assistance to cardholders.
4. Maintain account information and secure all cardholder information.
5. Keep cardholders up-to-date on new or changing information.
6. Upon receipt of information indicating fraudulent use or lost/stolen cards immediately report it to the City Manager and the issuer.
7. Ensure all card accounts are being utilized properly as set forth by state law and this policy.
8. Define the city's policy and procedures for proper documentation and storage of receipts, logs, and approvals required under this policy.
9. Identify any changes to named persons authorized to use a government credit card.
10. Any other duties assigned by the municipal governing authority.

H. Accounting and Auditing

The Administrator, in an effort to ensure compliance with city policy and state law, will conduct monthly reviews/audits of all applicable government credit card transactions. The review is designed to ensure compliance, identify non-compliance issues and misuse, and, through corrective measures, assist the city with improving compliance. The monthly review/audit should happen within ten (10) days of the start of a new month. After completing the monthly review/audit, the Administrator shall notify cardholders of any violations or questions within that previous month.

Any unresolved violations should be reported to the City Auditor in writing within thirty (30) business days.

ELECTED OFFICIALS CREDIT CARD POLICY

I. Violations

The use of a government credit card may be suspended or revoked when the City Auditor determines that the cardholder has violated the approved policies or state law regarding its use. The following actions are required to suspend/revoke an elected official's government credit card:

1. Notify the City Manager
2. Notify the City Attorney
3. Notify the governing body and obtain consensus to proceed
4. Notify the cardholder
5. Notify the policy administrator
6. Contact the banking institution

The government credit card shall automatically be revoked when a cardholder leaves office and shall be automatically suspended when a cardholder has been suspended from office.

J. Agreement

Before being issued a government credit card under this policy and state law, all authorized users shall sign and accept below indicating he/she will use the card only in accordance with the policies of the city and with the requirements of state law.

Signature

Date: _____

Printed Name

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 3/1/2017

Presenter: Abb Hayes

Item of Business: **First Reading on Proposed Ordinance**
Amend Chapter 1-9 Entitled "Code of Ethics"
AN ORDINANCE TO AMEND CHAPTER 1-9 ENTITLED "CODE OF ETHICS" 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.

Meeting Date: 3/21/2017

Purpose of Request:

The purpose of this request is to present a rewrite of the Ethics Ordinance.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Hold first reading on proposed ordinance as presented.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget?

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ Proposed Ethics Ordinance	Ordinance

First Reading: _____
Passed: _____

AN ORDINANCE

No. 2017-

AN ORDINANCE TO AMEND CHAPTER 1-9 ENTITLED “CODE OF ETHICS” 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.

BE IT HEREBY ORDAINED BY THE GOVERNING BODY OF THE CITY OF GAINESVILLE, GEORGIA, AS FOLLOWS:

SECTION I

Chapter 1-9 of the Code of the City of Gainesville, Georgia is hereby amended to read as follows:

Sec. 1-9-1. – Purpose.

The purpose of this code of ethics is to:

- (a) Encourage high ethical standards in official conduct by city officials and employees;
- (b) Establish guidelines for ethical standards of conduct for all city officials and employees by setting forth those acts or actions that are incompatible with the interest of the city;
- (c) Require disclosure by city officials and employees of private financial or other interest in matters affecting the city; and
- (d) Serve as a basis for disciplining those who refuse to abide by its terms.

Sec. 1-9-2. – Scope.

The provisions of this code of ethics shall be applicable to all city officials and employees.

Notwithstanding anything herein to the contrary, state law and the charter of the city shall be controlling in the event of an actual conflict with the provisions of this code of ethics. This ordinance shall be interpreted to supplement, and not replace, said provisions of state law and the charter.

Sec. 1-9-3. – Definitions.

Solely for the purpose of this code of ethics:

- (a) *City official* or *official*, unless otherwise expressly defined does not include city employees but does mean the mayor, members of the city council, municipal court

judges (including substitute judges), city manager, city clerk, city attorney, and all other persons holding positions designated by the city charter, as amended. The term “city official” also includes all individuals, including city employees, appointed by the mayor and/or city council as appropriate to city authorities, commissions, committees, boards, task forces, or other bodies which can or may vote or take formal action or make official recommendations to the mayor and/or city council.

- (b) *Decision* means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the city council or other city board or commission, as well as the discussions or deliberations of the council, board, or commission which can or may lead to a vote or formal action by that body.
- (c) *Employee* means any person who is a full-time or part-time employee of the city.
- (d) *Immediate family* means the spouse, mother, father, grandparent, brother, sister, son or daughter of any city official related by blood, adoption or marriage. The relationship by marriage shall include in-laws.
- (e) *Incidental interest* means an interest in a person, entity or property which is not a substantial interest as defined herein and which has insignificant value.
- (f) *Remote interest* means an interest of a person or entity, including a city official, which would be affected in the same way as the general public. For example, the interest of an official in the property tax rate, general city fees, city utility charges or a comprehensive zoning ordinance or similar matters is deemed remote to the extent that the official would be affected in common with the general public.
- (g) *Substantial interest* means an interest, either directly or through a member of the immediate family, in another person or entity, where:
 - (1) the interest is ownership of five percent or more of the voting stock, shares or equity of the entity or ownership of \$5,000.00 or more of the equity or market value of the entity;
 - (2) the funds received by the person from the other person or entity during the previous 12 months either equal or exceed: (a) \$5,000.00 in salary, bonuses, commissions or professional fees, or \$5,000.00 in payment for goods, products or services, or (b) ten percent of the recipient’s gross income during that period, whichever is less;
 - (3) the person serves as a corporate officer or member of the board of directors or other governing board of a for-profit entity other than a corporate entity owned or created by the city council; or
 - (4) the person is a creditor, debtor, or guarantor of the other person or entity in an amount of \$5,000.00 or more.

Sec. 1-9-4. – Prohibitions.

- (a) No city official or employee shall use such position to secure special privileges or exemptions for himself or herself or others, or to secure confidential information for any purpose other than official duties on behalf of the city.

- (b) No city official or employee, in any matter before the council or other city body, relating to a person or entity in which the city official or employee has a substantial interest, shall fail to disclose for the record such interest prior to any discussion or vote or fail to recuse himself/herself from such discussion or vote as applicable.
- (c) No city official or employee shall act as an agent or attorney for another in any matter before the city council or other city body.
- (d) No city official or employee shall directly or indirectly receive, or agree to receive, any compensation, gift, reward, or gratuity in any matter or proceeding connected with, or related to, the duties of his office except as may be provided by law.
- (e) No city official or employee shall enter into any contract with, or have any interest in, either directly or indirectly, the city except as authorized by state law.
 - (1) This prohibition shall not be applicable to the professional activities of the city attorney in his or her work as an independent contractor and legal advisor on behalf of the city.
 - (2) This prohibition shall not be applicable to an otherwise valid employment contract between the city and a city official who is not elected (such as, by way of example, a city manager, city administrator or chief of police).
 - (3) Any city official or employee who has a proprietary interest in an agency doing business with the city shall make that interest known in writing to the city council and the city clerk.
- (f) All public funds shall be used for the general welfare of the people and not for personal economic gain.
- (g) Public property shall be disposed of in accordance with state law.
- (h) No city official or employee shall solicit or accept other employment to be performed, or compensation to be received, while still a city official or employee if the employment or compensation could reasonably be expected to impair such city official or employee's judgment or performance of city duties.
- (i) If a city official or employee accepts or is soliciting a promise of future employment from any person or entity who has a substantial interest in a person, entity or property which would be affected by any decision upon which the city official or employee might reasonably be expected to act, investigate, advise, or make a recommendation, the city official or employee shall disclose the fact to the city council and shall recuse himself/herself and take no further action on matters regarding the potential future employer.
- (j) No city official or employee shall use city facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public.
- (k) No city official or employee shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

- (l) A city official or employee shall not directly or indirectly make use of, or permit others to make use of, official information not made available to the general public for the purpose of furthering a private interest.
- (m) A city official or employee shall not use his or her position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to such city official, employee or persons within the city official or employee's immediate family, or those with whom the city official or employee has business or financial ties amounting to a substantial interest.
- (n) A city official or employee shall not order any goods and services for the city without prior official authorization for such an expenditure. No city official or employee shall attempt to obligate the city nor give the impression of obligating the city without proper prior authorization.
- (o) No city official or employee shall draw travel funds or per diem from the city for attendance at meetings, seminars, training or other educational events and fail to attend such events without promptly reimbursing the city therefor.
- (p) No city official or employee shall attempt to unduly influence the outcome of a case before the Municipal Court of the City of Gainesville.

Sec. 1-9-5. – Conflict of interest.

- (a) A city official or employee may not participate in a vote or decision on a matter affecting an immediate family member or any person, entity, or property in which the official or employee has a substantial interest.
- (b) A city official or employee who serves as a corporate officer or member of the board of directors of a nonprofit entity must disclose their interest in said entity to the mayor and council prior to participating in a vote or decision regarding funding of the entity by or through the city.
- (c) Where the interest of a city official or employee in the subject matter of a vote or decision is remote or incidental, the city official or employee may participate in the vote or decision and need not disclose the interest.

Sec. 1-9-6. - BOARD OF ETHICS

- (a) The Board of Ethics of the city shall consist of five (5) residents of the city, appointed by the mayor and approved by a majority of the city council.
- (b) All members of the Board of Ethics shall be residents of the city for at least one (1) year immediately preceding the date of taking office and shall remain a resident while serving on the Board.
- (c) All members of the Board of Ethics shall serve a four (4) year term.
- (d) No person shall serve as a member of the Board of Ethics if the person has, or has had within the preceding one (1) year period, any interest in any contract or contracting opportunity with the city or has been employed by the city.

- (e) Members of the Board of Ethics with any permit or rezoning application pending before the city, or any pending or potential litigation against the city or any city official charged in the complaint shall be disqualified from serving on the Board of Ethics for that complaint. An alternate member of the Board of Ethics shall be selected in the same manner as the disqualified individual.
- (f) The members of the Board of Ethics shall serve without compensation. The governing body shall provide meeting space for the Board of Ethics and, subject to budgetary procedures and requirements of the City, such supplies and equipment as may be reasonably necessary for the Board to perform its duties and responsibilities.
- (g) No person shall serve on the Board of Ethics who has been convicted of a felony involving moral turpitude in this state or any other state, unless such person's civil rights have been restored and at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude.
- (h) No person shall serve on the Board of Ethics who is less than 21 years of age, who holds a public elective office, who is physically or mentally unable to discharge the duties of a member of the Board of Ethics, or who is not qualified to be a registered voter in the city.
- (i) Upon appointment, members of the Board of Ethics shall sign an affidavit attesting to their qualification to serve as a member of the Board of Ethics.
- (j) Members of the Board of Ethics may be removed by vote of the governing body.

Sec. 1-9-7. – Receipt of complaints.

- (a) All complaints against city officials shall be filed with the city clerk, who will give it to the Mayor and Council. The governing body may require that oral complaints, and complaints illegibly or informally drawn, be reduced to a memorandum of complaint in such form as may be prescribed by the governing body. Upon receipt of a complaint in proper form, the city clerk or the clerk's designee shall forward a copy of the complaint to the city official or officials charged in the complaint within no more than seven (7) calendar days.
- (b) All complaints shall be submitted and signed under oath, shall be legibly drawn and shall clearly address matters within the scope of this ordinance.
- (c) Upon receipt of a complaint in proper form, the Board shall review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary jurisdiction of the governing body. The Board of Ethics is empowered to dismiss in writing complaints that it determines are unjustified, frivolous, patently unfounded or fail to state facts sufficient to invoke the disciplinary jurisdiction of the governing body; provided, however, that a rejection of such complaint by the Board of Ethics shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official. For complaints that are not dismissed, the Board of Ethics is empowered to collect evidence and information concerning any complaint and add the findings and results of its investigations to the file containing such complaint.
- (d) Upon completion of its investigation of a complaint, the Board of Ethics is empowered to

dismiss in writing those complaints which it determines are unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the governing body; provided, however, that a rejection of such complaint by the Board of Ethics shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official.

- (e) The Board of Ethics is empowered to conduct investigations, to take evidence, and to hold hearings to address the subject matter of a complaint.
- (f) The Board of Ethics is empowered to adopt forms for formal complaints, notices, and any other necessary or desirable documents within its jurisdiction where the governing body has not prescribed such forms.
- (g) Findings of the Board of Ethics shall be submitted to the governing body for final action.

Sec. 1-9-8. – Service of complaint.

The city clerk shall cause the complaint to be served on the city official charged as soon as practicable but in no event later than seven (7) calendar days after receipt of a proper, verified complaint. Service may be by personal service, by certified mail, return receipt requested or by statutory overnight delivery. A hearing shall be held within sixty (60) calendar days after filing of the complaint. The Board of Ethics shall conduct hearings in accordance with the procedures and regulations it establishes but, in all circumstances, at least one hearing shall include the taking of testimony and the cross-examination of available witnesses. The decision of the Board of Ethics shall be rendered to the governing body within seven calendar days after completion of the final hearing. At any hearing held by the Board of Ethics, the city official who is the subject of inquiry shall have the right to written notice of the hearing and the allegations at least seven (7) calendar days before the first hearing, to be represented by counsel, to hear and examine the evidence and witnesses and, to oppose or try to mitigate the allegations. The city official subject to the inquiry shall also have the right but not the obligation of submitting evidence and calling witnesses. Failure to comply with any time deadlines in this section of the ordinance shall not invalidate any otherwise valid complaint or in any way affect the power or jurisdiction of the Board of Ethics or the governing body to act upon any complaint.

Sec. 1-9-9. – Right to appeal.

- (a) Any city official or complainant adversely affected by the final action of the governing body or the Board of Ethics may obtain judicial review of such decision as provided in this Section.
- (b) An action for judicial review may be commenced by filing an application for a writ of certiorari in the Superior Court of Hall County within thirty (30) days after the final action of the governing body or of the Board of Ethics.

Sec. 1-9-10. – Penalty.

Any person violating any provision of this article is subject to: (a) public reprimand or censure by the governing body; or (b) request for resignation by the governing body.

SECTION II

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION III

If any portion of this ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional

SECTION IV

The ordinance is enacted as an amendment to Chapter 1-9 of the Code of Ordinances of the City of Gainesville, Georgia.

SECTION V

The effective date of this ordinance shall be upon approval by the governing body of the City of Gainesville.

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 3/3/2017

Presenter: Jessica Tullar

Item of Business: BR-2017-16 Transmittal of the FY2016 Annual Update to the Capital Improvements Element (CIE)

Meeting Date: 3/21/2017

Purpose of Request:

Resolution authorizing the transmittal of the FY16 Annual Update to the City's *Capital Improvements Element (CIE)* component of the Comprehensive Plan.

History/Background:

The annual update is related to the City's Impact Fees program, and it serves as an annual audit of the program per DCA requirements.

Facts & Issues for Consideration:

The annual update to the CIE is required to be submitted and approved by DCA in order to maintain the City's *Qualified Local Government (QLG) Status*. The City is required to hold at least one public hearing before adopting the transmittal resolution.

Department Recommendation:

Hold public hearing and approve the resolution.

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget?

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ FY16 CIE Transmittal Public Hearing Legal Ad	Legal Ad
☐ BR-2017-16 Transmittal of the FY2016 Annual Update to the Capital Improvements Element (CIE)	Resolution

PUBLISH DATE
Sunday, March 5, 2017 and
Monday, March 6, 2017
THE TIMES

NOTICE OF CITY COUNCIL PUBLIC HEARING

NOTICE is hereby given that the **Gainesville City Council** will hold a public hearing on **Tuesday, March 21, 2017** @ 5:30 p.m. on the transmittal of the annual update report on the Gainesville Impact Fees Program to the Georgia Mountains Regional Commission for review. This hearing will be held at the **Public Safety Complex (Gainesville Justice Center)** in the **Municipal Court Room** which is located at 701 Queen City Parkway.

Copies of the draft FY 2016 Annual Update for the Impacts Fees program will be available for public review at the office of the Community Development Department during regular business hours, 8:00 a.m. – 5:00 p.m. Monday through Friday, starting Friday, March 17, 2017. The draft annual update will be posted on the City of Gainesville website at www.gainesville.org.

Additional information is available from the City of Gainesville, Community Development Department – Special Projects Division, telephone 770-531-6570.

RESOLUTION BR-2017-16

TRANSMITTAL OF THE ANNUAL UPDATE TO THE CIE

WHEREAS, the City of Gainesville, Georgia adopted on July 18, 2006, a Capital Improvement Element (CIE) for Public Safety and Parks and Recreation and related amendments to the Comprehensive Plan of the City of Gainesville in support of the Gainesville Impact Fee Program; and

WHEREAS, the City of Gainesville, Georgia adopted on August 1, 2006, an amendment to the Gainesville Unified Land Development Code, titled **Article 9-19 Development Impact Fees**, to assist in the implementation of the Gainesville Impact Fee Program; and

WHEREAS, the City has prepared an annual update to the CIE in accordance with the "Development Impact Fee Compliance Requirements" and "Minimum Planning Standards and Procedures for Local Comprehensive Planning" established by the Georgia Planning Act of 1989, and a public hearing was held on Tuesday, March 21, 2017, at the **Public Safety Complex** in the **Municipal Court Room** in Gainesville, Hall County, Georgia; and

WHEREAS, the said CIE shall be included as part of this resolution as Exhibit A and shall consist of a financial report outlining impact fees collected versus those expended and an updated Capital Improvement Projects lists for Police, Fire and Parks/Recreation; and

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby transmits the annual update of the Capital Improvements Element (CIE) covering the five-year period 2016-2021 to the Georgia Mountains Regional Commission for regional review, as per the requirements of the Georgia Planning Act of 1989.

Adopted this _____ day of _____, 2017.

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

EXHIBIT A



**FY 2016 Annual Update of the Capital Improvement
Element (CIE) & Short Term Work Program
(July 1, 2015 - June 30, 2016)**

City of Gainesville, Georgia

Transmittal Document Prepared by:
City of Gainesville
Community Development Department

Financial Report:
FY 2016 Impact Fee Financial Report

Public Facility	Police^^	Fire	Parks & Recreation	Total
Service Area (if more than one)	City-wide	City-wide	City-wide	City-wide
Impact Fee Fund Balance June 30, 2015	\$119,543	\$110,709	\$654,767	\$885,019
Impact Fees Collected (July 1, 2015 through June 30, 2016)	\$39,108	\$67,791	\$489,986	\$596,885
Administrative Fees Collected				\$19,209
Accrued Interest**	\$213	\$230	\$1,407	\$1,851
(Impact Fee Refunds)	\$0	\$0	\$0	\$0
(Administrative Fees Refunds)	\$0	\$0	\$0	\$0
(Administrative/Other Costs)***				(\$19,209)
(Project Expenditures)	\$0	\$0	\$0	\$0
(Impact Fees Encumbered)				\$0
Project Balance Returned to IF Funds^		\$6,996		\$6,996
Impact Fee Fund Balance Ending June 30, 2015	\$158,864	\$185,726	\$1,146,160	\$1,490,750

(*) Indicates this annual report covers the last completed fiscal year - July 1, 2015 to June 30, 2016. The City of Gainesville Impact Fee Program began August 1, 2006.

(**) Indicates *Interest Revenue*, which is "bank interest earned from pooled cash balance"

(***) Indicates the 3% Administrative Fee collected was transferred to the General Fund to cover the costs associated with administering the Impact Fee program

(^) Indicates that balances from previous Capital Projects returned to IF Fund

Capital Improvements Project Update:
CIP Update for FY2016 - FY2021

Public Facility: Police								
Service Area: City of Gainesville								
Project Description	Project Start Date	Project End Date	Estimated Cost of Project	Percentage of Funding from Impact Fees	Other Funding Sources	Impact Fees Expenditures	Impact Fees Encumbered	Status/Remarks
Police Training Facility, Phase II: Architectural Design & Engineering for shoot house, training building with instructional classroom space & indoor driving simulator (@ 15% building construction costs)	2017	2019	\$390,000	20%	GF, LP, IG, SPLOST	\$0	\$0	Delayed/Postponed (Shoot House & Training Building) - Training facility for current and additional officers to be hired to accommodate expected growth & to meet Police certification requirements
								In Progress - Design for building with indoor driving simulator
Construct Phase II of Training Facility: Shoot House, Training Building with classroom space & Indoor Driving Simulator	2019	2021	\$2,936,000	20%	GF, LP, IG, SPLOST	\$0	\$39,019	Delayed/Postponed (Shoot House & Training Building) - Training facility for current and additional officers to be hired to accommodate expected growth & to meet Police certification requirements
								In Progress - Design for building with indoor driving simulator
Total of Costs, Expenditures & Impact Fees Encumbered			\$3,326,000			\$0	\$39,019	

GF = General Fund LP = Lease Proceeds IG = Intergovernmental (Local, State, Federal) SPLOST = Special Purpose Local Option Sales Tax IF = Impact Fees

(*) Indicates that the CIE five-year period is based on Gainesville's fiscal year (July 1, 2016 through June 30, 2021).

Public Facility		Fire						
Service Area:		City of Gainesville						
Project Description	Project Start Date	Project End Date	Estimated Cost of Project	Percentage of Funding from Impact Fees	Other Funding Sources	Impact Fees Expenditures	Impact Fees Encumbered	Status/Remarks
Fire Boat & Equipment: additional vehicle/equipment to the fleet for Lake Lanier water rescue & fire-fighting along the 47-miles of shoreline (some property on Lake Lanier has better, safer access from the Lake due to terrain)	2017	2019	\$385,000	100.00%	GF, Grants, IF	\$0	\$0	In Progress - Impact Fees to be allocated in FY18 Budget. Estimate for Fire Boat ranges from \$250,000 to \$400,000. Fire boat will be used to fight fires along the City's 47 miles of Lake Lanier shoreline & for lake rescue operations.
Additional Ladder Truck to create 2nd Ladder Company/Reserve	2016	Future	\$1,500,000	100%	SPLOST VII	\$0	\$0	In Progress
Fire Station #2 Replacement: Replace existing FS #2, to include demolition of existing station & construction of 4-bay station to house 24 personnel. Apparatus includes 1 engine company, 1 rescue company, 1 emergency medical response company & 1 HazMat response company.	2017	2019	\$4,000,000	0%	SPLOST VII	\$0	\$0	In Progress - Location of replacement station under evaluation; planning/design in progress.
Fire Station #5 in NW area (including land acquisition, architectural design/engineering & construction)	2018	2020	\$3,200,000	0%	GF, IG, SPLOST	\$0	\$0	Delayed - To be included in the FY18 CIP of the City's Budget
Equip Fire Station #5 with one pumper truck @ \$550,000	2018	2020	\$600,000	19.44%	GF, IF	\$0	\$0	Delayed - To be included in the FY18 CIP of the City's Budget
Fire Station #6 in NE area (including land, architectural design & engineering & construction)	2019	2021	\$3,200,000	90.80%	GF, SPLOST	\$0	\$0	Delayed - To be included in the FY19 CIP of the City's Budget
Equip Fire Station #6 with one pumper truck @ \$550,000	2019	2021	\$600,000	100%	GF	\$0	\$0	Delayed - To be included in the FY19 CIP of the City's Budget
Fire Station #7 in SW area	2020	2023	\$5,500,000	100%	GF, SPLOST	\$0	\$0	To be included in the FY20 CIP of the City's Budget
Total of Costs, Expenditures & Impact Fees Encumbered			\$18,985,000			\$0	\$0	

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Public Facility: Parks & Recreation								
Service Area: City of Gainesville								
Project Description	Project Start Date	Project End Date	Estimated Cost of Project	Percentage of Funding from Impact Fees	Other Funding Sources	Impact Fees Expenditures	Impact Fees Encumbered	Status/Remarks
City Park	2013	Future	\$5,087,500	29%	GF, SPLOST, Grants	\$0	\$0	New restrooms & playground improvements planned for 2019 at \$300,000.
Desota Park	2018	2019	\$225,000	45%	GF, SPLOST, Grants	\$0	\$0	In Progress - Improvements to basketball & tennis courts planned for 2018 at \$100,000.
East Side Greenway (Midtown to New Holland)	2016	2018	\$1,000,000	100%	GF, SPLOST, Grants	\$0	\$0	In Progress - CSX Transportation property in appraisal process. Funding for acquisition through CDBG program.
Flat Creek Multiuse Trail	2016	2019	\$850,000	100%	GF, SPLOST, Grants	\$0	\$0	Part of Central Hall Trail that links to Midtown Greenway. Applied for \$100,000 <i>Georgia Recreational Trails Grant</i> for materials.
Frances Meadows Center Park	2011	2021	\$2,786,738	100%	GF, SPLOST, Grants	\$139,863	\$0	COMPLETED - Improvements (field lighting) for new athletic field (Cabbel Field) in 2016.
								Added trail system and new outdoor pool to park plans
Holly Park	2014	Future	\$3,243,500	51%	GF, SPLOST, Grants	\$1,500	\$0	COMPLETED - Blueway landing (Signage, etc.) added in 2016.
								Postponed - Studying renovations for greater use. Discussions with US Army Corps of Engineers about potential new use.
Lanier Point Park	2015	2021	\$918,670	31%	GF, SPLOST, Grants	\$1,500	\$0	COMPLETED - Blueway landing (Signage, etc.) added in 2016.
								Postponed - Disc golf course project & new playground postponed to 2020. Pavilion added to plans.
Linwood Nature Preserve	2014	2017	\$125,000	100%	GF, SPLOST, Grants	\$24,832	\$100,000	COMPLETED - Development of public access with trails & trailhead amenities in 2016.
								Development of an outdoor learning center planned for FY2017 at \$100,000 from IF
Subtotal of Costs, Expenditures & Impact Fees Encumbered			\$14,236,408			\$167,695	\$100,000	

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GF = General Fund SPLOST = Special Purpose Local Option Sales Tax Grants = TEA, CDBG, LWCF, etc. IF = Impact Fees

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Public Facility: Parks & Recreation (CONTINUED)								
Service Area: City of Gainesville								
Project Description	Project Start Date	Project End Date	Estimated Cost of Project	Percentage of Funding from Impact Fees	Other Funding Sources	Impact Fees Expenditures	Impact Fees Encumbered	Status/Remarks
Longwood Park	2014	Future	\$305,000	100%	GF, SPLOST, Grants	\$1,748	\$0	COMPLETED - Blueway landing (Signage, etc.) added in 2016.
								Restrooms for tennis courts and playground added as need.
Midtown Greenway/Parks	2006	2021	\$3,202,007	69%	GF, SPLOST, Grants	\$0	\$0	In Progress - GDOT TE project to develop Phase II (trail construction from MLK, Jr. Blvd to Industrial Blvd & streetscaping to connect Phase I with pedestrian bridge). Approval of C.E. obtained & preparing prelim. engineering & ROW plans. Also fundraising for playground, studying feasibility of skate park along with greenway expansion to the south.
Recreation Center	2020	Future	\$5,258,000	100%	GF, SPLOST, Grants	\$0	\$0	Development identified as part of new regional park to accommodate growth.
Riverside Park	2018	2018	\$129,150	100%	GF, SPLOST, Grants	\$0	\$0	In Progress - Playground improvements planned for 2018.
Rock Creek Greenway	2013	Future	\$7,630,000	26%	GF, SPLOST, Grants	\$0	\$0	Postponed - Added new property; renovation plans for Phase I.
Roper Park	2019	Future	\$145,927	100%	GF, SPLOST, Grants	\$4,333	\$0	COMPLETED - Playground improvements necessary due to safety concerns.
								Delayed/Postponed; additional field renovations, etc. as identified
Wessell Park	2014	2016	\$475,000	100%	GF, SPLOST, Grants	\$69,902	\$0	COMPLETED - Continued system improvements - Larger Playground installed in 2016.
Youth Athletic Complex/Park	2015	2020	\$7,200,000	7%	GF, SPLOST, Grants	\$0	\$450,000	In Progress - Project included on City's SPLOST VII projects list. New project need identified to accommodate expected growth, to provide adequate number of ball fields. Expect to allocate \$450,000+ in IF in FY17 Budget for architectural / engineering / design.
Total of Costs, Expenditures & Impact Fees Encumbered			\$38,581,492			\$243,678	\$550,000	

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