



AGENDA

Gainesville Mayor/Council Meeting
Tuesday, April 4, 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:

COUNCIL ANNOUNCEMENTS:

PUBLIC COMMENTS: (20 minutes maximum)

CONSENT AGENDA:

Minutes

- A. March 2, 2017 Work Session
- B. March 7, 2017 Mayor/Council Meeting

Resolutions

- A. BR-2017-17 Declaration of Surplus Property
- B. BR-2017-18 Write-off of Delinquent Personal Property Tax
- C. BR-2017-19 Write-off of Delinquent Utilities Receivables
- D. BR-2017-20 Extension of Hours for Off Premises Catering of Alcoholic Beverages
- E. PR-2017-09 Cargill Sanitary Sewer Improvements - Phase III - Award of Contract
- F. PR-2017-10 Design, Bid, and Construction of the Runway Safety Area Improvement Project

GENERAL LEGISLATION:

- A. **Second Reading on Ordinance 2017-04**
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):

Annexation/Zoning Items

- A. Request from **Hanh My Thi Doan** for a Special Use on a 0.52± acre tract located on the east side of South Enota Drive, north of its intersection with Sherwood Park Drive (a/k/a **502 South Enota Drive NE**), having a zoning classification of Office and Institutional (O-I). **Ward Number: Three.** Tax Parcel Number(s): 01-064-002-030. **Request: Nail Salon.**
- B. Request from **Masy Seng** to annex a 0.19± acre tract located on the northwest side of the intersection of Shallowford Road and Albert Street (a/k/a **593 and 597 Shallowford Road**) and to establish zoning as General Business (G-B). **Ward Number: Five.** Tax Parcel Number(s): 00-119A-001-012 and 013. **Request: Donut shop.**

C. Tabled to the May 9, 2017 Planning and Appeals Board Meeting / June 6, 2017 Council Meeting

Request from **Oak Hall Companies, LLC** to annex a 26.16± acres tract located east of Dawsonville Highway and on the north side of the intersection of Strickland Drive and Sportsman Club Road, with road frontage on Karen Lane (a/k/a 0 and 2209 Karen Lane; 2106, 2234 and 2242 Sportsman Club Road; and 2049 Strickland Drive) and to establish zoning as Planned Unit Development (P-U-D). **Ward Number: One.** Tax Parcel Number(s): 00-109-003-001, 004, 005; 00-109B-000-001, 002A and 036. **Request: Active adult community.**

D. Tabled to the May 9, 2017 Planning and Appeals Board Meeting / June 6, 2017 Council Meeting

Request from **Oak Hall Companies, LLC** to annex a 50.81± acres tract located on the east side of Dawsonville Highway (S.R. 53), having road frontage on Dawsonville Highway, Ahaluna Drive, Skyview Drive and Strickland Drive (a/k/a 0 and 1758 Ahaluna Drive; 1508, 1550, 1740, 1746, 1758, 1760, 1934 and 1982 Dawsonville Highway; 300 and 301 Skyview Drive; 0, 2008 and 2016 Strickland Drive) and to establish zoning as Planned Unit Development (P-U-D) and General Business (G-B). **Ward Number: One.** Tax Parcel Number(s): 00-110-000-005 (part), 028, 032 (part) and 039; 00-110A-004-001 (part), 002A, 004 (part), 005 (part), 007 (part), 007A (part), 007X, 014 (part), 016 (part), 017 (part) and 018. **Request: Mixed-use development.**

E. Tabled to the May 9, 2017 Planning and Appeals Board Meeting / June 6, 2017 Council Meeting

Request from **Oak Hall Companies, LLC** to rezone a 157.98± acres tract located on the east side of Dawsonville Highway (S.R. 53), having road frontage on Ahaluna Drive, Skyview Drive, Strickland Drive, Lakeshore Circle, West Lake Drive and Karen Lane (a/k/a 0, 1264 and 1817 Ahaluna Drive; 1876 Dawsonville Highway; 2208 Karen Lane; 0 and 2029 Strickland Drive; 0 and 1489 West Lake Drive) from Residential-I-A (R-I-A), Residential-I (R-I), Planned Unit Development (P-U-D) and Regional Business (R-B) to Planned Unit Development (P-U-D) and General Business (G-B). **Ward Number: One.** Tax Parcel Number(s): 00-109B-000-003A; 00-110-000-001, 006, 030, 031, 034, 035, 036, 037 and 038; 01-110-001-006; 01-110A-004-022; 01-114-001-001, 026, 145 and 161. **Request: Mixed-use development.**

CITYMANAGER ISSUES:

CITYATTORNEY ISSUES:

CITYCLERK ISSUES:

EXECUTIVE SESSION:

ADJOURNMENT:

Final: Thursday, March 30, 2017, 5:30 PM

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 3/22/2017

Presenter:

Item of Business: Consent Agenda Items

Meeting Date: 4/4/2017

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: 3/30/2017
Presenter: Denise Jordan
Item of Business: March 2, 2017 Work Session
Meeting Date: 4/4/2017

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: 3/30/2017
Presenter: Denise Jordan
Item of Business: March 7, 2017 Mayor/Council Meeting
Meeting Date: 4/4/2017

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: 3/22/2017
Presenter: Bryan Lackey
Item of Business: BR-2017-17 Declaration of Surplus Property
Meeting Date: 4/4/2017

Purpose of Request:

Requesting Council declare the property on the attached listings as surplus for public sale.

History/Background:

The City's Capital Asset policy dictates the procedure for transferring assets that have outlived their useful life to surplus. This policy has been followed with the assets listed on Attachments A and B. Financial Services periodically requests that property be declared surplus in order to sell or dispose of property in a timely and orderly manner.

Facts & Issues for Consideration:

Surplus property that was purchased by the City is offered to other city departments before a sale takes place. Property seized by the Police Department is not offered to city departments or agencies.

Department Recommendation:

For property listed on Attachments A and B be declared as surplus.

Department Director:

Jeremy Perry

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

Amount Requested: **Source of Funds:**

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ BR-2017-17 Declaration of Surplus Property	Resolution
☐ Attachment A Tagged	Cover Memo
☐ Attachment B Non Tagged	Cover Memo

RESOLUTION BR-2017-17

Declaration of Surplus Property

WHEREAS, the city's Financial Services staff recommends that the attached lists (Attachments A and B) of property be declared surplus and made available for sale or donation in accordance with Resolution BR-90-81 adopting the City's Purchasing Policies and Procedures; and

WHEREAS, said policies and procedures require City Council to declare property to be surplus in order for it to be sold either by sealed bids or by auction to the highest bidder, or disposed of in another matter as approved by the City Manager's office.

WHEREAS, it has been determined that the attached list of property has served beyond its useful life and the city's Financial Services staff believes that the method of disposal shall be by sale at auction to the highest bidder in accordance with the policies and procedures, or dispensation in a manner approved by the City Manager; and

WHEREAS, the city's Financial Services staff shall set a date, place and time for the appropriate sale; and

WHEREAS, the method of disposal of surplus property shall be an auction, utilizing GovDeals, an online auction company recommended by the Georgia Municipal Association, with concurrence of the City Attorney, City Clerk, and City Manager in accordance with policies and procedures, or dispensation in a manner approved by the City Manager; and

WHEREAS, funds derived from the sale of surplus property shall be deposited to the appropriate fund and account as determined by the Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby declares this property surplus and available for public sale or disposal as approved by the City Manager, and that any item not sold at the sale shall be disposed of in an appropriate manner with concurrence of the City Manager.

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

Tagged Assets

			Purchase	Attachment A
Asset #	Asset Description	Dept #	Date	Purchase Cost
Community Service Center				
11986	2006 Ford Raised RF Van #4486	220	6/23/2006	33,457.00
11987	2006 Ford Raised RF Van #4487	220	6/23/2006	33,457.00
14562	2009 Chevy 4500 Goshen Coach	220	7/1/2013	16,870.69
8941	1997 Ford F-171 4x2 Pickup	220	10/15/1996	14,281.00
Police				
12782	2002 Global Electric Motor Car	3200	11/20/2007	10,000.00
Fire Department				
14081	GPS Preemption Kit	222	09/13/12	3,700.00
Cemetery				
20856	2001 Ford F-150	410	07/12/02	17,598.00
Department of Water Resources				
15370	2016 Chevrolet Truck	585	03/01/16	19,242.00
12703	Laptop-Panasonic Toughbook	565	10/05/07	4,001.00
12704	Laptop-Panasonic Toughbook	565	10/05/07	4,001.00
12705	Laptop-Panasonic Toughbook	565	10/05/07	3,773.00
13290	Laptop-Panasonic Toughbook	565	09/07/10	3,345.60
14701	HP LaserJet 4000	575	03/23/99	1,111.55
PW-Vehicle Services				
12080	5065 Coats Tire Hanger	630	08/22/05	4,500.00
12138	R134 Automatic A/C Diag Unit	630	10/03/05	3,795.00
14969	Dell Laptop	630	08/25/98	2,983.47
11135	Desk/Hutch Set	630	12/27/02	2,627.50
13258	Oil pump	630	07/08/97	1,761.00

Non Tagged Assets

Attachment B

Asset #	Asset Description	Dept #	Comments
Financial Services			
No Tag	(3) Pictures	160	Below Threshold
No Tag	5-shelf bookcase	160	Below Threshold
Police			
No Tag	(3) 4-drawer file cabinets	3200	Below Threshold
No Tag	(2) metal desks	3200	Below Threshold
No Tag	Wooden desk	3200	Below Threshold
No Tag	Ricoh Fax 3310L	3200	Below Threshold
No Tag	2000 Toyota Corolla w/key	221	Abandoned
No Tag	Browning Shotgun, Invector BPS, 20GA	221	Abandoned
No Tag	Chinese SKS Rifle, 7.26 Cal.	221	Abandoned
Department of Water Resources			
No Tag	Camera-Kodak DC290 Zoom	565	Below Threshold
No Tag	Wooden desk	4970	Below Threshold
No Tag	HP Envy 5530 printer	575	Below Threshold
No Tag	HP ScanJet 8270	565	Below Threshold
No Tag	mobile hotspot	585	Below Threshold
No Tag	(29) smart phones	585	Below Threshold
No Tag	(2) flip phones	585	Below Threshold
No Tag	(11) smart phone case	585	Below Threshold
No Tag	HP DeskJet 5550	585	Below Threshold
PW- Vehicle Services			
No Tag	(11) Bearings	630	Below Threshold
No Tag	(4) BCA Bearings	630	Below Threshold
No Tag	(7) Oil Seals	630	Below Threshold
No Tag	(8) Seals	630	Below Threshold
No Tag	Metric Cross & Bearing Kit	630	Below Threshold
No Tag	Ring Set Piston	630	Below Threshold
No Tag	Motorcraft Oil Filter	630	Below Threshold
No Tag	Nozzle	630	Below Threshold
No Tag	(2) Trailer Wiring Kits	630	Below Threshold
No Tag	(2) Throttle Cables	630	Below Threshold
No Tag	Battery Terminal Covers	630	Below Threshold
No Tag	Solenoid Valve	630	Below Threshold
No Tag	(8) Metal Washers	630	Below Threshold
No Tag	Sensor	630	Below Threshold
No Tag	Dayco By-Pass Hose	630	Below Threshold
No Tag	(2) Lifts	630	Below Threshold
No Tag	Strobe Light	630	Below Threshold
No Tag	(35) Belts	630	Below Threshold

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 3/10/2017
Presenter: Bryan Lackey
Item of Business: BR-2017-18 Write-off of Delinquent Personal Property Tax
Meeting Date: 4/4/2017

Purpose of Request:

To write off the delinquent personal property taxes that were billed in 2010.

History/Background:

City Auditors have recommended that the City periodically write off uncollectible receivable balances. The Tax Office has general policies and procedures for collecting delinquent personal property taxes.

Facts & Issues for Consideration:

The accounts that we are requesting be written off are listed on Attachment A. This list consists of businesses that have either closed or cannot be located, and the statute of limitations on FIFA's that were filed on these accounts has expired. Of the \$119,179.65 base tax amount, \$85,497.88 is school tax. The Gainesville City School Board has been notified of this request, and write off on their portion of the tax is contingent upon their approval.

Department Recommendation:

We recommend that Council approve the attached resolution for the write off of the 2010 delinquent personal property taxes.

Department Director:

Jeremy Perry

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ BR-2017-18 Write off of Delinquent Personal Property Tax	Resolution
☐ Attachment A - 2010 Delinquent Personal Property Tax	Attachments/Exhibits
☐ Personal Property Tax Collection Procedures	Policy

RESOLUTION BR-2017-18

Write-off of Delinquent Personal Property Tax

WHEREAS, the City of Gainesville Tax Office actively and extensively pursues the collection of delinquent personal property tax; and

WHEREAS, the attached list of accounts due from tax year 2010 has been deemed uncollectible by further efforts of the Tax Office; and

WHEREAS, Generally Accepted Accounting Principles require receivables to be written off when they are deemed uncollectible, and the City of Gainesville's auditors, Rushton and Company, has recommended that uncollectible receivables be written off.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby authorizes the Tax Office staff to write-off the attached list (Attachment A) of delinquent personal property tax accounts.

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

Proposed Write-Off of 2010 Personal Property Taxes

TAXPAYER	BASE TAX	INTEREST	PENALTY	FIFA	PAYMENTS	TOTAL DUE
CHICK SUPPLIES CO INC	1,306.23	919.25	130.62	12.00	0.00	2,368.10
GAINESVILLE LITHO WILLIAMS JEFFREY D/B/A	168.43	118.45	16.84	12.00	0.00	315.72
SOUTHERN EQUIP & MACH CO INC	96.47	67.79	9.65	12.00	0.00	185.91
TIME OUT #5712 & 25017 NAMCO CYBERTAINMENT INC DBA	548.64	386.16	54.86	12.00	0.00	1,001.66
SOUTHERN SAFETY SUPPLY INC	808.16	555.75	80.82	12.00	384.09	1,072.64
MRS WINNERS FAMOUS RECIPE CO OPS INC	514.68	14.13	1.99	12.00	494.75	48.05
RUG STORE	1,361.56	958.30	136.16	12.00	0.00	2,468.02
HERITAGE HOME MORTGAGE INC	228.35	160.65	22.84	12.00	0.00	423.84
U S A SLIDE INC	3,314.41	2,248.18	331.44	0.00	0.00	5,894.03
MCCOPYS INC	175.29	123.32	17.53	12.00	0.00	328.14
KUBITZ R F AGENCY INC	79.59	56.08	7.96	12.00	0.00	155.63
NEXTEL SOUTH CORP	2,513.53	123.29	0.00	0.00	1,373.35	1,263.47
JAKES CAFE MATYSS INC	343.04	229.06	32.27	12.00	27.19	589.18
STERLING PROPERTY SERVICES LLC	133.60	94.06	13.36	12.00	0.00	253.02
R & L POULTRY SUPPLY INC	1,351.72	849.35	135.17	0.00	0.00	2,336.24
DOUBLE J PRO SHOP	121.36	85.36	12.14	12.00	0.00	230.86
J B STEVENS CONST CO INC	41,667.74	13,990.09	4,166.77	12.00	43,223.80	16,612.80
MIDAS AUTO SYSTEMS EXPERTS D K L AUTOMOTIVE INC	243.21	171.14	24.32	12.00	0.00	450.67
BIOTECHNE COMPLEX INC	1,208.55	850.62	120.86	12.00	0.00	2,192.03
SONIC OF GAINESVILLE #4344 INTEGRATED CAPITAL RESOURCES	312.38	219.77	31.24	12.00	0.00	575.39
TEDS PRO MUSIC INC	341.96	242.21	34.20	12.00	5.99	624.38
ERIKAS	53.05	37.34	5.31	12.00	0.00	107.70
BRAKE O #101 CARPRO SER CTRS INC	231.79	163.18	23.18	12.00	0.00	430.15
PEACHTREE CARDIOVASCULAR & THORACIC SURGEONS PA	117.51	82.80	11.75	12.00	0.00	224.06
P C S PARTNERS	263.86	185.71	26.39	12.00	0.00	487.96
SUNDANCE PRODUCT GP LLC (CITY)	13,861.06	9,754.77	1,386.11	12.00	0.00	25,013.94
KELLY MOVING & STORAGE INC	198.59	116.92	19.86	0.00	0.00	335.37
STAR PACKAGE STORE M S F INVESTMENT INC	526.41	370.38	52.64	12.00	0.00	961.43
INTERIM HLTH CARE OF NE GA INC	88.74	62.49	8.87	12.00	0.00	172.10
RAD SERVICES INC	489.32	344.30	48.93	12.00	0.00	894.55
COMPASS REALTY SERVICES	82.75	58.30	8.28	12.00	0.00	161.33
M L H CONSTRUCTION INC	330.36	232.44	33.04	12.00	0.00	607.84
PATCHIN SOLUBLE INTEGRATED INC JAN PATCHIN	159.63	112.38	15.96	12.00	0.00	299.97
DRESS CODE INC C/O SUSAN CROWE	568.27	399.89	56.83	12.00	0.00	1,036.99
SHULERS GREAT OUTDOORS INC	6,703.53	983.16	138.80	12.00	5,315.56	2,521.93
QUEENS ALTERATIONS PHAM TRAN	124.49	87.50	12.45	12.00	0.00	236.44
SCOOP THE PETTO JANET	239.97	155.59	24.00	0.00	0.00	419.56
KYERAS SKIN CARE CHONG BOON SOON	121.82	85.77	12.18	12.00	0.00	231.77
PIZZA K MORENO GEORGE	143.71	101.20	14.37	12.00	0.00	271.28
ELITE SIGNS	97.73	68.83	9.77	12.00	0.00	188.33
LANIER DENTAL LABORATORY INC JOHN WINGO	319.16	224.60	31.92	12.00	0.00	587.68
BURGESS DON LLC	1,341.94	944.41	134.19	12.00	0.00	2,432.54
CARRINGTON PARK/EMPIRIAN LANIER EMPIRE COR CT/ DONNA BOETTIC	170.41	119.84	17.04	12.00	0.00	319.29
ONE TWENTY NINE PACKAGE LLC C/O GOSS EMMETT B JR	473.89	333.55	47.39	12.00	0.00	866.83
EARTHWORKS GRADING & CONTR INC	209.06	147.11	20.91	12.00	0.00	389.08
RODRIGUEZ TOOL & FASTENERS #6	479.13	337.20	47.91	12.00	0.00	876.24
DEPORTES ARON ALFARANON RAMOS MARTIN	192.52	135.54	19.25	12.00	0.00	359.31
G & G MERCADO LATINO G & G ENTERPRISES INC	116.98	82.31	11.70	12.00	0.00	222.99
LANIER DAY SPA HAIR & NAIL DO THIEN	162.25	114.14	16.23	12.00	0.00	304.62
WEBSTER FIRM PC ATTY AT LAW	121.09	85.22	12.11	12.00	0.00	230.42
SEABONES RESTAURANT LLC	535.49	376.76	53.55	12.00	0.00	977.80
C & W ICE LLC	161.45	113.52	16.15	12.00	0.00	303.12
BUICE RICHARD 8555S	488.06	343.45	48.81	12.00	0.00	892.32
FAIRMONT AVIATION INC	3,382.34	2,380.27	338.23	12.00	0.00	6,112.84
DRIP FREE PLUMBING INC SCOTT BROWN	140.38	24.93	14.04	12.00	143.20	48.15
SHIPP ENTERPRISES INC	117.79	82.94	11.78	12.00	0.00	224.51
AUTO BODY COLORS	134.93	94.97	13.49	12.00	0.00	255.39
BUENO BONITO BARATO	237.54	167.27	23.75	12.00	0.00	440.56
CALL MEX CHAVEZ RAUL	365.92	257.52	36.59	12.00	0.00	672.03
DUFFYS DOLLAR DAZE PLUS	851.04	598.92	85.10	12.00	0.00	1,547.06
AHEMD MD PC KALEEM	89.96	63.34	9.00	12.00	0.00	174.30
J WILSON ELECTRIC	84.88	59.76	8.49	12.00	0.00	165.13
LA ISLA TIRE SERVICES LLC	346.72	244.06	34.67	12.00	0.00	637.45
RINCONSITO MAYA	237.58	167.29	23.76	12.00	0.00	440.63
ALL PURPOSE SOIL SERVICE INC	212.15	149.27	21.22	12.00	0.00	394.64
DOMINGO I N M ENTERPRISE INC	190.42	133.93	19.04	12.00	0.00	355.39
STREETSCAPE HARDWARE C X INVESTMENTS INC	436.67	307.40	43.67	12.00	0.00	799.74
LA FLOR DE JALISCO INC	359.29	252.82	35.93	12.00	0.00	660.04

TAXPAYER	BASE TAX	INTEREST	PENALTY	FIFA	PAYMENTS	TOTAL DUE
SEVILLAS FLORIST & GIFTS	374.02	263.23	37.40	12.00	0.00	686.65
COUNTRY ROAD BUFFET JUN JIHN SUNG	480.96	338.52	48.10	12.00	0.00	879.58
MONKEY JOES	756.70	294.05	40.00	12.00	379.40	723.35
P C S PARTNERS INC	303.74	213.83	30.37	12.00	0.00	559.94
SAKURA JAPANESE CUISINE QING QUAN CORPORATION	104.56	3.86	0.10	12.00	106.65	13.87
TIRE GALLERY LLC JIUN CHOI	928.38	653.29	92.84	12.00	0.00	1,686.51
A & M CLEANERS	79.60	56.08	7.96	12.00	0.00	155.64
ANGELA DIANYS NOVEDADES	137.93	97.11	13.79	12.00	0.00	260.83
BAYOU SEAFOOD CHICKEN & STEAKS	84.88	59.76	8.49	12.00	0.00	165.13
BONTANICA LA AZTECA IGNACIO ANDRADE	91.25	64.14	9.13	12.00	0.00	176.52
ANKARA NATURALS	86.66	61.05	8.67	12.00	0.00	168.38
I T A INTERNATIONAL	98.14	69.03	9.81	12.00	0.00	188.98
METROPOLITAN CHEMICAL COMPANY INC	314.05	221.00	31.41	12.00	0.00	578.46
NORTH GEORGIA PAIN & REHAB CLINIC ATT NORMAN BAKER	329.97	232.25	33.00	12.00	0.00	607.22
NUEVA CENTRO AMERICANA	497.16	349.84	49.72	12.00	0.00	908.72
HAT ATTACK	21.22	14.87	2.12	12.00	0.00	50.21
SWEETFIRE LODGE SP HOSPITALITY INC	1,958.09	1,378.00	195.81	12.00	0.00	3,543.90
GEORGIA LIGHTNING CONSTRUCTION	80.63	56.82	8.06	12.00	0.00	157.51
EASY WAY OUT	170.82	120.27	17.08	12.00	0.00	320.17
TAQUERIA DON RAUL	106.10	23.39	10.61	12.00	109.29	42.81
CLAY RIDGE COPY & PRINT	119.30	83.93	11.93	12.00	0.00	227.16
EL ZACATECAZ	353.31	248.57	35.33	12.00	0.00	649.21
MINGS BUFFET INTERNATIONAL INC	796.15	560.25	79.62	12.00	0.00	1,448.02
T W P EQUIPMENT LEASING LLC 502NC	9,182.97	6,462.51	918.30	12.00	0.00	16,575.78
FAT JOES FAMOUS PHILLYS & WINGS	90.73	63.89	9.07	12.00	0.00	175.69
FLAVOR URBAN WEAR KIESHA BROWN	169.76	119.50	16.98	12.00	0.00	318.24
FIRST FOUNDERS FINANCIAL	276.92	194.90	27.69	12.00	0.00	511.51
GOOD OLD BOYS UPHOLSTERY	129.44	91.02	12.94	12.00	0.00	245.40
STREETFIGHTERS	420.17	295.68	42.02	12.00	0.00	769.87
BISHOP THOMAS ATTORNEY AT LAW	108.44	76.26	10.84	12.00	0.00	207.54
TIRE DAWGS LLC	222.83	156.86	22.28	12.00	0.00	413.97
GALAXI STORE INC ATTN ALFREDO CONTRERAS,	90.19	63.45	9.02	12.00	0.00	174.66
TELEDISTANCIA CENTENO RADAMES	79.59	56.08	7.96	12.00	0.00	155.63
ATKINS BOOKKEEPING & TAX SERVICE	87.55	61.66	8.76	12.00	0.00	169.97
SMALLWOOD TILE CO	689.65	485.43	68.97	12.00	0.00	1,256.05
R E C WAREHOUSE	740.26	520.91	74.03	12.00	0.00	1,347.20
SMITHGAYTON ENTERPRISES LLC	86.48	60.80	8.65	12.00	0.00	167.93
U S LAWNS	318.30	223.93	31.83	12.00	0.00	586.06
CENTRO INTERNATIONAL MEDICO FAMILIA	96.55	68.00	9.66	12.00	0.00	186.21
REVITALIZE FAMILY CHIROPRACTIC	807.42	568.13	80.74	12.00	0.00	1,468.29
SEVEN DAY YARD SALE	87.55	61.66	8.76	12.00	0.00	169.97
BAZAR EL PAIZANO	397.88	280.06	39.79	12.00	0.00	729.73
HEAD TO TOE KIDZ LLC	848.80	597.38	84.88	12.00	0.00	1,543.06
PROFESSIONAL EQUIPMENT SERVICE	544.51	383.28	54.45	12.00	0.00	994.24
JOHNSON & JOHNSON ATTN: ACCOUNTS PAYABLE	291.78	205.37	29.18	12.00	0.00	538.33
NEUTROGENA CORPORATION J & J CORP ACCTS PAYABLE	265.25	186.64	26.53	12.00	0.00	490.42
NEUTROGENA CORPORATION J & J CORP ACCTS PAYABLE	291.78	205.37	29.18	12.00	0.00	538.33
HAMMONDS CROSSING SUBS INC	172.95	121.74	17.30	12.00	0.00	323.99
HAMMONDS CROSSING SUBS INC	170.31	119.79	17.03	12.00	0.00	319.13
HAMMONDS CROSSING SUBS INC	172.95	121.74	17.30	12.00	0.00	323.99
STANLEY FIRM THE	168.29	118.38	16.83	12.00	0.00	315.50
NATURAL FIT INC	239.97	133.99	24.00	0.00	0.00	397.96
NORUTA JAPANESE RESTAURANT	456.23	298.22	45.62	0.00	0.00	800.07
TOTALS	119,179.65	62,074.07	11,037.62	1,368.00	51,563.27	142,096.07

City of Gainesville

Personal Property Tax

General Policies and Procedures

Reporting

On March 1 of each year, taxpayers (individuals and businesses) who owned inventory or personal property on January 1 of that same year are required to file an ad valorem tax return in the county where the property is located. This return reports information about all inventory and personal property including, but not limited to, furniture and equipment used in business operation, boats and aircraft.

State Approval

Based primarily on the information supplied by these returns, the Hall County Personal Property Tax Assessor's Office compiles the information for the Hall County Tax Commissioner. The County Tax Commissioner sends this personal property information along with the real property digest to the State of Georgia for approval.

Transfer of Data

After approval is received from the State, the Hall County Tax Commissioner provides a file of the tax digest (assessed values) for all property located within Gainesville's city limits. From the file, data is retrieved and downloaded on the City's computer system. Verification is made to assure that the assessments according to Hall County are the same as the City's data after the transfer.

Tax Calculation

According to an ordinance establishing the ad valorem tax rate, the City's millage rate is applied to the assessed value of personal property and the tax due is calculated. This calculation is broken down into five entities as follows:

- General Government
- Parks and Recreation
- Retirement of General Obligation Bonds (Debt Service)
- Gainesville Board of Education and
- Retirement of School Bonds

Tests are made to assure that the calculation of tax due is correct.

Collection of Tax

Tax Bills are generated and mailed. The attached Collection Calendar details the steps taken in the collection of personal property tax.

**City of Gainesville
Personal Property Tax
Collection Calendar Used to Collect Taxes**

<u>Target Date</u>	<u>Task</u>
Oct 01, 20x1	Bills are mailed
Oct 31, 20x1	Returned mail is reviewed and effort is made to determine taxpayer's correct address.
Dec 01, 20x1	Payment is due.
Jan 2, 20x2	Interest is calculated for one month. Business license renewals are held on accounts with outstanding taxes.
Jan 7, 20x2	Delinquent Tax Notices are printed and mailed on all delinquent accounts notifying the taxpayer that the City Tax Office will issue an execution (FIFA) against the taxpayer.
Feb 2, 20x2	Interest is calculated again for one month and added to the balance of delinquent accounts. This process will continue to occur on the 2 nd day of each subsequent month until the balance is paid.
April 1, 20x2	120 days after the due date, a 5% penalty is assessed on the outstanding balance. Also at this time, executions are issued (FIFA's) directing that a tax lien be attached to the property.
April 10, 20x2	Delinquent notices are mailed, notifying the taxpayer of the delinquent tax, fees, interest and FIFA that has been filed.
July 1, 20x2	Delinquent tax listing is aired publicly on TV18. This information will be aired for approximately 2 months.
August 1, 20x2	Additional 5% penalty is added to the unpaid tax balance.
December 1, 20x2	Additional 5% penalty is added to the unpaid tax balance.
April 1, 20x2	The fourth and final 5% penalty is added to the unpaid tax balance.

Additional Collection Steps Taken

Delinquent Tax notices continue to be mailed periodically. We try to obtain corrected addresses on returned mail.

Telephone calls are made to try and reach the taxpayer. We document contacts given and comments made during these calls.

We check business licenses for owners of businesses and contact them for payment.

Reports filed with the Hall County Personal Property Tax Assessors are checked for contact information.

Searches for persons or businesses are done on the Internet, City directory, water files, Hall County tax records and telephone books.

TV listing is compiled after 90 day penalty and the FIFA's have been filed. TV listing runs for approximately 2 months.

We stay tuned for information on delinquent taxpayers to help us locate anyone trying to move or relocate their business.

Business Licenses are held in order to collect delinquent tax prior to issuance of current license.

Purchase orders for work or supplies for the City have been denied if delinquent tax is owed.

Accounts payable checks are held for vendors that owe outstanding tax.

Searches for new owners are done through the Hall County Tax Assessors Office.

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 3/10/2017
Presenter: Bryan Lackey
Item of Business: BR-2017-19 Write-off of Delinquent Utilities Receivables
Meeting Date: 4/4/2017

Purpose of Request:

To allow the write-off of uncollectible utilities receivables.

History/Background:

Finance is presenting the request to write-off uncollectible billing on behalf of the Department of Water Resources. The accounts that are requested to be written off are listed on Attachment A. City Auditors have recommended that the City periodically write-off uncollectible receivable balances.

Facts & Issues for Consideration:

The account holders listed on Attachment A are either deceased or have declared bankruptcy.

Department Recommendation:

We recommend that Council approve the attached resolution for the write-off of utility accounts listed on Attachment A.

Department Director:

Jeremy Perry

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

Amount Requested: **Source of Funds:**

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ BR-2017-19 Write-off of Utilities Receivables	Resolution
☐ Attachment A - Proposed Utilities Receivable Write-Off	Attachments/Exhibits

RESOLUTION BR-2017-19

Write-off of Delinquent Utilities Receivables

WHEREAS, the City of Gainesville Tax Office actively and extensively pursues the collection of delinquent utility receivables; and

WHEREAS, due to the bankrupt/deceased status of the accounts listed on Attachment A, these accounts have been deemed uncollectible by further efforts of the Department of Water Resources Staff; and

WHEREAS, Generally Accepted Accounting Principles require receivables to be written off when they are deemed uncollectible, and the City of Gainesville's auditors, Rushton and Company, has recommended that uncollectible receivables be written off.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby authorizes the Department of Water Resources staff to write off the attached list (Attachment A) of delinquent utilities accounts.

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

Cust_No	Cust_Sequence	First_Name	Last_Name	Street_Number	Street_Name	Comment_Status	Balance_Fv	Acct_Status	Final_Date	AR/UB	Comments
10526	0	CLYDE	DOVER	100	KEITH DRIVE	DECEASED	105.24	Delete	10/18/2016	ub	
16228	0	EDNA	JORDAN	4426	SEQUOIA CIRCLE	DECEASED	15.04	Delete	11/2/2016	ub	
19140	0	DOROTHY	GARRISON	4525	BRIARWOOD DRIVE	DECEASED	143.44	Delete	5/3/2016	ub	
20349	2	HORACE	MAJORS	2872	FLORENCE DRIVE SW	DECEASED	57.80	Delete	9/23/2016	ub	
25589	0	LAMAR	CLEVELAND	4368	TANNERS MILL ROAD	DECEASED	80.00	Delete	5/4/2016	ub	
31301	0	A	BODINE	1081	LAKEMONT DRIVE NW	DECEASED	30.08	Delete	7/21/2016	ub	
43149	0	CARLSON & MARY ANN	O'MALLEY	3721	GRIFFIN DRIVE	DECEASED	129.62	Delete	12/20/2016	ub	
59448	1	DARRELL	WALKER	3848	CORINTH DRIVE	DECEASED	622.09	Delete	8/9/2016	ub	
77496	1	J P	PATTON	2667	WATERS EDGE DRIVE SW	DECEASED	240.55	Delete	9/9/2016	ub	
81872	1	GARY	MERRITT	731	CRESTVIEW TERRACE NW	DECEASED	257.69	Delete	11/15/2016	ub	
88791	0	GREG	KILGORE	958	GAINESVILLE HIGHWAY	DECEASED	20.31	Delete	8/2/2016	ub	
91652	0	FREDRICK	MANSKY	6851	FLAGSTONE WAY	DECEASED	222.62	Delete	9/12/2016	ub	
Total for 2016 Deceased Accounts							1,924.48				
74130	1	JASON	MAYTON	6129	LIVE OAK DRIVE	BANKRUPT7	58.53	Delete	8/30/2016	ub	
Total for 2016 Bankrupt Accounts							58.53				

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 3/7/2017
Presenter: Bryan Lackey
Item of Business: BR-2017-20 Extension of Hours for Off Premises Catering of Alcoholic Beverages
Meeting Date: 4/4/2017

Purpose of Request:

To allow Scott's Downtown to cater alcoholic beverages at the Riverside Champions and Heroes Event for up to eight hours per day on June 2, 3, and 4, 2017.

History/Background:

Catered events as defined in 6-4-103 can not exceed six hours, Scott's Downtown is requesting the City Council by resolution to allow for up to eight hours of alcoholic beverage catering for the Riverside Champions and Heroes event.

Facts & Issues for Consideration:

Department Recommendation:

Approval of resolution.

Department Director:

Janeann Allison

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

	Description	Type
□	BR-2017-20 Extension of Hours for Off Premises Catering of Alcoholic Beverages	Resolution

RESOLUTION BR-2017-20

EXTENSION OF HOURS FOR OFF PREMISES CATERING OF ALCOHOLIC BEVERAGES

WHEREAS, on July 21, 2009, the governing body of the City of Gainesville passed an Ordinance that set the guidelines for catering of alcoholic beverages at authorized catered events; and

WHEREAS, on February 20, 2015, this Ordinance was amended to allow for events that are a maximum of six hours in duration; and

WHEREAS, a request has been received from a licensed alcoholic beverage caterer, Scott's Downtown, to serve alcoholic beverages at the Riverside Military Academy Champions and Heroes Event for up to eight hours each day of the three day event; and

WHEREAS, the Riverside Military Academy Champions and Heroes event will be held on June 2nd, 3rd, and 4th, 2017 from 11:00 a.m. until 7:00 p.m. each day.

NOW, THEREFORE BE IT RESOLVED THAT the governing body for the City of Gainesville authorizes Scott's Downtown to cater alcoholic beverages at the Riverside Military Academy Champions and Heroes event for up to eight hours per day on June 2nd, 3rd, and 4th of 2017.

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

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 3/1/2017
Presenter: Bryan Lackey
Item of Business: PR-2017-09 Cargill Sanitary Sewer Improvements - Phase III - Award of Contract
Meeting Date: 4/4/2017

Purpose of Request:

Award of construction contract to Strickland & Sons Pipeline, Inc.

History/Background:

On May 15, 2012 Gainesville City Council adopted resolution PR-2012-25 authorizing the Department of Water Resources (DWR) staff to proceed with in-house design, bidding and award of surveying services for the Cargill sanitary sewer Improvements project. Resolution PR-2012-25 also authorized staff to obtain and evaluate bids from pre-qualified contractors to perform the sanitary sewer work and acquire all necessary easements. Due to total cost and magnitude of the required system improvements, DWR determined to construct the project in three separate phases. This proposed resolution is for award of construction for Phase III.

Bids were received on February 9, 2017 with the lowest acceptable bid submitted by Strickland & Sons Pipeline, Inc. in the amount of \$862,139.00 for construction of Phase III of the Cargill Sanitary Sewer Improvements project.

Phase I and II improvements have been completed and were constructed from Queen City Parkway to the Intersection of Bradford Street and Industrial Boulevard. Phase III Improvements will be constructed from the intersection of Bradford Street and Industrial Boulevard to Athens Street.

Facts & Issues for Consideration:

Sanitary sewer improvements are necessary to eliminate inflow and infiltration, as well as repair cracked and deteriorated sanitary sewer lines between Queen City Parkway and Athens Street.

Department Recommendation:

Authorize staff by resolution to award the construction contract to Strickland & Sons Pipeline, Inc. for the construction of Cargill Sanitary Sewer Improvements – Phase III.

Department Director:

Linda MacGregor

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

Amount Requested:

1,173,352.90

Source of Funds:

Department of Water Resources Capital Project Fund

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
PR-2017-09 Cargill Sanitary Sewer Improvements - Phase III	Resolution
Cargill Sanitary Sewer Improvements - Phase III CIP Summary	Attachments/Exhibits
Cargill Sanitary Sewer Improvements - Phase III Cover Memo	Backup Material
Cargill Sanitary Sewer Improvements - Phase III Bid Tab	Backup Material
Cargill Sanitary Sewer Improvements - Phase III Location Map	Backup Material

RESOLUTION PR-2017-09

CARGILL SANITARY SEWER IMPROVEMENTS – PHASE III AWARD OF CONTRACT

WHEREAS, the City of Gainesville owns and operates a wastewater collection system; and

WHEREAS, the FY06 Wastewater Master Plan, followed by in-house TV inspections and flow measurement studies, revealed multiple capacity and condition problems with the sanitary sewer interceptors from Athens Street to south of Queen City Parkway; and

WHEREAS, based on said studies and inspections, Department of Water Resources (DWR) staff recommended sanitary sewer system improvements to be implemented between Athens Street and Queen City Parkway; and

WHEREAS, The Gainesville City Council in its regular meeting on May 15th, 2012 adopted resolution PR-2012-25 authorizing DWR staff to proceed with design and engineering to produce construction drawings, specifications, contract documents and to obtain and evaluate bids from pre-qualified construction contractors and to make recommendation for contract award to City Council for the Cargill Sanitary Sewer Improvements Project; and

WHEREAS, due to the total cost of the required system improvements, DWR determined to construct these improvements in three separate phases; and

WHEREAS, Phase I and Phase II improvements have been completed and were implemented from Queen City Parkway to the intersection of Bradford Street and Industrial Boulevard. Phase III is the final phase of this project and will be implemented from the intersection of Bradford Street and Industrial Boulevard to Athens Street; and

WHEREAS, bids from pre-qualified construction contractors were received for Phase III on February 9, 2017; and

WHEREAS, the lowest acceptable bid for construction of the Cargill Sanitary Sewer Improvements – Phase III project was submitted by Strickland & Sons Pipeline, Inc. in the amount of \$862,139.00; and

WHEREAS, DWR staff has reviewed and evaluated the bids and, in a memo dated February 24, 2017, recommends the construction contract be awarded to Strickland & Sons Pipeline, Inc. in the amount of \$862,139.00. Also recommended is a 10% contingency of \$86,213.90 plus an additional \$225,000.00 to cover legal fees, staff time, railroad permits and other miscellaneous project expenditures for a total of \$1,173,352.90.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby authorizes award of the construction contract to Strickland & Sons Pipeline, Inc., in the above recommended amount.

BE IT FURTHER RESOLVED THAT the total authorized expenditure shall not exceed \$1,173,352.90 and that said expenditure shall be from the Department of Water Resources Capital Projects Fund.

BE IT FURTHER RESOLVED THAT the Mayor, City Manager and City Attorney are authorized to sign such documents that may be necessary to complete this project.

RESOLUTION PR-2017-09

**CARGILL SANITARY SEWER IMPROVEMENTS – PHASE III
AWARD OF CONTRACT**

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

DEPT OF WATER RESOURCES
CAPITAL IMPROVEMENTS PROJECT SUMMARY REQUEST

PROJECT NAME: Cargill Sanitary Sewer Improvements - Phase III			
PROJECT NUMBER: 18402		PROJECT DEPARTMENT Water Resources	
RESOLUTION NUMBER: PR-2017-09		LOCATION: 4330.00	
PROJECT MANAGER: Marcial Mosqueda			
CHECK ONE: NEW PROJECT: ☐ ADDITIONAL FUNDING ☒ ☐			
CODE	ACCOUNT NUMBER	AMOUNT REQUEST	
SWB - CITY PROVIDED PROJECT MANAGEMENT			
1100	Salaries and Wages	511100.XXX to 511150.XXX	
1101	Overtime Earnings	511300.XXX to 511350.XXX	
1110	Health and Life Insurance Premiums	512100.000	
1140	Social Security and Medicare Expense	512200.000	
1171	Retirement Contribution - Plan A	512400.001	
SUBTOTAL			\$0.00
PDD - PROJECT DEVELOPMENT & DESIGN			
8101	Project Development	541000.001	
8102	Facility Design/Bidding Service	541000.002	
8103	Geotechnical	541000.003	
8104	Laboratory	541000.004	
8105	Survey	541000.005	
8106	Other	541000.011	
8107	Legal Services	541000.006	
SUBTOTAL			\$0.00
LAND - LAND/EASEMENT ACQUISITION			
8201	Survey	541100.003	\$5,000.00
8202	Legal Services	541100.004	\$5,000.00
8203	Land Agent Services	541100.005	\$10,000.00
8204	Land Purchase	541100.001	
8205	Easement Acquisition	541100.002	\$170,000.00
SUBTOTAL			\$190,000.00
CON - CONSTRUCTION			
8301	Construction Admin. Services	541000.007	\$0.00
8302	Resident Inspection Services	541000.008	\$0.00
8303	Legal Services	541000.006	\$5,000.00
8304	Contracted Construction Cost	541000.009	\$948,352.90
8305	City-Furnished Materials	541000.010	\$0.00
8306	Other	541000.011	\$30,000.00
8308	Furnishings and Equipment (Taggable Assets)	531600.002	\$0.00
SUBTOTAL			\$983,352.90
MEQ - MACHINERY AND EQUIPMENT			
2000	Equipment	542000.000	
2200	Vehicles	542000.000	
SUBTOTAL			\$0.00
INT - INTANGIBLES			

5431	Master Plans & Studies	543000.001	
5432	Software	543000.002	
5433	Other	543000.003	
	SUBTOTAL		\$0.00
RMT - REPAIRS AND MAINTENANCE			
5201	Annual Maintenance Contracts	522200.001	
5202	General Repairs and Maintenance	522200.002	
5203	Equipment Repairs	522200.003	
5204	Vehicles	522200.004	
5205	Tires	522200.005	
5206	Streets	522200.006	
5207	Sidewalks	522200.007	
5208	Bridges	522200.008	
5209	Stormwater	522200.009	
	SUBTOTAL		\$0.00
	TOTAL		\$1,173,352.90



CITY OF GAINESVILLE

DEPARTMENT OF
WATER RESOURCES

757 Queen City Parkway, SW

Gainesville, Georgia 30501-4358

Telephone: 770.538.2466

Fax: 770.535.5634

Web Site: www.gainesville.org

memo

TO: Linda MacGregor, Department of Water Resources Director
FROM: Marcial Mosqueda, Civil Engineer II
SUBJECT: Cargill Sanitary Sewer Improvements – Phase III
DATE: February 24, 2017
CC: Don Dye, Department of Water Resources Assistant Director
Myron Bennett, Engineering & Construction Division Manager

Bids were received from pre-qualified contractors for the referenced project on February 9, 2017. The lowest three bid amounts are as follows:

CONTRACTOR	TOTAL BID AMOUNT
Strickland & Sons Pipeline, Inc.	\$862,139.00
Griffin Brothers, Inc.	\$983,571.87
RDJE, Inc.	\$1,232,198.00

A table is enclosed that tabulates all bids received on a cost-per-item basis and summarizes the final bid amounts. This tabulation verifies that Strickland & Sons Pipeline, Inc. is the acceptable low bidder for this project. Please note that our estimated construction cost for this project was \$1,121,402.74

We have reviewed the bid documents submitted by the acceptable low bidder, Strickland & Sons Pipeline, Inc., and find them to be in order. We therefore recommend that Strickland & Sons Pipeline, Inc. be awarded the construction contract for the Cargill Sanitary Sewer Improvements – Phase III project in the amount of \$862,139.00.

Strickland & Sons Pipeline, Inc. has confirmed that United States Fire Insurance Company will furnish payment and performance bonds for this project. United States Fire Insurance Company is listed in the current version of the U.S. Department of the Treasury Circular (NAIC #21113). They are shown as being licensed in the State of Georgia with an underwriting limitation that is greater than the bond amount. They also have a current A.M. Best Rating of “A (Excellent)” and a current Standard and Poor’s Rating of “A-”.

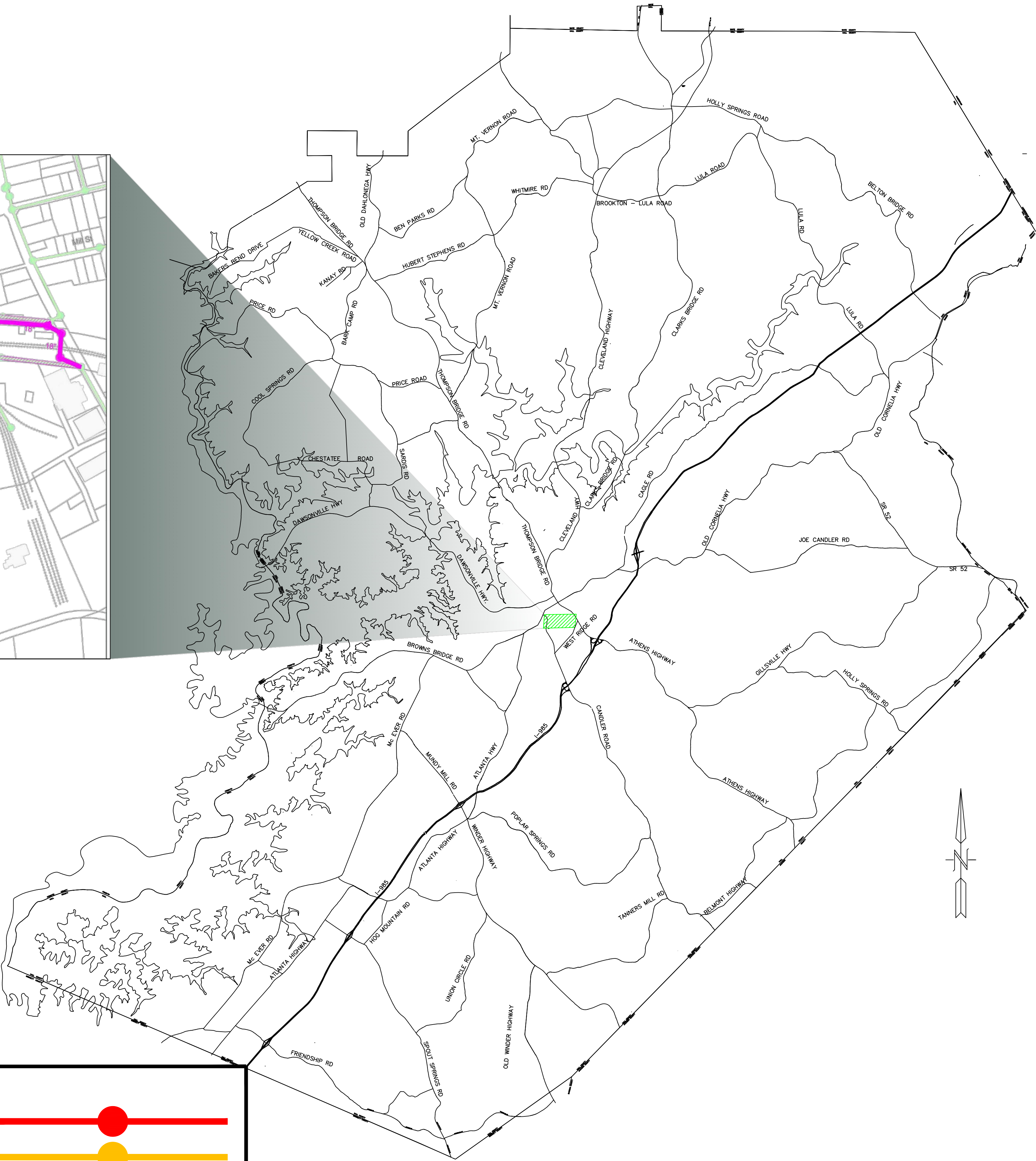
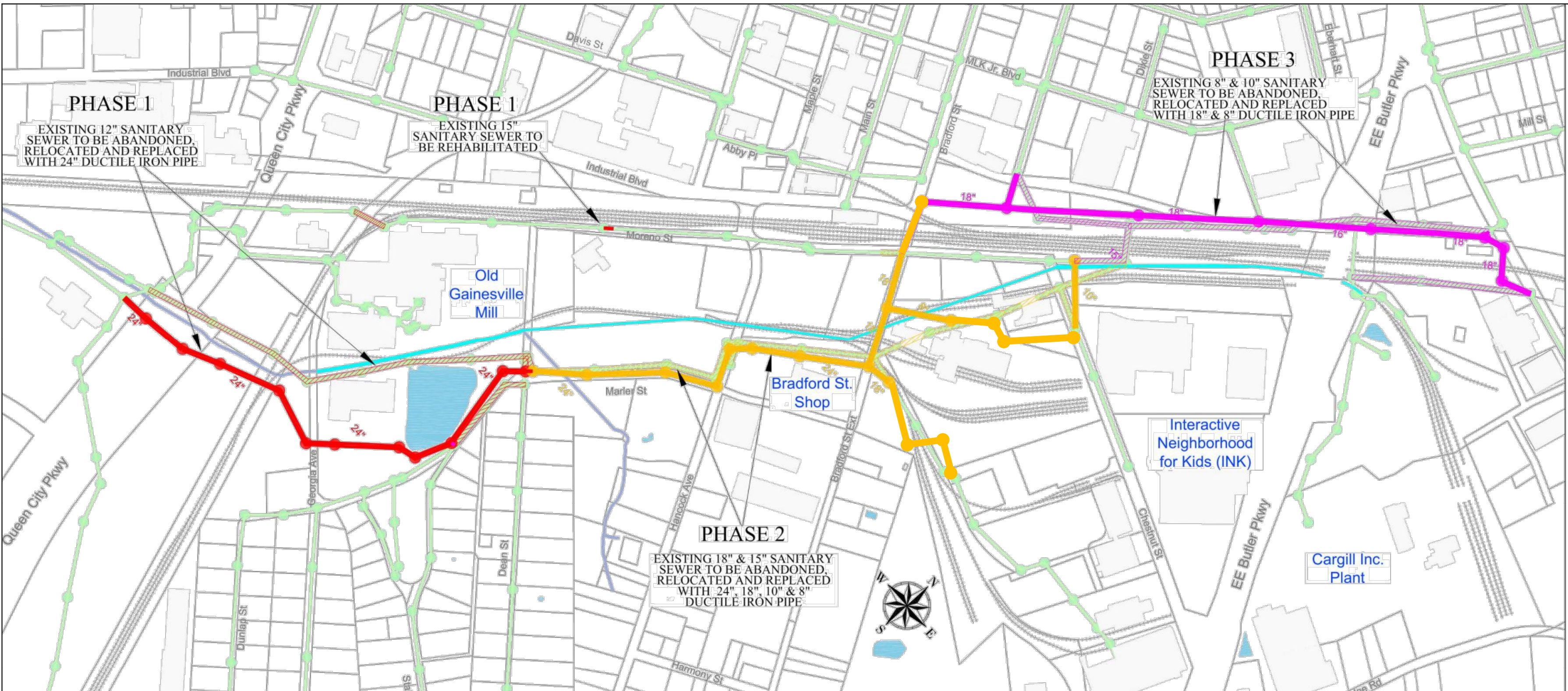
Please note that upon receipt of performance and payment bonds, we will request that Strickland & Sons Pipeline, Inc. provide us a verification of bond authenticity and a history of claims against the bonding company, if any.

Upon approval by the governing body of the City of Gainesville for authorization of award, I will notify the contractor and transmit the conformed documents for execution and attachment of bonds and insurance.

Please let me know if you have any questions.

Attachment:

Cargill Sanitary Sewer Improvements - Phase III (Bid Tabulation)																
	Item Description	Amount	Units	Strickland & Sons Pipeline, Inc.		Griffin Brothers, Inc.		RDJE, Inc.		Anderson Grading & Pipeline, LLC.		Site Engineer, Inc.		John D. Stephens, Inc.		
				Unit Price	Sub Total	Unit Price	Sub Total	Unit Price	Sub Total	Unit Price	Sub Total	Unit Price	Sub Total	Unit Price	Sub Total	
ITEM 1 - CITY OF GAINESVILLE PARKING LOT DEMOLITION & REPAVING																
a.	Concrete Lot Demo & Paving	2100	S.Y.	\$70.00	\$147,000.00	\$62.18	\$130,578.00	\$79.00	\$165,900.00	\$80.00	\$168,000.00	\$96.00	\$201,600.00	\$70.00	\$147,000.00	
ITEM 2 - DUCTILE IRON PIPE SANITARY SEWER																
a.	8-Inch (0'-8')	40	L.F.	\$60.00	\$2,400.00	\$92.50	\$3,700.00	\$107.00	\$4,280.00	\$162.00	\$6,480.00	\$99.00	\$3,960.00	\$70.00	\$2,800.00	
b.	8-Inch (8'-12')	60	L.F.	\$62.00	\$3,720.00	\$92.50	\$5,550.00	\$115.00	\$6,900.00	\$166.00	\$9,960.00	\$119.00	\$7,140.00	\$80.00	\$4,800.00	
c.	8-inch Carrier Pipe DIP	70	L.F.	\$65.00	\$4,550.00	\$88.98	\$6,228.60	\$113.00	\$7,910.00	\$159.00	\$11,130.00	\$100.00	\$7,000.00	\$95.00	\$6,650.00	
d.	12-ich (0'-8')	20	L.F.	\$80.00	\$1,600.00	\$124.75	\$2,495.00	\$130.00	\$2,600.00	\$179.00	\$3,580.00	\$115.00	\$2,300.00	\$100.00	\$2,000.00	
e.	12-ich (8'-12')	45	L.F.	\$80.00	\$3,600.00	\$124.75	\$5,613.75	\$160.00	\$7,200.00	\$194.00	\$8,730.00	\$135.00	\$6,075.00	\$110.00	\$4,950.00	
f.	18-ich (0'-8')	40	L.F.	\$150.00	\$6,000.00	\$157.53	\$6,301.20	\$166.00	\$6,640.00	\$217.00	\$8,680.00	\$171.00	\$6,840.00	\$437.00	\$17,480.00	
g.	18-ich (8'-12')	760	L.F.	\$155.00	\$117,800.00	\$157.53	\$119,722.80	\$187.00	\$142,120.00	\$221.00	\$167,960.00	\$186.00	\$141,360.00	\$437.00	\$332,120.00	
h.	18-ich (12'-16')	1120	L.F.	\$160.00	\$179,200.00	\$157.53	\$176,433.60	\$208.00	\$232,960.00	\$225.00	\$252,000.00	\$201.00	\$225,120.00	\$437.00	\$489,440.00	
i.	18-ich (16'-20')	600	L.F.	\$165.00	\$99,000.00	\$181.53	\$108,918.00	\$220.00	\$132,000.00	\$229.00	\$137,400.00	\$231.00	\$138,600.00	\$437.00	\$262,200.00	
j.	18-ich (20'-24')	80	L.F.	\$170.00	\$13,600.00	\$192.53	\$15,402.40	\$235.00	\$18,800.00	\$233.00	\$18,640.00	\$271.00	\$21,680.00	\$437.00	\$34,960.00	
k.	18-Inch Carrier Pipe	160	L.F.	\$140.00	\$22,400.00	\$135.70	\$21,712.00	\$205.00	\$32,800.00	\$155.00	\$24,800.00	\$170.00	\$27,200.00	\$155.00	\$24,800.00	
ITEM 3 – PRECAST CONCRETE MANHOLE																
a.	4-Foot Diameter Base	1	Each	\$2,300.00	\$2,300.00	\$2,169.00	\$2,169.00	\$2,720.00	\$2,720.00	\$1,700.00	\$1,700.00	\$3,500.00	\$3,500.00	\$1,500.00	\$1,500.00	
b.	4-Foot Diameter Base (Over Existing Sewer)	4	Each	\$3,600.00	\$14,400.00	\$3,958.32	\$15,833.28	\$4,300.00	\$17,200.00	\$3,350.00	\$13,400.00	\$4,500.00	\$18,000.00	\$2,100.00	\$8,400.00	
c.	4-Foot Diameter Riser	40	V.F.	\$135.00	\$5,400.00	\$100.00	\$4,000.00	\$218.00	\$8,720.00	\$210.00	\$8,400.00	\$300.00	\$12,000.00	\$200.00	\$8,000.00	
d.	5-Foot Diameter Base	13	Each	\$3,100.00	\$40,300.00	\$4,276.90	\$55,599.70	\$3,800.00	\$49,400.00	\$3,480.00	\$45,240.00	\$4,500.00	\$58,500.00	\$1,900.00	\$24,700.00	
e.	5-Foot Diameter Base (Over Existing Sewer)	1	Each	\$4,400.00	\$4,400.00	\$4,577.27	\$4,577.27	\$5,500.00	\$5,500.00	\$4,000.00	\$4,000.00	\$5,500.00	\$5,500.00	\$2,750.00	\$2,750.00	
f.	5-Foot Diameter Riser	150	V.F.	\$160.00	\$24,000.00	\$100.00	\$15,000.00	\$208.00	\$31,200.00	\$350.00	\$52,500.00	\$400.00	\$60,000.00	\$250.00	\$37,500.00	
g.	8-Inch Outside Drop	8	V.F.	\$400.00	\$3,200.00	\$331.91	\$2,655.28	\$875.00	\$7,000.00	\$1,000.00	\$8,000.00	\$800.00	\$6,400.00	\$400.00	\$3,200.00	
h.	12-Inch Outside Drop	6	V.F.	\$500.00	\$3,000.00	\$567.91	\$3,407.46	\$1,275.00	\$7,650.00	\$1,630.00	\$9,780.00	\$1,500.00	\$9,000.00	\$750.00	\$4,500.00	
ITEM 4 – SANITARY SEWER SERVICES																
a.	6-Inch PVC Service Lateral	2	Each	\$4,000.00	\$8,000.00	\$6,010.50	\$12,021.00	\$6,250.00	\$12,500.00	\$5,250.00	\$10,500.00	\$6,000.00	\$12,000.00	\$8,000.00	\$16,000.00	
b.	6-Inch Schedule 40 PVC Pipe	20	L.F.	\$30.00	\$600.00	\$35.23	\$704.60	\$103.00	\$2,060.00	\$20.00	\$400.00	\$100.00	\$2,000.00	\$55.00	\$1,100.00	
c.	4-Inch Schedule 40 PVC Pipe	10	L.F.	\$28.00	\$280.00	\$32.97	\$329.70	\$102.00	\$1,020.00	\$18.00	\$180.00	\$100.00	\$1,000.00	\$53.00	\$530.00	
ITEM 5 – CONNECTION TO EXISTING MANHOLE / SEWER																
a.	18-Inch New Sewer to EX MH	1	Each	\$2,850.00	\$2,850.00	\$2,000.00	\$2,000.00	\$7,000.00	\$7,000.00	\$3,470.00	\$3,470.00	\$10,000.00	\$10,000.00	\$2,000.00	\$2,000.00	
ITEM 6 – ABANDON EXISTING FACILITIES										\$595.00						
a.	Abandon/Fill Existing Manhole	1	Each	\$500.00	\$500.00	\$500.00	\$500.00	\$1,125.00	\$1,125.00	\$595.00	\$595.00	\$1,000.00	\$1,000.00	\$2,500.00	\$2,500.00	
b.	Abandon/Fill RR Existing Manhole	12	Each	\$800.00	\$9,600.00	\$1,000.00	\$12,000.00	\$1,150.00	\$13,800.00	\$595.00	\$7,140.00	\$800.00	\$9,600.00	\$2,500.00	\$30,000.00	
c.	Fill Sanitary Sewer With Grout	230	C.Y.	\$185.00	\$42,550.00	\$200.00	\$46,000.00	\$230.00	\$52,900.00	\$440.00	\$101,200.00	\$250.00	\$57,500.00	\$150.00	\$34,500.00	
d.	8 – Inch Plug	2	Each	\$300.00	\$600.00	\$200.00	\$400.00	\$500.00	\$1,000.00	\$200.00	\$400.00	\$1,500.00	\$3,000.00	\$1,533.00	\$3,066.00	
e.	15 – Inch Plug	1	Each	\$600.00	\$600.00	\$880.06	\$880.06	\$500.00	\$500.00	\$530.00	\$530.00	\$3,000.00	\$3,000.00	\$1,762.00	\$1,762.00	
ITEM 7 - BORING																
a.	18-Inch Steel Casing Guided Boring Method Crossing RailRoad	80	L.F.	\$378.00	\$30,240.00	\$383.56	\$30,684.80	\$705.00	\$56,400.00	\$985.00	\$78,800.00	\$850.00	\$68,000.00	\$700.00	\$56,000.00	
b.	30-Inch Steel Casing Guided Boring Method Crossing RailRoad	160	L.F.	\$483.00	\$77,280.00	\$486.23	\$77,796.80	\$850.00	\$136,000.00	\$1,020.00	\$163,200.00	\$980.00	\$156,800.00	\$800.00	\$128,000.00	
ITEM 8 – STORM SEWER FACILITIES																
a.	24" Reinforced Concrete Pipe	10	L.F.	\$100.00	\$1,000.00	\$50.60	\$506.00	\$290.00	\$2,900.00	\$110.00	\$1,100.00	\$200.00	\$2,000.00	\$120.00	\$1,200.00	
b.	30" Reinforced Concrete Pipe	10	L.F.	\$110.00	\$1,100.00	\$59.59	\$595.90	\$300.00	\$3,000.00	\$140.00	\$1,400.00	\$250.00	\$2,500.00	\$150.00	\$1,500.00	
ITEM 9 - REMOVING AND REPLACING PAVEMENT																
a.	Type I	60	L.F.	\$45.00	\$2,700.00	\$90.00	\$5,400.00	\$72.00	\$4,320.00	\$125.00	\$7,500.00	\$90.00	\$5,400.00	\$250.00	\$15,000.00	
b.	Type II	10	L.F.	\$48.00	\$480.00	\$325.00	\$3,250.00	\$120.00	\$1,200.00	\$190.00	\$1,900.00	\$100.00	\$1,000.00	\$1,650.00	\$16,500.00	
c.	Type III	10	L.F.	\$45.00	\$450.00	\$279.00	\$2,790.00	\$100.00	\$1,000.00	\$115.00	\$1,150.00	\$100.00	\$1,000.00	\$410.00	\$4,100.00	
d.	Type IV	10	S.Y.	\$50.00	\$500.00	\$217.83	\$2,178.30	\$100.00	\$1,000.00	\$95.00	\$950.00	\$120.00	\$1,200.00	\$80.00	\$800.00	
e.	Graded Aggregate	124	TON	\$26.00	\$3,224.00	\$25.57	\$3,170.68	\$42.00	\$5,208.00	\$32.00	\$3,968.00	\$60.00	\$7,440.00	\$35.00	\$4,340.00	
f.	# 4 Stone	10	TON	\$28.00	\$280.00	\$36.39	\$363.90	\$50.00	\$500.00	\$40.00	\$400.00	\$60.00	\$600.00	\$50.00	\$500.00	
g.	Surge Stone	10	TON	\$30.00	\$300.00	\$37.19	\$371.90	\$50.00	\$500.00	\$40.00	\$400.00	\$80.00	\$800.00	\$60.00	\$600.00	
h.	2 Inch Resurfacing	10	S.Y.	\$20.00	\$200.00	\$425.00	\$4,250.00	\$50.00	\$500.00	\$330.00	\$3,300.00	\$100.00	\$1,000.00	\$60.00	\$600.00	
ITEM 10 - ROCK EXCAVATION																
a.	Base Cost	200	C.Y.	\$60.00	\$12,000.00	\$60.00	\$12,000.00	\$60.00	\$12,000.00	\$60.00	\$12,000.00	\$60.00	\$12,000.00	\$60.00	\$12,000.00	
ITEM 11 - EROSION AND SEDIMENTATION CONTROL										\$3.00						
a.	Type "A" Sediment Barriers	10	L.F.	\$3.00	\$30.00	\$2.00	\$20.00	\$3.00	\$30.00	\$3.00	\$30.00	\$3.00	\$30.00	\$3.00	\$30.00	
b.	Type "C" Sediment Barriers	2577	L.F.	\$4.00	\$10,308.00	\$3.00	\$7,731.00	\$4.00	\$10,308.00	\$4.00	\$10,308.00	\$4.00	\$10,308.00	\$4		



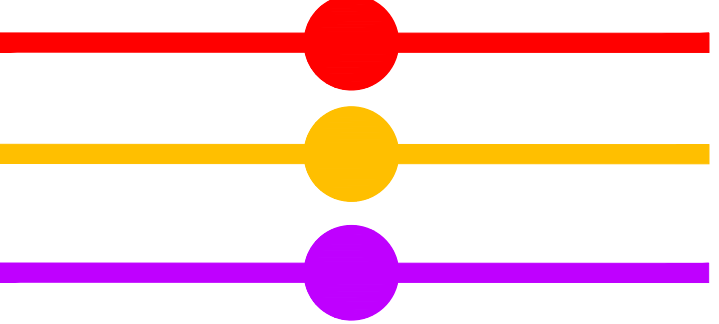
Cargill Sanitary Sewer Improvements Phase III



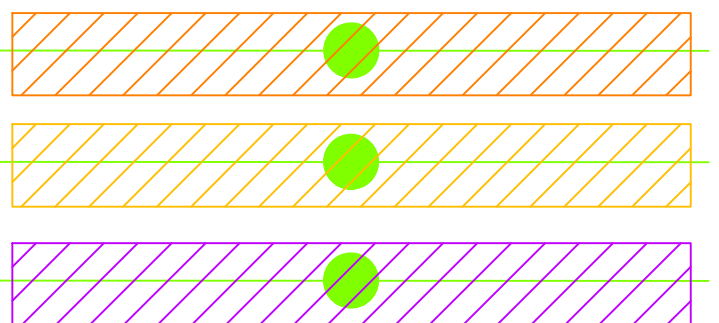
Date: FEB '17 Scale: N.T.S

Legend:

PROPOSED SANITARY SEWER



EXISTING SANITARY SEWER TO BE ABANDONED



EXISTING SANITARY SEWER



Location Map

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 3/17/2017

Presenter: Bryan Lackey

Item of Business: PR-2017-10 Design, Bid, and Construction of the Runway Safety Area Improvement Project

Meeting Date: 4/4/2017

Purpose of Request:

Resolution to seek the FAA-GDOT grant and allocation of funds for the Runway Safety Area Improvement project.

History/Background:

The Runway Safety Area Improvement Project is part of the 5 year airport Capital Improvement Plan.

Facts & Issues for Consideration:

FAA/GDOT has submitted a Tentative Allocation letter for Federal and State funding assistance in the amount of \$1,440,000.00. Local funds are projected to be \$95,106.00 for the project. This grant will also include reimbursement (90%) for the Design & Bid of the Runway Safety Improvement Project.

Department Recommendation:

Approval of the resolution to seek the FAA/GDOT grant for the Runway Safety Area Improvement Project at the Airport.

Department Director:

Chris Rotalsky

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

Amount Requested:

\$95,106.00

Source of Funds:

Airport Retained Earnings Fund

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ PR-2017-10 Design, Bid, and Construction of the Runway Safety Area Improvement Project	Resolution
☐ FAA/GDOT Tentative Allocation Letter	Backup Material

RESOLUTION PR-2017-10

Design, Bid, and Construction of the Runway Safety Area Improvement Project

WHEREAS, the City of Gainesville owns and operates the Lee Gilmer Memorial Airport for the public interest; and

WHEREAS, the Runway Safety Area Improvement Project has been planned as part of the Airport's Capital Improvement Plan; and

WHEREAS, the City has received a Tentative Allocation (TA) letter from the Georgia Department of Transportation's (GDOT) Division of Intermodal-Aviation announcing a tentative allocation of federal and state funding assistance for the Runway Safety Area Improvement Project; and

WHEREAS, the GDOT has approved design and bid cost for the Runway Safety Area Improvement Project in the amount of \$95,106.00; and

WHEREAS, the total cost for the design, bid, construction and project management of the Runway Safety Area Improvement Project is projected to be \$1,600,000.00 and expenses will be paid using 90% in federal funds, 5% in state funds and 5% for the local funds.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville authorizes the Lead Edge Design Group to design and bid the Runway Safety Area Improvement Project as well as to serve as the project manager during construction.

BE IT FURTHER RESOLVED THAT staff is authorized to request \$80,000.00 in State funds.

BE IT FURTHER RESOLVED THAT staff is authorized to apply for a FAA-GDOT grant for this project anticipating \$1,440,000.00 in funding assistance.

BE IT FURTHER RESOLVED THAT the local match of \$95,106.00 will be paid from the Airport Retained Earnings Fund acknowledging \$15,106.00 is eligible for reimbursement from FAA-GDOT.

BE IT FURTHER RESOLVED THAT the governing body for the City of Gainesville authorizes the Mayor, City Manager, and City Attorney to sign documents necessary to complete the Runway Safety Area Improvement Project.

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



March 17, 2017

Mr. Terry S. Palmer, Airport Manager
Lee Gilmer Memorial Airport
PO Box 2496
Gainesville, GA 30503

Dear Mr. Palmer:

The Department is pleased to announce a tentative allocation of federal funding assistance in the amount of \$1,440,000.00 for the following project at Lee Gilmer Memorial Airport:

Runway Safety Area Improvement

Please confirm, by letter, no later than April 14, 2017 your intent to proceed with and fund this project. **In order for this project to be considered for federal funding, bids will need to be opened mid-July but no later than July 28, 2017.**

State funding assistance to match the federal share of this project is also available and must be formally requested by letter to the Department's Commissioner. See attached sample letter. State funding participation is 50% of the eligible nonfederal share of the project and is estimated to be \$80,000.00. This project will require matching funds from the City of Gainesville estimated in the amount of \$80,000.00. This is a tentative allocation of funds is subject to annual congressional and state appropriations.

The Department has provided its concurrence on the design and bid phase services that will be accomplished prior to contract. Reimbursement for these services will be eligible either in the construction contract, dependent on available funding, or a future contract between the Department and City of Gainesville. The cost for design and bid phase services is approved in the amount of \$132,236.00. Reimbursement with federal funds for the design and bid phase services will be in the amount of \$119,013.00. The design and bid phase will require funding from the City of Gainesville in the amount of \$13,223.00. The design project is not eligible for state funding participation since the work will be completed prior to execution of the contract.

As acknowledgement to this tentative allocation award, please provide a letter (see attachment) with the following:

- Confirmation of intent to proceed with and fund this project
- Formal request for state funding assistance to match the federal share of the above project
- An updated project schedule and anticipated contract date for consideration

Please contact Michael Giambrone, Aviation Project Manager at (404) 631-1332 if you have any questions. We look forward to the successful completion of this project.

Sincerely,


Carol L. Comer, Director
Division of Intermodal

CLC:CEW

cc: Emily Dunn, State Transportation Board
Steve Brian, Aviation Program Manager
Colette Williams, Assistant Program Manager
Michael Giambrone, Aviation Project Manager

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 3/22/2017

Presenter: Danny Dunagan

Item of Business: **Second Reading on Ordinance 2017-04
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: 4/4/2017

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 second reading on Ordinance 2017-04 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
☐ 2017-04 Amend Chapter 1-9 Entitled Code of Ethics	Ordinance

First Reading: 03/22/2017
Passed: _____

AN ORDINANCE

No. 2017-04

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

ORDINANCE NO. 2017-04

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.

ORDINANCE NO. 2017-04

- (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

ORDINANCE NO. 2017-04

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

ORDINANCE NO. 2017-04

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.

ORDINANCE NO. 2017-04

- (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

ORDINANCE NO. 2017-04

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: 3/20/2017

Presenter: Matt Tate

Item of Business: Request from **Hanh My Thi Doan** for a Special Use on a 0.52± acre tract located on the east side of South Enota Drive, north of its intersection with Sherwood Park Drive (a/k/a **502 South Enota Drive NE**), having a zoning classification of Office and Institutional (O-I). **Ward Number: Three.** Tax Parcel Number(s): 01-064-002-030.
Request: Nail Salon.

Meeting Date: 4/4/2017

Purpose of Request:

The applicant is proposing to occupy a vacant office building for a nail salon. The change in use requires special use approval as the property is currently zoned for professional office purposes. The applicant's business known as Royale' Nails is currently located across the street within the Sherwood Plaza retail center. The business has eight employees and business hours are from 9:30 A.M. to 8:00 P.M. every day of the week. Minimal changes are proposed for the exterior of the building which will include new signage. There are currently 18 parking spaces provided on site of which no changes are proposed for parking or access. Adjacent uses include Walgreens Pharmacy, Wendy's Restaurant, Georgia Poultry Federation, Inc. and a single-family home.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff recommended conditional approval of this request with one condition.

The Planning and Appeals Board recommended conditional approval of this request with one condition.

See the PAB Recommendation Report for details and excerpts from the PAB meeting minutes.

SAMPLE MOTIONS

Approval

I move to approve the special use for a nail salon as presented with one condition.

Denial

I move to deny the special use request.

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
	Legal Ad	Legal Ad
	PAB Recommendation Report	Report
	Proposed Zoning Resolution	Resolution
	Location Maps	Backup Material
	Narrative	Backup Material
	Plat	Backup Material
	Maps	Backup Material
	Pictures of Site	Backup Material
	Letter of Opposition	Backup Material

COMBINED LEGAL AD
Gainesville Planning and Appeals Board
Gainesville City Council

Publish Sunday, February 26, 2017
THE TIMES

NOTICE OF PLANNING AND APPEALS BOARD PUBLIC HEARING

Notice is hereby given that the **Gainesville Planning and Appeals Board** will conduct a public hearing on **Tuesday, March 14, 2017 at 5:30 p.m.** in the **Gainesville Justice Center** (Municipal Courtroom at the Public Safety Complex), 701 Queen City Parkway in midtown Gainesville on the following requests:

- 1) Request from **Hanh My Thi Doan** for a Special Use on a 0.52± acre tract located on the east side of South Enota Drive, north of its intersection with Sherwood Park Drive (a/k/a **502 South Enota Drive NE**), having a zoning classification of Office and Institutional (O-I).
Ward Number: Three
Tax Parcel Number(s): 01-064-002-030
Request: Nail Salon
- 2) Request from **Masy Seng** to annex a 0.19± acre tract located on the northwest side of the intersection of Shallowford Road and Albert Street (a/k/a **593 and 597 Shallowford Road**) and to establish zoning as General Business (G-B).
Ward Number: Five
Tax Parcel Number(s): 00-119A-001-012 and 013
Request: Donut shop
- 3) Request from **Oak Hall Companies, LLC** to annex a 26.16± acres tract located east of Dawsonville Highway and on the north side of the intersection of Strickland Drive and Sportsman Club Road, with road frontage on Karen Lane (a/k/a **0 and 2209 Karen Lane; 2106, 2234 and 2242 Sportsman Club Road; and 2049 Strickland Drive**) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number: One
Tax Parcel Number(s): 00-109-003-001, 004, 005; 00-109B-000-001, 002A and 036
Request: Active adult community
- 4) Request from **Oak Hall Companies, LLC** to annex a 50.81± acres tract located on the east side of Dawsonville Highway (S.R. 53), having road frontage on Dawsonville Highway, Ahaluna Drive, Skyview Drive and Strickland Drive (a/k/a **0 and 1758 Ahaluna Drive; 1508, 1550, 1740, 1746, 1758, 1760, 1934 and 1982 Dawsonville Highway; 300 and 301 Skyview Drive; 0, 2008 and 2016 Strickland Drive**) and to establish zoning as Planned Unit Development (P-U-D) and General Business (G-B).
Ward Number: One
Tax Parcel Number(s): 00-110-000-005 (part), 028, 032 (part) and 039;
00-110A-004-001 (part), 002A, 004 (part), 005 (part), 007 (part), 007A (part), 007X, 014 (part), 016 (part), 017 (part) and 018
Request: Mixed-use development
- 5) Request from **Oak Hall Companies, LLC** to rezone a 157.98± acres tract located on the east side of Dawsonville Highway (S.R. 53), having road frontage on Ahaluna Drive, Skyview Drive, Strickland Drive, Lakeshore Circle, West Lake Drive and Karen Lane (a/k/a **0, 1264 and 1817 Ahaluna Drive; 1876 Dawsonville Highway; 2208 Karen Lane; 0 and 2029 Strickland Drive;**

0 and 1489 West Lake Drive) from Residential-I-A (R-I-A), Residential-I (R-I), Planned Unit Development (P-U-D) and Regional Business (R-B) to Planned Unit Development (P-U-D) and General Business (G-B).

Ward Number: One

Tax Parcel Number(s): 00-109B-000-003A;
00-110-000-001, 006, 030, 031, 034, 035, 036, 037 and 038;
01-110-001-006; 01-110A-004-022;
01-114-001-001, 026, 145 and 161

Request: Mixed-use development

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE GAINESVILLE ZONING MAP

Notice is hereby given that the **Gainesville City Council** will conduct a public hearing on **Tuesday, April 4, 2017 at 5:30 p.m.** in the **Gainesville Justice Center** (Municipal Courtroom at the Public Safety Complex), 701 Queen City Parkway in midtown Gainesville on the following requests:

- 1) Request from **Hanh My Thi Doan** for a Special Use on a 0.52± acre tract located on the east side of South Enota Drive, north of its intersection with Sherwood Park Drive (a/k/a **502 South Enota Drive NE**), having a zoning classification of Office and Institutional (O-I).
Ward Number: Three
Tax Parcel Number(s): 01-064-002-030
Request: Nail Salon
- 2) Request from **Masy Seng** to annex a 0.19± acre tract located on the northwest side of the intersection of Shallowford Road and Albert Street (a/k/a **593 and 597 Shallowford Road**) and to establish zoning as General Business (G-B).
Ward Number: Five
Tax Parcel Number(s): 00-119A-001-012 and 013
Request: Donut shop
- 3) Request from **Oak Hall Companies, LLC** to annex a 26.16± acres tract located east of Dawsonville Highway and on the north side of the intersection of Strickland Drive and Sportsman Club Road, with road frontage on Karen Lane (a/k/a **0 and 2209 Karen Lane; 2106, 2234 and 2242 Sportsman Club Road; and 2049 Strickland Drive**) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number: One
Tax Parcel Number(s): 00-109-003-001, 004, 005; 00-109B-000-001, 002A and 036
Request: Active adult community
- 4) Request from **Oak Hall Companies, LLC** to annex a 50.81± acres tract located on the east side of Dawsonville Highway (S.R. 53), having road frontage on Dawsonville Highway, Ahaluna Drive, Skyview Drive and Strickland Drive (a/k/a **0 and 1758 Ahaluna Drive; 1508, 1550, 1740, 1746, 1758, 1760, 1934 and 1982 Dawsonville Highway; 300 and 301 Skyview Drive; 0, 2008 and 2016 Strickland Drive**) and to establish zoning as Planned Unit Development (P-U-D) and General Business (G-B).
Ward Number: One
Tax Parcel Number(s): 00-110-000-005 (part), 028, 032 (part) and 039;
00-110A-004-001 (part), 002A, 004 (part), 005 (part), 007 (part), 007A (part), 007X, 014 (part), 016 (part), 017 (part) and 018
Request: Mixed-use development

- 5) Request from **Oak Hall Companies, LLC** to rezone a 157.98± acres tract located on the east side of Dawsonville Highway (S.R. 53), having road frontage on Ahaluna Drive, Skyview Drive, Strickland Drive, Lakeshore Circle, West Lake Drive and Karen Lane (a/k/a **0, 1264 and 1817 Ahaluna Drive; 1876 Dawsonville Highway; 2208 Karen Lane; 0 and 2029 Strickland Drive; 0 and 1489 West Lake Drive**) from Residential-I-A (R-I-A), Residential-I (R-I), Planned Unit Development (P-U-D) and Regional Business (R-B) to Planned Unit Development (P-U-D) and General Business (G-B).

Ward Number: One

Tax Parcel Number(s): 00-109B-000-003A;
00-110-000-001, 006, 030, 031, 034, 035, 036, 037 and 038;
01-110-001-006; 01-110A-004-022;
01-114-001-001, 026, 145 and 161

Request: Mixed-use development

Additional information is available from the Community Development Department, Planning Division, by calling 770-531-6570.

NOTE: In accordance with Georgia law, anyone who wishes to express opposition to the proposed zoning action, and has made, within two years immediately preceding the filing of the proposed zoning action, campaign contributions aggregating \$250 or more to a local government official who will consider the application, shall file a disclosure of contribution(s) with the Planning Division at least five (5) days prior to the first reading of the proposed zoning action by the City Council. (OCGA § 36-67A-3 3 {c})

**GAINESVILLE PLANNING and APPEALS BOARD
RECOMMENDATION**

Applicant Hanh My Thi Doan
Property Owner G. Todd Tyson
Location 502 South Enota Drive NE
Request Special Use within O-I zoning
Size 0.52± acre
Ward Three
Proposed Use Nail Salon
Planning Division Staff Recommendation **Approval, with condition**
Planning and Appeals Board Recommendation **Approval, with condition**
Date March 14, 2017

▪ **Applicant's Proposal and Background Information**

The applicant is proposing a special use within the Office and Institutional (O-I) zoning district to establish a nail salon. The subject property contains a vacant, 2,344 square foot building that was previously occupied as a medical equipment office. The applicant's business known as Royale' Nails is currently located across the street within the Sherwood Plaza retail center. There are eight employees and the business hours are from 9:30 A.M. to 8:00 P.M. Monday thru Sunday. Minimal changes are proposed for the exterior of the building which will include new signage. There are currently 18 parking spaces provided on site of which no changes are proposed for parking or access. Adjacent uses include Walgreens Pharmacy, Wendy's Restaurant, Georgia Poultry Federation, Inc. and a single-family home.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Georgia Poultry Federation, Inc. office	Office and Institutional (O-I)
South	Walgreens	Office and Institutional (O-I)
East	Single-family residential	Residential-I (R-I)
West	Wendy's Restaurant, Rite Aid Pharmacy, Sherwood Plaza Shopping Center	Regional Business (R-B)

▪ **Other Departmental Comments**

There were no other departmental comments regarding this request.

▪ **Zoning History**

The following zoning actions have taken place in the immediate area during the last ten years:

2014 – A request by Beehive Homes of Gainesville to rezone a 2.0[±] acres tract located at 1351 Park Hill Drive from Residential-I (R-I) to Residential-II (R-II) with a special use was conditionally approved for an assisted living facility.

2010 – A request by Harold A. Hinchman to rezone a 1.89[±] acres tract located at 1050 Park Street from Residential-I (R-I) to Residential-II (R-II) was denied for a group home.

2008 – A request by JHME Properties, LLC to rezone 10.0[±] acres located at 1465 Jesse Jewell Parkway from Residential-II (R-II) to Office and Institutional (O-I) was approved with conditions for medical office uses, general office uses and accessory retail/restaurant uses.

2007 – A request by Parkberry Development, LLC to rezone a 2.49[±] acres tract located at 535, 543 and 557 Mulberry Lane; and 819 and 825 Park Street from Residential-I (R-I) to Planned Unit Development (P-U-D) was denied for residential townhomes.

2007 – A request by Northeast Georgia Medical Center/Health System, Inc. to annex 4.218[±] acres with P-U-D zoning and to rezone 4.218[±] from Residential-II (R-II) & General Business (G-B) to Planned Unit Development (P-U-D) located at 0, 1295, 1317, 1319, 1321 & 1405 Jesse Jewell Parkway and 1284 & 1285 Sims Street was approved with conditions for medical uses.

▪ **Staff Analysis**

(1) Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?

The subject property contains a small office building that was constructed in 1967 that is similar in scale with other nearby commercial buildings. The proposed use is a suitable use in view of the zoning and development of adjacent and nearby properties. The subject property is located along South Enota Drive which consists of a mixture of office and commercial uses of which most are zoned Office and Institutional and Regional Business (R-B) within the immediate vicinity. Nearby single-family residential uses are located along secondary streets such as Vine Street to the east.

(2) Will the proposed use adversely affect the existing use or usability of adjacent or nearby property?

The proposed use should have minimal affects to the surrounding and nearby properties as the property and exterior of the building are to remain mostly unchanged. As well, the property has functioned as a non-residential use in the past including a medical equipment office and a blood bank facility. Adjacent and nearby uses include a mixture of residential and non-residential uses which appear to support the proposal. Traffic generated from the facility should be minimal as the existing driveway is expected to be utilized along South Enota Drive.

(3) Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?

It is staff's opinion that the proposed development is consistent with the Comprehensive Plan. The Future Development Map for the City of Gainesville places the subject property within the *Mixed-Use General* land use category which includes areas containing or planned for a mixture of land uses including office, neighborhood retail, and residential. The types of non-residential uses that are desirable in this area would include restaurants, specialty retail, and low-intensity office.

According to the Character Area map for the City of Gainesville, the subject property is located within the *Traditional Neighborhoods* Character Area specifically within the *Northern Neighborhoods subarea*. The vision for this area anticipates minimal change, and primary issues within this subarea include incompatible infill development and the threat of encroaching urban sprawl. Commercial encroachment should be minimized and should respect and mirror the small scale of the surrounding neighborhoods, while the purity of the landscape and quality of housing should be preserved. The area is not a primary destination for business; however neighborhood serving business development is encouraged. Land uses allowed in the *Northern Neighborhoods subarea* include low-density and medium-density residential, and mixed-use / commercial.

(4) Are there substantial reasons why the property cannot or should not be used as currently zoned?

The subject property is zoned Office and Institutional (O-I) which will remain unchanged. The applicant is requesting a Special Use for a nail salon which requires special use approval within O-I zoning. If approved, the property will allow the proposed use and those uses currently permitted within the O-I zoning district. If the request is denied, the existing structure would retain its ability to be used separately for primarily professional office purposes. It appears the existing building and parking areas are conducive for the proposed use.

(5) Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?

The proposed use should cause no excessive or burdensome use of public facilities or services over and above any previous use of the property. The subject property currently utilizes various City services; including police/fire protection, and water and sewer utilities. The City of Gainesville Fire Station #2 is located approximately 2.3 miles from the subject property. Access and traffic patterns should remain unchanged. Based on the nature of the request, there will be no adverse impacts to the school system.

(6) Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?

Given the previous non-residential use of the property and the nearby development of Northeast Georgia Medical Center and Sherwood Plaza, it is expected that the subject property will continue to function as a non-residential use.

(7) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

The proposal reflects a reasonable balance between the promotion of the public health, safety, morality, and general welfare and the right to unrestricted use of property. The proposed use appears to be reasonable given the property's location to non-residential and residential uses, as well as the fact that the existing building can be reused for the proposed use with little to no impact to the adjacent uses.

▪ **Staff Recommendation**

The Planning Division staff is recommending **conditional approval** of this Special Use request within **O-I zoning**, based on the Comprehensive Plan and the surrounding residential and non-residential land uses.

Condition

The existing monument sign or any replacement monument sign shall not be increased in size or height above the current monument sign dimensions so as to remain residential in scale.

Excerpts from the March 14, 2017, Planning and Appeals Board Meeting Minutes

Applicant Presentation: Pat Burke, 540 Holly Drive, stated he is a real estate agent for Keller Williams and has worked with the applicant on this project for the last three or four months. He stated the applicant and his wife have operated Royale' Nails for 11 years, noting it is a classy business and they will be the same kind of citizen at the new location and will follow the guidelines for the architectural and sign requirements. He stated they reviewed the documents provided by staff and had no issues with the requirements or the proposed condition.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend approval of the special use as presented with the following condition:

Condition

The existing monument sign or any replacement monument sign shall not be increased in size or height above the current monument sign dimensions so as to remain residential in scale.

Motion made by Board Member Martin
Motion seconded by Vice-Chair Fleming
Vote – 6 favor, 1 recusal (Delgado)

RESOLUTION ZR-2017-____

APPROVAL OF A REQUEST FOR A SPECIAL USE
SUBJECT TO APPROVAL BY THE CITY COUNCIL

WHEREAS, under **Chapter 9-6-1 O-I Office and Institutional District** of the Unified Land Development Code of the City of Gainesville, Georgia; **Section 9-6-1-2 Permitted and Special Uses** allows a *personal service establishment* subject to City Council approval after review and recommendation by the Gainesville Planning and Appeals Board; and

WHEREAS, an application has been received from **Hanh My Thi Doan** to allow a *nail salon* within an Office and Institutional (O-I) zoning district identified as follows:

01-064-002-030
502 South Enota Drive NE
Ward Three

WHEREAS, the application has been evaluated under any criteria specified in the aforesaid section; and

WHEREAS, the **Gainesville Planning and Appeals Board**, during its public hearing held on **March 14, 2017**, reviewed the application and recommended **conditional approval** of said request with the following condition:

Condition

The existing monument sign or any replacement monument sign shall not be increased in size or height above the current monument sign dimensions so as to remain residential in scale.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby approves the applicant's request for a special use permit as stated above and subject to all the terms of the Unified Land Development Code.

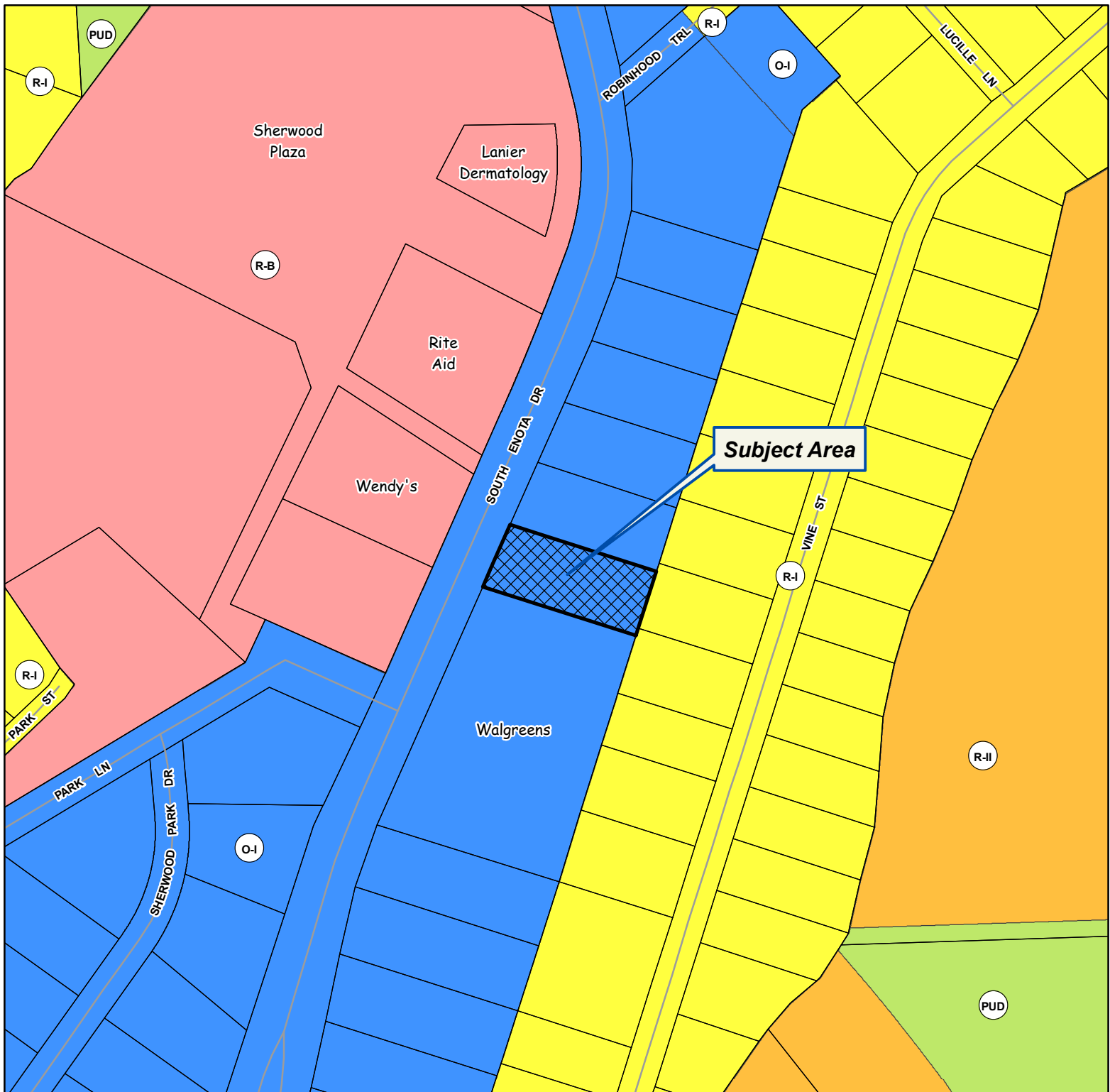
Adopted this _____ day of _____, 2017.

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



Applicant:

HANH MY THI DOAN

Gainesville Community Development Department

SPECIAL USE REQUEST



Request:

Special Use for a nail salon within the Office and Institutional zoning district

Subject Area Address:

502 South Enota Drive NE

Meeting: 3/14/2017

Prepared: 2/1/2017

 Subject Area



0 120 240 360 480 Feet

1" = 200'

Tax Parcel: 01-064-002-030



Applicant:

HANH MY THI DOAN

Gainesville Community Development Department

SPECIAL USE REQUEST

 Subject Property

Aerial from 2015



0 120 240 360 480 Feet

1" = 200'



Request:

Special Use for a nail salon within the Office and Institutional zoning district

Subject Area Address:

502 South Enota Drive NE

Meeting: 3/14/2017

Prepared: 2/1/2017

Tax Parcel: 01-064-002-030

Narrative for Conversion of Existing Building into Nail Salon

The applicant is requesting Special Use approval for a Nail Salon within the Office and Institutional O-I) zoning district.

502 S. Enota is the parcel directly to the left of Walgreens Pharmacy.

The last use of the 502 S. Enota Building was a medical supply office. It is vacant now.

The existing business, Royale Nails, is directly across the street in the shopping center, at 601 S. Enota, Suite F. (Photo included). The hours are 9:30 AM to 8:00PM – seven days a week. They have approximately 8 people working there full and part time. No changes in service are planned.

The plan is to move the existing business across the street to 502 S. Enota.

No changes to the existing outside of the structure of 502 S. Enota are planned. And, any proposed sign changes will meet the standards of the City of Gainesville.

There are 18 existing parking spaces including a handicapped parking designated space. The number of parking spaces are sufficient for the use of both employees, and patrons alike.

Improvements to the landscape could be done, however are not currently planned.

The interior of the building will be upgraded. The existing interior of 502 S. Enota is set up as open space and offices. The bathrooms have not been updated for 30 years. The plan is to have a professional contractor upgrade the interior to include finishes appropriate for a fine nail salon (like the current interior finishes of Royale Nails) and to upgrade the interior into ADA compliance.

SHERWOOD PLAZA INC.

SOUTH ENOTA DRIVE
GEORGIA HWY. CONN. N213

8" SANITARY SEWER

100' 100' 100' 100'

N 23° 20' E

S 72° 45' E → 225.2'

S 72° 57' E → 236.2'

S 73° 10' E → 247.2'

S 73° 35' E → 267.3'

BLOCK "G"

BASE BEARING THIS SURVEY
N 72° 40' W 279.8'

FROM PLAT
BOOK 50 P. 241
HALL CO.
NOV. 21, 1963 SURVEY

98.2' 98.6' 98.6' 179.9' 103.6'

S 17° 01' W

S 17° 01' W

S 16° 11' W
(COMPUTED)

MAGNETIC 1963

James Sayer

RECORDING PERMIT

By Debra L. Sears 8/27/65
GAINESVILLE PLANNING COMMISSION

In my opinion, this plat is a correct
representation of the land plotted and
has been prepared in conformity with
the custom standards and requirements

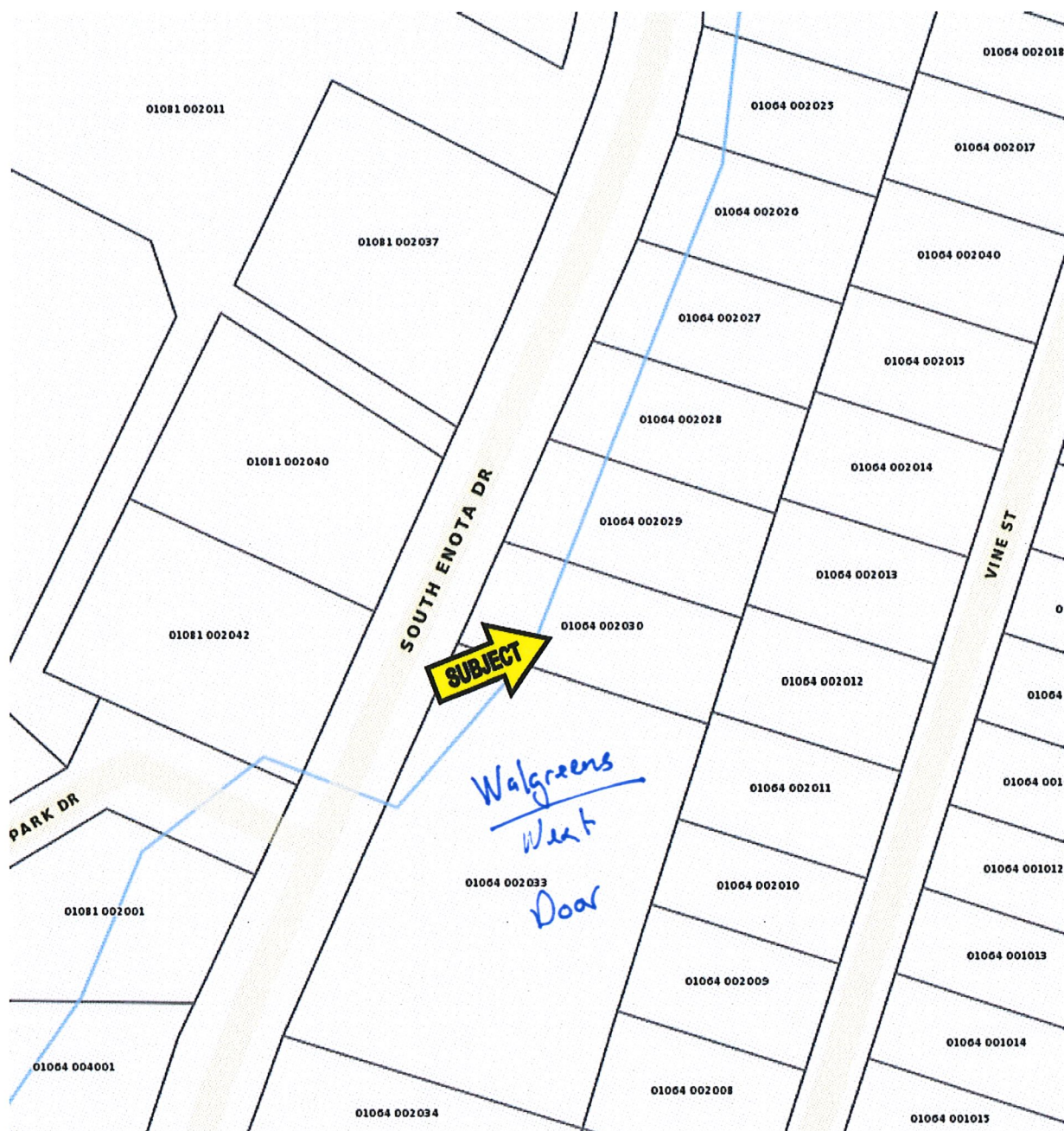
RESURVEY-LOTS 13-22 BLOCK "F"
& LOT 8 BLOCK "G" SHERWOOD HTS. S/D.

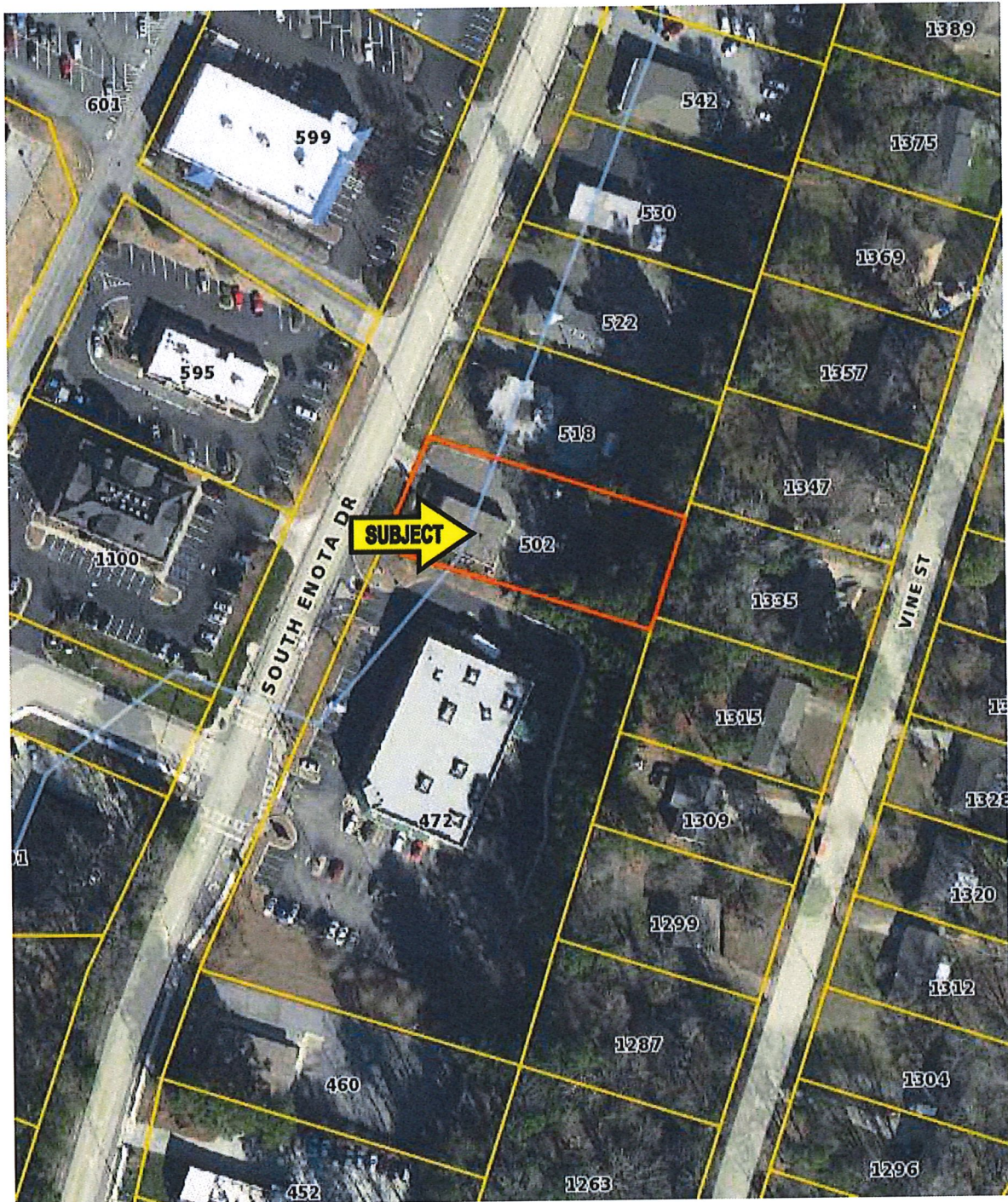
GAINESVILLE, HALL CO., GA.
WALLIS LAND CO.
(OWNER)

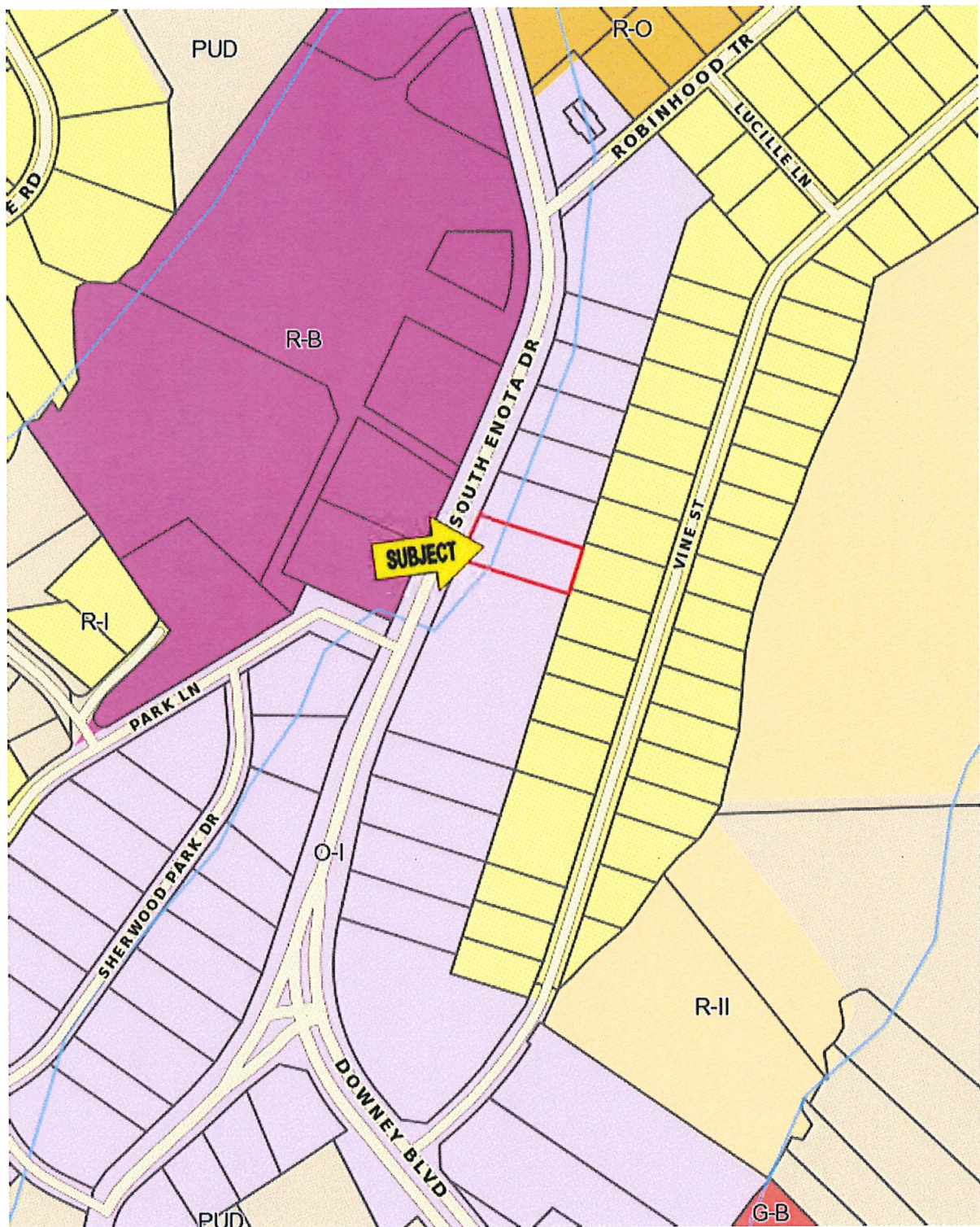
JULY 29, 1965 1" = 50'
BOUNDARY CLOSURE 1/5130

ORIGINAL SUBDIVISION SURVEY
RECORDED IN PLAT BOOK 50 P. 117-118
HALL CO., GA. PLAT RECORDS

PATTON, PLESS & TAYLOR

Tax Plat Map

Aerial

Zoning Map

IMPROVEMENT DESCRIPTION

General Description

The subject site is improved with a 2,344 SF office building built in 1967. The land-to-building ratio of the subject is 9.66:1.

Property Condition and Effective Age

The subject has good overall market appeal and has been adequately maintained. The overall appearance and condition of the building is average and the property possesses average overall market appeal. The subject's actual age is 48 years. The effective age of the improvements is 30 years with a remaining economic life of 20 years. These estimates have been based, in part, upon a typical projected economic life for similar buildings of 50 years, which was derived from the *Marshall Valuation Service* "Life Expectancy Guidelines," Section 97.

Construction Details

Subject photographs can be found in the Addenda of this report. General construction details of the buildings are as follows:

FOOTINGS & FOUNDATION	:	Reinforced concrete slab on grade with poured concrete footings around perimeter of buildings.
EXTERIOR WALLS	:	Wood frame with brick veneer on all sides.
INTERIOR WALLS	:	Walls are painted gypsum board.
ROOF	:	Flat built-up roof over wood sheeting.
FLOORS	:	Combination of commercial grade carpet, vinyl, and laminate wood flooring.
CEILINGS	:	Predominantly acoustical tiling with some painted gypsum board.
DOORS	:	Entrance doors are storefront glass in metal frames. Interior doors are wood doors in metal frames. Rear metal personnel door.
WINDOWS	:	Double-pane glass in metal frames.
HVAC	:	Served by two adequate HVAC systems with zoned heating and air.
ELECTRICAL	:	Three-phase electrical panel with adequate capacity. Ceiling mounted fluorescent lights throughout.
PLUMBING	:	Copper supply lines and cast-iron or PVC waste lines. Two restrooms serve the building.
LANDSCAPING	:	Adequate.







Royale' NAILS

WAXING
EYEBROWS
BIKINI
LEGS

WALK-INS WELCOME
770-539-9102

GIFT CERTIFICATES
AVAILABLE

MON - SAT
9:30 - 8:00
SUN
12:00 - 6:00

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EXCLUSIVE PROFESSIONAL NAIL CARE
FOR LADIES AND GENTLEMEN
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SPA PEDICURE
MANICURE
NAIL DESIGN



Judy Foster

From: BMorr15039@aol.com
Sent: Monday, March 13, 2017 10:56 AM
To: Judy Foster
Subject: Gville Planning and Appeals Board Meeting 3-14-17;Comment

Dear Ms Foster,

I would like to make an e-mail comment for the above meeting as I will not be able to attend in person due to a conflict.

Concerning: Hanh My Thi Doan's request for Special Use to allow a Nail Salon at 502 South Enota Drive NE. My office is across the street in the immediate vicinity of this request. The current zoning of the property is Office and Institutional District. This zoning according to code Section 9-6-1 does not allow the sale, wholesale, storage, or processing of merchandise. The wording goes on to say "Areas zoned to this classification are not intended to be retail centers, commercial, or industrial activities. Rather, it is the intent of the district to provide locations for a wide range of open, uncrowded sites for offices, professional offices, institutions, , and residences.

Since the request does not comply with current zoning laws and does not fit within the Comprehensive Land Plan for the City of Gainesville I would recommend the request be denied.

Respectfully submitted

Bill Morrison

Bill Morrison, O. D.
1201 Sherwood Park Drive NE
Gainesville, Georgia 30501
770-536-3231

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 3/20/2017

Presenter: Matt Tate

Item of Business: Request from **Masy Seng** to annex a 0.19± acre tract located on the northwest side of the intersection of Shallowford Road and Albert Street (a/k/a **593 and 597 Shallowford Road**) and to establish zoning as General Business (G-B). **Ward Number: Five.** Tax Parcel Number(s): 00-119A-001-012 and 013. **Request: Donut shop.**

Meeting Date: 4/4/2017

Purpose of Request:

The applicant is proposing to annex two undeveloped parcels into the city limits of Gainesville. The parcels are currently part of a larger unincorporated island and are zoned Highway Business (H-B) which is a comparable zoning to General Business (G-B) in the City. The applicant intends to utilize City water and sewer services in order to develop a 1,200 square foot donut shop. Access is proposed from Shallowford Road and an exit only drive from Albert Street. Surrounding uses include Regions Bank branch, dry cleaners, single-family home and the U.S. Army Reserve facility.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff recommended conditional approval of this request with three conditions.

The Planning and Appeals Board recommended conditional approval of the request with three conditions.

See the PAB Recommendation Report for details and excerpts from the PAB meeting minutes.

SAMPLE MOTIONS

Approval

I move to approve first reading of an ordinance to annex the subject property as presented.

I move to approve first reading of an ordinance to establish zoning as General Business, with conditions, for the subject property as presented.

Denial

I move to deny the annexation request.

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
	Legal Ad	Legal Ad
	PAB Recommendation Report	Report
	Proposed Annexation Ordinance	Ordinance
	Proposed Zoning Ordinance	Ordinance
	Location Maps	Backup Material
	Narrative	Backup Material
	Survey	Backup Material
	Concept Plan	Backup Material
	Pictures	Backup Material

COMBINED LEGAL AD
Gainesville Planning and Appeals Board
Gainesville City Council

Publish Sunday, February 26, 2017
THE TIMES

NOTICE OF PLANNING AND APPEALS BOARD PUBLIC HEARING

Notice is hereby given that the **Gainesville Planning and Appeals Board** will conduct a public hearing on **Tuesday, March 14, 2017 at 5:30 p.m.** in the **Gainesville Justice Center** (Municipal Courtroom at the Public Safety Complex), 701 Queen City Parkway in midtown Gainesville on the following requests:

- 1) Request from **Hanh My Thi Doan** for a Special Use on a 0.52± acre tract located on the east side of South Enota Drive, north of its intersection with Sherwood Park Drive (a/k/a **502 South Enota Drive NE**), having a zoning classification of Office and Institutional (O-I).
Ward Number: Three
Tax Parcel Number(s): 01-064-002-030
Request: Nail Salon
- 2) Request from **Masy Seng** to annex a 0.19± acre tract located on the northwest side of the intersection of Shallowford Road and Albert Street (a/k/a **593 and 597 Shallowford Road**) and to establish zoning as General Business (G-B).
Ward Number: Five
Tax Parcel Number(s): 00-119A-001-012 and 013
Request: Donut shop
- 3) Request from **Oak Hall Companies, LLC** to annex a 26.16± acres tract located east of Dawsonville Highway and on the north side of the intersection of Strickland Drive and Sportsman Club Road, with road frontage on Karen Lane (a/k/a **0 and 2209 Karen Lane; 2106, 2234 and 2242 Sportsman Club Road; and 2049 Strickland Drive**) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number: One
Tax Parcel Number(s): 00-109-003-001, 004, 005; 00-109B-000-001, 002A and 036
Request: Active adult community
- 4) Request from **Oak Hall Companies, LLC** to annex a 50.81± acres tract located on the east side of Dawsonville Highway (S.R. 53), having road frontage on Dawsonville Highway, Ahaluna Drive, Skyview Drive and Strickland Drive (a/k/a **0 and 1758 Ahaluna Drive; 1508, 1550, 1740, 1746, 1758, 1760, 1934 and 1982 Dawsonville Highway; 300 and 301 Skyview Drive; 0, 2008 and 2016 Strickland Drive**) and to establish zoning as Planned Unit Development (P-U-D) and General Business (G-B).
Ward Number: One
Tax Parcel Number(s): 00-110-000-005 (part), 028, 032 (part) and 039;
00-110A-004-001 (part), 002A, 004 (part), 005 (part), 007 (part), 007A (part), 007X, 014 (part), 016 (part), 017 (part) and 018
Request: Mixed-use development
- 5) Request from **Oak Hall Companies, LLC** to rezone a 157.98± acres tract located on the east side of Dawsonville Highway (S.R. 53), having road frontage on Ahaluna Drive, Skyview Drive, Strickland Drive, Lakeshore Circle, West Lake Drive and Karen Lane (a/k/a **0, 1264 and 1817 Ahaluna Drive; 1876 Dawsonville Highway; 2208 Karen Lane; 0 and 2029 Strickland Drive;**

0 and 1489 West Lake Drive) from Residential-I-A (R-I-A), Residential-I (R-I), Planned Unit Development (P-U-D) and Regional Business (R-B) to Planned Unit Development (P-U-D) and General Business (G-B).

Ward Number: One

Tax Parcel Number(s): 00-109B-000-003A;
00-110-000-001, 006, 030, 031, 034, 035, 036, 037 and 038;
01-110-001-006; 01-110A-004-022;
01-114-001-001, 026, 145 and 161

Request: Mixed-use development

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE GAINESVILLE ZONING MAP

Notice is hereby given that the **Gainesville City Council** will conduct a public hearing on **Tuesday, April 4, 2017 at 5:30 p.m.** in the **Gainesville Justice Center** (Municipal Courtroom at the Public Safety Complex), 701 Queen City Parkway in midtown Gainesville on the following requests:

- 1) Request from **Hanh My Thi Doan** for a Special Use on a 0.52± acre tract located on the east side of South Enota Drive, north of its intersection with Sherwood Park Drive (a/k/a **502 South Enota Drive NE**), having a zoning classification of Office and Institutional (O-I).
Ward Number: Three
Tax Parcel Number(s): 01-064-002-030
Request: Nail Salon
- 2) Request from **Masy Seng** to annex a 0.19± acre tract located on the northwest side of the intersection of Shallowford Road and Albert Street (a/k/a **593 and 597 Shallowford Road**) and to establish zoning as General Business (G-B).
Ward Number: Five
Tax Parcel Number(s): 00-119A-001-012 and 013
Request: Donut shop
- 3) Request from **Oak Hall Companies, LLC** to annex a 26.16± acres tract located east of Dawsonville Highway and on the north side of the intersection of Strickland Drive and Sportsman Club Road, with road frontage on Karen Lane (a/k/a **0 and 2209 Karen Lane; 2106, 2234 and 2242 Sportsman Club Road; and 2049 Strickland Drive**) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number: One
Tax Parcel Number(s): 00-109-003-001, 004, 005; 00-109B-000-001, 002A and 036
Request: Active adult community
- 4) Request from **Oak Hall Companies, LLC** to annex a 50.81± acres tract located on the east side of Dawsonville Highway (S.R. 53), having road frontage on Dawsonville Highway, Ahaluna Drive, Skyview Drive and Strickland Drive (a/k/a **0 and 1758 Ahaluna Drive; 1508, 1550, 1740, 1746, 1758, 1760, 1934 and 1982 Dawsonville Highway; 300 and 301 Skyview Drive; 0, 2008 and 2016 Strickland Drive**) and to establish zoning as Planned Unit Development (P-U-D) and General Business (G-B).
Ward Number: One
Tax Parcel Number(s): 00-110-000-005 (part), 028, 032 (part) and 039;
00-110A-004-001 (part), 002A, 004 (part), 005 (part), 007 (part), 007A (part), 007X, 014 (part), 016 (part), 017 (part) and 018
Request: Mixed-use development

- 5) Request from **Oak Hall Companies, LLC** to rezone a 157.98± acres tract located on the east side of Dawsonville Highway (S.R. 53), having road frontage on Ahaluna Drive, Skyview Drive, Strickland Drive, Lakeshore Circle, West Lake Drive and Karen Lane (a/k/a **0, 1264 and 1817 Ahaluna Drive; 1876 Dawsonville Highway; 2208 Karen Lane; 0 and 2029 Strickland Drive; 0 and 1489 West Lake Drive**) from Residential-I-A (R-I-A), Residential-I (R-I), Planned Unit Development (P-U-D) and Regional Business (R-B) to Planned Unit Development (P-U-D) and General Business (G-B).

Ward Number: One

Tax Parcel Number(s): 00-109B-000-003A;
00-110-000-001, 006, 030, 031, 034, 035, 036, 037 and 038;
01-110-001-006; 01-110A-004-022;
01-114-001-001, 026, 145 and 161

Request: Mixed-use development

Additional information is available from the Community Development Department, Planning Division, by calling 770-531-6570.

NOTE: In accordance with Georgia law, anyone who wishes to express opposition to the proposed zoning action, and has made, within two years immediately preceding the filing of the proposed zoning action, campaign contributions aggregating \$250 or more to a local government official who will consider the application, shall file a disclosure of contribution(s) with the Planning Division at least five (5) days prior to the first reading of the proposed zoning action by the City Council. (OCGA § 36-67A-3 3 {c})

GAINESVILLE PLANNING and APPEALS BOARD RECOMMENDATION

Applicant Masy Seng
Property Owner DWM, Inc.
Location 593 and 597 Shallowford Road
Request Annex with General Business (G-B) zoning
Size 0.19[±] acre
Ward Five
Proposed Use Donut shop
Planning Division Staff Recommendation **Approval, with conditions**
Planning and Appeals Board Recommendation **Approval, with conditions**
Date March 14, 2017

▪ **Applicant's Proposal and Background Information**

The applicant is proposing to annex two undeveloped parcels into the city limits of Gainesville. The parcels are currently part of a larger unincorporated island and are currently zoned Highway Business (H-B) which is a comparable zoning to General Business (G-B) in the City. The applicant intends to utilize City water and sewer services in order to develop a 1,200 square foot donut shop, a small parking area and dumpster pad. A two-way access driveway is proposed along Shallowford Road and an exit only driveway is proposed along Albert Street. Anticipated store hours are Monday thru Sunday from 5 A.M. to 5 P.M.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Single-family home	Highway Business (H-B) -County
South	US Army Reserve facility	Highway Business (H-B) -County
East	Regions Bank branch	General Business (G-B) -City
West	Vacant land; Dry cleaner	Highway Business (H-B) -County

Other significant uses within the area include Lakeshore Mall, Target and Walmart Shopping Centers which are zoned Regional Business (R-B).

▪ **Other Departmental Comments**

There were no comments from other departments for this request.

▪ **Zoning History**

The following zoning actions have taken place in the immediate area during the last ten years:

2006 – A request by Green Street Capital Corporation to annex a 1.053[±] acre tract located at 333 Shallowford Road for a retail center was approved with General Business (G-B) zoning.

▪ **Staff Analysis**

(1) Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?

Surrounding uses include single-family homes, Regions Bank branch, dry cleaners and the U.S. Army Reserve facility. The predominant land use pattern along Shallowford Road consists of established commercial business with zonings of Neighborhood Business (N-B), Regional Business (R-B), General Business (G-B) and Highway Business (H-B). The proposed donut shop is consistent with other uses located along Shallowford Road.

(2) Will the proposed use adversely affect the existing use or usability of adjacent or nearby property?

The proposed donut shop should have minimal impacts on the adjacent and nearby properties given the small scale of the proposal. However, the adjacent single-family home to the north will be most impacted given its close proximity to the subject property. While the long term use for this property is not expected to be for residential purposes, the existing single-family home should be safeguarded.

(3) Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?

The Gainesville 2030 Future Development Map for the City of Gainesville places the subject property within the *Mixed Use General* land use category. This category includes areas containing or planned for a mixture of land uses including office, neighborhood retail, and residential.

According to the Character Area map for the City of Gainesville, the subject property is located within the *Longwood Cove* character area. This character area includes the Longwood Cove, Pearl Nix Parkway, Lakeshore Mall and Alta Vista Cemetery areas. The mall area is identified as a potential infill area that could be redeveloped in the long term as a mixed-use "town center". One of the quality community objectives includes redeveloping underutilized land and buildings to enable both commercial and residential growth. Land uses allowed within this character area include medium-density residential, multi-family residential, mixed-use, commercial, public / institutional, and parks / recreation / conservation.

(4) Are there substantial reasons why the property cannot or should not be used as currently zoned?

The property is currently zoned Highway Business (H-B) within unincorporated Hall County which permits numerous commercial uses including a donut shop. The applicant is required to annex into the City of Gainesville as the property is contiguous to the city limits and will be utilizing sanitary sewer.

(5) Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?

It is staff's opinion the proposed donut shop will not be burdensome to the existing public facilities or services provided by the City of Gainesville. The subject property is part of a larger unincorporated island surrounded by the city limits, and numerous public facilities such as water and sewer are readily available. While Shallowford Road is capable of supporting additional traffic from the proposed use, Albert Street is a narrow county road and access should be limited. The closest fire station is Gainesville Fire Station #1 which is approximately 2.0 miles from the subject property. Given the non-residential nature of the request there should be no impacts to the school system.

(6) Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?

The surrounding area falls within a mixed-use area which contains some older properties that are in need of redevelopment. The subject property is expected to be developed for non-residential purposes in the future given the surrounding commercial and availability of sewer. Some of the adjacent parcels could be assembled and annexed in the future.

(7) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

Due to the fact that the subject property is part of an unincorporated island and is surrounded by commercially zoned properties, the proposed donut shop appears to reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of the property.

▪ **Staff Recommendation**

The Planning Division staff is recommending **conditional approval** of this request based on the Comprehensive Plan and adjacent commercial uses.

Conditions

- 1. The developer shall provide a minimum 8-foot tall two sided, opaque fence against the adjacent residential property to the north.**
- 2. There shall be no signs allowed along Albert Street.**
- 3. Access along Albert Street shall be limited to an exit only upon review and approval by the Public Works Director.**

Excerpts from the March 14, 2017, Planning and Appeals Board Meeting Minutes

Applicant Presentation: **Kelly Moore**, 4017 Sargent Circle, stated he is a local realtor who helped the applicant with Danny's Donut Shop, noting Mr. Seng has more shops located in other cities, all of which are successful businesses and good for their respective communities. He stated they had no issues with the proposed conditions.

QUESTIONS: **Becky Brechter**, 3229 Springdale Forrest Circle, stated she was speaking on behalf of Ms. Moss, the owner of the adjacent property to the rear of the proposed business. She asked if the privacy fence buffer would be placed in front of, or behind the existing fence. Planning Manager Matt Tate stated that most likely the old fence would be removed and a new fence would be placed three-feet from the property line as required by Code. Mr. Tate confirmed that Ms. Moss would not have to remove any of the structures located on her property. Ms. Brechter asked if Ms. Moss would have to remove the existing fence. Mr. Tate stated no, according to the survey plat, the existing wooden fence is located on the subject property. Mr. Tate also confirmed that the new fence would extend all the way across the width of Ms. Moss' property line to provide an opaque buffer for her. Ms. Brechter commented on the dumpster pad then stated that answered all of her questions.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend approval of the annexation as presented with the following conditions:

Conditions

- 1. The developer shall provide a minimum 8-foot tall two sided, opaque fence against the adjacent residential property to the north.**
- 2. There shall be no signs allowed along Albert Street.**
- 3. Access along Albert Street shall be limited to an exit only upon review and approval by the Public Works Director.**

Motion made by Board Member Thompson

Motion seconded by Board Member Delgado

Vote – 7 favor

First Reading: _____
Passed: _____

AN ORDINANCE

No. 2017-

AN ORDINANCE ANNEXING A 0.19± ACRE TRACT LOCATED ON THE NORTHWEST SIDE OF THE INTERSECTION OF SHALLOWFORD ROAD AND ALBERT STREET (A/K/A 593 AND 597 SHALLOWFORD 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.

(Amendment to City Limit Boundary)

WHEREAS, a 0.19± acre tract located on the northwest side of the intersection of Shallowford Road and Albert Street (a/k/a **593 and 597 Shallowford Road**), lies within the unincorporated lands of Hall County and adjoins the existing corporate limits of the City of Gainesville; and

WHEREAS, the hereinafter described lands be incorporated and annexed into the City of Gainesville.

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

SECTION I.

That from and after the passage of this Ordinance the following described lands are and shall be annexed into the existing corporate limits of the City of Gainesville, Georgia, so that said lands shall constitute a part of the land within the corporate limits of the City of Gainesville, Georgia, as fully and completely as if the limits had been so defined by the General Assembly of Georgia.

Legal Description

All that tract or parcel of land lying and being in Land Lot 165 of the 9th Land District of Hall County, Georgia, consisting of 0.19 acres, more or less, and being a portion of Lots 9 and 10 of the Jones, Atkins, Green Subdivision according to a certain plat of survey for Masy Seng dated January 20, 2017, and being more particularly described as follows:

To find the true of point of beginning, begin at a nail found at intersection of the centerlines of the Albert Street and Jones Street; thence South 24 degrees 59 minutes 20 seconds West a distance of 157.38 feet to an iron pin set which is the true point of beginning; thence from said true point of beginning South 17 degrees 41 minutes 21 seconds West a distance of 76.28 feet to an iron pin set; thence South 78 degrees 49 minutes 06 seconds West a distance of 30.47 feet to a nail found; thence North 60 degrees 11 minutes 02 seconds West a distance of 72.39 feet to an iron pin set; thence North 21 degrees 21 minutes 17 seconds East a distance of 79.61 feet to an iron pin set; thence South 70 degrees 02 minutes 31 seconds East a distance of 92.45 feet to the TRUE POINT OF BEGINNING.

ORDINANCE NO. 2017-

The annexation is to include all that portion of right-of-way known as Albert Street located between the subject parcel and the existing city limits of Gainesville.

SECTION II.

The Secretary to the City Council of the City of Gainesville is directed to make and file with the Department of Community Affairs of the State of Georgia a certified copy of this Ordinance together with a plat describing lands annexed to the City of Gainesville by this Ordinance.

SECTION III.

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

SECTION IV.

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 V.

The effective date of this Ordinance shall be upon approval by the governing authority of the City of Gainesville, Georgia.

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

First Reading: _____
Passed: _____

AN ORDINANCE

No. 2017-

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA BY ESTABLISHING THE ZONING ON A 0.19± ACRE TRACT LOCATED ON THE NORTHWEST SIDE OF THE INTERSECTION OF SHALLOWFORD ROAD AND ALBERT STREET (A/K/A 593 AND 597 SHALLOWFORD 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.

(Amendment to Zoning Map)

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

SECTION I.

That from and after the passage of this Ordinance the following described lands shall be zoned and so designated on the Zoning Map of the City of Gainesville as **General Business, with conditions (G-B-c)**:

Conditions

- 1. The developer shall provide a minimum 8-foot tall two sided, opaque fence against the adjacent residential property to the north.**
- 2. There shall be no signs allowed along Albert Street.**
- 3. Access along Albert Street shall be limited to an exit only upon review and approval by the Public Works Director.**

Legal Description

All that tract or parcel of land lying and being in Land Lot 165 of the 9th Land District of Hall County, Georgia, consisting of 0.19 acres, more or less, and being a portion of Lots 9 and 10 of the Jones, Atkins, Green Subdivision according to a certain plat of survey for Masy Seng dated January 20, 2017, and being more particularly described as follows:

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ORDINANCE NO. 2017-

The annexation is to include all that portion of right-of-way known as Albert Street located between the subject parcel and the existing city limits of Gainesville.

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.

This Ordinance is enacted as an amendment to the Code of the City of Gainesville, Georgia, and is to be codified as a part of Section 9-1-1-5.

SECTION V.

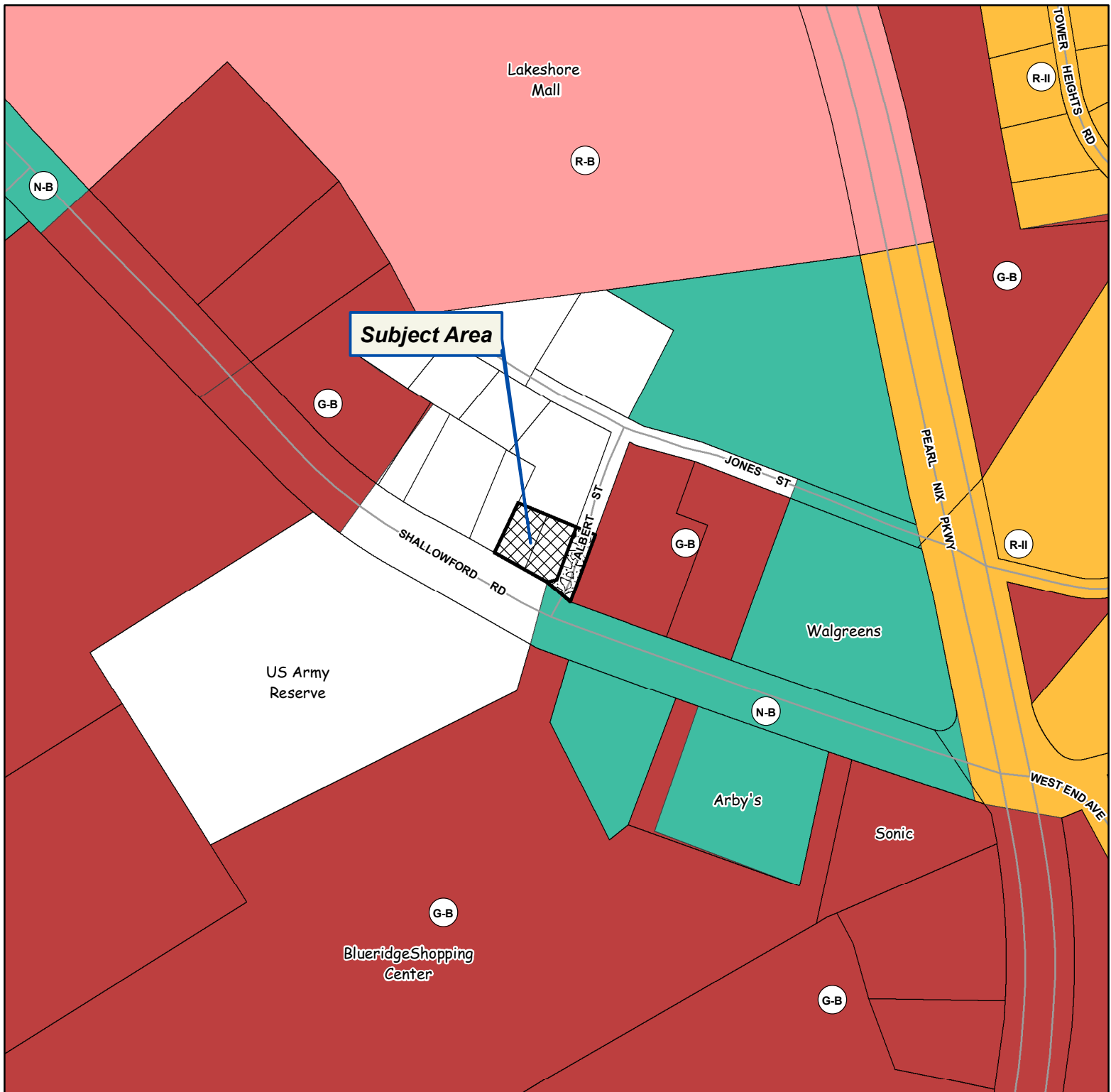
The effective date of this Ordinance shall be upon approval by the governing authority of the City of Gainesville, Georgia.

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



Applicant:

MASY SENG

ANNEXATION REQUEST



Request:

Annex 0.19+/- acre with General Business (G-B) zoning for a donut shop

Subject Area Address:

593 and 597 Shallowford Road

Meeting: 3/14/2017

Prepared: 2/1/2017

Gainesville Community Development Department



Subject Area



Right of Way to be Annexed



0 120 240 360 480 Feet

1" = 200'

Tax Parcel: 00-119A-001-012, 013

Page 79 of 103



Applicant:

MASY SENG

Gainesville Community Development Department

ANNEXATION REQUEST



Subject Area

Aerial from 2015



0 120 240 360 480 Feet

1" = 200'



Request:

Annex 0.19+/- acre with General Business (G-B) zoning for a donut shop

Subject Area Address:

593 and 597 Shallowford Road

Meeting: 3/14/2017

Prepared: 2/1/2017

Tax Parcel: 00-119A-001-012, 013

Page 80 of 103

Application for Annexation to City of Gainesville

NW Corner Shallowford Road & Albert Street

Applicant, Mr. Masy Seng, submits to the City of Gainesville for annexation and concurrent rezoning of a 0.19 acre property. This property is vacant and currently owned by DWM, Inc. The recent Boundary Survey, prepared by Davis Engineering and Surveying indicates it is comprised of Tax Parcel Numbers 00119A001012 and 00119A001013.

Subject property is located at the northwest corner of Shallowford Road and Albert Street. Property currently lies within an unincorporated island of Hall County, and within the Highway Business Zoning District of Hall County. The nearest corporate limits of Gainesville are found along the eastern right of way of Albert Street.

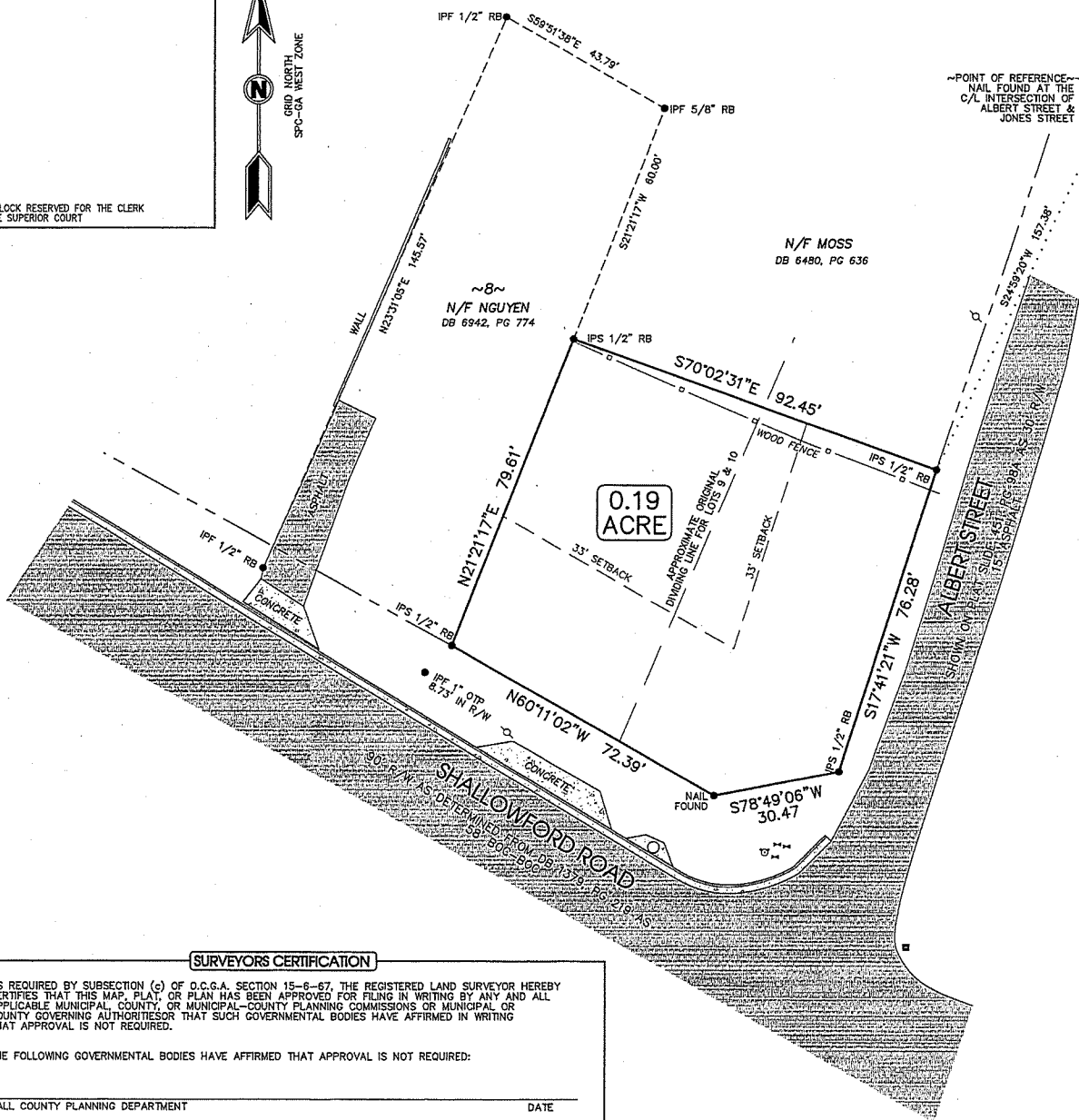
Neighboring parcels include an undeveloped tract to the west, which is also in the unincorporated island and has Highway Business zoning. A single-family home sits on the parcel adjacent to the north, although the property has Highway Business zoning. It too, lies within the aforementioned unincorporated island. The neighboring parcel to the east, sits across Albert Street, and is within City limits and operates as Regions Bank. The bank parcel has the City's General Business zoning. The neighboring parcel to the south, across Shallowford Road, is the home of the U.S. Army Reserve 802nd Ordnance, and is also in the unincorporated island with Highway Business zoning.

The applicant requests annexation to the City of Gainesville and concurrent rezoning to the City's General Business District. Should this be approved, the property's frontage along Shallowford Road would include it in the City's Gateway Corridor Overlay District, in addition to the General Business District.

The proposed use is a donut shop, involving the baking and retail sale of donuts on site. Pastries, donuts, muffins, and coffee are among menu items at other locations of the family-owned shops. The proposed use is allowed within the General Business District zoning. No special permission is required to operate thusly. The existing conditions of the property are vacant land, with public roads along two frontages. No water features, critical slopes, or wetlands are present, making the parcel ideal for development.

Development of this parcel as retail business is consistent with the Future Development Map of the City's 2030 Comprehensive Plan, which shows the area as commercial development. Annexation and commercial development of this parcel would enhance the City's tax digest, while new retail business would generate additional SPLOT revenue for the community.

THIS BLOCK RESERVED FOR THE CLERK
OF THE SUPERIOR COURT



FIELD MEASUREMENTS WERE TAKEN WITH A TRIMBLE S6 ROBOTIC INSTRUMENT.
FIELD DATA FOUND TO HAVE A CLOSURE PRECISION OF 1 FOOT IN 418,261 FEET, AND AN ANGULAR ERROR OF 27 SECONDS PER ANGLE.
FIELD DATA ADJUSTED USING THE LEAST SQUARES METHOD.
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO HAVE A PRECISION OF 1 FOOT IN 34,931 FEET.

THIS PLAT DOES NOT CONSTITUTE AND SHALL NOT BE CONSTRUED AS A TITLE SEARCH OR REPORT, AND THUS MAY BE SUBJECT TO ANY EASEMENTS, RIGHT OF WAY OR RESTRICTIONS ONE MAY FIND.
THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED ON THIS PLAT. THIS DOES NOT EXTEND TO ANY UNNAMED THIRD PARTY WITHOUT AN EXPRESSED RESTATEMENT BY THE SURVEYOR.

THIS SURVEY COMPLIES WITH BOTH THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE OFFICIAL CODE OF GEORGIA ANNOTATED (OCCA) 15-6-67 AS AMENDED BY HB1004 (2016), IN THAT WHERE A CONFLICT EXISTS BETWEEN THOSE TWO SETS OF SPECIFICATIONS, THE REQUIREMENTS OF THE LAW PREVAIL.

TYPE OF SURVEY: RETRACEMENT

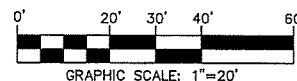
SOURCE OF TITLE DESCRIPTION FOR PROPERTY SHOWN HEREON: DB2535, PG 37

PROPERTY OWNERS AS OF SURVEY DATE: D.W.M. INC.

PARCEL NUMBERS: 00119A001012 & 00119A001013

NOTE:
33' SETBACK PER CITY OF GAINESVILLE.

LEGEND	
PROPERTY	
○	CALCULATED POSITION
●	IRON PIN FOUND/SET (IPF/PS)
○	CORP OF ENGINEERS MONUMENT
C/L	CENTERLINE
CTP	CRIMPED TOP PIPE
DB	DEED BOOK
N/F	LAND LOT LINE (L/L)
OTF	NOW OR FORMERLY OPEN TOP PIPE
PS	PLAT BOOK
PG	PAGE
P/L	PROPERTY LINE
RESAR	REAR
R/W	RIGHT OF WAY (R/W)
R/W	RIGHT OF WAY MONUMENT
SYMBOLS	
+	ACCESSIBLE SPACE
+	AIR CONDITION UNIT
+	BOLLARD
+	BORE HOLE
+	CORRUGATED METAL PIPE
+	CLEAN OUT
+	DROP INLET
+	DOUBLE WING CATCH BASIN
+	ELECTRIC BOX
+	FIRE DEPARTMENT CONNECTION
+	FIRE HYDRANT
+	FLAG POLE
+	GAS VALVE
+	GATE VALVE
+	GRAVE
+	GUY WIRE
+	HEADWALL
+	IRRIGATION VALVE
+	JUNCTION BOX
+	LIGHT POLE
+	MANHOLE
+	YARD INLET
+	REINFORCED CONCRETE PIPE
+	SIGN
+	SINGLE WING CATCH BASIN
+	SPRING HEAD
+	TELECOMMUNICATIONS BOX
+	TRANSFORMER
+	UTILITY POLE
+	UTILITY MANHOLE
+	WATER METER
+	WATER VALVE
+	WATER VAULT
LINE TYPES	
---	ADJUNCTION
---	CABLE LINE
---	CENTERLINE (C/L)
---	FENCE (WOOD)
---	FENCE (CHAINLINK)
---	FENCE (WIRE)
---	FENCE (WIRE/METAL)
---	FIBER OPTIC
---	GAS
---	OVERHEAD UTILITY
---	POWER
---	POWER AND TELEPHONE
---	SANITARY SINKER LINE (S.S.)
---	SANITARY STUB OUT
---	STORM LINE
---	TELEPHONE LINE
---	TREE LINE/WOODS LINE
---	WATER LINE



SURVEYORS CERTIFICATION

AS REQUIRED BY SUBSECTION (c) OF O.C.G.A. SECTION 15-6-67, THE REGISTERED LAND SURVEYOR HEREBY CERTIFIES THAT THIS MAP, PLAT, OR PLAN HAS BEEN APPROVED FOR FILING IN WRITING BY ANY AND ALL APPLICABLE MUNICIPAL, COUNTY, OR MUNICIPAL-COUNTY PLANNING COMMISSIONS OR MUNICIPAL OR COUNTY GOVERNING AUTHORITIES OR THAT SUCH GOVERNMENTAL BODIES HAVE AFFIRMED IN WRITING THAT APPROVAL IS NOT REQUIRED.

THE FOLLOWING GOVERNMENTAL BODIES HAVE AFFIRMED THAT APPROVAL IS NOT REQUIRED:

HALL COUNTY PLANNING DEPARTMENT _____ DATE _____

HALL COUNTY ENVIRONMENTAL HEALTH DEPARTMENT _____ DATE _____

SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER AS TO INTENDED USES OF ANY PARCEL. THE REGISTERED LAND SURVEYOR FURTHER CERTIFIES THAT THIS MAP, PLAT, OR PLAN COMPLIES WITH THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE GEORGIA SUPERIOR COURT CLERKS' COOPERATIVE AUTHORITY. THE APPROVAL SIGNATURES ABOVE WERE NOT IN PLACE WHEN THIS SURVEY WAS ISSUED, AND ARE TO BE PROPERLY OBTAINED PRIOR TO RECORDING.

JASON D. WATKINS GA RLS #3241

1/25/17
DATE

DES DAVIS

ENGINEERING & SURVEYING
81 CROWN MTN. PLACE
SUITE A-400
DAHLONEGA, GA 30533
PH: (706) 864-0012
FAX: (706) 864-0052
DAVISENGINEERS.COM



SURVEY FOR: MASY SENG

PORTION OF LOTS 9 & 10
OF THE JONES, ATKINS, GREEN SUBDIVISION (PB 2, PG 101)
LAND LOT 165
9TH DISTRICT
HALL COUNTY, GEORGIA

DRAWN BY: LAW

FIELD CREW: JR, JG, CC, JB

PLAT DATE: 1/20/17

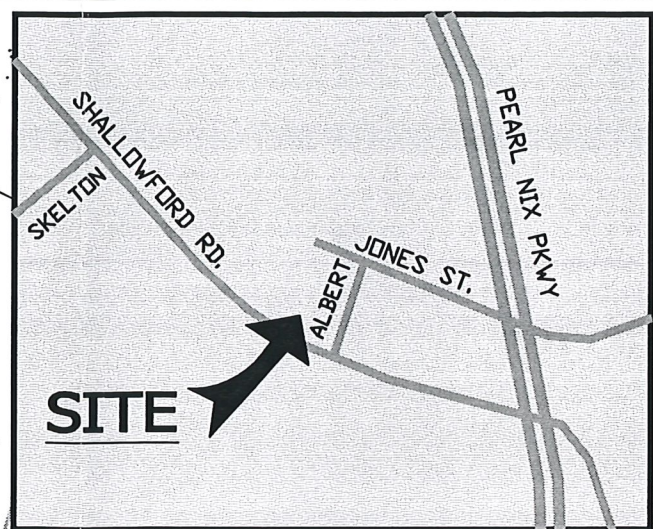
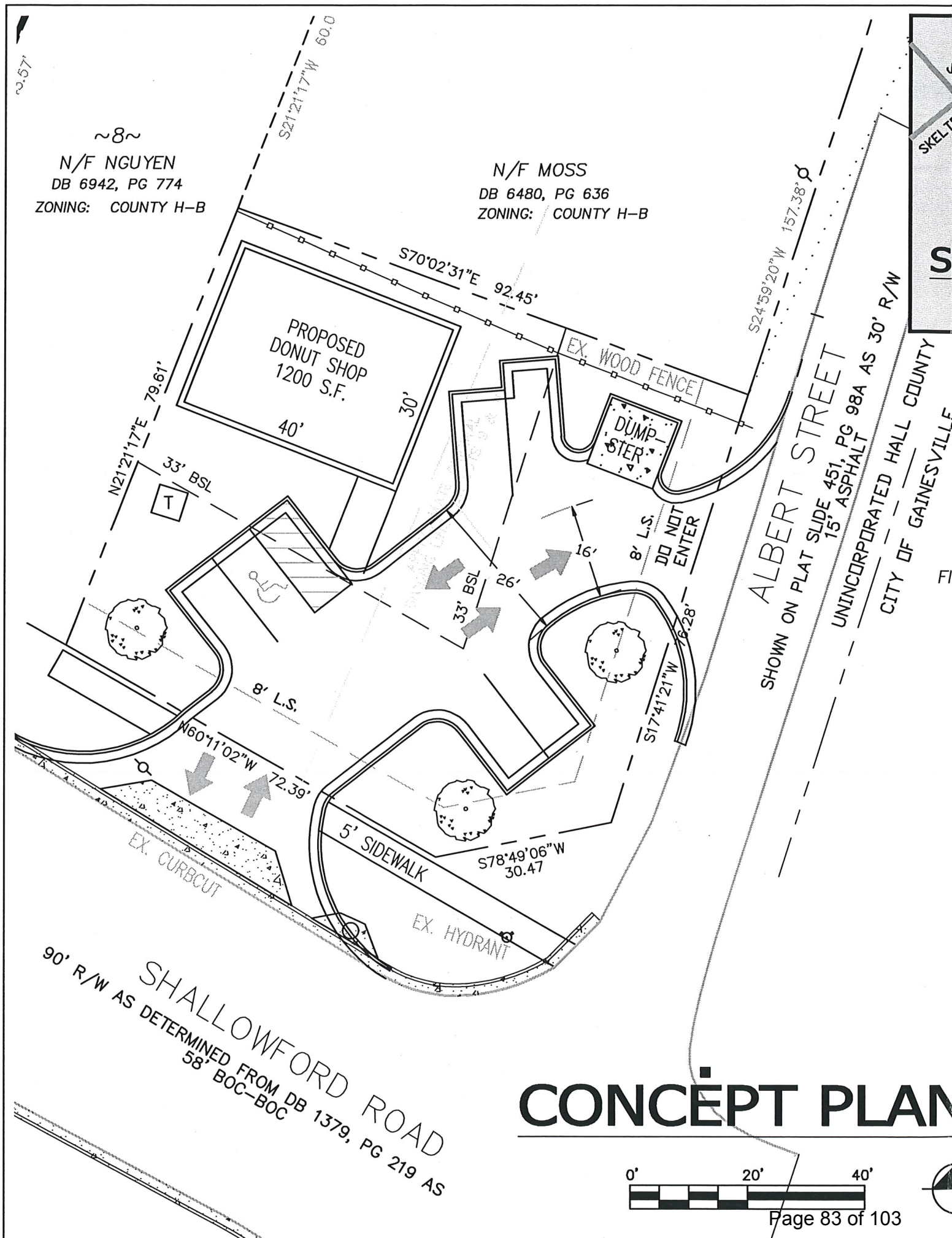
SURVEY DATE: 1/20/17

SHEET NO.

1 OF 1

PROJECT NO.

17-005



LOCATION
MAP

N/F
FIRST NATIONAL BANK
DB 2430, PG 299
ZONING: CITY G-B

SITE ANALYSIS	
LOT AREA	0.19 ACRES
IMPERVIOUS AREA	4850 S.F.
IMPERVIOUS COVERAGE	59%
BUILDING AREA	1200 S.F.
BUILDING COVERAGE	.14 FAR
RETAIL PARKING: 1/275 SF (MIN.)	5 SPACES
PROPOSED PARKING	6 SPACES

GAPE 026617
PEF 006791

1. OWNER OF PROPERTY:
DWM, INC.
P.O. BOX 1492
DAWSONVILLE, GEORGIA 30534
CONTACT: JAMES SWAFFORD
PHONE: (706)974-4452

APPLICANT:
MR. MASY SENG
2876 VALAISE PATH
LITHONIA, GEORGIA 30038
PHONE: (951)905-4363
2. BOUNDARY SURVEY PREPARED BY DAVIS ENGINEERING & SURVEYING DAHLONEGA, GEORGIA, DATED JANUARY 20, 2017 UTILIZED FOR EXISTING CONDITIONS OF THIS CONCEPT PLAN.

3. PROPOSED USE OF PROPERTY IS RETAIL SPACE AND ASSOCIATED PARKING TO HOUSE BUSINESS ENGAGED IN BAKING AND SALE OF DONUTS.

4. PROPERTY LOCATED IN LAND LOT 165, 9TH DISTRICT. PARCEL COMPRISED OF 0.19 ACRES.

5. SUBJECT PROPERTY IS CURRENTLY WITHIN UNINCORPORATED HALL COUNTY, AND HAS HIGHWAY BUSINESS ZONING. ITS FRONTAGE ON SHALLOWFORD ROAD PLACES IT WITHIN THE GATEWAY CORRIDOR OVERLAY DISTRICT. ADJACENT PARCELS TO NORTH AND WEST ARE ALSO WITHIN UNINCORPORATED HALL COUNTY AND HAVE HIGHWAY BUSINESS ZONING. PROPERTY TO EAST, ACROSS ALBERT STREET, IS WITHIN GAINESVILLE MUNICIPAL LIMITS AND HAS GENERAL BUSINESS ZONING. PROPERTY TO SOUTH, ACROSS SHALLOWFORD ROAD, IS WITHIN UNINCORPORATED HALL COUNTY, AND HAS HIGHWAY BUSINESS ZONING.

6. EXISTING CONDITIONS OF PROPERTY DESCRIBED AS GRASS WITH GENTLY SLOPING GRADES. NO WATER FEATURES ARE PRESENT.

7. PARCEL IS VACANT, WITH THE EXCEPTION OF A FENCE ALONG NORTH PROPERTY LINE. ACCESS TO PARCEL IMPROVED WITH A PAVED CURBCUT OFF SHALLOWFORD ROAD. FIRE HYDRANT LOCATED NEAR SE CORNER OF PROPERTY IN ROW.

8. CONCEPT PLAN DEPICTS PROPOSED LOCATION OF BUILDING, PARKING, DRIVES, AND ACCESS. FACILITY TO BE CONSTRUCTED IN SINGLE PHASE.

9. CONNECTION TO MUNICIPAL WATER AND SANITARY SEWAGE PROPOSED. PROPOSED PARCEL DEVELOPMENT CREATES LESS THAN 5000 S.F. IMPERVIOUS COVER AND IS NOT SUBJECT TO CHAPTER 9-13-12, STORM WATER MANAGEMENT, OF THE GAINESVILLE UNIFIED LAND DEVELOPMENT CODE (9-13-12-5a.)

10. PROPOSED ADMINISTRATIVE VARIANCES INCLUDE THE FOLLOWING:
A. REDUCE FRONT SETBACK BY 7' FROM CODIFIED 40' TO 33' (9-24-3-2a)
B. REDUCE LANDSCAPE STRIP BY 2' FROM CODIFIED 10' TO 8'. (9-24-3-2h)
C. WAIVE NEED FOR 40'x14' LOADING SPACE. (9-17-6-4)

CONCEPT PLAN



REVISIONS		BY:
01/28/17	ANNEXATION SUBMITTAL	AQUATERRA DESIGN, LLC
		3292 THOMPSON BRIDGE RD #176
		GAINESVILLE, GA 30506
		(770)316-2762
		PROJECT:
		DONUT SHOP
		593 & 597 SHALLOWFORD RD.
		GAINESVILLE, HALL CO., GEORGIA
PARCELS: 00119A001012 & 00119A001013		ANNEXATION CONCEPT PLAN
2017001c4.DWG		PS1

Danny's Donuts





CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 3/24/2017

Presenter: Matt Tate

Item of Business: **Tabled to the May 9, 2017 Planning and Appeals Board Meeting / June 6, 2017 Council Meeting**
Request from **Oak Hall Companies, LLC** to annex a 26.16± acres tract located east of Dawsonville Highway and on the north side of the intersection of Strickland Drive and Sportsman Club Road, with road frontage on Karen Lane (a/k/a 0 and 2209 Karen Lane; 2106, 2234 and 2242 Sportsman Club Road; and 2049 Strickland Drive) and to establish zoning as Planned Unit Development (P-U-D). **Ward Number: One.** Tax Parcel Number(s): 00-109-003-001, 004, 005; 00-109B-000-001, 002A and 036.
Request: Active adult community.

Meeting Date: 4/4/2017

Purpose of Request:

The applicant is proposing to annex the subject property with a zoning of Planned Unit Development (P-U-D). The property is currently zoned Planned Residential Development (P-R-D) within Hall County and is contiguous to the city limits to the east. Presently, the tract of land consists of six parcels which are heavily wooded and contain three single-family homes. The property was previously rezoned in 2006 and later amended in 2008 in Hall County for a similar proposal. The applicant is requesting sanitary sewer services and is required to annex as the property is now adjacent to the city limits. The anticipated development will consist of 90 active adult units to include 56 attached terrace homes, 10 single-family detached homes and 24 stacked flats (condominiums). The development will include a community clubhouse and pool. Access is proposed from Strickland Drive and storm water detention is proposed underground. It is the intent for the proposal to complement the below proposed mixed-use request.

History/Background:

On June 1, 2016, the applicant withdrew their annexation application for the same property.

Facts & Issues for Consideration:

Department Recommendation:

Planning staff has determined that the applicant will need to provide additional traffic data prior to staff giving an official recommendation. Therefore, staff recommended the three Oak Hall Companies, LLC agenda items be **tabled** for a period of 60-days to be scheduled for the May 9, 2017, Planning and Appeals Board meeting.

The Planning and Appeals Board voted to table this agenda item until their May 9, 2017 meeting.

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
	Legal Ad	Legal Ad
	Staff Memo	Backup Material

COMBINED LEGAL AD
Gainesville Planning and Appeals Board
Gainesville City Council

Publish Sunday, February 26, 2017
THE TIMES

NOTICE OF PLANNING AND APPEALS BOARD PUBLIC HEARING

Notice is hereby given that the **Gainesville Planning and Appeals Board** will conduct a public hearing on **Tuesday, March 14, 2017 at 5:30 p.m.** in the **Gainesville Justice Center** (Municipal Courtroom at the Public Safety Complex), 701 Queen City Parkway in midtown Gainesville on the following requests:

- 1) Request from **Hanh My Thi Doan** for a Special Use on a 0.52± acre tract located on the east side of South Enota Drive, north of its intersection with Sherwood Park Drive (a/k/a **502 South Enota Drive NE**), having a zoning classification of Office and Institutional (O-I).
Ward Number: Three
Tax Parcel Number(s): 01-064-002-030
Request: Nail Salon
- 2) Request from **Masy Seng** to annex a 0.19± acre tract located on the northwest side of the intersection of Shallowford Road and Albert Street (a/k/a **593 and 597 Shallowford Road**) and to establish zoning as General Business (G-B).
Ward Number: Five
Tax Parcel Number(s): 00-119A-001-012 and 013
Request: Donut shop
- 3) Request from **Oak Hall Companies, LLC** to annex a 26.16± acres tract located east of Dawsonville Highway and on the north side of the intersection of Strickland Drive and Sportsman Club Road, with road frontage on Karen Lane (a/k/a **0 and 2209 Karen Lane; 2106, 2234 and 2242 Sportsman Club Road; and 2049 Strickland Drive**) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number: One
Tax Parcel Number(s): 00-109-003-001, 004, 005; 00-109B-000-001, 002A and 036
Request: Active adult community
- 4) Request from **Oak Hall Companies, LLC** to annex a 50.81± acres tract located on the east side of Dawsonville Highway (S.R. 53), having road frontage on Dawsonville Highway, Ahaluna Drive, Skyview Drive and Strickland Drive (a/k/a **0 and 1758 Ahaluna Drive; 1508, 1550, 1740, 1746, 1758, 1760, 1934 and 1982 Dawsonville Highway; 300 and 301 Skyview Drive; 0, 2008 and 2016 Strickland Drive**) and to establish zoning as Planned Unit Development (P-U-D) and General Business (G-B).
Ward Number: One
Tax Parcel Number(s): 00-110-000-005 (part), 028, 032 (part) and 039;
00-110A-004-001 (part), 002A, 004 (part), 005 (part), 007 (part), 007A (part), 007X, 014 (part), 016 (part), 017 (part) and 018
Request: Mixed-use development
- 5) Request from **Oak Hall Companies, LLC** to rezone a 157.98± acres tract located on the east side of Dawsonville Highway (S.R. 53), having road frontage on Ahaluna Drive, Skyview Drive, Strickland Drive, Lakeshore Circle, West Lake Drive and Karen Lane (a/k/a **0, 1264 and 1817 Ahaluna Drive; 1876 Dawsonville Highway; 2208 Karen Lane; 0 and 2029 Strickland Drive;**

0 and 1489 West Lake Drive) from Residential-I-A (R-I-A), Residential-I (R-I), Planned Unit Development (P-U-D) and Regional Business (R-B) to Planned Unit Development (P-U-D) and General Business (G-B).

Ward Number: One

Tax Parcel Number(s): 00-109B-000-003A;
00-110-000-001, 006, 030, 031, 034, 035, 036, 037 and 038;
01-110-001-006; 01-110A-004-022;
01-114-001-001, 026, 145 and 161

Request: Mixed-use development

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE GAINESVILLE ZONING MAP

Notice is hereby given that the **Gainesville City Council** will conduct a public hearing on **Tuesday, April 4, 2017 at 5:30 p.m.** in the **Gainesville Justice Center** (Municipal Courtroom at the Public Safety Complex), 701 Queen City Parkway in midtown Gainesville on the following requests:

- 1) Request from **Hanh My Thi Doan** for a Special Use on a 0.52± acre tract located on the east side of South Enota Drive, north of its intersection with Sherwood Park Drive (a/k/a **502 South Enota Drive NE**), having a zoning classification of Office and Institutional (O-I).
Ward Number: Three
Tax Parcel Number(s): 01-064-002-030
Request: Nail Salon
- 2) Request from **Masy Seng** to annex a 0.19± acre tract located on the northwest side of the intersection of Shallowford Road and Albert Street (a/k/a **593 and 597 Shallowford Road**) and to establish zoning as General Business (G-B).
Ward Number: Five
Tax Parcel Number(s): 00-119A-001-012 and 013
Request: Donut shop
- 3) Request from **Oak Hall Companies, LLC** to annex a 26.16± acres tract located east of Dawsonville Highway and on the north side of the intersection of Strickland Drive and Sportsman Club Road, with road frontage on Karen Lane (a/k/a **0 and 2209 Karen Lane; 2106, 2234 and 2242 Sportsman Club Road; and 2049 Strickland Drive**) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number: One
Tax Parcel Number(s): 00-109-003-001, 004, 005; 00-109B-000-001, 002A and 036
Request: Active adult community
- 4) Request from **Oak Hall Companies, LLC** to annex a 50.81± acres tract located on the east side of Dawsonville Highway (S.R. 53), having road frontage on Dawsonville Highway, Ahaluna Drive, Skyview Drive and Strickland Drive (a/k/a **0 and 1758 Ahaluna Drive; 1508, 1550, 1740, 1746, 1758, 1760, 1934 and 1982 Dawsonville Highway; 300 and 301 Skyview Drive; 0, 2008 and 2016 Strickland Drive**) and to establish zoning as Planned Unit Development (P-U-D) and General Business (G-B).
Ward Number: One
Tax Parcel Number(s): 00-110-000-005 (part), 028, 032 (part) and 039;
00-110A-004-001 (part), 002A, 004 (part), 005 (part), 007 (part), 007A (part), 007X, 014 (part), 016 (part), 017 (part) and 018
Request: Mixed-use development

- 5) Request from **Oak Hall Companies, LLC** to rezone a 157.98± acres tract located on the east side of Dawsonville Highway (S.R. 53), having road frontage on Ahaluna Drive, Skyview Drive, Strickland Drive, Lakeshore Circle, West Lake Drive and Karen Lane (a/k/a **0, 1264 and 1817 Ahaluna Drive; 1876 Dawsonville Highway; 2208 Karen Lane; 0 and 2029 Strickland Drive; 0 and 1489 West Lake Drive**) from Residential-I-A (R-I-A), Residential-I (R-I), Planned Unit Development (P-U-D) and Regional Business (R-B) to Planned Unit Development (P-U-D) and General Business (G-B).

Ward Number: One

Tax Parcel Number(s): 00-109B-000-003A;
00-110-000-001, 006, 030, 031, 034, 035, 036, 037 and 038;
01-110-001-006; 01-110A-004-022;
01-114-001-001, 026, 145 and 161

Request: Mixed-use development

Additional information is available from the Community Development Department, Planning Division, by calling 770-531-6570.

NOTE: In accordance with Georgia law, anyone who wishes to express opposition to the proposed zoning action, and has made, within two years immediately preceding the filing of the proposed zoning action, campaign contributions aggregating \$250 or more to a local government official who will consider the application, shall file a disclosure of contribution(s) with the Planning Division at least five (5) days prior to the first reading of the proposed zoning action by the City Council. (OCGA § 36-67A-3 3 {c})



CITY OF GAINESVILLE

COMMUNITY
DEVELOPMENT
DEPARTMENT

Post Office Box 2496

Gainesville, Georgia 30503-2496

Telephone: 770-531-6570

Fax: 770-297-7826

Web Site: www.gainesville.org

MEMORANDUM

TO: Gainesville Planning and Appeals Board

FROM: Community Development Department – Planning Division

DATE: March 14, 2017

SUBJECT: Oak Hall Companies, LLC

Oak Hall Companies, LLC has submitted three applications which are scheduled to be heard at the March 14, 2017, Planning and Appeals Board meeting. Below is a brief description of the three applications.

1. Rezoning of 157.98[±] acres to Planned Unit Development (P-U-D) and General Business (G-B) for an 820-unit age-restricted, mixed-use development to include 261 single-family detached homes; 64 single-family cottages; 55 detached terrace homes; 52 attached terrace homes; 63 stacked flats (multi-story condominiums); and 175 independent living units and 150 assisted living units. Amenities are to include a swimming pool, club house, passive park and two community docks totaling 130 boat slips.

Proposed non-residential uses are to include 24,000 square feet of retail/office/restaurant space, seven commercial parcels each having approximately 8,000 square feet of building space, a 40,000 square foot storage facility and a 3.0[±] acres tract of land reserved for a 10,650[±] square foot fire station.

2. Annexation of 50.81[±] acres with a zoning of Planned Unit Development (P-U-D) and General Business (G-B) to include the same 820-unit age-restricted, mixed-use development described above.
3. Annexation of 26.16[±] acres with a zoning of Planned Unit Development (P-U-D) for a 90-unit, age-restricted, active adult development to include 56 attached terrace homes, 10 single-family detached homes and 24 stacked flats (condominiums). Amenities are to include common green space/park areas, community clubhouse and pool.

Upon review of these agenda items, the Community Development Department has determined that the applicant will need to provide additional traffic data prior to staff giving an official recommendation. Therefore, staff is recommending the three agenda items be **tabled** for a period of 60-days to be scheduled for the May 9, 2017 Planning and Appeals Board meeting.

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 3/24/2017

Presenter: Matt Tate

Item of Business: **Tabled to the May 9, 2017 Planning and Appeals Board Meeting / June 6, 2017 Council Meeting**
Request from **Oak Hall Companies, LLC** to annex a 50.81± acres tract located on the east side of Dawsonville Highway (S.R. 53), having road frontage on Dawsonville Highway, Ahaluna Drive, Skyview Drive and Strickland Drive (a/k/a 0 and 1758 Ahaluna Drive; 1508, 1550, 1740, 1746, 1758, 1760, 1934 and 1982 Dawsonville Highway; 300 and 301 Skyview Drive; 0, 2008 and 2016 Strickland Drive) and to establish zoning as Planned Unit Development (P-U-D) and General Business (G-B). **Ward Number: One.** Tax Parcel Number(s): 00-110-000-005 (part), 028, 032 (part) and 039; 00-110A-004-001 (part), 002A, 004 (part), 005 (part), 007 (part), 007A (part), 007X, 014 (part), 016 (part), 017 (part) and 018. **Request: Mixed-use development.**

Meeting Date: 4/4/2017

Purpose of Request:

The applicant is proposing to annex the subject property with a zoning of Planned Unit Development (P-U-D) and General Business (G-B) and is to be included as part of the overall 208.79± acres proposed mixed-use development. The property is currently zoned Agricultural Residential-III (AR-III), Residential-II (R-II) and Highway Business (H-B) within unincorporated Hall County. The city limits are contiguous to the subject property to the north, south, east and west. The property contains numerous residential, commercial out buildings and a cellular tower. The proposed development includes a total of 820 age restricted units of which most of the units are to be restricted for adults age 55 and up. The mixture of housing proposed includes: 261 single-family detached homes; 64 single-family cottages; 55 detached terrace homes; 52 attached terrace homes; 63 stacked flats (multi-story condominiums); and 175 independent living units and 150 assisted living units which could include up to 30 memory care units. In addition, an amenity area is proposed to include a swimming pool, club house, passive park and two community docks totaling 130 boat slips and a 40,000 square foot storage facility to be utilized by residents of the community. Other uses are to include 24,000 square feet of retail/office/restaurant, seven commercial parcels and land reserved for a future fire station. Access is proposed from Dawsonville Highway, Ahaluna Drive and Strickland Drive.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff has determined that the applicant will need to provide additional traffic data prior to staff giving an official recommendation. Therefore, staff recommended the three Oak Hall Companies, LLC agenda items be **tabled** for a period of 60-days to be scheduled for the May 9, 2017 Planning and Appeals Board meeting.

The Planning and Appeals Board voted to table this agenda item until their May 9, 2017 meeting.

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
	Legal Ad	Legal Ad
	Staff Memo	Backup Material

COMBINED LEGAL AD
Gainesville Planning and Appeals Board
Gainesville City Council

Publish Sunday, February 26, 2017
THE TIMES

NOTICE OF PLANNING AND APPEALS BOARD PUBLIC HEARING

Notice is hereby given that the **Gainesville Planning and Appeals Board** will conduct a public hearing on **Tuesday, March 14, 2017 at 5:30 p.m.** in the **Gainesville Justice Center** (Municipal Courtroom at the Public Safety Complex), 701 Queen City Parkway in midtown Gainesville on the following requests:

- 1) Request from **Hanh My Thi Doan** for a Special Use on a 0.52± acre tract located on the east side of South Enota Drive, north of its intersection with Sherwood Park Drive (a/k/a **502 South Enota Drive NE**), having a zoning classification of Office and Institutional (O-I).
Ward Number: Three
Tax Parcel Number(s): 01-064-002-030
Request: Nail Salon
- 2) Request from **Masy Seng** to annex a 0.19± acre tract located on the northwest side of the intersection of Shallowford Road and Albert Street (a/k/a **593 and 597 Shallowford Road**) and to establish zoning as General Business (G-B).
Ward Number: Five
Tax Parcel Number(s): 00-119A-001-012 and 013
Request: Donut shop
- 3) Request from **Oak Hall Companies, LLC** to annex a 26.16± acres tract located east of Dawsonville Highway and on the north side of the intersection of Strickland Drive and Sportsman Club Road, with road frontage on Karen Lane (a/k/a **0 and 2209 Karen Lane; 2106, 2234 and 2242 Sportsman Club Road; and 2049 Strickland Drive**) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number: One
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Request: Active adult community
- 4) Request from **Oak Hall Companies, LLC** to annex a 50.81± acres tract located on the east side of Dawsonville Highway (S.R. 53), having road frontage on Dawsonville Highway, Ahaluna Drive, Skyview Drive and Strickland Drive (a/k/a **0 and 1758 Ahaluna Drive; 1508, 1550, 1740, 1746, 1758, 1760, 1934 and 1982 Dawsonville Highway; 300 and 301 Skyview Drive; 0, 2008 and 2016 Strickland Drive**) and to establish zoning as Planned Unit Development (P-U-D) and General Business (G-B).
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Request: Mixed-use development
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0 and 1489 West Lake Drive) from Residential-I-A (R-I-A), Residential-I (R-I), Planned Unit Development (P-U-D) and Regional Business (R-B) to Planned Unit Development (P-U-D) and General Business (G-B).

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01-110-001-006; 01-110A-004-022;
01-114-001-001, 026, 145 and 161

Request: Mixed-use development

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE GAINESVILLE ZONING MAP

Notice is hereby given that the **Gainesville City Council** will conduct a public hearing on **Tuesday, April 4, 2017 at 5:30 p.m.** in the **Gainesville Justice Center** (Municipal Courtroom at the Public Safety Complex), 701 Queen City Parkway in midtown Gainesville on the following requests:

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01-110-001-006; 01-110A-004-022;
01-114-001-001, 026, 145 and 161

Request: Mixed-use development

Additional information is available from the Community Development Department, Planning Division, by calling 770-531-6570.

NOTE: In accordance with Georgia law, anyone who wishes to express opposition to the proposed zoning action, and has made, within two years immediately preceding the filing of the proposed zoning action, campaign contributions aggregating \$250 or more to a local government official who will consider the application, shall file a disclosure of contribution(s) with the Planning Division at least five (5) days prior to the first reading of the proposed zoning action by the City Council. (OCGA § 36-67A-3 3 {c})



CITY OF GAINESVILLE

COMMUNITY
DEVELOPMENT
DEPARTMENT

Post Office Box 2496

Gainesville, Georgia 30503-2496

Telephone: 770-531-6570

Fax: 770-297-7826

Web Site: www.gainesville.org

MEMORANDUM

TO: Gainesville Planning and Appeals Board

FROM: Community Development Department – Planning Division

DATE: March 14, 2017

SUBJECT: Oak Hall Companies, LLC

Oak Hall Companies, LLC has submitted three applications which are scheduled to be heard at the March 14, 2017, Planning and Appeals Board meeting. Below is a brief description of the three applications.

1. Rezoning of 157.98[±] acres to Planned Unit Development (P-U-D) and General Business (G-B) for an 820-unit age-restricted, mixed-use development to include 261 single-family detached homes; 64 single-family cottages; 55 detached terrace homes; 52 attached terrace homes; 63 stacked flats (multi-story condominiums); and 175 independent living units and 150 assisted living units. Amenities are to include a swimming pool, club house, passive park and two community docks totaling 130 boat slips.

Proposed non-residential uses are to include 24,000 square feet of retail/office/restaurant space, seven commercial parcels each having approximately 8,000 square feet of building space, a 40,000 square foot storage facility and a 3.0[±] acres tract of land reserved for a 10,650[±] square foot fire station.

2. Annexation of 50.81[±] acres with a zoning of Planned Unit Development (P-U-D) and General Business (G-B) to include the same 820-unit age-restricted, mixed-use development described above.
3. Annexation of 26.16[±] acres with a zoning of Planned Unit Development (P-U-D) for a 90-unit, age-restricted, active adult development to include 56 attached terrace homes, 10 single-family detached homes and 24 stacked flats (condominiums). Amenities are to include common green space/park areas, community clubhouse and pool.

Upon review of these agenda items, the Community Development Department has determined that the applicant will need to provide additional traffic data prior to staff giving an official recommendation. Therefore, staff is recommending the three agenda items be **tabled** for a period of 60-days to be scheduled for the May 9, 2017 Planning and Appeals Board meeting.

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 3/24/2017

Presenter: Matt Tate

Item of Business: **Tabled to the May 9, 2017 Planning and Appeals Board Meeting / June 6, 2017 Council Meeting**
Request from **Oak Hall Companies, LLC** to rezone a 157.98± acres tract located on the east side of Dawsonville Highway (S.R. 53), having road frontage on Ahaluna Drive, Skyview Drive, Strickland Drive, Lakeshore Circle, West Lake Drive and Karen Lane (a/k/a 0, 1264 and 1817 Ahaluna Drive; 1876 Dawsonville Highway; 2208 Karen Lane; 0 and 2029 Strickland Drive; 0 and 1489 West Lake Drive) from Residential-I-A (R-I-A), Residential-I (R-I), Planned Unit Development (P-U-D) and Regional Business (R-B) to Planned Unit Development (P-U-D) and General Business (G-B). **Ward Number: One.** Tax Parcel Number(s): 00-109B-000-003A; 00-110-000-001, 006, 030, 031, 034, 035, 036, 037 and 038; 01-110-001-006; 01-110A-004-022; 01-114-001-001, 026, 145 and 161. **Request: Mixed-use development.**

Meeting Date: 4/4/2017

Purpose of Request:

The applicant is proposing to rezone the subject property with a zoning of Planned Unit Development (P-U-D) and is to be included as part of the previously described 208.79± acres proposed mixed-use development. The property contains mostly undeveloped land with the exception of four single-family homes.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff has determined that the applicant will need to provide additional traffic data prior to staff giving an official recommendation. Therefore, staff recommended the three Oak Hall Companies, LLC agenda items be **tabled** for a period of 60-days to be scheduled for the May 9, 2017 Planning and Appeals Board meeting.

The Planning and Appeals Board voted to table this agenda item until their May 9, 2017 meeting.

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
	Legal Ad	Legal Ad
	Staff Memo	Backup Material

COMBINED LEGAL AD
Gainesville Planning and Appeals Board
Gainesville City Council

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