



AGENDA

**Gainesville Mayor/Council Meeting
Tuesday, November 6, 2018, 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:

PRESENTATIONS / RECOGNITIONS:

- A. Proclamation: National Prematurity Day

COUNCIL ANNOUNCEMENTS:

PUBLIC COMMENTS: (20 minutes maximum)

CONSENT AGENDA:

Appointments

- A. Building Board of Appeals
- Position held by Doug Magnus
- B. Cemetery Committee
- Position held by Bill Coates (reappointment)
 - Position held by Ben Mason (reappointment)
- C. Planning and Appeals Board
- Position held by Ryan Thompson (reappointment)
 - Position held by Richard White (reappointment)
 - Position held by Jane Fleming (reappointment)
 - Position held by Carmen Delgado (reappointment)

Minutes

- A. October 2, 2018 Mayor/Council Meeting
- B. October 11, 2018 Work Session
- C. October 16, 2018 Mayor/Council Meeting

Resolutions

- A. BR-2018-53 Amend Retirement Plan A Plan Document Pertaining to Section 6.01 and Section 8.01
- B. BR-2018-54 General Banking
- C. BR-2018-55 Property Acquisition from Koch Foods of Gainesville, LLC
- D. PR-2018-22 85 Gainesville Business Park - United States Army Corp. of Engineers Permit Application
- E. PR-2018-23 Pilgrim's Pride Shop with a Cop Donation

PUBLIC HEARING(S):

- A. Business Resolution-2018-56
Bond Issuance for The Landings of Gainesville

Annexation/Zoning Items

- A. Request from the **City of Gainesville** to amend Chapter 9-8-7 entitled "Midtown Overlay Zone" of the Unified Land Development Code for the City of Gainesville, Georgia to include additional prohibited and permitted uses and to provide for minimum front yard setback requirements within the Midtown Overlay Zone.
- B. Request from **David Gijon** to annex a 0.12± acre tract located southeast of the intersection of Ralston Street and Hazel Street (a/k/a **1509 Ralston Street**) and to establish zoning as Residential-I (R-I). **Ward Number: Four.** Tax Parcel Number(s): 00-130-001-020. **Request: Single-family home.**
- C. Request from **Hydro Extruder, LLC** to annex a 10.98± acres tract located northeast of the intersection of Old Oakwood Road and Mountain View Road (a/k/a **2829 Mountain View Road**) and to establish zoning as Light Industrial (L-I). **Ward Number: Four.** Tax Parcel Number(s): 08-012-008-002. **Request: Future industrial expansion.**
- D. Request from **Hydro Extruder, LLC** to annex a 11.29± acres tract located southeast of the intersection of Old Oakwood Road and Mountain View Road (a/k/a **2949 Old Oakwood Road**) and to establish zoning as Light Industrial (L-I). **Ward Number: Four.** Tax Parcel Number(s): 08-012-008-004. **Request: Future industrial expansion.**

CITY MANAGER ISSUES:

CITY ATTORNEY ISSUES:

CITY CLERK ISSUES:

EXECUTIVE SESSION:

ADJOURNMENT:

Final: Friday, November 2, 2018, 1:45 PM
Revised: Monday, November 5, 2018, 4:30 PM

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 10/11/2018
Presenter: Danny Dunagan
Item of Business: Proclamation: National Prematurity Day
Meeting Date: 11/6/2018

Purpose of Request:

To help promote maternal mortality prevention policies that help to reduce premature birth and promote health.

History/Background:

The March of Dimes launched the Prematurity Campaign in 2003 to address the crisis of premature birth.

In attendance to receive the proclamation is:

Emmett Forrester, CFO of Longstreet Clinic
Debbie Childress and Melissa Payne, March of Dimes

Facts & Issues for Consideration:

In 2017:

- 14,700 (11.2%) babies were born premature in the state of Georgia.
- Georgia received a grade D and a very low index ranking of 1.32 on the March of Dimes 2017 Premature Birth Report Card
- March of Dimes set a goal of reducing preterm birth to 5.5% in every state by 2030.

Department Recommendation:

Department Director:

Danny Dunagan

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
□ Proclamation: National Prematurity Day	Presentation



PROCLAMATION

WHEREAS, the March of Dimes Foundation is a pioneer in improving the health of infants and women of childbearing age by preventing birth defects, premature birth and infant mortality; and

WHEREAS, the March of Dimes in 2003 launched the Prematurity Campaign to address the crisis of premature birth and help families have full-term, healthy babies; and

WHEREAS, the March of Dimes has set a national goal of reducing preterm birth to 5.5 percent in every state by 2030, which will result in a healthier start in life for tens of thousands of infants; and

WHEREAS, in 2017 14,700 babies were born premature in the state of Georgia, representing 11.2 percent of all state births; and

WHEREAS, Georgia receives a grade of D and a disparity index ranking of 1.32 on the March of Dimes 2017 Premature Birth Report Card; and

WHEREAS, the March of Dimes in Georgia has worked extensively to promote maternal mortality prevention policies that help to reduce premature birth and promote health equity; and

WHEREAS, the March of Dimes in Georgia looks forward to partnering with the Mayor and City of Gainesville in response to the continued crisis of premature birth; and

WHEREAS, the month of November is recognized as World Prematurity Awareness Month to bring about recognition of this global health crisis, and November 17 is recognized as Prematurity Awareness Day across the United States; and

NOW, THEREFORE, BE IT RESOLVED, that I, C. Danny Dunagan, Jr., Mayor and the Gainesville City Council, do hereby proclaim November 17, 2018 to be

“Prematurity Awareness Day”

Presented this 6th day of November, 2018

**C. Danny Dunagan, Jr., Mayor
City of Gainesville**

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 11/1/2018

Presenter:

Item of Business: Consent Agenda Items

Meeting Date: 11/6/2018

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: 10/25/2018

Presenter: Danny Dunagan

Item of Business: Building Board of Appeals

- Position held by Doug Magnus

Meeting Date: 11/6/2018

Purpose of Request:

The purpose of this request is to address a vacant position previously held by Doug Magnus.

History/Background:

BBA members serve five-year terms. The Board follows the guidelines of the International Building Code in addition to the City Charter and Code of Ordinances.

Facts & Issues for Consideration:

The qualifications for BBA members are defined in the International Building Code.

Department Recommendation:

The Mayor nominated Vincent Davis to replace Doug Magnus during the November 1, 2018 Work Session.

Accept the nomination as presented.

Department Director:

Danny Dunagan

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
 BBA Members	Backup Material

BUILDING BOARD OF APPEALS

POST	LAST NAME	FIRST NAME	APPOINTED	REAPPOINTED	EXPIRES
Structural Engineer	Smith	David	10/5/2004	10/21/2008 3/4/2014	3/4/2019
Architect - Alternate	Bachman	Dick	10/5/2004	9/6/2011 10/18/2016	10/18/2021
Architect - Alternate	Tipton	James	10/18/2016		10/18/2021
Plumbing/Fire Safety	Merritt	Larry	10/5/2004	5/20/2008 3/4/2014	3/4/2019
Architect	Tesmer	Tracy	10/18/2016		10/18/2021
Mechanical RESIGNED	Magnus	Doug	10/5/2004	5/1/2007 5/1/2012 10/3/2017	10/3/2022
Electrical	Caldwell	Daniel	9/6/2011	10/18/2016	10/18/2021
Ex-Officio	Davidson	Joe			

TERM: Five year terms

CONTACT: Joe Davidson, Inspection Services Manager

Appointments to be made by profession in accordance with the International Building Code.
 NOTES: This Board replaces the Housing Board of Adjustment and Appeals.
 This Board eliminates the Electrical, Heating & Air and Plumbing Boards.

UPDATED: Tuesday, March 20, 2018

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 10/25/2018

Presenter: Danny Dunagan

Item of Business: Cemetery Committee

- Position held by Bill Coates (reappointment)
- Position held by Ben Mason (reappointment)

Meeting Date: 11/6/2018

Purpose of Request:

The purpose of this request is to address the upcoming expiring terms for positions held by Bill Coates and Ben Mason.

History/Background:

Facts & Issues for Consideration:

The Committee follows the guidelines of the City Charter, the Code of Ordinances and Business Resolution 2015-48. Cemetery Committee members serve three-year terms.

Bill Coates and Ben Mason are willing to serve another term.

Department Recommendation:

The Mayor nominated Bill Coates and Ben Mason for reappointment during the November 1, 2018 Work Session.

Accept the nominations as presented.

Department Director:

Danny Dunagan

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

CEMETERY COMMITTEE

POST	LAST NAME	FIRST NAME	APPOINTED	REAPPOINTED	EXPIRES
Ward 1	Kelemen	Nancy	11/19/2013	5/5/2015 12/19/2017	11/19/2020
Ward 2	Coates	Bill	11/19/2013	6/7/2016	11/19/2018
Ward 3	Pierce	Glenda	6/7/2016 UE	11/15/2016	11/19/2019
Ward 4	Howington	Margaret	11/19/2013	5/5/2015 12/19/2017	11/19/2020
Ward 5	Mason	Ben	11/19/2013	6/7/2016	11/19/2018
Ex-Officio	Casper	Tommy	N/A		By Virtue of Position

TERM: Three-year Terms

CONTACT: Chris Rotalsky, Public Works Director
Tommy Casper, Cemetery Manager

NOTES: Re-established: November 19, 2013.
Initial appointees serve staggered term as shown. All successors serve 3 year terms.

UPDATED: 12/21/17 ag

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 10/29/2018

Presenter: Danny Dunagan

Item of Business: Planning and Appeals Board

- Position held by Ryan Thompson (reappointment)
- Position held by Richard White (reappointment)
- Position held by Jane Fleming (reappointment)
- Position held by Carmen Delgado (reappointment)

Meeting Date: 11/6/2018

Purpose of Request:

The purpose of this request is to address the upcoming expiring terms.

History/Background:

PAB members serve three-year terms. The Board follows the guidelines set forth in the City Charter, Code of Ordinances and the Unified Land Development Code.

Facts & Issues for Consideration:

Ryan Thompson, Richard White, Jane Fleming and Carmen Delgado are willing to serve another term.

Department Recommendation:

The Mayor nominated Ryan Thompson, Richard White, Jane Fleming and Carmen Delgado for reappointment during the November 1, 2018 Work Session.

Accept the nominations as presented.

Department Director:

Danny Dunagan

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ PAB Committee Members	Backup Material

PLANNING APPEALS BOARD

POST	LAST NAME		APPOINTED	REAPPOINTED	EXPIRES
At-Large	Martin, Sr.	Eddie	9/16/2014 UE	12/15/2015 1/9/2018	11/30/2019
At-Large	Thompson	Ryan	11/15/2016		11/30/2018
Ward 1 (Chairman)	Carter	Doug	12/15/2015	1/9/2018	11/30/2019
Ward 2	White	Richard (Rich)	3/21/2017		11/30/2018
Ward 3	Simmons	Kelvin	3/6/2018		11/30/2019
Ward 4	Fleming	Jane	12/5/2006	1/6/2009 12/21/2010 11/20/2012 8/4/2015 11/15/2016	11/30/2018
Ward 5	Delgado	Carmen	8/4/15 UE	11/15/2016	11/30/2018
Ex-Officio	Brooks	Barbara	1/9/2018		1/8/2019

TERM: Two year terms
(Always expire on November 30th)

NOTES: Chairman appointed by governing body.
Vice Chairman elected by the Board.

CONTACT: Rusty Ligon, Director of Community Development

UPDATED: 10/29/18 ag

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 11/1/2018
Presenter: Denise Jordan
Item of Business: October 2, 2018 Mayor/Council Meeting
Meeting Date: 11/6/2018

Purpose of Request:

The purpose of this request is to allow the governing body to approve 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?

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description

Type

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 11/1/2018
Presenter: Denise Jordan
Item of Business: October 11, 2018 Work Session
Meeting Date: 11/6/2018

Purpose of Request:

The purpose of this request is to allow the governing body to approve 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?

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description

Type

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 11/1/2018
Presenter: Denise Jordan
Item of Business: October 16, 2018 Mayor/Council Meeting
Meeting Date: 11/6/2018

Purpose of Request:

The purpose of this request is to allow the governing body to approve 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?

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description

Type

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 10/25/2018

Presenter: Bryan Lackey

Item of Business: BR-2018-53 Amend Retirement Plan A Plan Document Pertaining to Section 6.01 and Section 8.01

Meeting Date: 11/6/2018

Purpose of Request:

To propose amendments to the Plan Document Section 6.01 entitled Manner of Payment and Other Benefits and Section 8.01 (b) entitled Election of Members and delete all references to the City Clerk throughout the Plan Document to replace with Human Resources and change the term of office for elected board members from two year terms to four year terms.

History/Background:

In early 2018, the Plan A Retirement Board and the Mayor and City Council approved a jointly funded position of Retirement Manager.

Since 1994, board members have served two year terms.

Facts & Issues for Consideration:

As a result of previous action, certain functions designated by the Plan Document to be performed by the City Clerk will now be performed by the Retirement Manager, who is an Employee in the Human Resources Department. In order for the Plan Document to accurately reflect the practices previously adopted, the proposed changes are necessary.

The Plan A Board has realized that a four year term for Board members will be more beneficial since certification can take up to 2 years to complete. By the time a member has completed the certification, they could be up for re-election. This will also save in election costs.

Department Recommendation:

Recommend adoption of the amendments.

Department Director:

David Frazier

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
❏ BR-2018-53 Amend RPA Plan Document Regarding Section 6.01 and 8.01	Resolution
❏ Attachment A - 6.01 Optional Form of Benefit Payments Amendment	Attachments/Exhibits
❏ Attachment A - Marked Up Version	Attachments/Exhibits
❏ Attachment B - 8.01b Election of Members Amendment 2018	Attachments/Exhibits
❏ Attachment B - Marked Up Version	Attachments/Exhibits

RESOLUTION BR-2018-53

**Amend Retirement Plan A Plan Document
Section 6.01 entitled Manner of Payment and Other Benefits
Section 8.01(b) entitled Election of Members**

WHEREAS the City of Gainesville (the "Employer") established the City of Gainesville, Georgia Retirement System effective on February 24, 1941, known as Retirement Plan A (the "Plan") effective July 1, 1994; and

WHEREAS, Article XI of the Plan allows the Plan to be amended by City Council; and

WHEREAS, the Retirement Board has determined the Plan Document needs be updated to address the following:

1. In conjunction with the hiring of the Retirement Manager, delete certain references to the City Clerk throughout the Plan Document to replace with Human Resources Department.
2. Amend Section 8.01(b) to change the term of office for elected board members from two year terms to four year terms.

WHEREAS, the Retirement Board unanimously voted to amend the Plan Document during the October 9, 2018 meeting.

NOW, THEREFORE, BE IT RESOLVED, the governing body of the City of Gainesville authorizes the Plan Document for Retirement Plan A to be amended by deleting Sections 6.01 and 8.01(b) in their entirety and replacing them with the language provided in Attachments A and B.

Adopted this _____ day of _____, 2018.

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

ATTACHMENT A

ARTICLE VI

Manner of Payment and Other Benefits

6.01 Optional Form of Benefit Payments: By filing a written election with the Pension Board prior to the date Pension payments commence, a Participant who has a Spouse and who is entitled to a Normal, Delayed or Early Retirement Pension or a Deferred Vested Pension may elect to receive a Pension payable in accordance with a "Joint and Survivor Option" in an Actuarially Equivalent amount, in lieu of the Pension to which he may otherwise become entitled.

Under the Joint and Survivor Option, such a Participant who has a Spouse may elect to receive a reduced Pension payable during the joint lives of the Participant and his Spouse so that, following the death of the Participant, payment of the Pension in an amount equal to one-hundred, seventy-five or fifty percent (100, 75 or 50 %) (as elected by the Participant) of the Participant's reduced Pension shall continue to be made to his Spouse, if surviving, with the last payment to be made as of the first day of the month in which the death of his Spouse occurs.

At the time of his retirement, a Participant who chooses a Joint & Survivor Option will be covered by a "Pop Up" provision. This "Pop Up" provision, upon the death of a designated Spouse prior to the Participant's death, will cause the Participant's benefit to revert to the Normal, Delayed, or Early retirement benefit chosen at the time of retirement, with no reduction for the Joint & Survivor Option. The cost of this "Pop Up" provision is included in Joint & Survivor Option and will not result in any increase in the reduction of the Participant and Spouse's benefits. It shall be the responsibility of the Participant to notify the Plan in writing, through the Human Resources Department, of the death of a designated Spouse. Notification shall include a death certificate. Effective as of the first day of the month following the death of the designated Spouse, the pension benefit will revert from the amount the Participant was receiving under the Joint & Survivor Option to the amount he would have been entitled to on a Single Life Income basis. However, if the Participant fails to furnish the Plan with proper proof of the designated Spouse's death within a one (1) year period of such death, then said increase shall not become effective until the first day of the month following the date such proof is submitted. The pension payment will be recalculated and adjusted during the next regular payment cycle after notification requirements have been met. If the designated Spouse predeceases the Participant, all payments will cease upon the death of the Participant and no further benefits will accrue to his estate or beneficiaries.

Except as provided in Section 6.02(b), the election by a Participant of this Joint and Survivor Option shall be null and void if either the Participant or his Spouse should die prior to the receipt of the first Pension payment. After Pension payments have commenced, no future elections or revocations of this optional form shall be permitted. Notwithstanding the preceding sentence, in the limited circumstances of a same-sex married Participant who was legally married prior to the date of his or her retirement and commenced Pension payments prior to June 26, 2015, a one-

ATTACHMENT A

time, thirty (30) day window will be offered for the same-sex married Participant to retroactively elect the Joint and Survivor Option, in a time and manner prescribed by the Pension Board. By filing a written election with the Pension Board, such same-sex married Participant may elect the Joint and Survivor Option, with such election to be retroactively effective to the Participant's retirement date. Any same-sex married Participant making the retroactive Joint and Survivor Option election must repay the Plan for any overpayments of benefits the Participant received as a result of the change in the form of the retired Participant's benefit payments, as determined by the Actuary. Any retroactive election of the Joint and Survivor Option will be determined with the Joint and Survivor Option that was in place at the time of the Participant's retirement, such that same-sex married Participants who retired prior to October 18, 2011 will not be covered by the "Pop Up" provision and will instead receive a benefit awarded using the pre-"Pop Up" mortality tables.

The Pension Board may, at its discretion, direct the Trustee to pay all Participants' Normal, Delayed or Early Retirement Pension or Delayed Vested Pension in a single lump-sum distribution, if the lump-sum Actuarial Equivalent of the Participant's interest in his vested Accrued Benefit is not greater than \$5,000. Provided, however, effective July 1, 2006, no distribution shall be made from the Plan without consent of the Participant.

ARTICLE VI

Manner of Payment and Other Benefits

6.01 Optional Form of Benefit Payments: By filing a written election with the Pension Board prior to the date Pension payments commence, a Participant who has a Spouse and who is entitled to a Normal, Delayed or Early Retirement Pension or a Deferred Vested Pension may elect to receive a Pension payable in accordance with a "Joint and Survivor Option" in an Actuarially Equivalent amount, in lieu of the Pension to which he may otherwise become entitled.

Under the Joint and Survivor Option, such a Participant who has a Spouse may elect to receive a reduced Pension payable during the joint lives of the Participant and his Spouse so that, following the death of the Participant, payment of the Pension in an amount equal to one-hundred, seventy-five or fifty percent (100, 75 or 50 %) (as elected by the Participant) of the Participant's reduced Pension shall continue to be made to his Spouse, if surviving, with the last payment to be made as of the first day of the month in which the death of his Spouse occurs.

At the time of his retirement, a Participant who chooses a Joint & Survivor Option will be covered by a "Pop Up" provision. This "Pop Up" provision, upon the death of a designated Spouse prior to the Participant's death, will cause the Participant's benefit to revert to the Normal, Delayed, or Early retirement benefit chosen at the time of retirement, with no reduction for the Joint & Survivor Option. The cost of this "Pop Up" provision is included in Joint & Survivor Option and will not result in any increase in the reduction of the Participant and Spouse's benefits. It shall be the responsibility of the Participant to notify the Plan in writing, through the Human Resources Department City Clerk, of the death of a designated Spouse. Notification shall include a death certificate. Effective as of the first day of the month following the death of the designated Spouse, the pension benefit will revert from the amount the Participant was receiving under the Joint & Survivor Option to the amount he would have been entitled to on a Single Life Income basis. However, if the Participant fails to furnish the Plan with proper proof of the designated Spouse's death within a one (1) year period of such death, then said increase shall not become effective until the first day of the month following the date such proof is submitted. The pension payment will be recalculated and adjusted during the next regular payment cycle after notification requirements have been met. If the designated Spouse predeceases the Participant, all payments will cease upon the death of the Participant and no further benefits will accrue to his estate or beneficiaries.

Except as provided in Section 6.02(b), the election by a Participant of this Joint and Survivor Option shall be null and void if either the Participant or his Spouse should die prior to the receipt of the first Pension payment. After Pension payments have commenced, no future elections or revocations of this optional form shall be permitted. Notwithstanding the preceding sentence, in the limited circumstances of a same-sex married Participant who was legally married prior to the date of his or her retirement and commenced Pension payments prior to June 26, 2015, a one-time, thirty (30) day window will be offered for the same-sex married Participant to retroactively

elect the Joint and Survivor Option, in a time and manner prescribed by the Pension Board. By filing a written election with the Pension Board, such same-sex married Participant may elect the Joint and Survivor Option, with such election to be retroactively effective to the Participant's retirement date. Any same-sex married Participant making the retroactive Joint and Survivor Option election must repay the Plan for any overpayments of benefits the Participant received as a result of the change in the form of the retired Participant's benefit payments, as determined by the Actuary. Any retroactive election of the Joint and Survivor Option will be determined with the Joint and Survivor Option that was in place at the time of the Participant's retirement, such that same-sex married Participants who retired prior to October 18, 2011 will not be covered by the "Pop Up" provision and will instead receive a benefit awarded using the pre-"Pop Up" mortality tables.

The Pension Board may, at its discretion, direct the Trustee to pay all Participants' Normal, Delayed or Early Retirement Pension or Delayed Vested Pension in a single lump-sum distribution, if the lump-sum Actuarial Equivalent of the Participant's interest in his vested Accrued Benefit is not greater than \$5,000. Provided, however, effective July 1, 2006, no distribution shall be made from the Plan without consent of the Participant.

ATTACHMENT B

ARTICLE VIII. 8.01 (b).

Election of Members:

Each and every Participant who is qualified shall be entitled to vote in an election for a Pension Board member to represent them as enumerated in Subparagraph (a) of this Section 8.01. All persons who are qualified to vote at said election shall be notified of the election in person or in writing five (5) days in advance by the City Human Resources Department. The Pension Board shall establish procedures for the conduct of elections with provisions for, but not limited to, absentee voting and establishment of voting hours. The City Human Resources Department shall preside at the election of said member and a majority of those voting shall elect.

The term of office of each of said Board members, except the City Clerk, shall commence on the first Monday after his election and continue for a period of four (4) years, and until his successor shall be elected and qualified. An election shall be held, in the manner hereinbefore described, at the expiration of the term of office of each Board member, except the City Clerk, for the purpose of electing his successor; and election for each member, except the City Clerk, shall be compulsory every four (4) years.

ARTICLE VIII. 8.01 (b).

Election of Members:

Each and every Participant who is qualified shall be entitled to vote in an election for a Pension Board member to represent them ~~in the membership~~ as enumerated in Subparagraph (a) of this Section 8.01. All persons who are qualified to vote at said election shall be notified of the election -in person or ~~in by~~ writing five (5) days in advance by the City Human Resources Department Clerk. The Pension Board shall establish procedures for the conduct of elections with provisions for, but not limited to, absentee voting and establishment of voting hours. The City Human Resources Department Clerk shall preside at the election of said member and a majority of those voting shall elect.

The term of office of each of said Board members, except the City Clerk, shall commence on the first Monday after his election and continue for a period of four (4) ~~two (2)~~ years, and until his successor shall be elected and qualified. An election shall be held, in the manner hereinbefore described, at the expiration of the term of office of each Board member, except the City Clerk, for the purpose of electing his successor; and election for each member, except the City Clerk, shall be compulsory every four (4) ~~two (2)~~ years.

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 10/23/2018
Presenter: Bryan Lackey
Item of Business: BR-2018-54 General Banking
Meeting Date: 11/6/2018

Purpose of Request:

One of the City's financial institutions has requested that we amend our General Banking Resolution to include the wording "City of Gainesville, Georgia". Our current resolution states "City of Gainesville".

History/Background:

Financial institutions require a corporate resolution to establish a banking relationship. The resolution establishes City employees who are authorized to transact business with financial institutions.

Facts & Issues for Consideration:

Department Recommendation:

Financial Services recommends the adoption of the General Banking Resolution.

Department Director:

Jeremy Perry

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
 BR-2018-54 General Banking	Resolution

RESOLUTION BR-2018-54

GENERAL BANKING RESOLUTION

WHEREAS, financial institutions require a “corporate” resolution to establish a banking relationship; and

WHEREAS, the City of Gainesville, Georgia, from time to time, has banking relations with the various local banks; and

WHEREAS, there is a need to formally authorize and update the list of City officials authorized to transact banking business on behalf of the City of Gainesville, Georgia.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville, Georgia hereby adopts that any financial institution with offices in our local area and being registered with the City of Gainesville Business Tax and Licensing Office for a business license tax, being paid in full, be designated as depositories of the City of Gainesville, Georgia.

BE IT FURTHER RESOLVED THAT all general banking resolutions approved prior to the adoption of this resolution are hereby rescinded.

BE IT FURTHER RESOLVED THAT this resolution shall be in effect until an updated resolution has been adopted by the governing body and notification of such action has been provided to the respective financial institutions.

BE IT FURTHER RESOLVED THAT all transactions, if any, with respect to any deposits, withdrawals, investments, etc., by or on behalf of the City of Gainesville, Georgia with these financial institutions prior to the adoption of this resolution are hereby ratified approved and confirmed.

BE IT FURTHER RESOLVED THAT these financial institutions are requested, authorized, and directed to honor the signature of the persons named below, when they act in the representative capacity as agents of the City of Gainesville, Georgia, for (1) checks, drafts, wires and other orders of payment drawn; (2) the purchase of investments authorized by State of Georgia law for purchase by municipal corporations; and (3) other necessary transactions or documents to properly manage the various accounts of the City of Gainesville, Georgia.

Bryan Lackey
City Manager

Signature

Angela Sheppard
Assistant City Manager

Signature

Jeremy Perry
Chief Financial Officer

Signature

Beverly Williams
Financial Services Manager

Signature

RESOLUTION BR-2018-54

GENERAL BANKING RESOLUTION

BE IT FURTHER RESOLVED THAT the City of Gainesville, Georgia agrees to the terms and conditions of any account agreement properly opened by any authorized representative of the City of Gainesville, Georgia and authorizes the financial institutions to charge the City of Gainesville, Georgia for all checks, drafts, wires, or other orders for the payment of monies that are drawn on these financial institutions, regardless of whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature specimen above.

Adopted this ____ day of _____, 2018.

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville, Georgia. 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: 10/29/2018
Presenter: Bryan Lackey
Item of Business: BR-2018-55 Property Acquisition from Koch Foods of Gainesville, LLC
Meeting Date: 11/6/2018

Purpose of Request:

The purpose of this request is to authorize a settlement agreement and related documents to purchase 41.224 acres of property located in Industrial Park West.

History/Background:

Facts & Issues for Consideration:

The City of Gainesville recently notified Koch Foods of a breach of our Real Estate Sales Contract regarding property in the Gainesville West Industrial Park. Both parties agree to resolve all issues. Koch Foods has agreed to sell and the City agreed to purchase the property at a purchase price of \$1,817,845.05. Closing will take place on/before November 9, 2018.

Department Recommendation:

Approve the resolution as presented.

Department Director:

Bryan Lackey

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ BR-2018-55 2018 Koch Foods Property Acquisition	Resolution
☐ Koch Foods Settlement Agreement	Attachments/Exhibits

RESOLUTION BR-2018-55

Property Acquisition from Koch Foods of Gainesville, LLC

WHEREAS, the governing body of the City of Gainesville, Georgia (the "City") has a desire to continue its efforts to encourage commercial development throughout the City in an effort to provide jobs and strengthen the economy for the citizens of the City; and

WHEREAS, the property located in Gainesville Industrial Park West, as more particularly described as "the Property" in that Settlement Agreement between the City and Koch Foods of Gainesville, LLC ("Koch"), a copy of which Settlement Agreement is attached hereto, is an important tract of land and necessary for continued economic development in the City (said property hereinafter referred to as "the Property"); and

WHEREAS, the governing body for the City desires to purchase the Property.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville does hereby authorize the Settlement Agreement attached hereto and directs the Mayor, the City Manager and the City Attorney to execute the Settlement Agreement with Koch, as well as all other such documents and agreements that may be necessary to comply with the terms of the Settlement Agreement, including but not limited to all such documents that may be necessary to complete the closing of the purchase of the Property.

Adopted this ____ day of _____, 2018.

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

STATE OF GEORGIA
COUNTY OF HALL

SETTLEMENT AGREEMENT

This Settlement Agreement is made and entered into this ____ day of _____, 2018 by and between the City of Gainesville (hereinafter referred to as "Gainesville") and Koch Foods of Gainesville, LLC, a Georgia limited liability company (hereinafter referred to as "Koch Foods").

WHEREAS, Koch Foods is the current owner of legal title to the following described property:

All that tract or parcel of land lying and being in Land Lot 11, 8th Land District, City of Gainesville, Hall County, Georgia, and being 41.224 acres as shown on a survey for Koch Foods, Inc., City of Gainesville & Chicago Title Insurance Company, dated February 28, 2006, prepared by Frederick C. Youngman, Georgia Registered Land Surveyor, and being more particularly described as follows:

Begin at an iron pin set on the northwesterly right of way of Atlanta Highway (S.R. 13) (right of way varies), said iron pin located 1249.53 feet from the intersection of the northwesterly right of way of Atlanta Highway and the southerly right-of-way of Industrial Park West Drive; running thence along the northwesterly right of way of Atlanta Highway South 24°25'56" West 60.00 feet to a ½" rebar found; thence leaving said right of way North 65°45'01" West 370.60 feet to an iron pin set; thence South 29°23'55" West 439.51 feet to an iron pin set; thence South 51°09'50" West 771.53 feet to an iron pin set; thence South 30°35'14" East 123.61 feet to a ½" rebar found; thence South 52°34'46" West 209.44 feet to an iron pin set; thence North 30°32'54" West 1384.38 feet to a concrete monument found; thence North 73°28'06" East 504.66 feet to an iron pin set; thence North 58°55'28" East 138.38 feet to an iron pin set; thence North 14°38'52" West 197.79 feet to an iron pin set; thence a curve having an arc distance of 278.70 feet, a radius of 630.00 feet, being subtended by a chord bearing North 62°40'45" East 276.43 feet to a point; thence North 50°00'22" East 404.23 feet to a point; thence a curve having an arc distance of 322.20 feet, a radius of 1270.00 feet, being subtended by a chord bearing North 57°16'27" East 321.33 feet to an iron pin set; thence South 16°22'12" East 1059.49 feet to an iron pin set; thence South 65°45'01" East 340.00 feet to the point of beginning.

(hereinafter referred to as "the Property").

WHEREAS, Gainesville filed a lawsuit against Koch Foods in the Superior Court of Hall County, City of Gainesville, Georgia v. Koch Foods of Gainesville, LLC, Case No. 2018CV1173J (hereinafter the "Lawsuit"), on or about July 13, 2018, claiming a breach of a Real Estate Sales Contract between Gainesville and Koch Foods and seeking specific performance granting the right to re-enter and take possession of the Property;

WHEREAS, Koch Foods was served with the Lawsuit on or about July 24, 2018;

WHEREAS, Koch Foods disputes the claims by Gainesville in the Lawsuit and that Gainesville is entitled to the relief requested; and

WHEREAS, the parties have agreed to resolve all issues raised in the Lawsuit.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, as well as other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Sale of the Property. Koch Foods has agreed to sell and Gainesville has agreed to purchase the Property.

2. Purchase Price. The purchase price will be One Million Eight Hundred Seventeen Thousand Eight Hundred Forty-Five and 05/100 Dollars (\$1,817,845.05), paid in cash or certified funds at closing without deduction or set-off except as specifically provided for herein.

3. Closing. The Closing will take place on or before November 9, 2018 at the law offices of Hulsey, Oliver & Mahar, LLP.

4. Representations and Warranties.

a. Koch Foods. Koch Foods represents and warrants to Gainesville that:

i. Intentionally deleted.

ii. The undersigned has all requisite power and authority to execute this Agreement on behalf of Koch Foods and that Koch Foods has the ability to perform all of its obligations under this Agreement and nothing prohibits or restricts the right or ability of Koch Foods to close the transactions contemplated hereunder and carry out the terms hereof.

iii. Koch Foods is not subject to any judgment or decree of a court of competent jurisdiction or governmental agency that would limit or restrict its right to enter into and carry out this Agreement. There are no adverse actions, suits, or proceedings pending, and, to its knowledge, Koch Foods has received no written notice that any such action has been threatened, before any judicial body or any governmental

authority or any other writ, injunction, decree or demand of any court or governmental authority filed against or encumbering the Property or against Koch Foods with respect to the Property.

iv. To its knowledge, Koch Foods has not received any written notice from any governmental agency or authority that the Property is not in compliance with applicable Laws.

b. Gainesville. Gainesville represents and warrants to Koch Foods that:

i. The undersigned has all requisite power and authority to execute the Agreement on behalf of Gainesville and that Gainesville has the ability to perform all of its obligations under this Agreement and nothing prohibits or restricts the right or ability of Gainesville to close the transactions contemplated hereunder and carry out the terms hereof.

ii. Gainesville is not subject to any judgment or decree of a court of competent jurisdiction or governmental agency that would limit or restrict its ability to enter into and carry out this Agreement. There are no adverse actions, suits, or proceedings pending or, to its knowledge, threatened, before any judicial body or any governmental authority or any other writ, injunction, decree or demand of any court or governmental authority filed against Gainesville that would limit or restrict its ability to enter into and carry out this Agreement.

iii. Neither the execution of this Agreement nor the consummation of the transactions contemplated herein will constitute a breach under any contract or agreement to which Gainesville is a party or by which it is bound or affected.

5. Conveyance. Koch Foods will convey the Property at Closing by Quit Claim Deed, subject only to (i) all real property taxes and assessments which are a lien but are not yet due and payable; (ii) all matters excepted in the owner's title insurance policy under which Koch Foods is the insured party obtained when Koch Foods acquired title to the Property; (iii) all additional easements, covenants, conditions, reservations, and restrictions of record, which are acceptable to Gainesville; and (iii) any matters disclosed by any updated Survey obtained by Gainesville. Gainesville will have until the date of closing to examine title to the Property and provide Koch Foods with any objections to title under subparagraph (iii) above. Koch Foods may elect to have such matters cured at its expense, either by (a) the removal of such exceptions, (b) the procurement of title insurance endorsements providing coverage against loss or damage as a result of such exceptions, or (c) other resolution reasonably satisfactory to Gainesville. Notwithstanding anything contained herein to the contrary, Koch Foods will be obligated to remove any matters first appearing of record after September 26, 2018, at its sole expense. If any such matters are not cured by Koch Foods, Gainesville may elect, as its sole remedy, either (x) acquire the Property subject to such exceptions without deduction or set-off, or (y) terminate this Agreement not later than Closing, provided that if Gainesville terminates

this Agreement as a result thereof, Gainesville shall nevertheless be obligated to dismiss the Lawsuit with prejudice as provided herein.

6. Prorations and Charges. Any taxes or assessments applicable to the Property, shall be prorated as of the date of closing. If the actual tax bill is not available, the proration shall be made based upon the prior year's bill which shall be considered a final adjustment between the parties.

7. Deliveries at Closing.

a. Koch Foods will deliver the following to Gainesville (duly executed where applicable) at or prior to each Closing, each of which shall be in form and substance acceptable to Purchaser in its judgment reasonably exercised:

- i. The applicable Quit Claim Deed.
- ii. A Seller's Affidavit in the form attached hereto as Exhibit "A."
- iii. A FIRPTA affidavit reasonably acceptable to the title company.
- iv. A closing statement identifying the prorations required hereunder.
- v. An affidavit regarding Georgia Out of State Withholding.
- vi. 1099 information.
- vii. Such other documents and instruments as may be reasonably required by any other provision of this Agreement or as may reasonably be required to give effect to the terms and intent of this Agreement.
- viii. any and all documentation in the possession or control of Koch Foods regarding the Property, including but not limited to:
 1. engineering studies on the Property
 2. any files related to improvements to the Property
 3. geotechnical drawings and other as-built drawings on the stream located on the Property
 4. documentation regarding any wetland delineation
 5. documentation regarding any purchase stream or wetland credits related to the Property

6. any and all phase 1 or phase 2 environmental assessments done on the Property

7. any archeological and/or flora/fauna studies on the Property

8. any documentations regarding any driveway permit or code permits obtained by Koch Foods regarding the Property, and

9. any surveys of the Property,

10. (j) any and all other documentation regarding the Property.

Any documentation or information under this subparagraph vii. shall be without representation or warranty of any kind.

b. Gainesville will deliver the following to Seller (duly executed where applicable) through escrow at or prior to each Closing:

i. The Purchase Price, plus or minus any prorations required hereunder.

ii. Counterparts of the documents identified in Section 7(a) above that also require execution by Gainesville.

iii. such other documents and instruments as may be required by any other provision of this Agreement or as may reasonably be required to give effect to the terms and intent of this Agreement.

8. Closing Costs. Gainesville will be responsible for payment of all closing costs, including any real estate transfer taxes, recording fees or other fees associated with closing and title insurance premium. Koch Foods will be responsible for payment of their attorney's fees.

9. Dismissal of Lawsuit. At time of closing Gainesville will execute and file a Dismissal with Prejudice of the Lawsuit in the form of Exhibit B hereto.

10. Release. The parties hereby release any and all claims against one another arising out of or related to the claims set forth in the Lawsuit, including but not limited to any claim for attorney's fees.

11. Entire Agreement. This Settlement Agreement is the entire agreement between the parties and no representation not contained herein will be binding on either party.

12. Time. Time is of the essence of this Agreement.

13. Amendment. This Agreement may not be amended, except in writing signed by the parties hereto.

14. Brokers. The parties hereto each represent and warrant to the other that neither has retained or dealt with real estate broker in connection with this transaction.

15. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective, permitted successors and assigns.

16. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Georgia, without regard to the choice or conflict of laws provisions.

AGREED TO this ____ day of _____, 2018.

CITY OF GAINESVILLE

KOCH FOODS OF GAINESVILLE, LLC

By: _____
Bryan Lackey
City Manager

By: Mark J. Kaminsky
Name: Mark J. Kaminsky
Title: Secretary

Attest: _____
Denise O. Jordan, City Clerk

CITY SEAL

APPROVED AS TO FORM

Abbott S. Hayes, Jr.
Hulsey, Oliver & Mahar, LLP
City Attorney

TWR/mmk/11724/216073

EXHIBIT A

SELLER'S AFFIDAVIT

STATE OF ILLINOIS,

COUNTY OF COOK.

Personally appeared before me, the undersigned attesting officer duly authorized to administer oaths, the undersigned (hereinafter "Deponent"), who, first being duly sworn, deposes and says on oath as follows:

Affiant is _____, the Manager or Authorized Agent of Koch Foods of Gainesville, LLC, which is the owner in fee simple of the real estate known as 41.224 Acres, Land Lot 11, 8th District, City of Gainesville, Hall County, Georgia.

Further, the undersigned is authorized to execute all documents pertaining to the conveyance.

1. This affidavit is made with respect to property located in Land Lot 11, 8th District, City of Gainesville, Hall County, being the same property described in that certain Limited Warranty Deed to City of Gainesville of even date herewith, and being more particularly described as follows:

All that tract or parcel of land lying and being in Land Lot 11, 8th Land District, City of Gainesville, Hall County, Georgia, and being 41.224 acres as shown on a survey for Koch Foods, Inc., City of Gainesville & Chicago Title Insurance Company, dated February 28, 2006, prepared by Frederick C. Youngman, Georgia Registered Land Surveyor, and being more particularly described as follows:

Begin at an iron pin set on the northwesterly right of way of Atlanta Highway (S.R. 13) (right of way varies), said iron pin located 1249.53 feet from the intersection of the northwesterly right of way of Atlanta Highway and the southerly right-of-way of Industrial Park West Drive; running thence along the northwesterly right of way of Atlanta Highway South 24°25'56" West 60.00 feet to a ½" rebar found; thence leaving said right of way North 65°45'01" West 370.60 feet to an iron pin set; thence South 29°23'55" West 439.51 feet to an iron pin set; thence South 51°09'50" West 771.53 feet to an iron pin set; thence South 30°35'14" East 123.61 feet to a ½" rebar found; thence South 52°34'46" West 209.44 feet to an iron pin set; thence North 30°32'54" West 1384.38 feet to a concrete monument found; thence North 73°28'06" East 504.66 feet to an iron pin set; thence North 58°55'28" East 138.38 feet to an iron pin set; thence North 14°38'52" West 197.79 feet to an iron pin set; thence a curve having an arc distance of 278.70 feet, a radius of 630.00 feet, being subtended by a chord bearing North 62°40'45" East 276.43 feet to a point; thence North 50°00'22" East 404.23 feet to a point; thence a

curve having an arc distance of 322.20 feet, a radius of 1270.00 feet, being subtended by a chord bearing North 57°16'27" East 321.33 feet to an iron pin set; thence South 16°22'12" East 1059.49 feet to an iron pin set; thence South 65°45'01" East 340.00 feet to the point of beginning.

The undersigned assumes no responsibility for errors in the above legal description.

2. To the actual knowledge of the undersigned, there are no other persons, corporations, or other entities in possession of said real estate who have a right or claim to possession extending beyond the date hereof, or (excepting the Grantee in the aforementioned deed) who have a right or claim to possession arising beyond the date hereof, except as shown herein below:

(a) Subject to 2018 taxes.

(b) Sewer Service Easement to the City of Gainesville, dated June 11, 1991, recorded in Deed Book 1617, Page 284, Hall County, Georgia Deed Records.

(c) Matters shown on survey for Koch Foods, Inc., City of Gainesville & Chicago Title Insurance Company, dated February 28, 2006, prepared by Frederick C. Youngman, Georgia Registered Land Surveyor, shows the following:

a. Georgia Power transmission line running along the eastern boundary line of caption property;

b. Sewer line, manholes, box culvert and headwall running along the northern boundary line of caption property;

c. Wetlands;

d. Streams;

e. Barbed wire fence;

f. Flood hazard area; and

g. Balus Creek running along northern boundary of caption property..

(d) Declaration of Covenants, Restrictions & Easements for Gainesville Industrial Park West, dated January 21, 1997, recorded in Deed Book 2790, Page 296, Hall County, Georgia Deed Records, amended by that certain Amendment dated April 20, 1999, recorded in Deed Book 3481, Page 547, aforesaid records, re-recorded in Deed Book 3484, Page 455, aforesaid records, and further addressed in that certain Ratification of Amendment to Covenants, dated May 18, 1999, recorded in Deed Book 3494, Page 478, aforesaid records.

(e) Right-of-Way Deed to Georgia Department of Transportation from City of Gainesville, dated August 3, 1999, recorded in Deed Book 3547, Page 84, aforesaid records.

(f) Rights of upper and lower riparian owners in and to waters of creeks crossing or adjoining the property, and the natural flow thereof, free from diminution or pollution.

(g) The exact amount of acreage in caption property.

(h) Variance from the City of Gainesville, Georgia to Koch Foods of Gainesville, LLC, dated August 24, 2006, recorded in Deed Book 5808, Page 470, aforesaid records.

(i) Expanded Stream Buffer Conservation Easement from Koch Foods of Gainesville, LLC, dated April 1, 2008, recorded in Deed Book 6312, Pages 595-612, aforesaid records.

3. To the actual knowledge of the undersigned, all improvements erected on the real estate are fully completed and there are no unpaid bills of any nature for any improvements, surveys, engineering or architectural services, pest control inspections or treatments, or for any other work, labor, materials or services placed upon, applied to, delivered to or rendered to, for, or in connection with the real estate at the direction of the Owner or any duly authorized agent of Owner within the 95 day period immediately preceding the date hereof;

4. That Deponent knows of no persons, corporations or other entities claiming any interest whatsoever in said real estate by reason of any unrecorded deed, contract or other document of title and that preceding the execution hereof, no interest in the real estate has been granted to any other persons, corporations or other entities whatsoever, which persons, corporations or other entities have not executed the deed to Grantee;

5. To the actual knowledge of the undersigned, there are no suits, lis pendens, judgments, appeals, bankruptcies, executions or defaulted surety bonds against the Owner of the real estate in any Georgia or Federal Court whatsoever that could in any way effect title to said real estate, the improvements thereon or the fixtures attached thereto subject to dismissal of Gainesville suit;

6. To the actual knowledge of the undersigned, said real estate is free and clear of all liens, encumbrances, restrictions, assessments, encroachments, leases, tenancies and occupancies except as specifically set out and shown hereinabove;

7. To the actual knowledge of the undersigned, all assessments against the Owner or applicable to the real estate including assessments for street lighting, water and sewer construction, sanitary assessments and other governmental services have been paid in full;

8. That Owner, unless the real estate was acquired in the current calendar year, has filed all required tax returns concerning the real estate so that no penalties for failure to file such tax returns will be assessed for the current year;

That Deponent makes this affidavit knowing that the same will be relied upon by certain purchasers, lenders, attorneys and title companies interested in title to the said real estate.

As of _____, 2018.

Sworn to and subscribed before me
this ____ day of _____ 2018.

Notary Public
My Commission Expires:

TWR/mmk/11724/W216560

EXHIBIT B

IN THE SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA

CITY OF GAINESVILLE, GEORGIA,	)	
	)	
Plaintiff,	)	
	)	Civil Action File No.
v.	)	
	)	2018CV1173J
KOCH FOODS OF GAINESVILLE	)	
LLC,	)	
	)	
Defendant.	)	

DISMISSAL

COMES NOW, City of Gainesville, Georgia, Plaintiff in the above styled civil action and files this its Dismissal, dismissing all claims asserted in the above styled civil action with prejudice.

This ____ day of November, 2018.

HULSEY, OLIVER & MAHAR, LLP

By: _____
Abbott S. Hayes, Jr.
Georgia Bar No. 399749
ATTORNEY FOR PLAINTIFF

P.O. Box 1457
Gainesville, GA 30501
(770) 532-6312

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 11/1/2018

Presenter: Bryan Lackey

Item of Business: PR-2018-22 85 Gainesville Business Park - United States Army Corp. of Engineers Permit Application

Meeting Date: 11/6/2018

Purpose of Request:

The purpose of this request is to authorize staff to proceed with the permitting application process with the US Army Corp for the future development of a new business park.

History/Background:

The City of Gainesville is in the planning stages of developing a new business park (85 Gainesville Business Park) to be located on existing city property off of Allen Creek Road.

Facts & Issues for Consideration:

Permits through the USACE are required to mitigate the proposed impact of the existing streams and wetlands.

Department Recommendation:

Adopt the resolution 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
☐ PR-2018-22 85 Gainesville Business Park - Army Corp Permit Applic	Resolution

RESOLUTION PR-2018-22

**85 GAINESVILLE BUSINESS PARK – UNITED STATES ARMY CORP OF ENGINEERS
PERMIT APPLICATION**

WHEREAS, the City of Gainesville is currently in the planning stages of developing a new business park named 85 Gainesville Business Park to be located on City of Gainesville property off Allen Creek Road; and

WHEREAS, City staff has identified existing streams and wetlands that will be impacted by the development of this property; and

WHEREAS, in order to mitigate the proposed impact of the existing streams and wetlands, the City of Gainesville is required to apply for permits through the United States Army Corps of Engineers; and

WHEREAS, City staff is seeking permission from the governing body of the City of Gainesville to make application for permits to be obtained from the United States Army Corps of Engineers required for this project.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby authorizes staff to make application with the United States Army Corps of Engineers for any required permits for the future development of the 85 Gainesville Business Park.

BE IT FURTHER RESOLVED THAT the governing body for the City of Gainesville hereby authorizes the Mayor, City Manager and City Attorney to sign applicable documents that may be necessary to complete this application process.

Adopted this ____ **day of** _____, **2018.**

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: 10/3/2018
Presenter: Bryan Lackey
Item of Business: PR-2018-23 Pilgrim's Pride Shop with a Cop Donation
Meeting Date: 11/6/2018

Purpose of Request:

Requesting approval to accept donated funds for the Shop with a Cop Program in the amount of \$3,600.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Accept donations from Pilgrim's Pride.

Department Director:

Carol Martin

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
☐ PR-2018-23 Pilgrim's Pride donation for Shop with a Cop	Resolution

RESOLUTION PR-2018-23

PILGRIM'S PRIDE DONATION FOR SHOP WITH A COP

WHEREAS, Pilgrim's Pride has selected the Gainesville Police Department to receive a donation in the amount of \$3,600.00; and

WHEREAS, Pilgrim's Pride has stipulated that this donation be used for the Gainesville Police Department's Shop with a Cop program.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby authorizes the acceptance of said donation from Pilgrim's Pride for the Gainesville Police Department's Shop with a Cop program.

Adopted this _____ day of _____, 2018.

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: 10/23/2018

Presenter: Abb Hayes

Item of Business: Business Resolution-2018-56
Bond Issuance for The Landings of Gainesville

Meeting Date: 11/6/2018

Purpose of Request:

The purpose of this request is to receive public comments regarding the issuance of bonds (maximum \$3,000,000) to finance improvements to The Landings of Gainesville, a 50-bed assisted living facility located at 2030 Windward Lane.

History/Background:

Facts & Issues for Consideration:

The bonds will never constitute an indebtedness of or general obligation to the City of Gainesville or any political subdivision thereof.

Department Recommendation:

Conduct the public hearing and adopt the resolution as presented.

Department Director:

Danny Dunagan

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ The Landings Public Hearing Notice	Legal Ad
☐ BR-2018-56 Bond Issuance for The Landings of Gainesville	Resolution
☐ The Landings Project Description	Backup Material

NOTICE OF A PUBLIC HEARING
REGARDING
NOT TO EXCEED \$3,000,000
PUBLIC FINANCE AUTHORITY
REVENUE BONDS
(RHCSC THE LANDINGS OF GAINESVILLE PROJECT)

NOTICE IS HEREBY GIVEN that, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), a public hearing will be held by the Mayor and Council of the City of Gainesville, Georgia, on **Tuesday, November 6, 2018, at 5:30 pm at the Public Safety Complex, Municipal Courtroom, 701 Queen City Parkway, Gainesville, Georgia 30501**, or as soon as practicable thereafter, concerning the proposed issuance by the Public Finance Authority (the “Authority”), a commission organized under and pursuant to the provisions of Sections 66.0301, 66.0303 and 66.0304 of the Wisconsin Statutes, as amended (the “Act”), of its tax-exempt revenue bonds, in one or more series (the “Bonds”).

The Bonds are expected to be issued by the Authority pursuant to the Act, in the maximum principal amount of \$3,000,000, the proceeds of which will be loaned to RHCSC Gainesville AL Holdings LLC and RHCSC Gainesville Health Holdings LLC (collectively, the “Borrowers”), each a Georgia limited liability company of which Regional Housing & Community Services Corporation, a California nonprofit, public benefit corporation and an organization described in Section 501(c)(3) of the Code, is the sole member. The proceeds of the Bonds will be used by the Borrowers to (i) finance certain improvements to a 50-bed assisted living facility known as The Landings of Gainesville (the “Project”), located at 2030 Windward Lane, Gainesville, Georgia 30501 and (ii) pay certain fees and costs associated with the issuance of the Bonds.

The Project will be owned and operated by the Borrowers and will be managed by Affinity Living Group, LLC.

The Bonds will never constitute an indebtedness of or general obligation of the City of Gainesville, Georgia or any political subdivision thereof. The Bonds will be special limited obligations of the Authority payable solely from the loan repayments to be made by the Borrowers to the Authority and certain funds and accounts established by the trust indenture for the Bonds.

At the time and place fixed for the public hearing, all persons who appear will be given a reasonable opportunity to express their views, both orally and in writing, for or against the proposed issuance of the Bonds, the location and nature of the Project and other related matters. Interested persons wishing to express their views on the issuance of the Bonds or on the nature or location of the Project proposed to be financed may attend the public hearing or, prior to the time of the hearing, submit written comments to Gainesville City Clerk, 300 Henry Ward Way, Suite 303, Gainesville, Georgia 30501.

RESOLUTION BR-2018-56

AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE FACILITIES KNOWN AS THE LANDINGS OF GAINESVILLE

WHEREAS, RHCSC Gainesville AL Holdings LLC and RHCSC Gainesville Health Holdings LLC (collectively, the “**Borrowers**”), each a Georgia limited liability company, and each having as its sole member Regional Housing & Community Services Corporation, a California nonprofit, public benefit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “**Code**”), desire to rehabilitate and upgrade The Landings of Gainesville, a 50-bed assisted living facility located at 2030 Windward Lane, Gainesville, Georgia 30501 (the “**Project**”); and

WHEREAS, the Public Finance Authority (the “**Authority**”), a commission organized under and pursuant to the provisions of Section 66.0301, 66.0303 and 66.0304 of the Wisconsin Statutes, as amended, which has nationwide issuing authority, is expected to adopt a resolution under which it will authorize the issuance, execution and delivery of its tax-exempt revenue bonds or other appropriate obligations (the “**Bonds**”) in the maximum principal amount not to exceed \$3,000,000, the proceeds of which will be loaned to the Borrowers for the purpose of (i) financing certain improvements to the Project and (ii) paying all or a portion of the costs of issuing the Bonds; and

WHEREAS, the Project will be owned and operated by the Borrowers and will be managed by Affinity Living Group, LLC; and

WHEREAS, on this date a public hearing was held regarding the Bonds and the Project being financed with the proceeds of the Bonds, after publication on October 22, 2018 of a notice at least 14 days prior to the date of this Resolution, which notice was published in *The Gainesville Times*, a newspaper of general circulation in the City of Gainesville, Georgia (the “**City**”); and

WHEREAS, the limited purpose of this Resolution is to satisfy the public approval requirement of Section 147(f) of the Code in order to qualify the interest on the Bonds for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to the applicable provisions of the Code; and

WHEREAS, the bonds shall not ever represent or constitute a debt or pledge of the faith and credit or the taxing power of the City or any other political subdivision or municipal corporation and shall solely be secured and payable from payments made by and collateral provided by the borrowers.

NOW, THEREFORE, THE GOVERNING BODY FOR THE CITY OF GAINESVILLE, GEORGIA HEREBY RESOLVES AS FOLLOWS:

1. For the limited purpose of qualifying the interest on the Bonds for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to applicable provisions of the Code, the issuance of the Bonds by the Authority in the maximum principal amount not to exceed \$3,000,000 for the purpose of (i) financing certain improvements to the Project and (ii) paying all or a portion of the costs of issuing the Bonds.

RESOLUTION BR-2018-56

**AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE FACILITIES
KNOWN AS THE LANDINGS OF GAINESVILLE**

2. This approval is given solely for the purpose of compliance with provisions of the Code and in no event shall this approval constitute any obligation on the part of the City with respect to the Bonds.
3. The governing body for the City authorizes the Mayor, City Manager and/or City Attorney to sign, and staff to record, this Resolution approving the issuance of the Bonds.

Adopted this _____ day of _____, 2018.

By: _____
C. Danny Dunagan, Jr., Mayor

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

ATTEST:

Denise O. Jordan, City Clerk

(SEAL)

The Landings of Gainesville

Description of Project

The Property

RHCSC Gainesville AL Holdings LLC and RHCSC Gainesville Health Holdings LLC (collectively, the “Borrowers”) have undertaken a major initiative to acquire, rehabilitate and upgrade The Landings of Gainesville, a 50-bed assisted living facility located at 2030 Windward Lane, Gainesville, Georgia 30501 (the “Project”). The Project is owned and operated by the Borrowers, each a Georgia limited liability company, and each having as its sole member Regional Housing & community Services Corporation, a California nonprofit, public benefit corporation and a 501(c)(3) organization, and is managed by Affinity Living Group, LLC, the 11th largest provider of assisted living facilities in the United States and which currently operates over 100 assisted living facilities. The Project is currently subject to a 20% affordability restriction and will continue to be subject to the 20% affordability restriction.

The Bonds

The Public Finance Authority (the “Authority”), which has nationwide issuing authority, will issue revenue bonds (the “**Bonds**”) and the proceeds from the sale of the Bonds will be loaned to the Borrowers. The bond proceeds are to be used to finance certain improvements to the Project and pay costs of issuing the Bonds. The Bonds are secured solely by the Project and the revenue generated therefrom, hence there is no government obligation or risk assumed. The Authority is serving as the issuer of the Bonds because seven other facilities in Georgia and Alabama are being simultaneously financed with similar bond issues.

The Bonds will never constitute an indebtedness of or general obligation of the City of Gainesville, but will be special limited obligations of the Authority payable solely from the loan repayments to be made by the Borrowers to the Authority and certain funds and accounts established by the bond indenture for the Bonds.

The Planned Renovation Project

The proceeds of the Bonds will be used by the Borrowers for the upgrade or replacement of the nurse call system, roof replacement, replacement of carpet and flooring, paint and interior wall repair, furniture and kitchen upgrades and exterior sitework.

The Resolution

Section 147(f) of the Internal Revenue Code requires the highest elected official or the governing authority in which any capital project to be funded by tax-exempt bonds is located to consent to the issuance of such bonds for the purpose of funding the capital projects. The approval is merely a pre-requisite to the Internal Revenue Code provisions that allow the owners of the bonds to exclude the interest income from their taxable income.

As noted in the Resolution, the City has no liability or obligation of any nature by passing the Resolution; it is solely for procedural compliance with applicable regulations.

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 10/22/2018

Presenter: Matt Tate

Item of Business: Request from the **City of Gainesville** to amend Chapter 9-8-7 entitled "Midtown Overlay Zone" of the Unified Land Development Code for the City of Gainesville, Georgia to include additional prohibited and permitted uses and to provide for minimum front yard setback requirements within the Midtown Overlay Zone.

Meeting Date: 11/6/2018

Purpose of Request:

The Community Development Department is proposing to amend Section 9-8-7-6 entitled "Permitted Uses" to prohibit specific uses within the Midtown Overlay Zone. Some of the prohibited uses include motor vehicle sales and service, group homes, rooming houses, homeless shelters, jails, pawn shops, kennels, salvage yards and industrial uses causing the emission of noise, vibration, smoke, dust, gas, fumes, odors and outdoor storage which conflict with the redevelopment efforts in Midtown. Also, single-family homes and condominiums are proposed to be included as additional residential uses permitted by right within the Overlay Zone. Lastly, Section 9-8-7-7 entitled "Property Design Standards" is proposed to be amended to add subsection (e) in order to provide for a minimum front yard setback of 15-feet within the Midtown Overlay Zone.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff and PAB recommended approval of the code amendment.

SAMPLE MOTIONS

Approval of Ordinance 2018- :

I move to approve the ordinance to amend Chapter 9-8-7 entitled "Midtown Overlay Zone" of the Unified Land Development Code as presented.

Denial of the Request:

I move to deny this 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
	Ordinance 2018-25	Ordinance
	Proposed Code Amendment - Marked Up Version	Ordinance

AN ORDINANCE

No. 2018-25

AN ORDINANCE TO AMEND ARTICLE 9-8 OF THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF GAINESVILLE, GEORGIA, ENTITLED “OVERLAY ZONES” BY RETITLING SECTION 9-8-7-6 FROM “PERMITTED USES” TO “PROHIBITED AND PERMITTED USES;” BY AMENDING SECTION 9-8-7-6 TO PROHIBIT AND PERMIT SPECIFIC USES; BY AMENDING SECTION 9-8-7-7 ENTITLED “PROPERTY DESIGN STANDARDS” TO ADD SUBSECTION (e); 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.

Section 9-8-7-6 of the Unified Land Development Code of the City of Gainesville, Georgia is hereby retitled “Prohibited and Permitted Uses.”

SECTION II.

Section 9-8-7-6 of the Unified Land Development Code of the City of Gainesville, Georgia is hereby amended to read as follows:

Section 9-8-7-6. Prohibited and Permitted Uses.

All uses permitted by right or as Special Uses within the underlying zoning district shall be similarly permitted within the Midtown overlay zone, except the following uses shall not be permitted on any property within the Midtown overlay zone:

Automated or non-automated car washes.
Coin-laundry facilities.
Dollar-type stores or thrift stores.
Community donation boxes.
Gas stations.
Group homes, homeless shelters, rooming house or crisis centers.
Industrial uses causing the emission of noise, vibration, smoke, dust, gas, fumes and odors.
Industrial uses with outdoor storage.
Jail/correctional facility.
Kennels.
Liquor stores.
Marine sales or repair stores.
Massage parlors.
Mini-warehouses including climate controlled self-service storage facilities.
Motels or extended stay lodging.
Motor vehicle sales or service.
Pawn shops.

ORDINANCE NO. 2018-25

Psychics, fortune tellers, clairvoyants and the like.
Salvage yard.
Sanitation uses including the storage of trash cans, dumpsters and porta potties.
Sawmill.
Sexually-oriented adult uses.
Tattoo parlors.
Taxi-cab or limousine services.
Tobacco or vaping stores.
Truck stops.
Vehicle emission testing facility.
Veterinarian or animal hospitals with outdoor kennels.
Wireless telecommunication facility or cell towers excluding co-location.
Wrecked motor vehicle compound.

In addition, loft dwellings, single-family homes, condominiums and townhouses shall be permitted by right in any non-residential district in the overlay zone.

SECTION III.

Section 9-8-7-7 of the Unified Land Development Code of the City of Gainesville, Georgia is hereby amended to read as follows:

Section 9-8-7-7. Property Design Standards.

- (a) Minimum Open Space: 15 percent of gross acreage of tract that is 2 acres or larger before subdivision. Buffers can be included in the open space up to the discretion of the Director.
- (b) Maximum Impervious Cover: 75 percent of parcel; not including portions of the parcel that are in floodplain or wetlands.
- (c) Maximum Building Height: 75 feet.
- (d) Maximum Front Yard Setback: 50 feet.
- (e) Minimum Front Yard Setback: 15 feet.

SECTION IV.

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

SECTION V.

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 and unconstitutional.

SECTION VI.

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

ORDINANCE NO. 2018-25

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 ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

Passed: _____

AN ORDINANCE

No. 2018-

AN ORDINANCE TO AMEND ARTICLE 9-8 OF THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF GAINESVILLE, GEORGIA, ENTITLED "OVERLAY ZONES" BY RETITLING SECTION 9-8-7-6 FROM "PERMITTED USES" TO "PROHIBITED AND PERMITTED USES;" BY AMENDING SECTION 9-8-7-6 TO PROHIBIT AND PERMIT SPECIFIC USES; BY AMENDING SECTION 9-8-7-7 ENTITLED "PROPERTY DESIGN STANDARDS" TO ADD SUBSECTION (e); 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.

Section 9-8-7-6 of the Unified Land Development Code of the City of Gainesville, Georgia is hereby retitled "Prohibited and Permitted Uses."

SECTION II.

Section 9-8-7-6 of the Unified Land Development Code of the City of Gainesville, Georgia is hereby amended to read as follows:

Section 9-8-7-6. Prohibited and Permitted Uses.

All uses permitted by right or as Special Uses bywithin the underlying zoning district shall be similarly permitted underwithin the Midtown overlay zone, except ~~sexually-oriented adult uses, mini-warehouses, auto sales and service, and motor vehicle sales and service~~ the following uses shall not be permitted on any property within the Midtown overlay zone:

Automated or non-automated car washes.
Coin-laundry facilities.
Dollar-type stores or thrift stores.
Community donation boxes.
Gas stations.
Group homes, homeless shelters, rooming house or crisis centers.
Industrial uses causing the emission of noise, vibration, smoke, dust, gas, fumes and odors.
Industrial uses with outdoor storage.
Jail/correctional facility.
Kennels.
Liquor stores.
Marine sales or repair stores.
Massage parlors.
Mini-warehouses including climate controlled self-service storage facilities.
Motels or extended stay lodging.

Motor vehicle sales or service.
Pawn shops.
Psychics, fortune tellers, clairvoyants and the like.
Salvage yard.
Sanitation uses including the storage of trash cans, dumpsters and porta potties.
Sawmill.
Sexually-oriented adult uses.
Tattoo parlors.
Taxi-cab or limousine services.
Tobacco or vaping stores.
Truck stops.
Vehicle emission testing facility.
Veterinarian or animal hospitals with outdoor kennels.
Wireless telecommunication facility or cell towers excluding co-location.
Wrecked motor vehicle compound.

In addition, loft dwellings, apartments, single-family homes, condominiums and townhouses shall be permitted by right in any non-residential district in the overlay zone.

~~Supportive Commercial Uses: The following uses may be permitted on the ground floor of buildings in a mixed-use development where the upper floors are occupied by residential or office uses, provided that the development site consists of at least 2 acres and the supportive commercial uses comprise no more than 30 percent of the total gross floor area of the mixed-use development:~~

- ~~1. Apparel Stores.~~
- ~~2. Art Studios and Art Supplies.~~
- ~~3. Barber Shops and Beauty Salons.~~
- ~~4. Book Stores.~~
- ~~5. Clothing Accessories Stores.~~
- ~~6. Convenience Stores (no gasoline sales).~~
- ~~7. Day Care, Child.~~
- ~~8. Day Care, Adult (Non-residential).~~
- ~~9. Drug Stores and Pharmacies.~~
- ~~10. Drinking Places.~~
- ~~11. Fitness and Recreational Sport Centers.~~
- ~~12. Florists.~~
- ~~13. Food and Beverage Stores.~~
- ~~14. Custom Service Restaurants.~~
- ~~15. Gift, Novelty and Souvenir Stores.~~
- ~~16. Hardware Stores.~~
- ~~17. Health and Personal Care Stores.~~
- ~~18. Ice Cream Parlors.~~
- ~~19. Jewelry Stores.~~
- ~~20. Laundromats.~~
- ~~21. News Dealers and Newsstands.~~
- ~~22. Recreation Center and Club, Private.~~
- ~~23. Video /Electronics Rentals.~~
- ~~24. Other similar uses approved by the Director~~

SECTION III.

Section 9-8-7-7 of the Unified Land Development Code of the City of Gainesville, Georgia is hereby amended to read as follows:

Section 9-8-7-7. Property Design Standards.

(a) Minimum Open Space: 15 percent of gross acreage of tract that is 2 acres or larger before subdivision. Buffers can be included in the open space up to the discretion of the Director.

(b) Maximum Impervious Cover: 75 percent of parcel; not including portions of the parcel that are in floodplain or wetlands.

(c) Maximum Building Height: 75 feet.

(d) Maximum Front Yard Setback: 50 feet.

(e) Minimum Front Yard Setback: 15 feet.

SECTION IV.

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

SECTION V.

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 and unconstitutional.

SECTION VI.

The effective date of this Ordinance shall be upon final approval by the governing body 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 ordinance 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: 10/22/2018

Presenter: Matt Tate

Item of Business: Request from **David Gijon** to annex a 0.12± acre tract located southeast of the intersection of Ralston Street and Hazel Street (a/k/a **1509 Ralston Street**) and to establish zoning as Residential-I (R-I). **Ward Number: Four.** Tax Parcel Number(s): 00-130-001-020. **Request: Single-family home.**

Meeting Date: 11/6/2018

Purpose of Request:

The applicant is proposing to annex the subject property with a zoning of Residential-I (R-I) for the purpose of utilizing city sewer to construct a new single-family home. The property is currently zoned Residential-II (R-II) within unincorporated Hall County and is adjacent to the city limits to the north, east and west. The property is currently undeveloped but previously contained a single-family home that was demolished approximately 15 years ago. The proposed home is approximately 1,300 square feet (27' wide x 55' deep) with one access driveway from Ralston Street. Nearby uses include single-family homes, auto repair shop and small retail shopping center which various uses include the Atlanta Highway Seafood Market.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff and PAB recommended approval. See PAB Recommendation Report for details and excerpts from the meeting minutes.

SAMPLE MOTIONS

Approval of Ordinance 2018-26 :

I move to approve the ordinance to annex the subject property as requested.

Approval of Ordinance 2018-27 :

I move to approve the ordinance to establish zoning as Residential-I as requested.

Denial of the Request:

I move to deny this 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
	Ordinance 2018-26 Annexation	Ordinance
	Ordinance 2018-27 - Zoning	Ordinance
	Location Maps	Backup Material
	Narrative	Backup Material
	Survey	Backup Material
	Architectural Rendering	Backup Material

COMBINED LEGAL AD
Gainesville Planning and Appeals Board
Gainesville City Council

Publish Sunday, September 23, 2018
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, October 9, 2018 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 **David Gijon** to annex a 0.12± acre tract located southeast of the intersection of Ralston Street and Hazel Street (a/k/a **1509 Ralston Street**) and to establish zoning as Residential-I (R-I).
Ward Number: Four
Tax Parcel Number(s): 00-130-001-020
Request: Single-family home
- 2) Request from **Hydro Extruder, LLC** to annex a 10.98± acres tract located northeast of the intersection of Old Oakwood Road and Mountain View Road (a/k/a **2829 Mountain View Road**) and to establish zoning as Light Industrial (L-I).
Ward Number: Four
Tax Parcel Number(s): 08-012-008-002
Request: Future industrial expansion
- 3) Request from **Hydro Extruder, LLC** to annex a 11.29± acres tract located southeast of the intersection of Old Oakwood Road and Mountain View Road (a/k/a **2949 Old Oakwood Road**) and to establish zoning as Light Industrial (L-I).
Ward Number: Four
Tax Parcel Number(s): 08-012-008-004
Request: Future industrial expansion
- 4) Request from the **City of Gainesville** to amend Chapter 9-8-7 entitled "Midtown Overlay Zone" of the Unified Land Development Code for the City of Gainesville, Georgia to include additional prohibited and permitted uses and to provide for minimum front yard setback requirements within the Midtown Overlay Zone.

**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, November 6, 2018 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 **David Gijon** to annex a 0.12± acre tract located southeast of the intersection of Ralston Street and Hazel Street (a/k/a **1509 Ralston Street**) and to establish zoning as Residential-I (R-I).

Ward Number: Four
Tax Parcel Number(s): 00-130-001-020
Request: Single-family home

- 2) Request from **Hydro Extruder, LLC** to annex a 10.98± acres tract located northeast of the intersection of Old Oakwood Road and Mountain View Road (a/k/a **2829 Mountain View Road**) and to establish zoning as Light Industrial (L-I).
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Ward Number: Four
Tax Parcel Number(s): 08-012-008-004
Request: Future industrial expansion
- 4) Request from the **City of Gainesville** to amend Chapter 9-8-7 entitled “Midtown Overlay Zone” of the Unified Land Development Code for the City of Gainesville, Georgia to include additional prohibited and permitted uses and to provide for minimum front yard setback requirements within the Midtown Overlay Zone.

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 and Property Owner..... David Gijon
Location..... 1509 Ralston Street
Request..... Annex, with R-I zoning
Total Acres 0.12± acre
Ward..... Four
Proposed Use..... Single-family home
Planning Division Staff Recommendation **Approval**
Planning and Appeal Board Recommendation..... **Approval**
Date..... October 9, 2018

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

The applicant is proposing to annex the subject property into the City of Gainesville with Residential-I (R-I) zoning in order to utilize City sewer services to construct a single-family home. The subject property is zoned Residential-II (R-II) within Hall County and is part of a larger unincorporated County island. The adjacent city limits are located to the north, east and west. The property is currently undeveloped but previously contained a single-family home that was demolished approximately 15 years ago. The proposed home is approximately 1,300 square feet (27' wide x 55' deep) with one access driveway from Ralston Street.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Single-family home	Residential-II (R-II) City
South	Single-family home	Residential-II (R-II) County
East	Single-family home	Residential-II (R-II) County
West	Auto repair shop, Retail shopping center, Atlanta Highway Seafood Market	General Business (G-B) City

▪ **Zoning History**

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

2015 – A request by Armando Castaneda to annex a 0.20± acres tract located at 1321 Hazel Street with Residential-II (R-II) zoning for sewer for an existing single-family home was approved.

2014 – A request by Swann Drive Villas, LLC to annex a 1.63± acres tract located at 1297 Swann Drive with Residential-II (R-II) zoning and to rezone a 1.78± acres tract located at 620 Pearl Nix Parkway from Light Industrial (L-I) to Residential-II (R-II) for multi-family apartments was approved with conditions.

2014 – A request by Ben F. Castleberry to annex a 0.19± acre tract located at 1322 Hazel Street for sewer was approved with Residential-II (R-II) zoning.

2013 – A request by the City of Gainesville to annex 115 unincorporated island parcels and right-of-way totaling 197.07± acres in size was approved with conditions.

2012 – A request by Noe Bran to annex a 0.86± acre tract located at 1 Hall Street for a church was approved with conditional Light Industrial (L-I) zoning.

2009 – A request by Scott Wright to annex a 1.59± acres tract located at 114 and 116 McConnell Drive for City sewer for an existing home was approved with Residential-II (R-II) zoning.

2009 – A request by Pedro Caudillo to annex a 0.75± acre tract located at 118 McConnell Drive to connect to City sewer for an existing home was approved with Residential-I (R-I) zoning.

2008 – A request by Donald Westmoreland to annex a 1.36± acres tract located at 2, 4 and 6 Hilltop Street, and 152 and 154 Stringer Avenue to utilize City water and sewer services was approved with Residential-II (R-II) zoning.

2008 – A request by Jennings Bryan to annex a 0.64± acre tract located at 308 Atlanta Highway for City water and sewer services was approved with conditional General Business (G-B) zoning.

Analysis

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

The proposed use of the property is for a single-family residence which is appropriate given the adjacent residential properties located to the north, south and east. The surrounding properties include single-family residential uses zoned Residential-II (R-II) within jurisdictional Hall County, various restaurants (Atlanta Highway Seafood Market), auto service and retail uses zoned General Business (G-B) within the city limits of Gainesville and Highway Business (H-B) within jurisdictional Hall County.

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

The proposed single-family home should not affect the existing use or usability of the adjacent or nearby property. Reinvestment within the aging neighborhood should help improve the property and surrounding residential area which is located one block east of the Atlanta Highway corridor. Similar to the single-family properties located north of the subject tract, annexation for sewer services was required due to insufficient land area to provide for private septic system.

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

The proposal is consistent with the Comprehensive Plan. The Future Development Map for the City of Gainesville places the subject property within the *Medium-High Density Residential* land use category and includes areas containing or planned for single-family attached or multi-family housing at densities ranging from four to twelve dwelling units per acre. As well, the Character Area map for the City of Gainesville places the subject property within the *West Side* character area which is supportive of the request.

The vision for this embraces the cultural richness of Atlanta Highway and adjoining neighborhoods by upgrading and branding the road corridor to an “International District” with

coordinated pedestrian and road improvements, new landscaping, and a community-based public art program. Other considerations include better pedestrian connections to residential areas, a new central open space / community facility near the planned Flat Creek Greenway, improved access to the Central Hall Trail, a future CID for corridor businesses, and potential annexation to address blighted areas. Land uses allowed in the West Side are 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 applicant is proposing to annex the subject property with a zoning of Residential-I (R-I) for a single-family home. The subject property is currently zoned Residential-II (R-II) within unincorporated Hall County which is intended for single-family uses. The minimum lot size required for Residential-I (R-I) zoned property in the City is 10,000 square feet. The subject property is only 5,227 square feet in size which makes it nonconforming. However, given the fact that the property is part of an unincorporated island and is required to utilize sewer service to be developed, the proposal appears to be reasonable.

(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 change from County jurisdiction to City jurisdiction should not substantially affect public facilities or services at this time. The proposed residential use should have no additional impact on existing roads over and above what currently exists from surrounding residential properties. There is sufficient water and sewer capacity that can serve the property. The Gainesville Fire and Police Departments currently respond to adjacent and nearby properties and the nearest City of Gainesville Fire Station #1 is approximately 1.2 miles from the subject property. Given the scale of the request, minimal impacts to the City school system are anticipated as school bus service is currently provided within the immediate area.

(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 contains various commercial and residential properties both within the City and County. There are substantial opportunities for new infill development due to the number of older commercial properties, distressed housing and vacant parcels. It is staff's opinion that the proposed residential use appears to be consistent with existing and expected uses of the Comprehensive Plan.

(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?

Based on the subject property's proximity to other residential properties, the proposal appears to promote a reasonable balance between the promotion of the public health, safety, morality, or general welfare, and the right to unrestricted use of property.

Recommendation

The Planning Division staff is recommending **approval** of this annexation request with **Residential-I (R-I)** zoning, based on the Comprehensive Land Use Plan and the adjacent residential land use.

Excerpts from the October 9, 2018 PAB Meeting Minutes

Applicant Presentation: David Gijon, 1509 Ralston Street, stated he would like to construct a single-family home so he could utilize the City sewer services. The new construction home would be a 3 bedroom, 2 bath home that would help the area and him personally.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend approval of the request to annex the subject property and to establish zoning as Residential-I (R-I).

Motion made by Board Member Martin

Motion seconded by Board Member White

Vote – 7 favor

Passed: _____

AN ORDINANCE

No. 2018-26

AN ORDINANCE ANNEXING A 0.12± ACRE TRACT LOCATED SOUTHEAST OF THE INTERSECTION OF RALSTON STREET AND HAZEL STREET (A/K/A 1509 RALSTON STREET); 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 0.12± acre tract located southeast of the intersection of Ralston Street and Hazel Street (a/k/a **1509 Ralston Street**), 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, situate, just west of the city limits of Gainesville, and being all of Lot 28 of the Mrs. Emma Rider Subdivision as more particularly described by a plat made by S. C. Moon in July, 1946, as recorded in Plat Book 6, Page 63, Hall County, Georgia, plat records.

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

ORDINANCE NO. 2018-26

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 the first day of the month following approval by the governing body 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 ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

Passed: _____

AN ORDINANCE

No. 2018-27

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA BY ESTABLISHING THE ZONING ON A 0.12± ACRE TRACT LOCATED SOUTHEAST OF THE INTERSECTION OF RALSTON STREET AND HAZEL STREET (A/K/A 1509 RALSTON STREET) AT THE TIME OF ANNEXATION AS RESIDENTIAL-I (R-I); 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 **Residential-I (R-I)**.

Legal Description

All that tract or parcel of land lying, situate, just west of the city limits of Gainesville, and being all of Lot 28 of the Mrs. Emma Rider Subdivision as more particularly described by a plat made by S. C. Moon in July, 1946, as recorded in Plat Book 6, Page 63, Hall County, Georgia, plat records.

The annexation is to include all that portion of right-of-way known as Ralston Street located between the subject property 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.

ORDINANCE NO. 2018-27

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 the first day of the month following approval by the governing body of the City of Gainesville, Georgia.

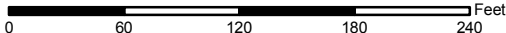
C. Danny Dunagan, Jr., Mayor

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 ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk



Applicant:		DAVID GIJON		Gainesville Community Development Department	
		Request:		 Subject Property	
		Annex 0.12+/- acre and establish zoning as Residential-I (R-I) for sewer for a single-family home		 Right-of-Way to be Annexed	
Subject Area Address:		1509 Ralston Street			
Meeting:		10/09/2018		Tax Parcel:	
Prepared:		09/05/2018		01-115-001-002 & 061	
					
				1" = 100'	
				Page 70 of 126	



Applicant:

DAVID GIJON

Gainesville Community Development Department

ANNEXATION REQUEST

 Subject Property and Right-of-Way to be Annexed

Aerial from 2015



0 60 120 180 240 Feet

1" = 100'



Request:

Annex 0.12+/- acre and establish zoning as Residential-I (R-I) for sewer for a single-family home

Subject Area Address:

1509 Ralston Street

Meeting: 10/09/2018

Prepared: 09/05/2018

Tax Parcel:

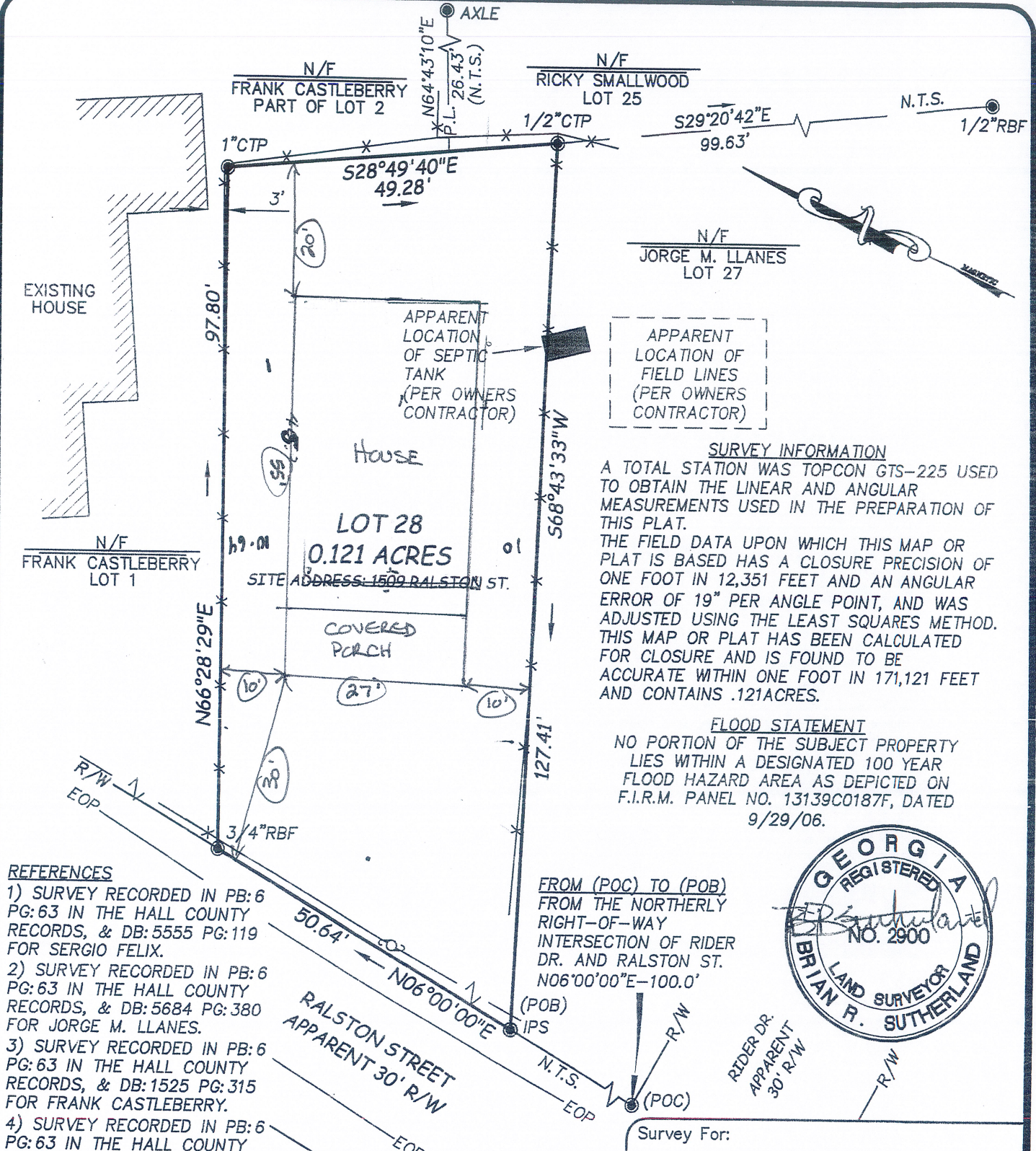
01-115-001-002 & 061

To whom it may concern,

My name is David Gijon and I am the current owner of the property located at 1509 Ralston St., Gainesville, GA, 30501. I am interested in building a new construction on the property. The square footage of the new construction will be around 1,300 sq. ft and will be a row house styled home since the frontage is only 50.64'. Materials will consist of hardiplank siding that will be painted, use of standard wood frames, sheetrock and other standard materials. This will be my own project which will include three bedrooms, two baths, living room, dining room, a small front porch, and back deck.

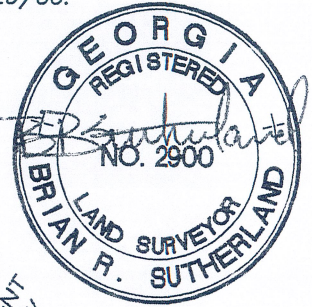
Best,

David Gijon



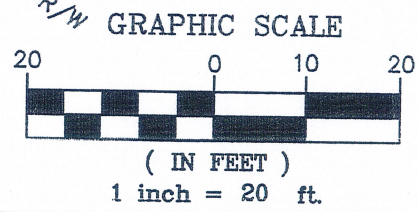
SURVEY INFORMATION
 A TOTAL STATION WAS TOPCON GTS-225 USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT. THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 12,351 FEET AND AN ANGULAR ERROR OF 19" PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 171,121 FEET AND CONTAINS .121ACRES.

FLOOD STATEMENT
 NO PORTION OF THE SUBJECT PROPERTY LIES WITHIN A DESIGNATED 100 YEAR FLOOD HAZARD AREA AS DEPICTED ON F.I.R.M. PANEL NO. 13139C0187F, DATED 9/29/06.



- REFERENCES**
- 1) SURVEY RECORDED IN PB: 6 PG: 63 IN THE HALL COUNTY RECORDS, & DB: 5555 PG: 119 FOR SERGIO FELIX.
 - 2) SURVEY RECORDED IN PB: 6 PG: 63 IN THE HALL COUNTY RECORDS, & DB: 5684 PG: 380 FOR JORGE M. LLANES.
 - 3) SURVEY RECORDED IN PB: 6 PG: 63 IN THE HALL COUNTY RECORDS, & DB: 1525 PG: 315 FOR FRANK CASTLEBERRY.
 - 4) SURVEY RECORDED IN PB: 6 PG: 63 IN THE HALL COUNTY RECORDS, & DB: 4597 PG: 163 (PARCEL SIX) FOR RICKY SMALLWOOD.

- LEGEND**
- NTS = NOT TO SCALE
 - IPS = 1/2" REBAR PIN SET
 - P.L. = PROPERTY LINE
 - R/W = RIGHT-OF-WAY
 - PP = POWER/UTILITY POLE
 - *** = FENCE LINE
 - N/F = NOW OR FORMERLY
 - POB = POINT OF BEGINNING
 - POC = POINT OF COMMENCEMENT



No.	By	Date	Revision
Cadd File No: \SERGIO FELIX\07069\07069.DWG			

Survey For: **SERGIO FELIX**

NORTHWOODS SURVEYING & ENGINEERING, INC.
 PROFESSIONAL LAND SERVICES
 755 S. CROSSLANE ROAD
 MONROE, LA. 70646
 (404) 925-4219 FAX (770) 987-2989

Date: 7/23/07	Location: CITY OF GAINESVILLE	Sheet No.
County: HALL, GA.	Scale: 1"=20'	1 of 1
Project: 07069	Drawn By: BRS	



Plan Number 74001 | Order Code 01APP

FamilyHomePlans.com

U.S. customers call 1-800-482-0464 | Canadian customers call 1-800-361-7526

[Click Here to Mirror Reverse Plan](#)



Plan Number: 74001

- 1428 Total Living Area
- 1428 Main Level
- 3 Bedrooms
- 2 Full Bath(s)
- 2 Car Garage
- 34' Wide x 48' (78' with Garage) Deep

Available Foundation Types:

- Basement
- Crawlspace
- Slab

Order Code: 01APP

- **NEW** PDF Study Set: \$700.00
 - 1 Set: \$700.00
 - 3 Sets: \$750.00
 - 5 Sets: \$800.00
 - 8 Sets: \$900.00
 - Reproducible Set: \$1,000.00
 - PDF File: \$900.00
 - CAD File: \$1,600.00
 - Materials List: \$150.00
 - Mirror Reverse: \$50.00 per order
 - Right Reading (True) Reverse: \$100.00
- All sets will be Readable Reverse copies. Turn around time is usually 3 to 5 business days.

- Additional Sets: \$50.00



Plan Number 74001 | Order Code 01APP | Front Elevation

FamilyHomePlans.com

U.S. customers call 1-800-482-0464 | Canadian customers call 1-800-361-7526

[Click Here to Mirror Reverse](#)

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 10/22/2018

Presenter: Matt Tate

Item of Business: Request from **Hydro Extruder, LLC** to annex a 10.98± acres tract located northeast of the intersection of Old Oakwood Road and Mountain View Road (a/k/a **2829 Mountain View Road**) and to establish zoning as Light Industrial (L-I). **Ward Number: Four.** Tax Parcel Number(s): 08-012-008-002. **Request: Future industrial expansion.**

Meeting Date: 11/6/2018

Purpose of Request:

The applicant is proposing to annex the subject property with a zoning of Light Industrial for the purpose of utilizing city sewer for future expansion. The applicant owns the adjacent industrial property to the south which operations include the further manufacturing, fabrication and finishing of aluminum products. The property is currently zoned Agricultural Residential-III (AR-III) within Hall County and is adjacent to the city limits to the south and west. The property is adjacent to Southern Railroad right-of-way to the east and contains a powerline easement. The applicant states there are no intentions to develop the property at this time and are willing to resubmit for a future public hearing process for site plan approval prior to development. Nearby uses include single-family homes, undeveloped land and other light industrial uses.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff and PAB recommended conditional approval with four conditions. See the PAB Recommendation Report for details and excerpts from the meeting minutes.

SAMPLE MOTIONS

Approval of Ordinance 2018-28:

I move to approve the ordinance to annex the subject property as requested.

Approval of Ordinance 2018-29:

I move to approve the ordinance to establish zoning as Light Industrial, with four conditions as presented.

Denial of the Request:

I move to deny this 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
	Ordinance 2018-28 Annexation	Resolution
	Ordinance 2018-29 Zoning	Resolution
	Location Maps	Backup Material
	Narrative	Backup Material
	Survey	Backup Material
	Pictures	Backup Material
	Email from Neighbor	Backup Material

COMBINED LEGAL AD
Gainesville Planning and Appeals Board
Gainesville City Council

Publish Sunday, September 23, 2018
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, October 9, 2018 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 **David Gijon** to annex a 0.12± acre tract located southeast of the intersection of Ralston Street and Hazel Street (a/k/a **1509 Ralston Street**) and to establish zoning as Residential-I (R-I).
Ward Number: Four
Tax Parcel Number(s): 00-130-001-020
Request: Single-family home
- 2) Request from **Hydro Extruder, LLC** to annex a 10.98± acres tract located northeast of the intersection of Old Oakwood Road and Mountain View Road (a/k/a **2829 Mountain View Road**) and to establish zoning as Light Industrial (L-I).
Ward Number: Four
Tax Parcel Number(s): 08-012-008-002
Request: Future industrial expansion
- 3) Request from **Hydro Extruder, LLC** to annex a 11.29± acres tract located southeast of the intersection of Old Oakwood Road and Mountain View Road (a/k/a **2949 Old Oakwood Road**) and to establish zoning as Light Industrial (L-I).
Ward Number: Four
Tax Parcel Number(s): 08-012-008-004
Request: Future industrial expansion
- 4) Request from the **City of Gainesville** to amend Chapter 9-8-7 entitled "Midtown Overlay Zone" of the Unified Land Development Code for the City of Gainesville, Georgia to include additional prohibited and permitted uses and to provide for minimum front yard setback requirements within the Midtown Overlay Zone.

**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, November 6, 2018 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 **David Gijon** to annex a 0.12± acre tract located southeast of the intersection of Ralston Street and Hazel Street (a/k/a **1509 Ralston Street**) and to establish zoning as Residential-I (R-I).

Ward Number: Four
Tax Parcel Number(s): 00-130-001-020
Request: Single-family home

- 2) Request from **Hydro Extruder, LLC** to annex a 10.98± acres tract located northeast of the intersection of Old Oakwood Road and Mountain View Road (a/k/a **2829 Mountain View Road**) and to establish zoning as Light Industrial (L-I).
Ward Number: Four
Tax Parcel Number(s): 08-012-008-002
Request: Future industrial expansion
- 3) Request from **Hydro Extruder, LLC** to annex a 11.29± acres tract located southeast of the intersection of Old Oakwood Road and Mountain View Road (a/k/a **2949 Old Oakwood Road**) and to establish zoning as Light Industrial (L-I).
Ward Number: Four
Tax Parcel Number(s): 08-012-008-004
Request: Future industrial expansion
- 4) Request from the **City of Gainesville** to amend Chapter 9-8-7 entitled “Midtown Overlay Zone” of the Unified Land Development Code for the City of Gainesville, Georgia to include additional prohibited and permitted uses and to provide for minimum front yard setback requirements within the Midtown Overlay Zone.

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	Hydro Extruder, LLC
Property Owner	William A. Bryan and Sarah Elizabeth Ennis n/k/a Sarah Deasy as Co-Trustees of the Carolyn S. Bryan Trust
Locations	2829 Mountain View Road: 2949 Old Oakwood Road
Request	Annex with L-I zoning
Size	10.98± acres; 11.29± acres
Ward	Four
Proposed Use	Future industrial expansion
Planning Division Staff Recommendation	Approval, with conditions
Planning and Appeals Board Recommendation	Approval, with conditions
Date	October 9, 2018

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

The applicant is proposing to annex two properties totaling 22.27± acres in size with a zoning of Light Industrial (L-I) for the purpose of utilizing City sewer services for the future expansion of the Hydro Extruder industrial use (previously Sapa). The current operations involve the further manufacturing, fabrication and finishing of aluminum products. The existing industrial use was constructed in 1986 and was later annexed into the city limits in 1990 for sewer with a zoning of L-I. The applicant states there are no intentions to develop the properties at this time and are willing to resubmit for a future public hearing process for site plan approval prior to development.

The subject properties are located on the northeast and southwest sides of the existing industrial use and are zoned Agricultural Residential-III (AR-III) within Hall County. The properties are heavily wooded except for an existing powerline easement located on the northern parcel. The existing city limits include the adjacent Hydro Extruder industrial tract, Mundy Mill subdivision, Industrial Park West and Chicopee Mill Industrial Park located across from the Southern Railroad right-of-way.

- ***Adjacent Land Use and Zoning***

Location	Use	Zoning
North	Hydro Extruder, Mundy Mill subdivision Vacant land, Single-family homes, House moving contractor	L-I and P-U-D -City AR-III, R-I and I-I -County
South	Hydro Extruder, Industrial Park West, Undeveloped land, Railroad, Single-family home	L-I -City AR-III and R-I -County
East	Industrial Park West, Chicopee Industrial Park Railroad, Vacant land Trucking company	L-I -City AR-III –County M-1- Oakwood
West	Mundy Mill Subdivision, Undeveloped land, Single-family homes, church, Family Dollar store under construction	P-U-D -City AR-III, R-I, and H-B -County

▪ **Zoning History**

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

2016 – A request by Butler Property, LLC to amend a 92.06± acres tract located within the Mundy Mill development at 3035 Old Oakwood Road SW and 3523 Mountain View Road SW zoned Planned Unit Development (P-U-D) was approved to change the location of some of the single-family homes, multi-family apartments, commercial and industrial uses.

2011 – A request by Butler Property, LLC to amend the zoning conditions for a 65.425± acres tract located within the Mundy Mill development at 2975 Mountain View Road SW; and 3755 Meeks Drive SW zoned Planned Unit Development (P-U-D) was approved to amend conditions 17 and 18 to reduce the minimum square footage for apartments.

2010 – A request by the City of Gainesville to amend the zoning conditions for a 605.0± acres tract known as the Mundy Mill development zoned Planned Unit Development (P-U-D) was approved to amend conditions 1, 2, 4, 5, 11, 16, 17, 22, 23, 25, 28 and 29 for better clarification.

▪ **Staff Analysis**

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

The zoning and development of the adjacent and nearby property includes a mixture of residential, commercial and industrial uses. The existing Hydro Extruder industrial operation is located on the adjacent property between the two subject parcels. Given the location of adjacent/nearby industrial uses and the railroad, the proposed annexation with Light Industrial (L-I) zoning appears suitable. Future planned development within the immediate area along Old Oakwood Road includes a mixture of multi-family, office, warehousing and commercial uses within the adjacent Mundy Mill mixed-use development.

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

A concept plan was not provided with the application. The applicant desires to annex the properties for sewer services in order to plan for future industrial expansion. It is expected that the future development of the subject properties will function similarly as the adjacent industrial property owned by the applicant. Access and buffers will need to be carefully considered to address any potential negative impacts to the nearby single-family homes. If approved, the Planning staff is recommending the applicant be required to resubmit for a future public hearing process for site plan approval prior to development.

(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 properties within the *Low-Medium Density Residential* land use category which includes areas containing or planned for single-family detached or semi-detached housing at densities ranging from two to four dwelling units per acre.

According to the Character Area map for the City of Gainesville, the subject properties are located within the Economic Development Gateways character area which appears to support the applicant's proposal. This character area represents the industrial, warehousing and other commercial enterprises that parallel the I-985 and Norfolk-Southern railroad corridor. The

primary vision for the area is to continue to support economic development while preserving and strengthening important natural and cultural resources. These areas include a wide range of office, business, light industrial, manufacturing, research, and development uses; and commercial uses that directly support or are otherwise linked to the dominant business use as well as mixed-use, residential (existing uses only), public / institutional, transportation / communications / utilities, and parks / recreation / conservation uses.

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

The subject properties are undeveloped except for a power line easement that is located within the northern parcel. The properties are zoned Agricultural Residential-III (AR-III) within Hall County and could be developed for low density residential purposes. Although, this seems unlikely given the proximity to existing industrial uses, railroad and the power line easement. The proposal for future sewer services requires the properties to be annexed into the city limits.

(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?

City water, sewer, and public safety services are currently provided to the adjacent properties and capacity is sufficient. Gainesville Fire Station #4 is located approximately 1.5± miles away off of Memorial Park Drive which currently services adjacent and nearby properties.

Direct impacts to the school system should be limited as the proposed request is for future industrial purposes.

Impacts to roads cannot be fully determined at this time given there is no specific plan proposed for the properties. Old Oakwood Road and Mountain View Road are two lane collector roads that are experiencing increased truck traffic.

(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 has experienced industrial growth over the past 25 years. This has occurred in part due to the existing railroad, as well as, Old Oakwood Road and Mountain View Road which serve as collector roads to Mundy Mill Road, McEver Road and Atlanta Highway. That being said, there are a large number of established single-family homes located within the immediate area of unincorporated Hall County. As well, new single-family development has occurred within the nearby Mundy Mill mixed-use development which is located within the city limits.

(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?

Based on the Character Area description of the Comprehensive Plan and the adjacent industrial uses, the proposal with the recommended conditions 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 property.

▪ **Staff Recommendation**

The Planning Division staff is recommending **conditional approval** of the annexation requests based on the Comprehensive Plan and the adjacent industrial uses.

Conditions

1. Prior to a land development permit application being submitted for the subject properties, the property owner shall be required to submit a site plan review application for a public hearing before the Planning and Appeals Board.
2. A minimum fifty foot (50') wide vegetated buffer consisting of existing vegetation and additional evergreens trees shall be required along the perimeter of the subject properties adjacent to any single-family use along Old Oakwood Road and Mountain View Road. Driveways and powerline easements are exempt from this requirement. The intent of the buffer is to supplement the existing vegetation with buffer trees to provide for an effective buffer. The location, spacing, size and type of trees planted shall be subject to Community Development Department Director approval.
3. A Traffic Impact Study shall be required with the submittal of the site plan review application if determined necessary by the Gainesville Public Works Department Director.
4. All access point design for the subject property shall require review and approval by Hall County and the Gainesville Public Works Department Director. All required access/traffic/sidewalk improvements associated with the proposal or any additional improvements identified within the Traffic Impact Study, if determined necessary, shall be at the full expense of the property owner.

Excerpts from the October 9, 2018 PAB Meeting Minutes

Applicant Presentation: Donnie Hunt, 1001 Riverside Drive, attorney with Hunt & Taylor Law Firm representing the applicant, stated the land the applicant has been interested in has been tied up in a trust for a number of years and the property has now become available on the market. The applicant is not yet ready to expand but have goals to expand in the next three to five years. Mr. Hunt stated the plant is very well run and one of the cleanest plants he has ever seen. He shared some history of the plant and explained the manufacturing process for the aluminum products they produce which leaves very little waste and reduces the noise level. Transporting products and/or materials would have minimal impact to roads due to the extremely light materials used. As shown on the location maps, the parcels to be annexed are on either side of the existing plant which is already within the city limits of Gainesville. The existing plant currently has approximately 400 employees and the future expansion would create more jobs for Hall County and Gainesville residents. Mr. Hunt stated the applicant was agreeable to the four conditions as proposed by staff.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend conditional approval of the request to annex the subject property located at 2829 Mountain View Road and to establish zoning as Light Industrial (L-I) with the following conditions:

Conditions

1. Prior to a land development permit application being submitted for the subject properties, the property owner shall be required to submit a site plan review application for a public hearing before the Planning and Appeals Board.
2. A minimum fifty foot (50') wide vegetated buffer consisting of existing vegetation and additional evergreens trees shall be required along the perimeter of the subject properties adjacent to any single-family use along Old Oakwood Road and Mountain View Road. Driveways and powerline easements are exempt from this requirement. The intent of the buffer is to supplement the existing vegetation with buffer trees to provide for an effective buffer. The location, spacing, size and type of trees planted shall be subject to Community Development Department Director approval.
3. A Traffic Impact Study shall be required with the submittal of the site plan review application if determined necessary by the Gainesville Public Works Department Director.
4. All access point design for the subject property shall require review and approval by Hall County and the Gainesville Public Works Department Director. All required access/traffic/sidewalk improvements associated with the proposal or any additional improvements identified within the Traffic Impact Study, if determined necessary, shall be at the full expense of the property owner.

Motion made by Board Member Thompson

Motion seconded by Board Member Simmons

Vote – 6 favor, 1 recusal (Delgado)

There was a motion to recommend conditional approval of the request to annex the subject property located at 2949 Old Oakwood Road and to establish zoning as Light Industrial (L-I) with the following conditions:

Conditions

1. Prior to a land development permit application being submitted for the subject properties, the property owner shall be required to submit a site plan review application for a public hearing before the Planning and Appeals Board.
2. A minimum fifty foot (50') wide vegetated buffer consisting of existing vegetation and additional evergreens trees shall be required along the perimeter of the subject properties adjacent to any single-family use along Old Oakwood Road and Mountain View Road. Driveways and powerline easements are exempt from this requirement. The intent of the buffer is to supplement the existing vegetation with buffer trees to provide for an effective buffer. The location, spacing, size and type of trees planted shall be subject to Community Development Department Director approval.
3. A Traffic Impact Study shall be required with the submittal of the site plan review application if determined necessary by the Gainesville Public Works Department Director.
4. All access point design for the subject property shall require review and approval by Hall County and the Gainesville Public Works Department Director. All required

access/traffic/sidewalk improvements associated with the proposal or any additional improvements identified within the Traffic Impact Study, if determined necessary, shall be at the full expense of the property owner.

Motion made by Board Member Thompson

Motion seconded by Board Member Martin

Vote – 6 favor, 1 recusal (Delgado)

Passed: _____

AN ORDINANCE

No. 2018-28

AN ORDINANCE ANNEXING A 10.98± ACRES TRACT LOCATED NORTHEAST OF THE INTERSECTION OF OLD OAKWOOD ROAD AND MOUNTAIN VIEW ROAD (A/K/A 2829 MOUNTAIN VIEW 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 10.98± acres tract located northeast of the intersection of Old Oakwood Road and Mountain View Road (a/k/a **2829 Mountain View 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 12, 8th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at the intersection of the southeastern Right-of-Way of Mountain View Road (40' R/W) and the southeastern Right-of-Way of Old Oakwood Road (60' R/W); thence continuing along the Right-of-Way of said Mountain View Road, 67.56 feet along an arc of a curve to the left having a radius of 1293.87 feet and a chord bearing and distance of North 58°11'44" East, 67.55 feet to a point; thence 93.71 feet along an arc of a curve to the right having a radius of 3634.81 feet and a chord bearing and distance of North 57°26'18" East, 93.70 feet to a point; thence North 58°10'37" East, a distance of 76.24 feet to a point; being the TRUE POINT OF BEGINNING; thence continuing along said Right-of-Way North 58°10'37" East, a distance of 210.66 feet to a point; thence 583.82 feet along an arc of a curve to the left having a radius of 5469.47 feet and a chord bearing and distance of North 55°07'08" East, 583.54 feet to a point; thence North 52°18'46" East, a distance of 59.01 feet to a point; thence leaving said Right-of-

ORDINANCE NO. 2018-28

Way and along the property now or formerly of A. E. Smith South 28°52'22" East, a distance of 784.33 feet to an iron pin set (1/2" rebar with a yellow plastic cap stamped "Rochester LSF000484") on the northeastern Right-of-Way of Southern Railroad; thence along said Right-of-Way South 46°46'18" West, a distance of 459.63 feet to an iron pin found (5/8" rebar); thence along the property now or formerly of Hydro Extruder, LLC North 31°42'44" West, a distance of 285.40 feet to an iron pin found (1/2" rebar); thence North 65°04'34" West, a distance of 659.63 feet to the TRUE POINT OF BEGINNING.

Said tract contains 10.982 acres.

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 the first day of the month following approval by the governing body 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 ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

Passed: _____

AN ORDINANCE

No. 2018-29

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA BY ESTABLISHING THE ZONING ON A 10.98± ACRES TRACT LOCATED NORTHEAST OF THE INTERSECTION OF OLD OAKWOOD ROAD AND MOUNTAIN VIEW ROAD (A/K/A 2829 MOUNTAIN VIEW ROAD) AT THE TIME OF ANNEXATION AS LIGHT INDUSTRIAL, WITH CONDITIONS (L-I-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 **Light Industrial, with conditions (L-I-c)**.

Conditions

- 1. Prior to a land development permit application being submitted for the subject properties, the property owner shall be required to submit a site plan review application for a public hearing before the Planning and Appeals Board.**
- 2. A minimum fifty foot (50') wide vegetated buffer consisting of existing vegetation and additional evergreens trees shall be required along the perimeter of the subject properties adjacent to any single-family use along Old Oakwood Road and Mountain View Road. Driveways and powerline easements are exempt from this requirement. The intent of the buffer is to supplement the existing vegetation with buffer trees to provide for an effective buffer. The location, spacing, size and type of trees planted shall be subject to Community Development Department Director approval.**
- 3. A Traffic Impact Study shall be required with the submittal of the site plan review application if determined necessary by the Gainesville Public Works Department Director.**
- 4. All access point design for the subject property shall require review and approval by Hall County and the Gainesville Public Works Department Director. All required access/traffic/sidewalk improvements associated with the proposal or any additional improvements identified within the Traffic Impact Study, if determined necessary, shall be at the full expense of the property owner.**

ORDINANCE NO. 2018-29

Legal Description

All that tract or parcel of land lying and being in Land Lot 12, 8th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at the intersection of the southeastern Right-of-Way of Mountain View Road (40' R/W) and the southeastern Right-of-Way of Old Oakwood Road (60' R/W); thence continuing along the Right-of-Way of said Mountain View Road, 67.56 feet along an arc of a curve to the left having a radius of 1293.87 feet and a chord bearing and distance of North 58°11'44" East, 67.55 feet to a point; thence 93.71 feet along an arc of a curve to the right having a radius of 3634.81 feet and a chord bearing and distance of North 57°26'18" East, 93.70 feet to a point; thence North 58°10'37" East, a distance of 76.24 feet to a point; being the TRUE POINT OF BEGINNING; thence continuing along said Right-of-Way North 58°10'37" East, a distance of 210.66 feet to a point; thence 583.82 feet along an arc of a curve to the left having a radius of 5469.47 feet and a chord bearing and distance of North 55°07'08" East, 583.54 feet to a point; thence North 52°18'46" East, a distance of 59.01 feet to a point; thence leaving said Right-of-Way and along the property now or formerly of A. E. Smith South 28°52'22" East, a distance of 784.33 feet to an iron pin set (1/2" rebar with a yellow plastic cap stamped "Rochester LSF000484") on the northeastern Right-of-Way of Southern Railroad; thence along said Right-of-Way South 46°46'18" West, a distance of 459.63 feet to an iron pin found (5/8" rebar); thence along the property now or formerly of Hydro Extruder, LLC North 31°42'44" West, a distance of 285.40 feet to an iron pin found (1/2" rebar); thence North 65°04'34" West, a distance of 659.63 feet to the TRUE POINT OF BEGINNING.

Said tract contains 10.982 acres.

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 the first day of the month following approval by the governing body of the City of Gainesville, Georgia.

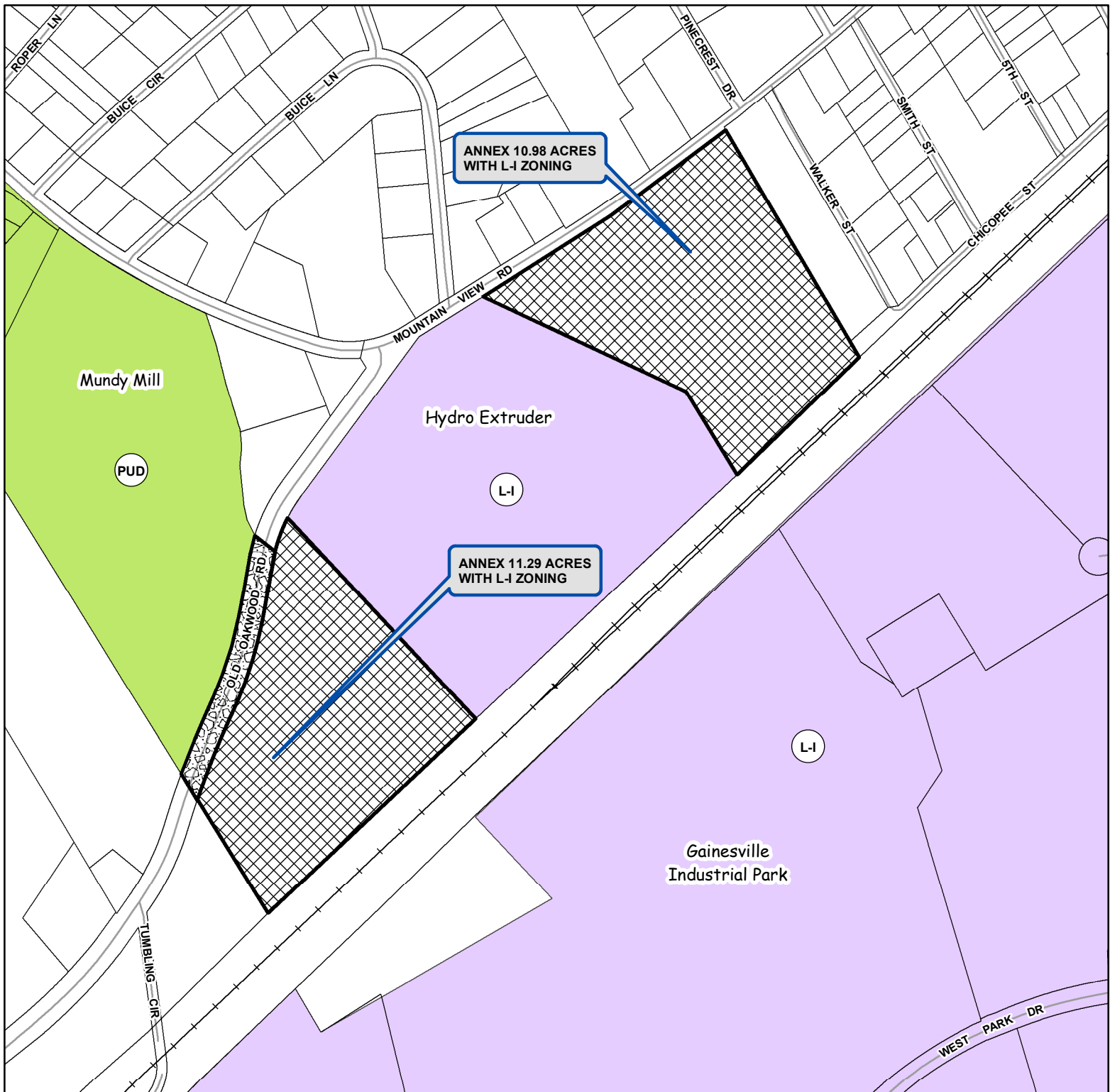
ORDINANCE NO. 2018-29

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 ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk



Applicant:

HYDRO EXTRUDER, LLC

Gainesville Community Development Department

ANNEXATION REQUEST

 Subject Property

 Right-of-Way to be Annexed



0 240 480 720 960 Feet

1" = 400'



Request:

Annex 10.98+/- and 11.29+/- acres tracts and establish zoning as Light Industrial (L-I) for future industrial

Subject Area Address:

2829 Mountain View Road & 2949 Old Oakwood Road

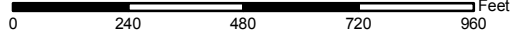
Meeting: 10/09/2018

Prepared: 09/05/2018

Tax Parcel:

08-012-008-002 and 004

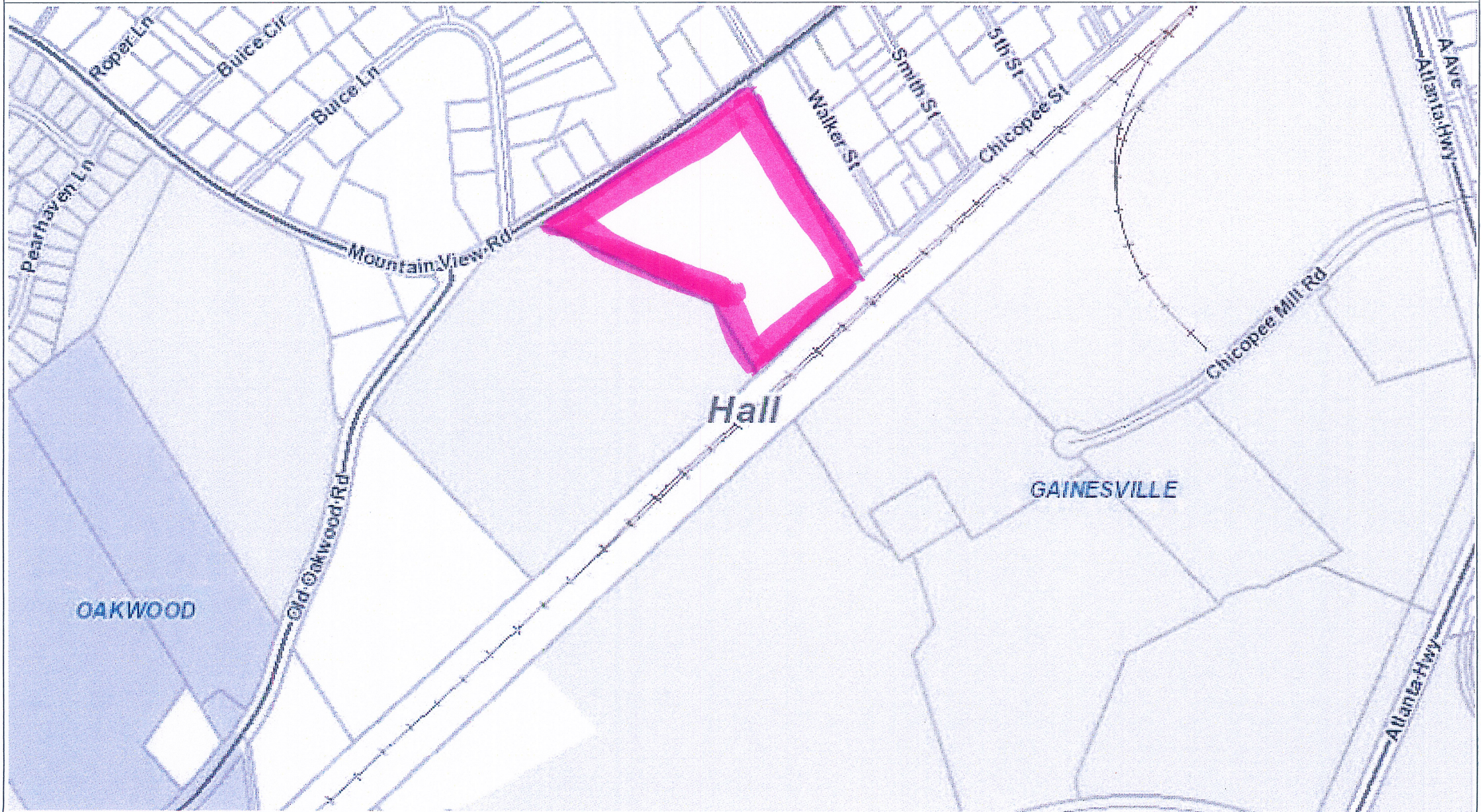


Applicant: HYDRO EXTRUDER, LLC		Gainesville Community Development Department	
ANNEXATION REQUEST		 Subject Property and Right-of-Way to be Annexed	
	Request: Annex 10.98+/- and 11.29+/- acres tracts and establish zoning as Light Industrial (L-I) for future industrial	Aerial from 2015	
	Subject Area Address: 2829 Mountain View Road & 2949 Old Oakwood Road	 0 240 480 720 960 Feet 1" = 400'	
	Meeting: 10/09/2018 Prepared: 09/05/2018	Tax Parcel: 08-012-008-002 and 004	
		Page 91 of 126	

NARRATIVE

Hydro Extruder, LLC is a large manufacturer located in the City of Gainesville at the intersection of Old Oakwood Road and Mountain View Road. Their current facility is zoned Gainesville Light Industrial where they manufacture extruded aluminum products (SAPA). Hydro Extruder, LLC has entered into a Purchase and Sale Agreement with William A. Bryan and Sarah Elizabeth Ennis nka Sarah Deasy as Co-Trustees of the Carolyn S. Bryan Trust (hereinafter referred to as "Trust") to purchase two approximately 12 acre parcels adjacent to the current Hydro Extruder, LLC property and facility – one on each side. One parcel is located at 2949 Old Oakwood Road and the other is located at 2829 Mountain View Road. The property is being purchased for future expansion but there are no immediate plans to do so. Since both parcels became available, Hydro Extruder, LLC is seeking to purchase, annex and re-zone the properties to position the company for expansion if needed in the future. Both parcels being purchased are owned by the same Trust and are located in Hall County with an AR-III zoning. Hydro Extruder, LLC is seeking to annex and set the zoning as Gainesville Light Industrial to be consistent with the zoning classification of Hydro Extruder's current property and facility. The Trust has agreed to cooperate with the application of Hydro Extruder to annex and re-zone the property to Light Industrial as expressly set forth in the Purchase and Sale Agreement.

We are submitting the application with no use attached except that it would be for future expansion. We acknowledge the requirement of a zoning condition requiring Hydro Extruder, LLC to go through the hearing process for site plan approval for any future expansion. Accordingly, we are not submitting concept plans and ask that the City waive the concept plan requirement in light of the zoning condition for site plan approval for any future expansion. As for architectural renderings, please find attached photographs of the existing facility. Any future addition or expansion will be architecturally compatible with the existing facility. Any future addition, parking lot or access will comply with all development code provisions as for development standards including all buffering requirements.



Map Printed On 2018-08-22 18:41

Gainesville / Hall County Disclaimer: Hall County Government and the City of Gainesville make no warranties, expressed or implied, including implied warranties of merchantability and fitness for purpose, concerning the accuracy, completeness, reliability, or suitability of this data. Furthermore, Hall County Government and the City Of Gainesville assume no liability whatsoever associated with the use or misuse of such data. Any interpretation or conclusions from the data are the responsibility of the users.

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Judy Foster

From: Cathleen McDonald [REDACTED]
Sent: Friday, September 28, 2018 8:23 AM
To: Judy Foster; Matt Tate; Rusty Ligon
Subject: Hydro, 2844 Mtn View Rd

Hello,

I would really appreciate an opportunity to meet with you. My family has lived at the above address for more than 60 years. My Grandfather would talk about the original change from the one company to Indalex /SAPA, now Hydro. My grandfather spoke about the expansion that happened back in 2000 as well, but at that time was taking care of my Grandmother, so I don't think he was able to attend the zoning request at that time. He passed away in 2004. He was an active community member, a retired Hall County teacher and had retired from a local agricultural company Wayne Feed. He participated in a Optimist and was faithful attender of Pine Crest BC 3 doors down from our home until he was not able to get out due to health reasons.

My husband and I have lived in the home and raised our daughter there for the last 14 years. Just in the last year or so we have seen changes due to other recent commercial changes in our area, one mainly has been the volume and type of traffic on our road.

This among other reasons, we have been talking with Mrs. Delgado about selling our home and working with her on a timeline and market strategy to sell. I have also reached out to Mr. White via email regarding the posted for sale signs across from our property as he represents the seller of those properties. He was able to help with basic questions about those properties.

I would love to share my thoughts and historical experiences as a long term resident and have some questions about the current and proposed zoning and the impact it has had and can have on the community surrounding my property.

Sincerely,

Cathy McDonald
[REDACTED]
Sent from my iPhone

On Sep 28, 2018, at 4:59 AM, Carmen Delgado [REDACTED] wrote:

Hello Rusty and Matt:

There is an item on the agenda that I may have to recuse myself from voting. Is the anexation and zoning request from SAPA. I have a dear friend and also a potential cleint in my real estate business that is one of the possible affected neighbors. We have been talking in the past about her home and she asked me recently how this project may hava an impact on her home's market value. I suggested her to meet with you to express her concerns.

Her name is Cathy McDonalds and she is cc in this email. She can be reached at [REDACTED]

Thanks in advance for reaching out to her.

Carmen Delgado-TheVine Team
Managing Partner La Rosa Realty GA



CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 10/22/2018

Presenter: Matt Tate

Item of Business: Request from **Hydro Extruder, LLC** to annex a 11.29± acres tract located southeast of the intersection of Old Oakwood Road and Mountain View Road (a/k/a **2949 Old Oakwood Road**) and to establish zoning as Light Industrial (L-I). **Ward Number: Four.** Tax Parcel Number(s): 08-012-008-004. **Request: Future industrial expansion.**

Meeting Date: 11/6/2018

Purpose of Request:

The applicant is proposing to annex the subject property with a zoning of Light Industrial for the purpose of utilizing city sewer for future expansion. The applicant owns the adjacent industrial property to the north which operations include the further manufacturing, fabrication and finishing of aluminum products. The property is currently zoned Agricultural Residential-III (AR-III) within Hall County and is adjacent to the city limits to the north and west. The property is a heavily wooded undeveloped tract and is adjacent to Southern Railroad right-of-way to the east. The applicant states there are no intentions to develop the property at this time and are willing to resubmit for a future public hearing process for site plan approval prior to development. Nearby uses include single-family homes, undeveloped land and other light industrial uses.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff and PAB recommended conditional approval with four conditions. See the PAB Recommendation Report for details and excerpts from the meeting minutes.

SAMPLE MOTIONS

Approval of Ordinance 2018-30:

I move to approve the ordinance to annex the subject property as requested.

Approval of Ordinance 2018-31:

I move to approve the ordinance to establish zoning as Light Industrial, with four conditions as presented.

Denial of the Request:

I move to deny this 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
☐	Ordinance 2018-30 Annexation	Ordinance
☐	Ordinance 2018-31 Zoning	Ordinance
☐	Location Maps	Backup Material
☐	Narrative	Backup Material
☐	Survey	Backup Material
☐	Pictures	Backup Material
☐	Email from Neighbor	Backup Material

COMBINED LEGAL AD
Gainesville Planning and Appeals Board
Gainesville City Council

Publish Sunday, September 23, 2018
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, October 9, 2018 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 **David Gijon** to annex a 0.12± acre tract located southeast of the intersection of Ralston Street and Hazel Street (a/k/a **1509 Ralston Street**) and to establish zoning as Residential-I (R-I).
Ward Number: Four
Tax Parcel Number(s): 00-130-001-020
Request: Single-family home
- 2) Request from **Hydro Extruder, LLC** to annex a 10.98± acres tract located northeast of the intersection of Old Oakwood Road and Mountain View Road (a/k/a **2829 Mountain View Road**) and to establish zoning as Light Industrial (L-I).
Ward Number: Four
Tax Parcel Number(s): 08-012-008-002
Request: Future industrial expansion
- 3) Request from **Hydro Extruder, LLC** to annex a 11.29± acres tract located southeast of the intersection of Old Oakwood Road and Mountain View Road (a/k/a **2949 Old Oakwood Road**) and to establish zoning as Light Industrial (L-I).
Ward Number: Four
Tax Parcel Number(s): 08-012-008-004
Request: Future industrial expansion
- 4) Request from the **City of Gainesville** to amend Chapter 9-8-7 entitled "Midtown Overlay Zone" of the Unified Land Development Code for the City of Gainesville, Georgia to include additional prohibited and permitted uses and to provide for minimum front yard setback requirements within the Midtown Overlay Zone.

**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, November 6, 2018 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 **David Gijon** to annex a 0.12± acre tract located southeast of the intersection of Ralston Street and Hazel Street (a/k/a **1509 Ralston Street**) and to establish zoning as Residential-I (R-I).

Ward Number: Four
Tax Parcel Number(s): 00-130-001-020
Request: Single-family home

- 2) Request from **Hydro Extruder, LLC** to annex a 10.98± acres tract located northeast of the intersection of Old Oakwood Road and Mountain View Road (a/k/a **2829 Mountain View Road**) and to establish zoning as Light Industrial (L-I).
Ward Number: Four
Tax Parcel Number(s): 08-012-008-002
Request: Future industrial expansion
- 3) Request from **Hydro Extruder, LLC** to annex a 11.29± acres tract located southeast of the intersection of Old Oakwood Road and Mountain View Road (a/k/a **2949 Old Oakwood Road**) and to establish zoning as Light Industrial (L-I).
Ward Number: Four
Tax Parcel Number(s): 08-012-008-004
Request: Future industrial expansion
- 4) Request from the **City of Gainesville** to amend Chapter 9-8-7 entitled “Midtown Overlay Zone” of the Unified Land Development Code for the City of Gainesville, Georgia to include additional prohibited and permitted uses and to provide for minimum front yard setback requirements within the Midtown Overlay Zone.

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})

Applicant	Hydro Extruder, LLC
Property Owner	William A. Bryan and Sarah Elizabeth Ennis n/k/a Sarah Deasy as Co-Trustees of the Carolyn S. Bryan Trust
Locations	2829 Mountain View Road: 2949 Old Oakwood Road
Request	Annex with L-I zoning
Size	10.98± acres; 11.29± acres
Ward	Four
Proposed Use	Future industrial expansion
Planning Division Staff Recommendation	Approval, with conditions
Planning and Appeals Board Recommendation	Approval, with conditions
Date	October 9, 2018

The applicant is proposing to annex two properties totaling 22.27± acres in size with a zoning of Light Industrial (L-I) for the purpose of utilizing City sewer services for the future expansion of the Hydro Extruder industrial use (previously Sapa). The current operations involve the further manufacturing, fabrication and finishing of aluminum products. The existing industrial use was constructed in 1986 and was later annexed into the city limits in 1990 for sewer with a zoning of L-I. The applicant states there are no intentions to develop the properties at this time and are willing to resubmit for a future public hearing process for site plan approval prior to development.

The subject properties are located on the northeast and southwest sides of the existing industrial use and are zoned Agricultural Residential-III (AR-III) within Hall County. The properties are heavily wooded except for an existing powerline easement located on the northern parcel. The existing city limits include the adjacent Hydro Extruder industrial tract, Mundy Mill subdivision, Industrial Park West and Chicopee Mill Industrial Park located across from the Southern Railroad right-of-way.

Location	Use	Zoning
North	Hydro Extruder, Mundy Mill subdivision Vacant land, Single-family homes, House moving contractor	L-I and P-U-D -City AR-III, R-I and I-I -County
South	Hydro Extruder, Industrial Park West, Undeveloped land, Railroad, Single-family home	L-I -City AR-III and R-I -County
East	Industrial Park West, Chicopee Industrial Park Railroad, Vacant land Trucking company	L-I -City AR-III –County M-1- Oakwood
West	Mundy Mill Subdivision, Undeveloped land, Single-family homes, church, Family Dollar store under construction	P-U-D -City AR-III, R-I, and H-B -County

▪ **Zoning History**

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

2016 – A request by Butler Property, LLC to amend a 92.06± acres tract located within the Mundy Mill development at 3035 Old Oakwood Road SW and 3523 Mountain View Road SW zoned Planned Unit Development (P-U-D) was approved to change the location of some of the single-family homes, multi-family apartments, commercial and industrial uses.

2011 – A request by Butler Property, LLC to amend the zoning conditions for a 65.425± acres tract located within the Mundy Mill development at 2975 Mountain View Road SW; and 3755 Meeks Drive SW zoned Planned Unit Development (P-U-D) was approved to amend conditions 17 and 18 to reduce the minimum square footage for apartments.

2010 – A request by the City of Gainesville to amend the zoning conditions for a 605.0± acres tract known as the Mundy Mill development zoned Planned Unit Development (P-U-D) was approved to amend conditions 1, 2, 4, 5, 11, 16, 17, 22, 23, 25, 28 and 29 for better clarification.

▪ **Staff Analysis**

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

The zoning and development of the adjacent and nearby property includes a mixture of residential, commercial and industrial uses. The existing Hydro Extruder industrial operation is located on the adjacent property between the two subject parcels. Given the location of adjacent/nearby industrial uses and the railroad, the proposed annexation with Light Industrial (L-I) zoning appears suitable. Future planned development within the immediate area along Old Oakwood Road includes a mixture of multi-family, office, warehousing and commercial uses within the adjacent Mundy Mill mixed-use development.

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

A concept plan was not provided with the application. The applicant desires to annex the properties for sewer services in order to plan for future industrial expansion. It is expected that the future development of the subject properties will function similarly as the adjacent industrial property owned by the applicant. Access and buffers will need to be carefully considered to address any potential negative impacts to the nearby single-family homes. If approved, the Planning staff is recommending the applicant be required to resubmit for a future public hearing process for site plan approval prior to development.

(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 properties within the *Low-Medium Density Residential* land use category which includes areas containing or planned for single-family detached or semi-detached housing at densities ranging from two to four dwelling units per acre.

According to the Character Area map for the City of Gainesville, the subject properties are located within the Economic Development Gateways character area which appears to support the applicant's proposal. This character area represents the industrial, warehousing and other commercial enterprises that parallel the I-985 and Norfolk-Southern railroad corridor. The

primary vision for the area is to continue to support economic development while preserving and strengthening important natural and cultural resources. These areas include a wide range of office, business, light industrial, manufacturing, research, and development uses; and commercial uses that directly support or are otherwise linked to the dominant business use as well as mixed-use, residential (existing uses only), public / institutional, transportation / communications / utilities, and parks / recreation / conservation uses.

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

The subject properties are undeveloped except for a power line easement that is located within the northern parcel. The properties are zoned Agricultural Residential-III (AR-III) within Hall County and could be developed for low density residential purposes. Although, this seems unlikely given the proximity to existing industrial uses, railroad and the power line easement. The proposal for future sewer services requires the properties to be annexed into the city limits.

(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?

City water, sewer, and public safety services are currently provided to the adjacent properties and capacity is sufficient. Gainesville Fire Station #4 is located approximately 1.5± miles away off of Memorial Park Drive which currently services adjacent and nearby properties.

Direct impacts to the school system should be limited as the proposed request is for future industrial purposes.

Impacts to roads cannot be fully determined at this time given there is no specific plan proposed for the properties. Old Oakwood Road and Mountain View Road are two lane collector roads that are experiencing increased truck traffic.

(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 has experienced industrial growth over the past 25 years. This has occurred in part due to the existing railroad, as well as, Old Oakwood Road and Mountain View Road which serve as collector roads to Mundy Mill Road, McEver Road and Atlanta Highway. That being said, there are a large number of established single-family homes located within the immediate area of unincorporated Hall County. As well, new single-family development has occurred within the nearby Mundy Mill mixed-use development which is located within the city limits.

(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?

Based on the Character Area description of the Comprehensive Plan and the adjacent industrial uses, the proposal with the recommended conditions 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 property.

▪ **Staff Recommendation**

The Planning Division staff is recommending **conditional approval** of the annexation requests based on the Comprehensive Plan and the adjacent industrial uses.

Conditions

1. Prior to a land development permit application being submitted for the subject properties, the property owner shall be required to submit a site plan review application for a public hearing before the Planning and Appeals Board.
2. A minimum fifty foot (50') wide vegetated buffer consisting of existing vegetation and additional evergreens trees shall be required along the perimeter of the subject properties adjacent to any single-family use along Old Oakwood Road and Mountain View Road. Driveways and powerline easements are exempt from this requirement. The intent of the buffer is to supplement the existing vegetation with buffer trees to provide for an effective buffer. The location, spacing, size and type of trees planted shall be subject to Community Development Department Director approval.
3. A Traffic Impact Study shall be required with the submittal of the site plan review application if determined necessary by the Gainesville Public Works Department Director.
4. All access point design for the subject property shall require review and approval by Hall County and the Gainesville Public Works Department Director. All required access/traffic/sidewalk improvements associated with the proposal or any additional improvements identified within the Traffic Impact Study, if determined necessary, shall be at the full expense of the property owner.

Excerpts from the October 9, 2018 PAB Meeting Minutes

Applicant Presentation: Donnie Hunt, 1001 Riverside Drive, attorney with Hunt & Taylor Law Firm representing the applicant, stated the land the applicant has been interested in has been tied up in a trust for a number of years and the property has now become available on the market. The applicant is not yet ready to expand but have goals to expand in the next three to five years. Mr. Hunt stated the plant is very well run and one of the cleanest plants he has ever seen. He shared some history of the plant and explained the manufacturing process for the aluminum products they produce which leaves very little waste and reduces the noise level. Transporting products and/or materials would have minimal impact to roads due to the extremely light materials used. As shown on the location maps, the parcels to be annexed are on either side of the existing plant which is already within the city limits of Gainesville. The existing plant currently has approximately 400 employees and the future expansion would create more jobs for Hall County and Gainesville residents. Mr. Hunt stated the applicant was agreeable to the four conditions as proposed by staff.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend conditional approval of the request to annex the subject property located at 2829 Mountain View Road and to establish zoning as Light Industrial (L-I) with the following conditions:

Conditions

1. Prior to a land development permit application being submitted for the subject properties, the property owner shall be required to submit a site plan review application for a public hearing before the Planning and Appeals Board.
2. A minimum fifty foot (50') wide vegetated buffer consisting of existing vegetation and additional evergreens trees shall be required along the perimeter of the subject properties adjacent to any single-family use along Old Oakwood Road and Mountain View Road. Driveways and powerline easements are exempt from this requirement. The intent of the buffer is to supplement the existing vegetation with buffer trees to provide for an effective buffer. The location, spacing, size and type of trees planted shall be subject to Community Development Department Director approval.
3. A Traffic Impact Study shall be required with the submittal of the site plan review application if determined necessary by the Gainesville Public Works Department Director.
4. All access point design for the subject property shall require review and approval by Hall County and the Gainesville Public Works Department Director. All required access/traffic/sidewalk improvements associated with the proposal or any additional improvements identified within the Traffic Impact Study, if determined necessary, shall be at the full expense of the property owner.

Motion made by Board Member Thompson

Motion seconded by Board Member Simmons

Vote – 6 favor, 1 recusal (Delgado)

There was a motion to recommend conditional approval of the request to annex the subject property located at 2949 Old Oakwood Road and to establish zoning as Light Industrial (L-I) with the following conditions:

Conditions

1. Prior to a land development permit application being submitted for the subject properties, the property owner shall be required to submit a site plan review application for a public hearing before the Planning and Appeals Board.
2. A minimum fifty foot (50') wide vegetated buffer consisting of existing vegetation and additional evergreens trees shall be required along the perimeter of the subject properties adjacent to any single-family use along Old Oakwood Road and Mountain View Road. Driveways and powerline easements are exempt from this requirement. The intent of the buffer is to supplement the existing vegetation with buffer trees to provide for an effective buffer. The location, spacing, size and type of trees planted shall be subject to Community Development Department Director approval.
3. A Traffic Impact Study shall be required with the submittal of the site plan review application if determined necessary by the Gainesville Public Works Department Director.
4. All access point design for the subject property shall require review and approval by Hall County and the Gainesville Public Works Department Director. All required

access/traffic/sidewalk improvements associated with the proposal or any additional improvements identified within the Traffic Impact Study, if determined necessary, shall be at the full expense of the property owner.

Motion made by Board Member Thompson

Motion seconded by Board Member Martin

Vote – 6 favor, 1 recusal (Delgado)

Passed: _____

AN ORDINANCE

No. 2018-30

AN ORDINANCE ANNEXING A 11.29± ACRES TRACT LOCATED SOUTHEAST OF THE INTERSECTION OF OLD OAKWOOD ROAD AND MOUNTAIN VIEW ROAD (A/K/A 2949 OLD OAKWOOD 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 11.29± acres tract located southeast of the intersection of Old Oakwood Road and Mountain View Road (a/k/a **2949 Old Oakwood 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 Lots 12 & 25, 8th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at the intersection of the southeastern Right-of-Way of Mountain View Road (40' R/W) and the southeastern Right-of-Way of Old Oakwood Road (60' R/W); thence continuing along the Right-of-Way of said Old Oakwood Road, South 36°28'36" West, a distance of 184.15 feet to a point; thence South 36°32'33" West, a distance of 192.34 feet to a point; thence South 37°00'57" West, a distance of 192.67 feet to a point; thence 70.59 feet along an arc of a curve to the left having a radius of 495.00 feet and a chord bearing and distance of South 32°55'49" West, 70.53 feet to a point, being the TRUE POINT OF BEGINNING; thence leaving said Right-of-Way and along the property now or formerly of Hydro Extruder LLC South 43°15'30" East, a distance of 821.12 feet to a Broken Rail Road Spike found on the northwestern Right-of-Way of Southern Railroad (90' R/W); thence along said Right-of-Way South 46°46'18" West, a distance of 893.86 feet to an iron pin found (1" open top pipe) at an axle; thence leaving said Right-of-Way and along the property now or formerly of Joe Sanchez

ORDINANCE NO. 2018-30

North 30°27'05" West, a distance of 389.04 feet to a point on the southeastern Right-of-Way of said Old Oakwood Road; thence along said Right-of-Way North 17°24'16" East, a distance of 26.47 feet to a point; thence along said Right-of-Way the 114.87 feet along an arc of a curve to the right having a radius of 1128.60 feet and a chord bearing and distance of North 20°19'13" East, 114.82 feet to a point; thence North 23°14'10" East, a distance of 209.19 feet to a point; thence 245.16 feet along an arc of a curve to the left having a radius 1109.19 feet and a chord bearing and distance of North 16°54'15" East, 244.66 feet to a point; thence North 10°34'20" East, a distance of 170.49 feet to a point; thence 157.86 feet along an arc of a curve to the right having a radius of 495.00 feet and a chord bearing and distance of North 19°42'31" East, 157.20 feet to the TRUE POINT OF BEGINNING.

Said tract contains 11.284 acres.

The annexation is to include all that portion of right-of-way known as Old Oakwood Road, located between the subject property 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 the first day of the month following approval by the governing body 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 ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

Passed: _____

AN ORDINANCE

No. 2018-31

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA BY ESTABLISHING THE ZONING ON A 11.29± ACRES TRACT LOCATED SOUTHEAST OF THE INTERSECTION OF OLD OAKWOOD ROAD AND MOUNTAIN VIEW ROAD (A/K/A 2949 OLD OAKWOOD ROAD) AT THE TIME OF ANNEXATION AS LIGHT INDUSTRIAL, WITH CONDITIONS (L-I-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 **Light Industrial, with conditions (L-I-c)**.

Conditions

- 1. Prior to a land development permit application being submitted for the subject properties, the property owner shall be required to submit a site plan review application for a public hearing before the Planning and Appeals Board.**
- 2. A minimum fifty foot (50') wide vegetated buffer consisting of existing vegetation and additional evergreens trees shall be required along the perimeter of the subject properties adjacent to any single-family use along Old Oakwood Road and Mountain View Road. Driveways and powerline easements are exempt from this requirement. The intent of the buffer is to supplement the existing vegetation with buffer trees to provide for an effective buffer. The location, spacing, size and type of trees planted shall be subject to Community Development Department Director approval.**
- 3. A Traffic Impact Study shall be required with the submittal of the site plan review application if determined necessary by the Gainesville Public Works Department Director.**
- 4. All access point design for the subject property shall require review and approval by Hall County and the Gainesville Public Works Department Director. All required access/traffic/sidewalk improvements associated with the proposal or any additional improvements identified within the Traffic Impact Study, if determined necessary, shall be at the full expense of the property owner.**

ORDINANCE NO. 2018-31

Legal Description

All that tract or parcel of land lying and being in Land Lots 12 & 25, 8th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at the intersection of the southeastern Right-of-Way of Mountain View Road (40' R/W) and the southeastern Right-of-Way of Old Oakwood Road (60' R/W); thence continuing along the Right-of-Way of said Old Oakwood Road, South 36°28'36" West, a distance of 184.15 feet to a point; thence South 36°32'33" West, a distance of 192.34 feet to a point; thence South 37°00'57" West, a distance of 192.67 feet to a point; thence 70.59 feet along an arc of a curve to the left having a radius of 495.00 feet and a chord bearing and distance of South 32°55'49" West, 70.53 feet to a point, being the TRUE POINT OF BEGINNING; thence leaving said Right-of-Way and along the property now or formerly of Hydro Extruder LLC South 43°15'30" East, a distance of 821.12 feet to a Broken Rail Road Spike found on the northwestern Right-of-Way of Southern Railroad (90' R/W); thence along said Right-of-Way South 46°46'18" West, a distance of 893.86 feet to an iron pin found (1" open top pipe) at an axle; thence leaving said Right-of-Way and along the property now or formerly of Joe Sanchez North 30°27'05" West, a distance of 389.04 feet to a point on the southeastern Right-of-Way of said Old Oakwood Road; thence along said Right-of-Way North 17°24'16" East, a distance of 26.47 feet to a point; thence along said Right-of-Way the 114.87 feet along an arc of a curve to the right having a radius of 1128.60 feet and a chord bearing and distance of North 20°19'13" East, 114.82 feet to a point; thence North 23°14'10" East, a distance of 209.19 feet to a point; thence 245.16 feet along an arc of a curve to the left having a radius 1109.19 feet and a chord bearing and distance of North 16°54'15" East, 244.66 feet to a point; thence North 10°34'20" East, a distance of 170.49 feet to a point; thence 157.86 feet along an arc of a curve to the right having a radius of 495.00 feet and a chord bearing and distance of North 19°42'31" East, 157.20 feet to the TRUE POINT OF BEGINNING.

Said tract contains 11.284 acres.

The annexation is to include all that portion of right-of-way known as Old Oakwood Road, located between the subject property 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.

ORDINANCE NO. 2018-31

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.

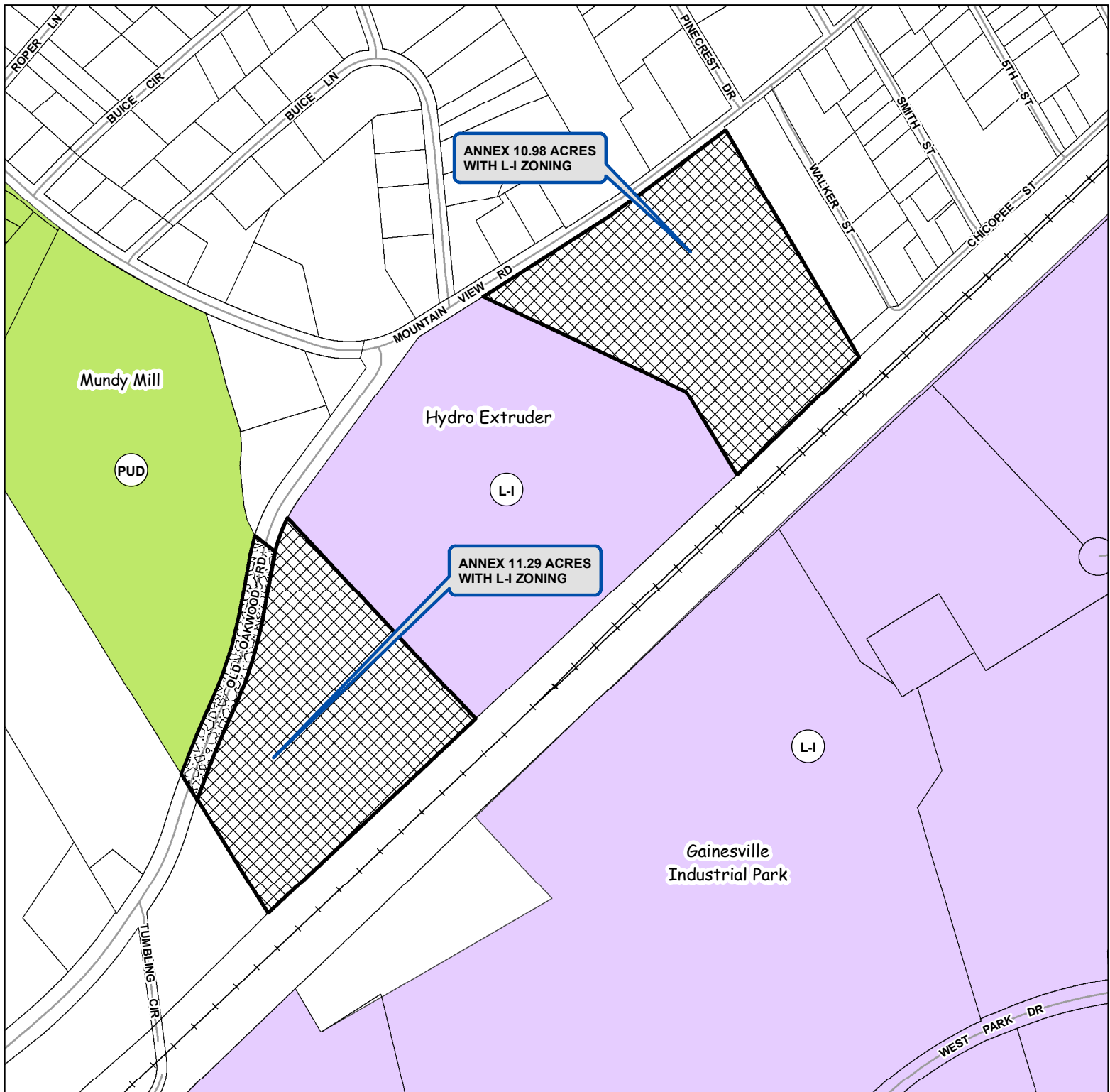
The effective date of this Ordinance shall be the first day of the month following approval by the governing body of the City of Gainesville, Georgia.

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 ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk



Applicant:

HYDRO EXTRUDER, LLC

Gainesville Community Development Department

ANNEXATION REQUEST

 Subject Property

 Right-of-Way to be Annexed



0 240 480 720 960 Feet

1" = 400'



Request:

Annex 10.98+/- and 11.29+/- acres tracts and establish zoning as Light Industrial (L-I) for future industrial

Subject Area Address:

2829 Mountain View Road & 2949 Old Oakwood Road

Meeting: 10/09/2018

Prepared: 09/05/2018

Tax Parcel:

08-012-008-002 and 004



Applicant:

HYDRO EXTRUDER, LLC

Gainesville Community Development Department

ANNEXATION REQUEST



Subject Property and
Right-of-Way to be Annexed

Aerial from 2015

0 240 480 720 960 Feet



1" = 400'



Request:

Annex 10.98+/- and 11.29+/- acres
tracts and establish zoning as Light
Industrial (L-I) for future industrial

Subject Area Address:

2829 Mountain View Road & 2949 Old Oakwood Road

Meeting: 10/09/2018

Prepared: 09/05/2018

Tax Parcel:

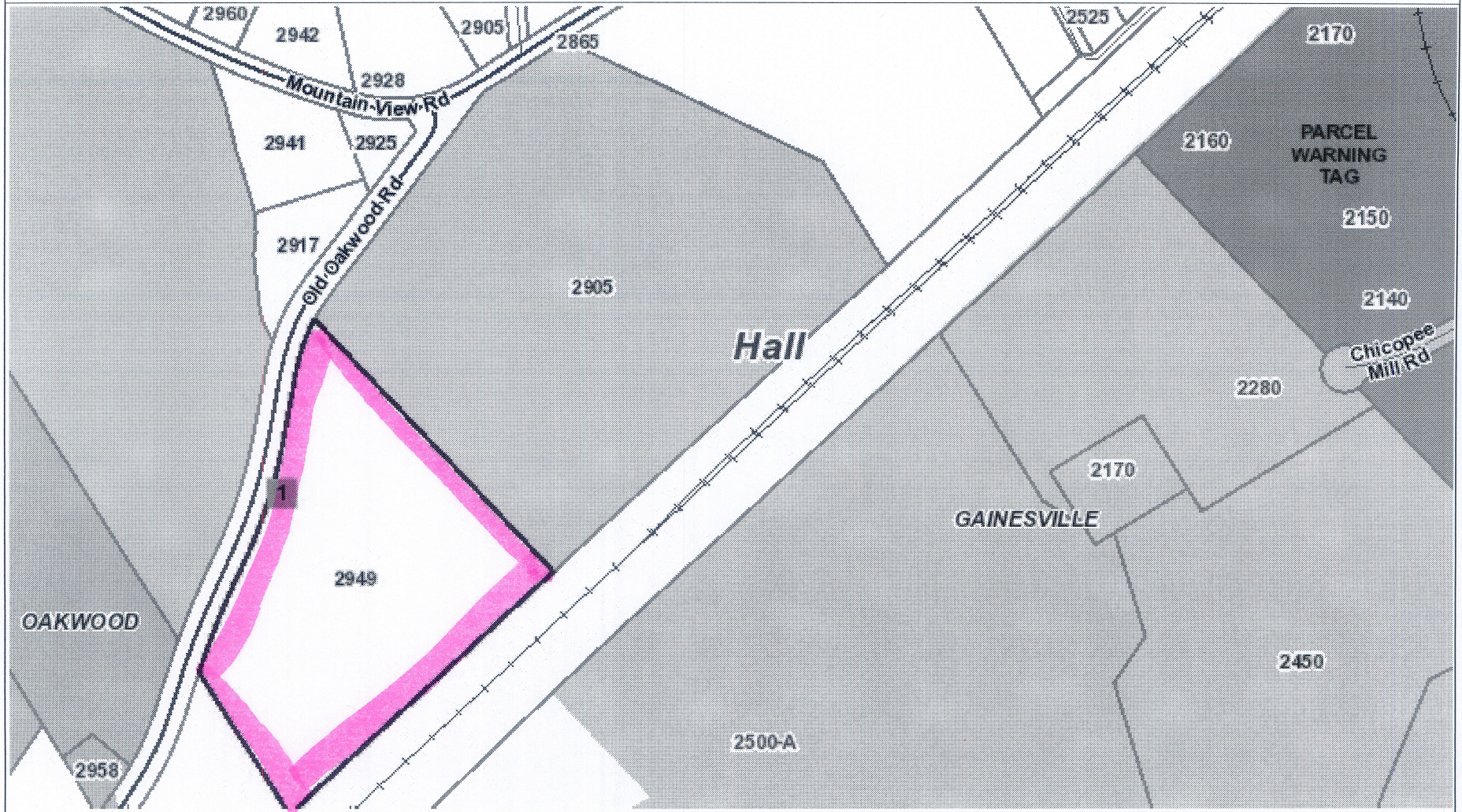
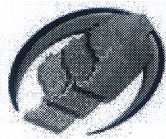
08-012-008-002 and 004

NARRATIVE

Hydro Extruder, LLC is a large manufacturer located in the City of Gainesville at the intersection of Old Oakwood Road and Mountain View Road. Their current facility is zoned Gainesville Light Industrial where they manufacture extruded aluminum products (SAPA). Hydro Extruder, LLC has entered into a Purchase and Sale Agreement with William A. Bryan and Sarah Elizabeth Ennis nka Sarah Deasy as Co-Trustees of the Carolyn S. Bryan Trust (hereinafter referred to as "Trust") to purchase two approximately 12 acre parcels adjacent to the current Hydro Extruder, LLC property and facility – one on each side. One parcel is located at 2949 Old Oakwood Road and the other is located at 2829 Mountain View Road. The property is being purchased for future expansion but there are no immediate plans to do so. Since both parcels became available, Hydro Extruder, LLC is seeking to purchase, annex and re-zone the properties to position the company for expansion if needed in the future. Both parcels being purchased are owned by the same Trust and are located in Hall County with an AR-III zoning. Hydro Extruder, LLC is seeking to annex and set the zoning as Gainesville Light Industrial to be consistent with the zoning classification of Hydro Extruder's current property and facility. The Trust has agreed to cooperate with the application of Hydro Extruder to annex and re-zone the property to Light Industrial as expressly set forth in the Purchase and Sale Agreement.

We are submitting the application with no use attached except that it would be for future expansion. We acknowledge the requirement of a zoning condition requiring Hydro Extruder, LLC to go through the hearing process for site plan approval for any future expansion. Accordingly, we are not submitting concept plans and ask that the City waive the concept plan requirement in light of the zoning condition for site plan approval for any future expansion. As for architectural renderings, please find attached photographs of the existing facility. Any future addition or expansion will be architecturally compatible with the existing facility. Any future addition, parking lot or access will comply with all development code provisions as for development standards including all buffering requirements.

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1 21349

Map Printed On 2018-09-17 13:04

Gainesville / Hall County Disclaimer: Hall County Government and the City of Gainesville make no warranties, expressed or implied, including implied warranties of merchantability and fitness for purpose, concerning the accuracy, completeness, reliability, or suitability of this data. Furthermore, Hall County Government and the City Of Gainesville assume no liability whatsoever associated with the use or misuse of such data. Any interpretation or conclusions from the data are the responsibility of the users.

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Judy Foster

From: Cathleen McDonald [REDACTED]
Sent: Friday, September 28, 2018 8:23 AM
To: Judy Foster; Matt Tate; Rusty Ligon
Subject: Hydro, 2844 Mtn View Rd

Hello,

I would really appreciate an opportunity to meet with you. My family has lived at the above address for more than 60 years. My Grandfather would talk about the original change from the one company to Indalex /SAPA, now Hydro. My grandfather spoke about the expansion that happened back in 2000 as well, but at that time was taking care of my Grandmother, so I don't think he was able to attend the zoning request at that time. He passed away in 2004. He was an active community member, a retired Hall County teacher and had retired from a local agricultural company Wayne Feed. He participated in a Optimist and was faithful attender of Pine Crest BC 3 doors down from our home until he was not able to get out due to health reasons.

My husband and I have lived in the home and raised our daughter there for the last 14 years. Just in the last year or so we have seen changes due to other recent commercial changes in our area, one mainly has been the volume and type of traffic on our road.

This among other reasons, we have been talking with Mrs. Delgado about selling our home and working with her on a timeline and market strategy to sell. I have also reached out to Mr. White via email regarding the posted for sale signs across from our property as he represents the seller of those properties. He was able to help with basic questions about those properties.

I would love to share my thoughts and historical experiences as a long term resident and have some questions about the current and proposed zoning and the impact it has had and can have on the community surrounding my property.

Sincerely,

Cathy McDonald
[REDACTED]

Sent from my iPhone

On Sep 28, 2018, at 4:59 AM, Carmen Delgado [REDACTED] wrote:

Hello Rusty and Matt:

There is an item on the agenda that I may have to recuse myself from voting. Is the anexation and zoning request from SAPA. I have a dear friend and also a potential cleint in my real estate business that is one of the possible affected neighbors. We have been talking in the past about her home and she asked me recently how this project may hava an impact on her home's market value. I suggested her to meet with you to express her concerns.

Her name is Cathy McDonalds and she is cc in this email. She can be reached at [REDACTED]

Thanks in advance for reaching out to her.

Carmen Delgado-TheVine Team
Managing Partner La Rosa Realty GA

A large black rectangular redaction mark covering several lines of text.