



AGENDA

Gainesville Mayor/Council Meeting
Tuesday, May 21, 2019, 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. Chattahoochee Golf Course Advisory Committee
- B. SPLOST VII Advisory Committee
- C. Department of Water Resources Special Recognitions and Award
- D. Proclamation: National Public Works Week

COUNCIL ANNOUNCEMENTS:

PUBLIC COMMENTS: (20 minutes maximum)

CONSENT AGENDA:

Minutes

- A. May 2, 2019 Work Session
- B. May 7, 2019 Mayor/Council Meeting

Resolutions

- A. BR-2019-20 Riverstone Medical Water Main Extension Reimbursement

GENERAL LEGISLATION:

A. Ordinance 2019-10

Amend Section 10-1-2 Entitled Hotel-Motel Excise Tax

AN ORDINANCE TO AMEND SECTION 10-1-2, ENTITLED "HOTEL-MOTEL EXCISE TAX," OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; TO AMEND SECTION 2-1-35, ENTITLED "PROCEEDS OF THE TAX" OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

PUBLIC HEARING(S):

A. Ordinance 2019-11

Amendments to Article 9-19 of the ULDC Entitled Development Impact Fees

AN ORDINANCE TO AMEND SECTIONS 9-19-1-16, 9-19-2-2, AND 9-19-3-2 OF THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF GAINESVILLE, GEORGIA BY ELIMINATING SAID SECTIONS IN THEIR ENTIRETY AND SUBSTITUTING IN THEIR PLACE THE LANGUAGE SET FORTH BELOW: TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

CITY MANAGER ISSUES:

CITY ATTORNEY ISSUES:

- A. PR-2019-08 Acquire Land and Easement Rights to Construct an Access Road from Gainesville 85 Business Park to State Route 129

CITY CLERK ISSUES:

EXECUTIVE SESSION:

ADJOURNMENT:

Final: Monday, May 20, 2019, 10:23 AM

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 5/14/2019
Presenter: Danny Dunagan
Item of Business: Chattahoochee Golf Course Advisory Committee
Meeting Date: 5/21/2019

Purpose of Request:

The purpose of this request is to extend appreciation for volunteer service to the community.

History/Background:

Facts & Issues for Consideration:

See attached

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
 CGCAC Summary	Backup Material

BOARD/COMMITTEE RECOGNITION

May 21, 2019 Council Meeting

Chattahoochee Golf Course Advisory Committee (CGCAC)

The purpose of the committee is to work with the Director of Golf to develop and implement a Master Plan for improvements to the golf course; to make recommendations to Council for an annual capital improvement plan; and to review the proposed annual operating budget. The committee was created in 2004 and consist of 10 members appointed to serve three-year terms.

Board Members nominated by the City of Gainesville:

Mike Hulsey
A. J. Kiker
Jeff Lawson
Martha Shell
Bryson Worley

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 5/14/2019
Presenter: Danny Dunagan
Item of Business: SPLOST VII Advisory Committee
Meeting Date: 5/21/2019

Purpose of Request:

The purpose of this request is to extend appreciation for volunteer service to the community.

History/Background:

Facts & Issues for Consideration:

See attached

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
☐ SPLOST VII Advisory Committee Summary	Backup Material

BOARD/COMMITTEE RECOGNITION

May 21, 2019 Council Meeting

Special Purpose Local Option Sales Tax VII (SPLOST VII) Advisory Committee

The mission of this committee is to ensure that all Gainesville/Hall County SPLOST VII projects will be completed in an efficient, transparent and fully accountable manner and to ensure that the project list as approved supports the safety and security of all citizens. The committee was created in 2015 and consist of nine members appointed to serve one-year terms.

Board Members appointed by the City of Gainesville:

Mark Bell
Frank Norton, Jr.
Etherean Williams

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 5/7/2019
Presenter: Linda MacGregor
Item of Business: Department of Water Resources Special Recognitions and Award
Meeting Date: 5/21/2019

Purpose of Request:

To present special recognition of Department of Water Resources Certifications of Personnel, Water Treatment Plant Award, and Public Kudos to specific personnel.

The Department of Water Resources employs over 220 personnel, yet these employees perform their duties so seamlessly they are an almost-invisible force that maintains the economic, financial, and physical health of the citizens of the City of Gainesville and Hall County. This recognition is to acknowledge their professionalism and dedication to their community.

History/Background:

The Department operates two water treatment plants and two water reclamation facilities, as well as the associated water distribution and wastewater collection systems. The operators of these systems are required to obtain State Licenses to ensure quality operations. A tangible example of that quality is the Lakeside Water Treatment Facility receiving an award for the 15th Consecutive Year of 100% Permit Compliance, as well as the many kudos from the public expressing appreciation for a job well done.

Facts & Issues for Consideration:

Over the course of just the past six months, the following licenses have been obtained: Class II Water Treatment Operator License (1); Class III Water Treatment Operator License (4); Class III Wastewater Treatment Operator License (3); Water Distribution System Operator License (2), and: Wastewater Collection System Operator License (7), as well as the Platinum Award for the Lakeside Water Treatment Facility.

Department Recommendation:

To recognize and congratulate the persons who are named on the attached lists for their significant professional attainments and for the public kudos received, as well as the Platinum Award.

Department Director:

Linda MacGregor

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

No

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description		Type
	List of Professional Attainments	Backup Material
	Public Kudos	Backup Material

Professional Development Attainments

Paul Davis	Water Distribution System Operator License
Frank Ferraro	Water Distribution System Operator License
Hector Santiago	Class III Wastewater Treatment Operator License
Morgan Whisnant	Class III Wastewater Treatment Operator License
John Ferguson	Class III Wastewater Treatment Operator License
Jon (Alex) Johnson	Class III Water Treatment Operator License
Tanner Garmon	Class III Water Treatment Operator License
Dalton Kight	Class III Water Treatment Operator License
Nathan Hopkins	Class III Water Treatment Operator License
Jacob Simmons	Class II Water Treatment Operator License
Frank Ferraro	Wastewater Collection System License
Paul Davis	Wastewater Collection System License
Scott McDougald	Wastewater Collection System License
Bryan Ortega	Wastewater Collection System License
Ryan Satterfield	Wastewater Collection System License
Darryl Clark	Wastewater Collection System License
John Dubois	Wastewater Collection System License
Lakeside WTP	Received the 10 th Consecutive Platinum Award for 100% compliance for the year. (To be Platinum, the Plant must have first attained the Gold Award for five consecutive years.)

Recipients of Public Kudos

Whitney Barrett	"... exceptional customer service... beyond the call of duty!"
Kathy Taylor	"... very nice and helpful!"
Dontrese Mize/ Dean Bowling	"... appreciate the help... it was pouring rain and cold... they jumped right on it!"
Kathy Taylor/ Kayla Jackson	"... excellent customer service... all sweet and helped her..."
Crissy Smyth	"... was very nice and helpful in getting my request in..."
Joseph Andrews	"... came out and was very nice, knowledgeable and informative. He took the time to ... answer my questions and concerns." "... you have some great people working for you."

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 5/8/2019
Presenter: Danny Dunagan
Item of Business: Proclamation: National Public Works Week
Meeting Date: 5/21/2019

Purpose of Request:

To acknowledge the dedicated efforts of the public works professionals who are responsible for the design, build, operation and maintenance all of the transportation systems, solid waste and recycling, cemetery, vehicles and equipment, public lands and buildings, and other structures and facilities essential to serve the citizens of Gainesville.

History/Background:

2019 marks the 59th annual National Public Works Week sponsored by the American Public Works Association.

Facts & Issues for Consideration:

Attendees include: Chris Rotalsky, Matt Tarver, Todd Beebe, Dan Owen, Tommy Hunt, Dean Martin, and other staff members of the Gainesville Public Works Department.

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 Public Works Week	Presentation



PROCLAMATION

WHEREAS: *public works infrastructure, facilities and services are of vital importance to sustainable communities and to the health, safety and well-being of the people of Gainesville; and*

WHEREAS: *such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers, managers and employees from state and local units of government and the private sector, who are responsible for and must plan, design, build, operate, and maintain the transportation systems, solid waste and recycling, cemetery, vehicles and equipment, public buildings, and other structures and facilities essential to serve our citizens; and*

WHEREAS: *it is in the public interest for the citizens and civic leaders in the United States of America to gain knowledge of and to maintain a progressive interest and understand the importance of public works and public works programs in their respective communities; and*

WHEREAS: *the year 2019 marks the 59th annual National Public Works Week sponsored by the American Public Works Association.*

NOW, THEREFORE, BE IT RESOLVED, *that I, C. Danny Dunagan, Jr., Mayor and the Gainesville City Council, do hereby proclaim the week May 19-25, 2019 as*

“National Public Works Week”

and urge all our people to join with representatives of the American Public Works Association and government agencies in activities and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they have made to our national health, safety, welfare and quality of life.

Presented this 21st day of May, 2019

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

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 5/14/2019

Presenter:

Item of Business: Consent Agenda Items

Meeting Date: 5/21/2019

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: 5/17/2019
Presenter: Denise Jordan
Item of Business: May 2, 2019 Work Session
Meeting Date: 5/21/2019

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?

N/A

Amount Requested: **Source of Funds:**

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description

Type

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 5/20/2019
Presenter: Denise Jordan
Item of Business: May 7, 2019 Mayor/Council Meeting
Meeting Date: 5/21/2019

Purpose of Request:

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

History/Background:

Facts & Issues for Consideration:

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

Department Recommendation:

Approve the minutes accepting edits as presented.

Department Director:

Bryan Lackey

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

N/A

Amount Requested: **Source of Funds:**

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description

Type

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 5/3/2019
Presenter: Bryan Lackey
Item of Business: BR-2019-20 Riverstone Medical Water Main Extension Reimbursement
Meeting Date: 5/21/2019

Purpose of Request:

To obtain approval from Council to authorize reimbursement to a developer for costs incurred from increasing the size of their water main extension from 8-inch to 12-inch per the City's request.

History/Background:

The developer, Foresight, LLC., has developed a medical office park located at the intersection of Old Winder Highway (SR 211) and Friendship Road (SR 347) which required an 8-inch water main to serve the development. The Department of Water Resources (DWR) requested that the developer increase the size of the proposed water main from an 8-inch to 12-inch main in order to meet DWR's water service master plan.

Facts & Issues for Consideration:

City ordinances specify that developers are to be reimbursed for system improvements required by the City that are in excess of those needed for their specific development. Increasing the water main size resulted in an additional cost to the developer of \$33,190.07.

Department Recommendation:

Approve reimbursement to the developer in the amount of \$33,190.07.

Department Director:

Linda MacGregor

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

Amount Requested:

\$33,190.07

Source of Funds:

Department of Water Resources Fund

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
 BR-2019-20 Riverstone Water Main Extension Developer Reimbursement	Resolution

RESOLUTION BR-2019-20

RIVERSTONE MEDICAL WATER MAIN EXTENSION REIMBURSEMENT

WHEREAS, the City of Gainesville owns and operates a water distribution system; and

WHEREAS, Gainesville Department of Water Resources (GDWR) intends to provide its customers with a reliable and dependable water distribution system; and

WHEREAS, the Property Owner of land located at 1255 Friendship Road requires a water main extension in order to connect to the City of Gainesville water distribution system to serve their medical park development; and

WHEREAS, the GDWR Master Water Service Plan requires a 12-inch water main along Friendship Road in lieu of an 8-inch water main which would be adequate for the development; and

WHEREAS, City ordinances specify developers are to be reimbursed for “system improvements” required by the City that are in excess of those needed for their specific development; and

WHEREAS, GDWR staff received a change request from the developer’s contractor detailing the additional costs incurred as shown on attached “Exhibit A”, in the amount of \$33,190.07; and

WHEREAS, GDWR staff has reviewed said change request and concurs with the reasonable nature of the request.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby authorizes reimbursement to Foresight, LLC in the amount of \$33,190.07.

BE IT FURTHER RESOLVED THAT said expenditure shall be paid from the Department of Water Resources Fund.

BE IT FURTHER RESOLVED THAT the Mayor, City Manager and/or City Attorney are authorized to execute such documents as may be necessary to complete this reimbursement.

Adopted this _____ day of _____, 2019.

C. Danny Dunagan, Jr., Mayor

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

ATTEST:

Denise O. Jordan, City Clerk

"EXHIBIT A"

CHANGE REQUEST

CR# AFE # 10 r1

Project Name: Riverstone Medical Development

Braselton, GA



TO: Katie Leonard
BDR

DATE: 5/1/2015

RE: Water & Fire Site Utilities

SUBJECT: Water and Fire Line Utility Revisions Rquired by Hall County

REASON FOR CHANGE:

During the site permit process Hall County required the water / fire line to be up sized to 12" diameter system.

COST OF CHANGE: \$ **33,190**

SUBCONTRACTED WORK

ITEM	DESCRIPTION	Vendor/Sub	QTY	UNIT	U/P	LABOR	U/P	MAT	U/P	SUB	TOTAL
1	Domestic Water & Fire Line Revisions (See Simpson's Detail Breakdown)	Simpson	1	LS					30,838.00	30,838.00	30,838.00
										-	-
										-	-
SUBTOTAL A						\$ -		\$ -		\$ 30,838.00	\$ 30,838.00

SELF PERFORMED WORK

ITEM	DESCRIPTION	Vendor/Sub	QTY	UNIT	U/P	LABOR	U/P	MAT	U/P	SUB	TOTAL
1						-				-	0.00
2										-	0.00
SUBTOTAL						-		-		-	-
SALES TAX AT - - - 9.25%								-			-
PAYROLL TAX & INS. @ 28%						-					-
SUBTOTAL B						\$ -		\$ -		\$ -	\$ -

SUBTOTAL C = (SUBTOTAL A + B)										\$	30,838.00
LIABILITY INSURANCE		\$2/1000								\$	185.03
BUILDERS RISK		\$1.2/1000								\$	37.01
COMPLETED JOB RESERVE		0.100%								\$	40.38
SUB BONDS		1.0000%								\$	308.004
SUBTOTAL D = (SUBTOTAL A + B + C)										\$	31,408.42
Fee - GC Self Performed		15%								\$	85.56
Fee - Subcontractors		5.5%									\$1,696.09
TOTAL										\$	33,190.07

SCHEDULE EXTENSION REQUIRED:

T.B.D.

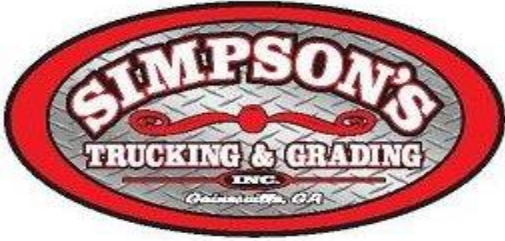
PREPARED BY: R. Wilson

APPROVED BY: _____

CC: Superintendent
COP File

Steve McCulloch

"EXHIBIT A"



Simpson Trucking & Grading, Inc.
1364 Candler Road
Gainesville, GA 30507

Phone 770-536-4731
Fax 770-503-0289
www.simpsontrucking.com

Pricing Revision

General Contractor: Freese Johnson, LLC

Project Name: Riverstone Medical Development

Date: April 28, 2015

Location: Braselton, GA

Plans Prepared by: Carter Engineering Consultants

Plans Received on: December 11, 2014

Line No.	Item Description	Quantity	Unit	Price	Amount
Changes to Water Line per Hall County Comments					
1	DEDUCT 8" DIP PC350	-380	LF	\$ 27.40	\$ (10,412.00)
2	ADD 12" DIP PC350	820	LF	\$ 38.90	\$ 31,898.00
3	ADD 12" DIP Bends	3	EA	\$ 690.00	\$ 2,070.00
4	DEDUCT 8" Gate Valve	-1	EA	\$ 1,335.00	\$ (1,335.00)
5	ADD 12" Gate Valve	1	EA	\$ 2,352.00	\$ 2,352.00
6	ADD 12" Water Main Termination per Detail	1	EA	\$ 4,900.00	\$ 4,900.00
7	Additional Testing & Chlorination	700	LF	\$ 1.95	\$ 1,365.00
Total:					\$ 30,838.00

Notes:

1. This quote is an ADDITION to the original Proposal, dated 11/5/2014.

Acceptance of Work Request Authorization

Owner:

Freese Johnson, LLC
Company Name

Signature

Printed Name & Title

Date

Contractor:

Simpson's Trucking & Grading, Inc
Company Name

A handwritten signature in blue ink that reads "Marc Smith".

Signature

Marc Smith
Printed Name & Title

4/28/2015

Date

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 5/6/2019

Presenter: Danny Dunagan

Item of Business: **Ordinance 2019-10**

Amend Section 10-1-2 Entitled Hotel-Motel Excise Tax

AN ORDINANCE TO AMEND SECTION 10-1-2, ENTITLED "HOTEL-MOTEL EXCISE TAX," OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; TO AMEND SECTION 2-1-35, ENTITLED "PROCEEDS OF THE TAX" OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Meeting Date: 5/21/2019

Purpose of Request:

The purpose of this request is to increase the current hotel-motel excise tax from 6% to 8% with the proceeds to be used for the promotion of tourism, conventions, and trade shows, as well as tourism product development, including but not limited to the promotion and development of Lake Lanier Olympic Park.

History/Background:

With the recent annexation into the City of Lake Lanier Olympic Park, this increase in the City's Hotel-Motel tax rate will help fund future capital improvements at the Park.

Facts & Issues for Consideration:

Increasing the hotel-motel excise tax will bring Gainesville in-line with surrounding municipalities, and will provide staff with additional resources to promote convention and tourism in Gainesville as well as improving local tourism venues.

Department Recommendation:

Approval

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
	Ordinance 2019-10 Hotel/Motel Tax Excise Tax	Ordinance
	BR-2019-10 Resolution as Adopted	Backup Material

Passed: _____

AN ORDINANCE

No. 2019-10

AN ORDINANCE TO AMEND SECTION 10-1-2, ENTITLED “HOTEL-MOTEL EXCISE TAX,” OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; TO AMEND SECTION 2-1-35, ENTITLED “PROCEEDS OF THE TAX” OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

SECTION I.

Section 10-1-2 of the Code of Ordinances of the City of Gainesville, Georgia is hereby amended to read as follows:

Sec. 10-1-2. – Hotel-motel excise tax.

As provided in Chapter 2-1, there is hereby set and levied on each occupant of a guest room of any hotel located within the corporate limits of the city a tax in the amount of eight (8) percent of the rent of such occupancy.

SECTION II.

Section 2-1-35 of the Code of Ordinances of the City of Gainesville, Georgia is hereby amended to read as follows:

Sec. 2-1-35. – Proceeds of the tax.

The proceeds of this tax shall be used in accordance with O.C.G.A. § 48-13-51(b).

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.

ORDINANCE NO. 2019-10

SECTION V.

The ordinance is enacted as an amendment to Sections 2-1-35 and 10-1-2 of the Code of Ordinances of the City of Gainesville, Georgia.

SECTION VI.

The effective date of this ordinance shall be July 1, 2019.

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

RESOLUTION BR-2019-10

Hotel-Motel Excise Tax

WHEREAS, the governing body of the City of Gainesville, Georgia (the "City") has a desire to continue its efforts to promote tourism; and

WHEREAS, pursuant to O.C.G.A. § 48-13-51 and Sec. 10-1-2 of the City Code of Ordinances, the City currently levies a hotel-motel excise tax in the amount of six (6) percent; and

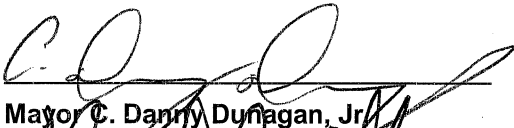
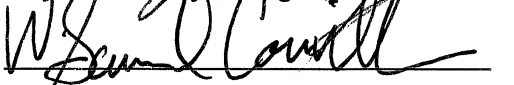
WHEREAS, pursuant to O.C.G.A. § 48-13-51(b)(2), the City wishes to increase the hotel-motel excise tax to eight (8) percent of the charge for furnishing for value to the public any room or rooms, lodgings, or accommodations; and

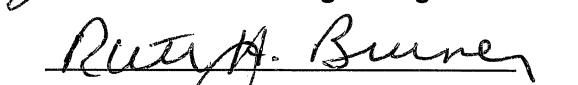
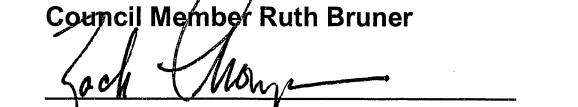
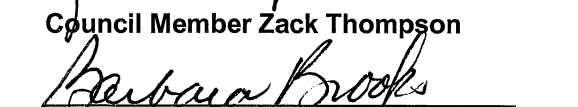
WHEREAS, the City shall utilize the proceeds from the hotel-motel excise tax for the promotion of tourism, conventions, and trade shows, as well as tourism product development, including but not limited to the promotion and development of Lake Lanier Olympic Park; and

WHEREAS, in each fiscal year during which the hotel-motel tax is collected, an amount equal to not less than fifty (50) percent of the total amount of taxes collected that exceed the amount of taxes that would be collected at the rate of five (5) percent shall be expended for promoting tourism, conventions, and trade shows by the City's designated destination marketing organization, and the remaining amount of taxes collected that exceed the amount of taxes that would be collected at the rate of five (5) percent which are not otherwise expended for promoting tourism, conventions, and trade shows shall be expended for tourism product development, including the development and implementation of the Corps of Engineers approved Lake Lanier Olympic Park Master Plan, including boathouse renovations, picnic pavilions, public restrooms, venue management buildings, and race control docks.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby supports the amendment of the hotel-motel excise tax from six (6) percent to eight (8) percent, with the proceeds thereof to be used as set forth above, and directs the Mayor, the City Manager and the City Attorney to execute such documents and agreements that may be necessary to effectuate the terms of this Resolution.

Adopted this 19th day of March, 2019.


Mayor C. Darryl Dunagan, Jr.

Mayor Pro Tem W. Samuel Couvillon


Council Member George Wangemann

Council Member Ruth Bruner

Council Member Zack Thompson

Council Member Barbara Brooks

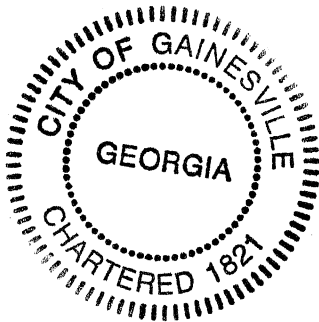
RESOLUTION BR-2019-10

Hotel-Motel Excise Tax

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:


Alisa Grayson, Deputy City Clerk



CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 4/12/2019

Presenter: Abb Hayes / Bryan Lackey

Item of Business: **Ordinance 2019-11**
Amendments to Article 9-19 of the ULDC Entitled Development Impact Fees
AN ORDINANCE TO AMEND SECTIONS 9-19-1-16, 9-19-2-2, AND 9-19-3-2 OF THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF GAINESVILLE, GEORGIA BY ELIMINATING SAID SECTIONS IN THEIR ENTIRETY AND SUBSTITUTING IN THEIR PLACE THE LANGUAGE SET FORTH BELOW: TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Meeting Date: 5/21/2019

Purpose of Request:

To hold the 2nd of two public hearings regarding a proposed ordinance to amend certain Sections of Article 9-19 of the Unified Land Development Code (ULDC) entitled "Development Impact Fees".

History/Background:

The last amendment to the Development Impact Fee was in 2006.

Facts & Issues for Consideration:

State law requires two public hearings prior to adoption. The first Public Hearing was held on May 7.

Department Recommendation:

Approve the Ordinance 2019-11 as presented.

Department Director:

Rusty Ligon

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
 Legal Ad - 5/19/19	Legal Ad
 Legal Ad 5/5/19	Legal Ad
 Ordinance 2019-11 Amend Article 9-19 Development Impact Fees	Ordinance
 Impact Fee Presentation	Powerpoint Presentation

Publish Date:
Sunday, May 19, 2019
The Times

NOTICE OF GAINESVILLE CITY COUNCIL PUBLIC HEARING

Notice is hereby given that the **Gainesville City Council** will conduct a public hearing on **Tuesday, May 21, 2019 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:

- 1) To seek public comment regarding a proposed ordinance to amend certain Sections of Article 9-19 of the Unified Land Development Code entitled "Development Impact Fees.

Additional information will be provided by contacting Deputy Director of Community and Economic Development Matt Tate at 770-531-6570.

Publish Date:
Sunday, May 5, 2019
The Times

NOTICE OF GAINESVILLE CITY COUNCIL PUBLIC HEARING

Notice is hereby given that the **Gainesville City Council** will conduct a public hearing on **Tuesday, May 7, 2019 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:

- 1) To seek public comment regarding a proposed ordinance to amend certain Sections of Article 9-19 of the Unified Land Development Code entitled "Development Impact Fees".

Additional information will be provided by contacting Deputy Director of Community and Economic Development Matt Tate at 770-531-6570.

Passed: _____

AN ORDINANCE

No. 2019-11

AN ORDINANCE TO AMEND SECTIONS 9-19-1-16, 9-19-2-2, AND 9-19-3-2 OF THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF GAINESVILLE, GEORGIA BY ELIMINATING SAID SECTIONS IN THEIR ENTIRETY AND SUBSTITUTING IN THEIR PLACE THE LANGUAGE SET FORTH BELOW: TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, The governing body of the City of Gainesville, Georgia desires to amend certain Sections of Article 9-19 of the Unified Land Development Code, entitled "Development Impact Fees; and

WHEREAS, The City of Gainesville Comprehensive Plan contains within it a revised and adopted Capital Improvements Element for Public Safety and Parks and Recreation Impact Fees, which establishes level of service standards for public safety and park and recreation capital facilities for the planning horizon to 2039; and the City of Gainesville Comprehensive Plan, including the amendment to include a Capital Improvement Element for Public Safety and Parks and Recreation Impact Fees, has been submitted to the Georgia Mountains Regional Commission and determined by the Georgia Department of Community Affairs to be in compliance with the rules of the Georgia Department of Community Affairs, Chapter 110-12-2, Development Impact Fee Compliance Requirements; and

WHEREAS, In support of the Capital Improvements Element for Public Safety and Parks and Recreation Impact Fees, revised population and employment projections have been prepared; and

WHEREAS, The City of Gainesville must expand its public safety and parks and recreation capital facilities in order to maintain the level of service standards established in the City of Gainesville Comprehensive Plan; and further, this must be done in order to promote and protect the health, safety, morals, convenience, order, prosperity, and the general welfare of the City of Gainesville, Georgia; and

WHEREAS, This Ordinance is intended to comply fully with each and every relevant provision of the Georgia Development Impact Fee Act, O.C.G.A. § 36-71-1, et seq., and shall be interpreted and implemented to so comply; and

WHEREAS, As required by Section 9-22-8-7 of the Unified Land Development Code and O.C.G.A. § 36-71-6, the governing body of the City of Gainesville has caused two duly noticed public hearings to be held in regard to the proposed Ordinance, with the second hearing held at least two weeks after the first hearing.

BE IT ORDAINED by the governing body of the City of Gainesville, Georgia, as follows:

ORDINANCE NO. 2019-11

SECTION I.

Section 9-19-1-16 of the Unified Land Development Code of the City of Gainesville, Georgia is hereby amended to read as follows:

Section 9-19-1-16. - Review and automatic update of fee schedules.

- (a) The development fee schedules contained in this Article should be reviewed by the Impact Fee Administrator at least once every two years.
- (b) Unless otherwise directed by the governing body of the City of Gainesville, Georgia, the Impact Fee Administrator should at least once every two years recommend to the governing body of the City of Gainesville, Georgia the amendment of the development impact fee schedules established in this Article based on the methodology described in paragraphs (c) and (d) of this Section.
- (c) The base for computing any adjustment is the January Construction Cost Index for the United States, published by McGraw-Hill. For the purpose of this Section the initial index to be referenced is January of the last year when the impact fees were updated with cost or demographic data.
- (d) If the index is changed so that the base year is different, the index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. If the Construction Cost Index is discontinued or revised, the Consumer Price Index or such other index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Construction Cost Index had not been discontinued or revised."

SECTION II.

Section 9-19-2-2 of the Unified Land Development Code of the City of Gainesville, Georgia is hereby amended to read as follows:

Section 9-19-2-2. - Computation of the amount of public safety development impact fee.

At the option of the applicant, the amount of the public safety development impact fee may be determined by adding together the applicable police facility impact fee and the applicable fire protection facility impact fee from the following schedules.

RESIDENTIAL		Police Impact Fee	Fire Impact Fee
Per dwelling unit		\$375.00	\$685.00
Type and Unit of Development (per 1000 square feet except as noted)	NAICS Code	Police Impact Fee (per 1,000 square feet except as noted)	Fire Impact Fee (per 1,000 square feet except as noted)
INDUSTRIAL AND RELATED			
Construction company	23	\$410.37	\$749.60
Data processing	5182	\$467.00	\$853.04
General freight trucking	4841	\$187.50	\$342.49
Industrial, light	--	\$134.37	\$245.45
Industrial, heavy	--	\$67.12	\$122.61

ORDINANCE NO. 2019-11

Materials recovery facility	56292	\$785.00	\$1,433.91
Mini-warehouse	--	\$26.75	\$48.86
Mining (acre)	21231	\$8.75	\$15.98
Nursery stock wholesaler (acre)	42493	\$85.12	\$155.49
Manufacturing	31-33	\$215.00	\$392.72
Petroleum bulk storage (acre)	4247	\$303.00	\$553.47
Research laboratory	--	\$467.00	\$853.04
Septic tank services	562991	\$441.62	\$806.68
Solid waste collection	562111	\$645.00	\$1,178.18
Warehousing	4931	\$187.50	\$342.49
Wholesale trade	42	\$134.37	\$245.45
RETAIL TRADE AND SERVICES			
Amusement arcade	71312	\$312.50	\$570.82
Amusement park (acre)	713	\$1,344.12	\$2,455.22
Arena	--	\$672.00	\$1,227.50
Art store	45392	\$256.62	\$468.76
Automobile, new car dealer	44111	\$268.75	\$490.90
Automobile, used car dealer	44112	\$312.50	\$570.82
Automotive repair/maintenance	8111	\$516.25	\$943.00
Automotive parts store	44131	\$268.75	\$490.90
Automobile rental and leasing	53211	\$312.50	\$570.82
Bank	52211	\$537.50	\$981.81
Baked goods store	445291	\$312.50	\$570.82
Bar, drinking place or tavern	7224	\$386.25	\$705.53
Beer, wine and liquor store	44531	\$178.25	\$325.59
Book store	4512	\$312.50	\$570.82
Bowling center	71395	\$312.50	\$570.82
Building materials store	4441	\$80.50	\$147.04
Car wash (principal use)	811192	\$512.50	\$936.15
Caterer	72232	\$500.00	\$913.32
Cemetery (acre)	81222	\$10.75	\$19.63
Clothing store	4481	\$224.37	\$409.85
Consumer lending	522291	\$435.75	\$795.95
Cosmetic or beauty supply store	44612	\$237.12	\$433.14
Day care center	6244	\$336.00	\$613.75
Department store	4521	\$312.50	\$570.82
Dry cleaning/laundry	8123	\$312.50	\$570.82
Electronics store	443142	\$312.50	\$570.82
Fitness center	71394	\$312.50	\$570.82
Florist	4531	\$109.37	\$199.78
Formal wear/ costume rental store	53222	\$224.37	\$409.85
Fuel dealer	45431	\$280.37	\$512.14
Funeral home	81221	\$195.00	\$356.19
Furniture or home furnishings store	442	\$144.75	\$264.40
Gasoline with convenience store	44711	\$693.75	\$1,267.23
Golf course/country club (acre)	71391	\$33.62	\$61.42
Hardware store	44413	\$127.50	\$232.89
Hobby, toy, game store	45112	\$224.37	\$409.85
Home improvement store	44411	\$224.37	\$409.85
Household appliance store	443141	\$312.50	\$570.82

ORDINANCE NO. 2019-11

Insurance carrier	5241	\$537.50	\$981.81
Janitorial service	56172	\$529.37	\$966.97
Jewelry store	44831	\$312.50	\$570.82
Landscaping services	56173	\$145.00	\$264.86
Linen or uniform supply	81233	\$185.37	\$338.61
Lodging (hotel or motel, including extended stay (per guest room)	72111	\$107.50	\$196.36
Lodging, bed and breakfast inn (per guest room)	721191	\$53.75	\$98.18
Marina	71393	\$500.00	\$913.32
Merchandise (general) store	4529	\$312.50	\$570.82
Merchandise (used) store	4533	\$224.37	\$409.85
Mobile food service (per vehicle)	72233	\$443.75	\$810.57
Movie Theater	71111	\$201.62	\$368.29
Museum	71211	\$156.25	\$285.41
Musical instrument store	45114	\$224.37	\$409.85
Nursery, garden, farm supply store	44420	\$145.00	\$264.86
Office, general	--	\$403.12	\$736.36
Office, medical or dental	--	\$436.87	\$798.01
Office supply store	4532	\$312.50	\$570.82
Optical goods store	44613	\$312.50	\$570.82
Paint or wallpaper store	44412	\$176.62	\$322.63
Personal care service	8121	\$390.75	\$713.75
Pet care (excludes veterinary)	81291	\$462.50	\$844.82
Pet/pet supply store	45391	\$168.75	\$310.30
Pharmacy or drug store	44611	\$224.37	\$409.85
Recreational vehicle dealer	44121	\$224.37	\$409.85
Recreational vehicle park or campground (per camp site)	7212	\$9.37	\$17.12
Rental center	53231	\$312.50	\$570.82
Restaurant	7225	\$693.75	\$1,267.23
Securities brokerage	52312	\$462.50	\$844.82
Shoe store	44821	\$224.37	\$409.85
Specialty food store	4452	\$312.50	\$570.82
Supermarket/ grocery	44511	\$224.37	\$409.85
Sporting goods store	45111	\$224.37	\$409.85
Tennis or racquet club (principal) (court)	--	\$32.25	\$58.90
Tire store	44132	\$224.37	\$409.85
Tobacco/vape store	453991	\$312.50	\$570.82
Veterinary or animal hospital	54194	\$379.62	\$693.43
Video rental	53223	\$265.62	\$484.05
TRANSPORTATION AND COMMUNICATION			
Ambulance services	62191	\$518.75	\$947.56
Courier or express delivery	4921	\$318.75	\$582.24
Limousine service	48532	\$370.00	\$675.85
Motor vehicle towing	48841	\$518.75	\$947.56
Newspaper publisher	51111	\$267.50	\$490.22
Parking lot/garage (acre)	81293	\$896.25	\$1,637.58
Radio/TV broadcasting	5151	\$160.75	\$292.26
Sound recording studio	51224	\$105.00	\$191.79

ORDINANCE NO. 2019-11

Taxi service	48531	\$518.75	\$947.56
Wireless telecommunication carrier	51721	\$312.50	\$570.82
INSTITUTIONAL			
Church/religious organization	8131	\$67.12	\$122.61
Civic or social organization	8134	\$134.37	\$245.45
Crisis center	6242	\$351.50	\$641.60
Hospital	622	\$436.87	\$798.01
Nursing home/ assisted living	623	\$634.37	\$1,158.77
Recreational community center	--	\$268.75	\$490.90
School, general education	61111	\$134.37	\$245.45
School, business	6114	\$312.50	\$570.82
School, technical/trade	6115	\$218.75	\$399.57
School, cosmetology/barber	611511	\$312.50	\$570.82
School, fine arts	61161	\$312.50	\$570.82
Rooming or boarding house	7213	\$721.25	\$1,317.46

1. If a building permit is requested for mixed uses, then the fee shall be determined through using the above schedules by apportioning the space committed to uses specified on the schedules.
2. If the type of development activity that a building permit is applied for is not specified on the above fee schedules, the Impact Fee Administrator shall use the fee applicable to the most nearly comparable type of land use on the above fee schedules.

The Impact Fee Administrator shall be guided in the selection of a comparable type by the City of Gainesville Comprehensive Plan, supporting documents of the City of Gainesville Comprehensive Plan, and this Unified Land Development Code. If the Impact Fee Administrator determines that there is no comparable type of land use provided in the above fee schedules, then the Impact Fee Administrator shall determine the appropriate fee by considering demographic or other documentation which is available from the City of Gainesville Planning and Development Department, and state and regional authorities.

3. In the case of change of use, redevelopment, or expansion or modification of an existing use which requires the issuance of a building permit, the development impact fee shall be based upon the net positive increase in the development impact fee for the new use as compared to the previous use. The Impact Fee Administrator shall be guided in this determination by the sources listed in paragraph 2 above."

SECTION III.

Section 9-19-3-2 of the Unified Land Development Code of the City of Gainesville, Georgia is hereby amended to read as follows:

Section 9-19-3-2. - Computation of the amount of park and recreation development impact fee.

At the option of the applicant, the amount of the park and recreation development impact fee may be determined by the following fee schedule.

ORDINANCE NO. 2019-11

Cost per Dwelling	\$1,400
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If a building permit is requested for mixed uses, then the fee shall be determined through using the above schedule by apportioning the space committed to uses specified on the schedule.”

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



Gainesville Impact Fee Program

What is an impact fee?

2

- ▶ A one-time charge on development to pay a share of the cost of providing certain public facilities that are needed to serve new development
- ▶ In principle, an impact fee program should help pay for facilities identified in a Capital Improvement Plan (CIE) over a 20-year period



Why are impact fees charged?

3

- ▶ Without impact fees, costs of providing facilities for new development are paid thru:
 - ▶ Existing property taxes
 - ▶ LOST
 - ▶ SPLOST
 - ▶ Fees
- ▶ Rational way to ensure a consistent Level of Service



How have impact fees been used?

4

- ▶ New ladder truck
- ▶ Police firing range & Training Simulator
- ▶ Frances Meadows Center playground and pavilion
- ▶ Wilshire Trails playground
- ▶ Skate Park

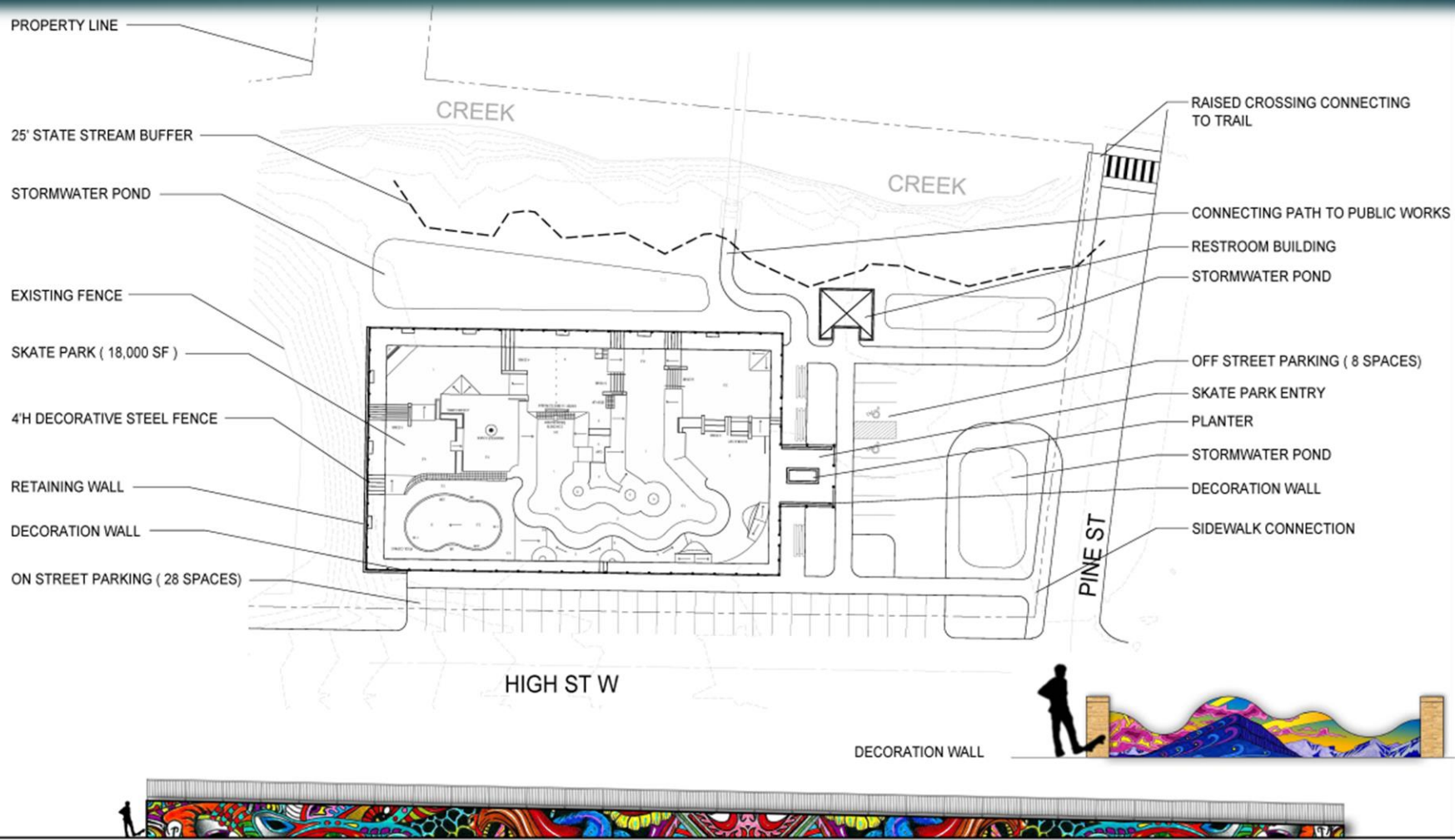








Frances Meadows Community
Center Playground & Pavilion

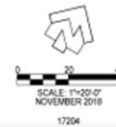


LOSE
DESIGN
SPACES FOR LIFE.

GAINESVILLE SKATE PARK

CONCEPTUAL LAYOUT PLAN
CITY OF GAINESVILLE, GEORGIA

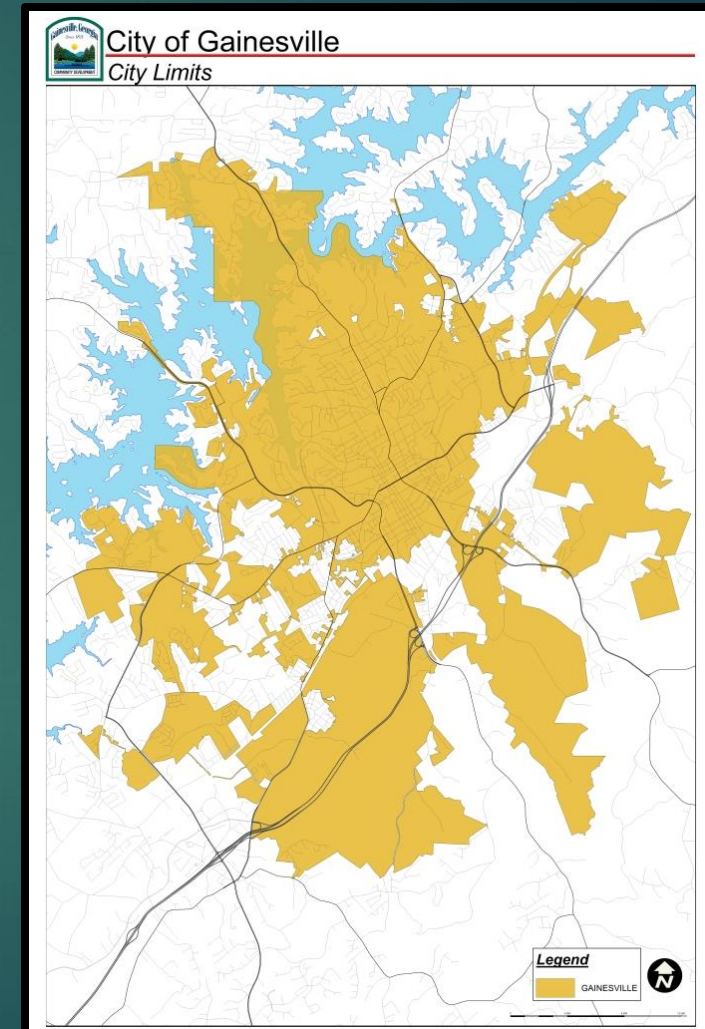
NOT FOR
CONSTRUCTION



Why update?

10

- ▶ Fees have not changed since 2006
- ▶ Fees have not kept up with inflation and increased construction costs
- ▶ It is beneficial to amend the city's development impact fee ordinances to maintain an expected level of service
 - ▶ Public Safety Expansions – Facilities and Equipment
 - ▶ Park improvements as population grows – expansion and additions



Population & Employment Projections, 2019-2039

11

	2019	2024	2029	2034	2039
Population	44,080	50,900	55,300	59,600	65,100
Employment	48,981	50,232	51,548	53,180	55,724
Total Functional Population	93,061	101,132	106,848	112,780	120,824

Note: The resident population is used for parks and recreation, while the functional population is used for public safety.

According to 24/7 Wall Street, Gainesville's population growth rate leads the State at 12.3% compared to the State average of 8.3%

Impact Fee Proposal

12

Per Dwelling	Proposed Impact Fee
Parks	\$1,400.00
Fire	\$685.00
Police	\$375.00
Hall Co. Library	\$261.27
Admin. Fee	\$81.64
Total	\$2,802.91

Potential Future Impact Fee Funded Projects

13

- ▶ New fire station(s)
- ▶ Expanded public safety facilities
- ▶ Public Safety equipment
- ▶ Improved park amenities



CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 5/17/2019

Presenter: Abb Hayes

Item of Business: PR-2019-08 Acquire Land and Easement Rights to Construct an Access Road from Gainesville 85 Business Park to State Route 129

Meeting Date: 5/21/2019

Purpose of Request:

The purpose of this request is to exercise the power of eminent domain to acquire certain property rights through the condemnation process if the necessary property rights cannot be acquired by voluntary negotiation and sale.

History/Background:

Facts & Issues for Consideration:

The City, in cooperation with the Hall County Development Authority, is developing the Gainesville 85 Business Park located off Fulenwider Road. The proposed resolution allows for the acquisition of land and easements to construct an access road from Gainesville 85 Business Park to State Route 129.

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-2019-08 Acquire Land and Easements for 85 Business Park Access Road Resolution	

RESOLUTION PR-2019-08

ACQUIRE LAND AND EASEMENT RIGHTS TO CONSTRUCT AN ACCESS ROAD FROM GAINESVILLE 85 BUSINESS PARK TO STATE ROUTE 129

WHEREAS, the City of Gainesville, Georgia, in cooperation with the Hall County Development Authority, is currently developing the Gainesville 85 Business Park located in the City of Gainesville off Fulenwider Road; and

WHEREAS, it appears that the Gainesville 85 Business Park is currently located on two-lane Hall County Roads that have sharp curves, varying elevations, and limited sight distances; and

WHEREAS, it appears that direct access between the Gainesville 85 Business Park and State Route 129, which is a four-lane divided highway that is currently under construction, will provide a safer, more direct, and more convenient access route to travelers and truck traffic from the Gainesville 85 Business Park to State Route 129 and thence to I-85, I-985, and to the interstate system of highways; and

WHEREAS, in order to maintain the projected schedule of road construction of the access road from the Gainesville 85 Business Park to State Route 129 (the "Access Road"), the City of Gainesville has determined that it is necessary and in the public interest to acquire certain tracts of land as part of a project to construct the Access Road (the "Project"), immediately and without delay, such Project being for the use of the general public, and being in the public interest of the citizens of the City of Gainesville, of Hall County, and of the State of Georgia; and

WHEREAS, the governing body of City of Gainesville, by this Resolution, hereby determines the original approval and location of the Project; and

WHEREAS, Article 9, Section 2, Paragraph 5 of the Georgia Constitution authorizes municipalities to exercise the power of eminent domain for any public purpose; and

WHEREAS, Section 1.13 of the City of Gainesville Charter provides that the City of Gainesville may condemn properties, inside or outside the corporate limits of the City, for any public purpose deemed necessary by the City; and

WHEREAS, Section 2.18 of the City of Gainesville Charter provides that the City of Gainesville is empowered to construct and maintain public ways inside or outside the City; and

WHEREAS, this Project is located in the 268th Georgia Militia District of Hall County, Georgia; and

NOW, THEREFORE, BE IT RESOLVED, and it is resolved, the City of Gainesville finds that the Project to construct an Access Road from Gainesville 85 Business Park to State Route 129 is necessary to serve a public purpose, and in furtherance of that public purpose, the City of Gainesville has determined to use its power of eminent domain to acquire certain property rights through the condemnation process in the event that the necessary property rights cannot be acquired by voluntary negotiation and sale. The acquisition procedure shall proceed under Titles 22 and 32 of the Official Code of Georgia, as the Project schedule of completion requires acquisition of all parcels quickly, and without delay. Time is of the essence; and

IT IS FURTHER RESOLVED, that the City Manager of the City of Gainesville, and the employees and agents of the City of Gainesville, may negotiate for and acquire the property required for the Project by gift, sale, or condemnation, and that the City Attorney and the

RESOLUTION PR-2019-08

**ACQUIRE LAND AND EASEMENT RIGHTS TO CONSTRUCT AN ACCESS ROAD
FROM GAINESVILLE 85 BUSINESS PARK TO STATE ROUTE 129**

employees and agents of the City of Gainesville, are hereby directed to prepare the necessary deeds, easements, closing documents, petitions, declarations of taking, orders, and any other documents required to effectuate the foregoing; and

IT IS FURTHER RESOLVED, that the governing body of the City of Gainesville, hereby authorizes the Mayor, the City Manager, the City Attorney, and the employees and agents of the City of Gainesville, to sign any of the documents referenced in the preceding paragraph on behalf of the City of Gainesville to complete the acquisition of the property required for this Project; and

IT IS FURTHER RESOLVED, that any actions of the governing body of the City of Gainesville, the City Manager, the City Attorney, and the employees and agents of the City of Gainesville, taken on behalf of the City of Gainesville prior to the date of this Resolution to complete the acquisition of the property required for this Project are hereby ratified; and

IT IS FURTHER RESOLVED, that the location of the Project be advertised in the legal organ of Hall County, commencing immediately, for four consecutive weeks, and that the plans be kept on file at the City of Gainesville, and that any interested party may obtain a copy of same by writing to the City of Gainesville at P.O. Box 2496, Gainesville, GA 30503, and paying a nominal cost therefor.

Adopted this _____ day of _____, 2019.

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