CITY OF
GAINESVILLE

Mayor/Council Meeting Agenda
Tuesday, August 3, 2021, 5:30 PM
Public Safety Complex, Municipal Court Room
701 Queen City Parkway, Gainesville, GA 30501
Mayor or Mayor Pro Tem Presides

INVOCATION:

PLEDGE OF ALLEGIANCE:

COUNCIL ANNOUNCEMENTS:

PUBLIC COMMENTS: (20 minutes maximum)

CONSENT AGENDA:

Minutes

A. July 15, 2021 Work Session

B. July 20, 2021 Mayor/Council Meeting

Resolutions

A. BR-2021-39 Cooks Communities Development Annexation Waiver

B. GR-2021-05 Accept FY2022 Legacy Link Grant Contract

C. GR-2021-06 Adoption of an Amendment to the 2019 CDBG Annual Action Plan

D. GR-2021-07 Adoption of 2021 CDBG Annual Action Plan and to Rescind Grant Resolution GR-2021-03

E. GR-2021-08 Adopt 2021 Community Home Improvement Program (CHIP) Grant Program Policies, Procedures, New Construction Standards and Specifications

F. PR-2021-05 Woodmen Of The World Chapter 29 Donation

PUBLIC HEARING(S):

Annexation/Zoning Items

A. Request from **City of Gainesville** to rezone a 1.716± acres tract located between Jesse Jewell Parkway, West Academy Street, Broad Street and Maple Street (a/k/a **312 Jesse Jewell Parkway, SW; 315 and 323 Broad Street, SW; 0 and 320 Maple Street, SW**) from General Business (G-B) to Central Business (C-B) with a special use. **Ward Number: Four**. Tax Parcel Number(s): 01-012-004-001; 01-006-004-002, 004, 005 & 006. **Request: Restaurant and special event center.**

- Proposed Rezoning Ordinance 2021-21
- Proposed Resolution ZR-2021-02

B. Request from **McNeal Development, LLC** to rezone a 4.86± acres tract located between Queen City Parkway, Banks Street and Gordon Avenue, having road frontage on Saint Thomas Drive and Longstreet Avenue (a/k/a **504, 512, 514, 520 and 528 Banks Street, SW; 510 East Avenue, SW; 535, 548, 549, 604, 608, 620 and 628 Gordon Avenue, SW; 0, 602, 611 and 612 Longstreet Avenue, SW; 436 and 442 Parker Street, SW; 627 and 635 Queen City Parkway; 507 and 513 Saint Thomas Drive**) from Residential-II (R-II), Office and Institutional (O-I), General Business (G-B) and Heavy Industrial (H-I) to Planned Unit Development (P-U-D). **Ward Number: Three**. Tax Parcel Number(s): 01-012-002-006; 01-013-001-001, 002, 003, 004, 005 and 006; 01-013-002-001, 002, 003, 004, 005, 006, 007, 007A, 008, 009 and 010. **Request: 214 Multi-family apartments**.

- Proposed Rezoning Ordinance 2021-22

C. Request from **Carl Volle** to annex a 1.69± acres tract located on the south and west side of Meadowlark Lane, east of the intersection of Cleveland Highway and Meadowlark Lane (a/k/a **1646 Meadowlark Lane**) and to establish zoning as Residential-II (R-II). **Ward Number: Two**. Tax Parcel Number(s): 00-084-006-001 (Part). **Request: Six single-family homes**.

- Proposed Annexation Ordinance 2021-23
- Proposed Zoning Ordinance 2021-24

D. **Item Tabled to the August 10, 2021 PAB Meeting**
Request from **Optum Development** to annex a 7.77± acres tract located on the northeast side of Limestone Parkway, across from the intersection of Tapawingo Drive and Riverwood Drive (a/k/a **1744 Cleveland Highway**) and to establish zoning as Planned Unit Development (P-U-D). **Ward Number: Two**. Tax Parcel Number(s): 09-126-000-024 (Part). **Request: 36 residential townhomes**.

CITY MANAGER ISSUES:

CITY ATTORNEY ISSUES:

CITY CLERK ISSUES:

EXECUTIVE SESSION:

ADJOURNMENT:

Final: Friday, July 30, 2021, 9:10 AM

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 7/30/2021

Presenter:

Item of Business: Consent Agenda Items

Meeting Date: 8/3/2021

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: 8/3/2021

Presenter: Denise Jordan

Item of Business: July 15, 2021 Work Session

Meeting Date: 8/3/2021

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: 8/3/2021

Presenter: Denise Jordan

Item of Business: July 20, 2021 Mayor/Council Meeting

Meeting Date: 8/3/2021

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: 7/20/2021

Presenter: Bryan Lackey

Item of Business: BR-2021-39 Cooks Communities Development Annexation Waiver

Meeting Date: 8/3/2021

Purpose of Request:

Cook Communities has formally requested the annexation requirement for sanitary sewer service be waived for a proposed residential development located on three tracts with the following addresses: 1560, 1582 and 1586 Pine Valley Road. These parcels are all currently contiguous with the existing City limits.

History/Background:

Per resolution BR-2018-44, the governing body of the City may waive the annexation requirement for sanitary sewer service if the proposed use of the property is non-conforming to the City's Unified Land Development Code (ULDC) or if the use is inconsistent with the City's Comprehensive Future Land Use Plan.

Facts & Issues for Consideration:

Community and Economic Development Department staff has identified the proposed use as non-conforming with the City's Comprehensive Future Land Use Plan and, as such, supports the developer's desire to remain in unincorporated Hall County while still being allowed to connect to the City's public sanitary sewer system.

Department Recommendation:

Approve the request by the developer to remain in unincorporated Hall County and connect to the City's public sanitary sewer system, with no requirement to annex into the City limits of Gainesville.

Department Director:

Linda MacGregor

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
BR-2021-39 Cook Communities Development Annexation Waiver	Resolution

🗋	Location Map	Backup Material
🗋	Cook Communities Annexation Waiver Request Letter	Backup Material

RESOLUTION BR-2021-39

COOK COMMUNITIES DEVELOPMENT ANNEXATION WAIVER

WHEREAS, the City of Gainesville owns and operates a sanitary sewer collection system serving the City of Gainesville and surrounding areas; and

WHEREAS, the City of Gainesville requires property owners who desire to connect to the sanitary sewer collection system to annex into the corporate limits of the City of Gainesville prior to connection when contiguous to the City Limits; and

WHEREAS, in some instances, the City may desire to provide sanitary sewer service to property which is contiguous to the municipal boundaries of the City for protection of the public health and welfare of the community, despite the proposed use of said property not conforming to the City Unified Land Development Code and/or despite the proposed use of said property being inconsistent with the City Comprehensive Future Land Use Plan; and

WHEREAS, in these instances, the City of Gainesville will allow connection to the City's sanitary sewer collection system without requiring annexation into the City Limit's but will require execution of a sanitary sewer service agreement and power of attorney for future annexation of said property; and

WHEREAS, the developer, Cook Communities, proposes a residential development encompassing the properties located at 1560, 1582 and 1586 Pine Valley Road and has formally requested, in writing, the annexation requirement for connection to the City's sanitary sewer system be waived; and

WHEREAS, Community and Economic Development Department staff have identified the nature of the residential development to be non-conforming with the City's Comprehensive Future Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby approves this request to allow connection of the Property to the City's sanitary sewer system without annexing.

BE IT FURTHER RESOLVED THAT the Mayor, City Manager and/or City Attorney are authorized to sign any and all documents that may be necessary to effectuate the connection of the Property to the City's sanitary sewer system.

Adopted this _____ day of _____, 2021.

_____

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

LOCATION MAP

July 13th, 2021

VIA EMAIL

City of Gainesville
300 Henry Ward Way
Suite 303
Gainesville, GA 30501

Pine Valley Road Project – Utilities Request

To Whom it May Concern,

This letter is to request access to the City of Gainesville's Water and Sewer for a proposed development along Pine Valley Road in Hall County. The proposed project is 265-unit townhome development. Please see the attached site plan.

The applicant has spoken to City of Gainesville staff for consideration to access water and sewer while foregoing annexation into the Gainesville city limits.

Respectfully,

Cook Communities

Keith Cook

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 7/27/2021

Presenter: Bryan Lackey

Item of Business: GR-2021-05 Accept FY2022 Legacy Link Grant Contract

Meeting Date: 8/3/2021

Purpose of Request:

Legacy Link invited the Community Service Center to submit a request for proposals that would provide funding for Meals on Wheels, Senior Life Center, and Coordinated Transportation for Senior Life Center clients.

History/Background:

Legacy Link, Inc. is our community's Area Agency on Aging. It is a pass through agency for funding available under the Older Americans Act. Funding for Meals on Wheels, Senior Life Center services is granted to the City of Gainesville through a Legacy Link grant.

Facts & Issues for Consideration:

Legacy Link has reviewed the CSC's FY22 proposal and offered grant funding to support its Meals on Wheels, Senior Life Center, and Senior Transportation Services. To receive FY22 grant funding the Gainesville City Council must authorize the City Manager and/or Mayor to execute the contract and associated documents. The FY22 grant requires a local match of $66,142.00 to receive some $791,179 in Federal/State funding. The local funds are already in the CSC's FY22 Budget Request.

Department Recommendation:

Authorize the approval of the FY22 Legacy Link, Inc. grant documents and future amendments.

Department Director:

Phillippa Lewis Moss

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

Amount Requested: $41,268

Source of Funds: General Funds

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type

🗋	GR-2021-05 Accept FY22 Legacy Link Contract & Grant	Resolution
🗋	FY22 Legacy Link Contract & Grant	Contract/Agreement/MOU

RESOLUTION GR-2021-05

Accept FY22 Legacy Link Grant Contract

WHEREAS, the Gainesville-Hall County Community Service Center (CSC) is charged with providing a variety of services for aging persons in Hall County; and

WHEREAS, the CSC has for three decades applied for and been awarded a grant through Legacy Link for aging services to include senior transportation, home delivered meals, and congregate meals.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby authorize the CSC staff to apply for and accept the FY22 Legacy Link grant.

BE IT FURTHER RESOLVED THAT the governing body for the City of Gainesville hereby approves the FY22 Legacy Link grant contract and addendums and authorizes the City Manager and/or Mayor to sign all associated documents**.**

Adopted this _____ day of _____, 2021.

_____

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

Parties: The Legacy Link, Inc.
P.O. Box 1480
4080 Mundy Mill Road
Oakwood, Georgia 30566
Phone No: 770-538-2650

City of Gainesville
300 Henry Ward Way, Suite 303
P.O. Box 2496
Gainesville, Georgia 30501
Phone No: 770-535-6865

Subject: Nutrition Program

Term: July 1, 2021 to June 30, 2022

AGREEMENT

THIS AGREEMENT entered into this First day of July, 2021 between THE LEGACY LINK, INC., hereinafter referred to as the "Legacy", and the CITY OF GAINESVILLE, GEORGIA, hereinafter referred to as the "Contractor".

W I T N E S S E T H:

WHEREAS, the Legacy has entered into an Agreement with the Department of Human Services of the State of Georgia for the purpose of carrying out a component of the Legacy Link, Inc., Area Agency on Aging Plan; and

WHEREAS, this component of said Area Plan on Aging is the provision of Nutrition and Nutrition Screening services to the elderly; and

WHEREAS, the Legacy and the Contractor desire to enter into an Agreement to provide the aforementioned Nutrition, and Nutrition Screening services in Hall County;

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties hereto do hereby agree as follows;

1. Term. The term of this Agreement shall be from July 1, 2021 to 12:00 Midnight, Eastern Daylight Time, June 30, 2022.

2. Description of Services. The Contractor shall, in a satisfactory and proper manner as determined by the Legacy, perform the services described below with preference given to low income minority and rural elderly.

(a) Operation of one (1) nutrition program site to be located in Hall County;

(b) Operation of the nutrition site includes serving one meal a day, five days a week (250 days per year) as specified in the Grant Application incorporated herein, for a total of 10,000 units of congregate nutrition services to 146 elderly persons, 125,000 units of home-delivered nutrition services to 901 elderly persons, providing client assessment for services, nutrition education and any other activities which seem necessary to educate and inform the elderly of services in the community and/or to bring independence and dignity into their lives.

3. Supervision and Administration. The intent of the parties being that all funds provided hereunder to the Contractor be utilized for the provision of services, the Contractor shall be responsible for all administrative support incurred in the provision of the above-mentioned services and shall provide supervision and administration necessary for the provision of said services, and shall provide all costs of administrative support, supervision and administration in not less than the dollar amount specified in The Legacy Link Area Agency on Aging plan and continuation proposal for July 1, 2021 to June 30, 2022.

4. Reports.

(a) A financial report containing a statement of all expenditures for the preceding month, a statement of cumulative expenditures under the Agreement to date, and a statement of all unexpended funds on hand shall be submitted by the Contractor to the Legacy by the fifth business day of the following month commencing with a report for the month of July, 2021.

(b) A program report describing services rendered pursuant to this Agreement during the preceding month shall be submitted by the Contractor to the Legacy on or before the fifth business day of the following month commencing with a report for the month of July, 2021.

(c) All reports shall be prepared on such forms and in such a

manner as shall be prescribed by the Legacy.

(d) The Legacy reserves the right to refuse to accept or honor any report not timely filed.

5. Compensation.

(a) Subject to the timely filing of the reports described in paragraph four (4), and subject to payment by the Department of Human Services to the Legacy of the appropriate funds, the Legacy shall, on or before the twenty fifth day of each month commencing with the month of August, 2021, reimburse the Contractor for actual expenditures made pursuant to the Agreement for each preceding month based on the aforementioned financial report.

(b) The total compensation paid by the Legacy to the Contractor for nutrition site operation pursuant to this Agreement shall not exceed Four Hundred Twenty Nine Thousand Four Hundred Ninety Eight Dollars ($429,498.00).

(c) The Legacy agrees to provide federal and state funds for congregate meals in the amount of Twenty Nine Thousand Nine Hundred Eighteen Dollars ($29,918.00) and federal and state funds for home-delivered meals in the amount of Two Hundred Twenty Nine Thousand Five Hundred Twenty Five Dollars ($229,525.00).

6. Non-Federal Funds.

(a) As a condition of this Agreement, the Contractor agrees to insure non-federal funds in the amount of Forty One Thousand Twenty Seven Dollars ($41,027.00) will be available for nutrition site operations services.

(b) The Contractor further agrees to insure local cash based on actual cost per meal and available federal and state funds for 10,000 congregate and 125,000 home-delivered meals.

The minimum cash requirement for the term of the Agreement being Ten Thousand Three Hundred Twelve Dollars ($10,312.00) for congregate meals and Two Hundred Eighty Thousand Five Hundred Eighty Eight Dollars ($280,588.00) for home-delivered meals.

The Contractor shall provide the necessary non-match local

resources required for the provision of the services listed in Paragraph two (2) of this contract, this amount being Four Hundred Seventy Nine Thousand Eight Hundred Seventy One Dollars ($479,871.00).

(c) Any donations collected during the term of this Agreement which are in excess of the local cash requirement must be used by the Contractor to expand services under this Agreement.

7. Unexpended Funds. Upon expiration or termination of this Agreement for any reason, all unexpended funds held by the Contractor shall revert immediately to the Legacy.

8. Right to Withhold Payment. The Legacy reserves the right to withhold contract payments under this Agreement if it appears to the Legacy that the Contractor is failing to substantially comply with the quality of service or the specified completion schedule of its duties required under this agreement, and/or to require further proof of reimbursable expenses prior to payment thereof, and/or require improvement at the discretion of the Legacy in the programmatic performance of service delivery.

9. Collection of Audit Exceptions. The Contractor agrees that the Legacy may withhold net payments equal to the amount which has been identified by an audit notwithstanding the fact that such audit exception is made against a prior or current contract or subcontract. The Contractor may also repay the Legacy for the total exception by check.

10. Compliance with Laws and Regulations; Incorporation of Documents and Laws. The contracts and other documents, and the federal and state laws, regulations, guidelines, opinions, and standards listed below, as now or hereafter amended, are hereby incorporated into and made a part of this Agreement by reference. The Contractor shall comply with all of the foregoing in undertaking all of the obligations and duties assumed by it under this Agreement.

The Contractor further assumes responsibility for full compliance with such laws, regulations, guidelines, opinions, and standards and agrees to fully reimburse the Legacy for any loss of funds or other resources resulting from noncompliance on the part of the Contractor, its agents, servants, or employees. The following documents are incorporated into, and made a part of, this Agreement by reference thereto:

(a) The Legacy Link, Inc., Area Agency on Aging Plan for July 1, 2021 to June 30, 2022.

(b) Agreement between the Legacy and the Georgia Department of Human Services to implement applicable provisions of the Older Americans Act of 1965, as amended.

(c) Georgia Office of Aging Title III Manual of Policies and Procedures

(d) 45 CFR - Part 74 Administration of Grants;

(e) Official Code of Georgia Annotated Sections 45-10-20 through 45-10-28 (Conflict of Interest);

(f) 45 CFR - Part 80 Civil Rights;

(g) 45 CFR - Part 92;

(h) Office of Management and Budget, Circular A-102;

(i) The "Single Audit Act of 1984" (PL 98-502);

(j) Reimbursement of travel expenses under this Agreement must not exceed rates in Statewide Travel Regulations.

(k) Section 1352 of PL 101-12 Prohibitions and Requirements Related to lobbying);

(l) Opinions of the Attorney General of Georgia;

(m) All other applicable federal, state and local laws, ordinances, resolutions and regulations.

11. Purchasing. All of the Contractor's purchases of supplies, equipment or services under this Agreement must be accomplished in accordance with 45 CFR - Part 74 Administration of Grants.

12. Maintenance of Records. The Contractor shall maintain such records and accounts, including property, personnel, and financial

reports as deemed necessary by the Legacy to assure a proper accounting of all program funds, including both federal and nonfederal matching funds expended to enable the Legacy to comply with all federal and state financial accountability requirements. Contractor record retention requirements are five years from submission of final expenditure report. If any litigation, claims or audit is started before the expiration of five years, the records shall be retained until all litigations, claims or audit findings involving the records have been resolved. These records shall be retained in a manner and for the period specified in 45 CFR - Part 74 Administration of Grants.

(a) At any time during normal business hours and as often as the Legacy may deem necessary, there shall be made available to the Legacy all of the Contractor's records with respect to all matters covered by this Agreement, and the Contractor will permit the Legacy or its designated representative to audit, examine and make excerpts from invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to matters covered by this Agreement.

13. **Property.** A property inventory record, including source of funds for acquisition, date of acquisition, cost of acquisition, description, model and serial numbers, shall be maintained accurately by the Contractor in such form and manner as shall be specified by the Legacy on all non-expendable items of personal property acquired in whole or in part with funds disbursed pursuant to this Agreement. The Contractor shall report the acquisition of any property to the Legacy on Department of Human Services Form #5111. This report shall be made within 30 days of acquisition. Upon termination of this Agreement, an inventory report will be submitted to the Legacy for determination by the Legacy as to disposition of the personal property. The Contractor shall be responsible for reporting to the Legacy the loss, damage, theft or destruction of any property and for replacing and repairing such items.

14. Intangible Property, Inventions, Patents and Copyrights. The Contractor agrees that if patentable items, patent rights, processes, or inventions are produced in the course of work funded by this contract, to report such facts in writing promptly and fully to the Legacy. The Federal agency and the Georgia Department of Human Services shall determine whether protection on the invention or discovery shall be sought. The Federal agency and the Georgia Department of Human Services will also determine how the rights under any patent issued thereon, shall be allocated and administered in order to protect the public interest consistent with Public Law 96-517, OMB Circular A-124 as printed in 47 FR 7556.

15. Non-discrimination in Employment or Services.

(a) The Contractor agrees that it shall not discriminate against any persons in the provision of any services or in any terms or conditions of employment on the basis of political affiliation, race, color, religion, national origin, sex, age or handicap and will comply with all applicable Federal and State laws, rules, regulations and guidelines prohibiting discrimination.

(b) The Contractor shall adopt and implement an acceptable Affirmative Action Plan and shall furnish to the Legacy a copy of such plan.

(c) The Contractor further agrees that where the Legacy is bound to compliance in any matter related to this Contract the Contractor will comply and will take such measures as the Legacy or the above laws, rules, guidelines and regulations indicate as being required to assure compliance.

(d) It is expressly understood that upon receipt of evidence of any such discrimination, the Legacy shall have the right to immediately terminate this Agreement.

(e) The Contractor agrees to comply with all applicable provisions of the Americans with Disabilities Act (ADA) and any relevant federal and state laws, rules and regulations regarding employment practices toward individuals with disabilities and the availability/accessibility of programs, activities or services for

clients with disabilities. The Contractor agrees to require any subcontractor performing services funded through this contract to comply with all provisions of the federal and state laws, rules, regulations and policies described in this paragraph.

16. Workers' Compensation Insurance. The Contractor warrants to the Legacy that adequate workers' compensation insurance in the amount and form required by Georgia law is maintained on all employees of the Contractor. Upon the request of the Legacy, the Contractor shall furnish to the Legacy a certificate of insurance verifying the existence of the aforementioned insurance.

17. Criminal Records Investigations: The Contractor agrees that, for the filling of positions or classes of positions having direct care responsibilities for services rendered under this contract, applicants selected for such positions shall undergo a criminal record history investigation which shall include a fingerprint record check pursuant to the provisions of Code Section 49-2-14 of the Official Code of Georgia Annotated. The Contractor will provide the forms which will include the required date from the applicant. The Contractor agrees to obtain the required information (which will include two proper sets of fingerprints on each applicant) and transmit said fingerprints directly to the Georgia Crime Information Center together with the fee as required by said center for a determination made pursuant to Code Section 49-2-14 of the Official Code of Georgia Annotated or any other relevant statutes or regulations. After receiving the information from the Georgia Crime Information Center or any other appropriate source, the Legacy will review any derogatory information and, if the crime is one which is prohibited by duly published criteria within the Georgia Department of Human Services, the Contractor will be informed and the individual so identified will not be employed for the purpose of providing services under this contract.

18. Confidentiality of Individual Information. The Contractor

agrees to abide by all state and federal laws, rules and regulations and policies of the Georgia Department of Human Services respecting confidentiality of individuals' records. The Contractor further agrees not to divulge any information concerning any individual to any unauthorized person without the written consent of the individual client or responsible parent or guardian.

19. AIDS Policy. The contractor agrees not to discriminate against any client who may have AIDS or be infected with Human Immunodeficiency Virus (HIV). The Contractor is encouraged to provide or cause to be provided appropriate AIDS training to it's' employees and to seek AIDS technical advice and assistance from appropriate health department office. The Contractor further agrees to refer clients requesting additional AIDS related services or information to the appropriate county health department.

20. Publicity. Any publicity given to the program or services provided herein including, but not limited to, notices, information, pamphlets, press releases, research, reports, signs and similar public notices prepared by or for the Contractor shall identify the Legacy Link, Inc. as a sponsoring agency. The Contractor shall not identify the Georgia Department of Human Services as a sponsoring agency without prior approval. The Contractor shall not display the Georgia Department of Human Services name or logo in any manner without prior written authorization of the Commissioner.

21. Evaluation. The Legacy shall be allowed to carry out such monitoring and evaluation activities of the programs of the Contractor as is determined necessary by the Legacy.

22. Consultant/Study Contract. The Contractor agrees not to release any information, findings, recommendations or other material developed or utilized during or as a result of this contract until the information has been provided to the Legacy and ultimately to the Georgia Department of Human services. Any research, study, review or

analysis of clients served must be reviewed and approved by the Legacy and the Georgia Department of Human Services.

23. Subcontracts. The Contractor shall not subcontract any portion of this Agreement without the express written consent of the Legacy. In the event of any subcontract, the Contractor shall incorporate into and require its subcontractor to comply with all of the provisions of this Agreement, and the Contractor shall remain primarily liable to the Legacy for all duties, obligations and responsibilities assumed by the Contractor under this Agreement and shall not be relieved of any such duties, obligations or responsibilities.

24. Status of Parties as Independent Contractors. Nothing contained in this Agreement shall be construed to constitute the Contractor or any of its employees, servants, agents or subcontractors as a partner, employee, servant or agent of the Legacy, nor shall either party to this Agreement have any authority to bind the other in any respect, it being intended that each shall remain an independent contractor. The Legacy is interested only in the results to be achieved and shall have no control over the actual conduct of the work to be performed.

25. Indemnification. The Contractor shall assume all liability and risks for all damages and injuries to persons or property which shall or may arise or accrue out of the conduct of any activity relating to the performance of this Agreement by the Contractors, its officials, employees, agents, or servants and shall indemnify and save harmless the Legacy from any and all liability, actions, causes of action, suits, damages, attorneys' fees and costs which may arise or accrue out of the conduct of any activity relating to the performance of this Agreement by the Contractor, its official, employees, agents, or servants.

26. Waiver of Immunity. For the purpose of any cause of action

that may arise or accrue out of the performance of this Agreement and which may be vested in the Legacy, the Contractor waives any governmental or other immunity which it may possess.

27. Conflict of Interest. The Contractor shall comply with the provisions of the Official Code of Georgia Annotated, Section 45-10-20 through 45-10-28, as amended, which prohibit and regulate certain transactions between certain State officials, employees and the State of Georgia, have not been violated and will not be violated in any respect.

28. Debarment. In accordance with Executive Order 12549, Debarment and Suspension, and implemented at 45CFR Part 76, 100-510, Contractor certifies by signing Annex I that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this contract by any federal department or agency. Contractor further agrees that it will include the clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction", without modification in all lower tier transactions and in all solicitations for lower tier covered transactions.

29. Termination. This Agreement may be terminated by either party upon thirty (30) days prior written notice to the other party. The Contractor shall be compensated for all services satisfactorily rendered prior to and including the date of termination.

30. Termination Due to Non-Availability of Funds. Notwithstanding any other provision of this Agreement, in the event that any of the funds to be made available to the Legacy by the appropriate federal, state and local sources for carrying out the functions to which this Agreement relates do not become available or in the event the sum of all obligations of the Legacy incurred under this Agreement entered into as of the date of this Agreement become

unavailable for disbursement then this Agreement shall immediately terminate without further obligation to the Legacy as of that moment.

31. Entire Agreement; Modification.

(a) This writing contains the entire Agreement of the parties, and no representations are made or relied upon by either party other than those expressly set forth.

(b) No modification, amendment, waiver, termination or discharge hereof shall be binding upon either party unless executed in writing by the parties.

32. Execution in Duplicates. This Agreement is executed in duplicate, and each of the duplicates shall be deemed to be an original and shall have the same force and effect as if it alone had been executed by the parties.

******** space left blank intentionally********

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and affixed their seals the day and year first above written.

THE LEGACY LINK, INC.

By: _____
Chief Executive Officer/AAA Director

Subscribed and sworn to
in our presence:

_____
Notary Public

Approved as to Form:

By: _____
City Attorney

CONTRACTOR:
CITY OF GAINESVILLE

By: _____
Official

Subscribed and sworn to
in our presence:

By: _____
City Clerk

_____
Notary Public

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 7/19/2021

Presenter: Bryan Lackey

Item of Business: GR-2021-06 Adoption of an Amendment to the 2019 CDBG Annual Action Plan

Meeting Date: 8/3/2021

Purpose of Request:

This resolution authorizes a second amendment to the City's 2019 CDBG Annual Action Plan in order to accept and account for a second special allocation (CDBG-CV) authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). The City has been awarded an additional $326,624 in CDBG-CV3 funds that are to be used on eligible activities intended to prevent, prepare for, or respond to COVID-19.

History/Background:

City of Gainesville is designated by the U. S. Department of Housing and Urban Development (HUD) as a Community Development Block Grant (CDBG) entitlement grantee. As such, the City receives an annual CDBG allocation intended to (1) benefit low- and moderate-income persons, (2) eliminate slum and blight, and/or (3) meet a particular urgent need. Under the CARES Act, the City is eligible to receive additional funding to address the impacts of COVID-19, which requires an amendment to the first-year action plan to include the CDBG-CV3 funds.

Facts & Issues for Consideration:

The Mayor and Council adopted an amendment to the five-year HUD Consolidated Plan on 5/4/2021 to accept and include the CDBG-CV3 allocation, and adopted the 2021 Annual Action Plan which included the CDBG-CV3 funds per direction from HUD. However, per a call from HUD on 6/28/2021, staff was alerted that HUD had changed its position on which plan the CDBG-CV3 funds could be included. Per HUD HUD, the CDBG-CV3 funds must be included in the 2019 Annual Action Plan.

Department Recommendation:

Approval of the Resolution.

Department Director:

Rusty Ligon

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
GR-2021-06 2019 CDBG Annual Action Plan Amendment	Resolution
Exhibit A: 2019 CDBG Plan Amendment Budget Summary	Attachments/Exhibits
HUD Email - Include CDBG-CV3 in 2021 AAP	Backup Material
HUD Email - Include CDBG-CV3 in 2019 Plan	Backup Material

RESOLUTION GR-2021-06

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
AMENDMENT TO THE 2019 ANNUAL ACTION PLAN TO INCLUDE CDBG-CV3 FUNDS

WHEREAS, the City of Gainesville is designated an entitlement grantee by the U.S. Department of Housing and Urban Development (HUD) for the purpose of participating in the *Community Development Block Grant (CDBG)* Program; and

WHEREAS, on July 21, 2020, the governing body for the City of Gainesville adopted the first substantial amendment to its 2019-2023 HUD Consolidated Plan and 2019 Annual Action Plan to accept an initial special allocation of CDBG CARES Act funds (CDBG-CV1); and

WHEREAS, the City has been awarded an additional $326,624 in CDBG CARES Act (CDBG-CV3) funds authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, and to be used to prevent, prepare for, and respond to the coronavirus (COVID-19); and

WHEREAS, following a public comment and public hearing period, the governing body for the City of Gainesville adopted a second substantial amendment to the 2019-2023 HUD Consolidated Plan to include the CDBG-CV3 funds; and

WHEREAS, per the guidance and instructions from HUD, the CDBG-CV3 funds shall be added to the 2019 Annual Action Plan and will be utilized only for specifically designated and approved projects as outlined in the First Program Year 2019 Annual Action Plan and activities list outlined in the attached Exhibit A.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby adopts this amendment to the 2019 Annual Action Plan, and authorizes submittal to HUD.

BE IT FURTHER RESOLVED THAT the governing body for the City of Gainesville hereby authorizes the Mayor or City Manager to sign all necessary resolutions, certifications, applications, subrecipient agreements, and documents directly related to accepting and administering the amendment.

Adopted this _____ day of _____, 2021.

_____
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

CITY OF GAINESVILLE
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
FIRST PROGRAM YEAR
2019 ANNUAL ACTION PLAN – SECOND AMENDMENT

PROGRAM FUNDING SOURCES	
2019 Grant Allocation	**$ 498,567**
Projected Program Income	**$ 30,000**
2020 CDBG-CV1 CARES Act Allocation	**$ 282,736**
2020 CDBG-CV3 CARES Act Allocation	**$ 326,624**
TOTAL FUNDING	**$ 1,137,927**

PROPOSED ACTIVITIES	**BUDGETED AMOUNT**
HOUSING REHABILITATION / EMERGENCY REPAIRS Funds will be used to assist income-eligible homeowners with repairs and other housing improvements, including handicap accessibility features and emergency repairs.	**$ 19,557**
PUBLIC FACILITIES OR INFRASTRUCTURE Acquisition, construction, or rehabilitation of public facilities/infrastructure, including but not limited to, parks/recreation facilities; sidewalks; water/sewer and stormwater; and parking lots and parking garages. CDBG-CV3 funds will be used for public facilities/infrastructure to prevent, prepare for, and respond to the coronavirus and its impacts. Other uses for the CDBG-2021 funds may include acquisition and demolition of vacant, dilapidated properties; installation or repair of streets, storm drains, curbs and gutters, and traffic lights/signs; and improvements to sidewalks that include the installation of trash receptacles, lighting, benches, and trees; as well as activities limited to tree planting (sometimes referred to as "beautification"). Installation or replacement of water lines, sanitary sewers, storm sewers, fire hydrants, and other drainage improvements associated with developing affordable housing. Grading and site work on publicly-owned property.	**$709,297**
HOMEOWNERSHIP ASSISTANCE Financial assistance to low- to moderate-income, first-time homebuyers to assist them with the purchase of a home. Eligible uses of these funds include: up to 50% of down-payment, reasonable closing costs and premium for mortgage insurance required up-front.	**$ 10,000**
PUBLIC SERVICES / ECONOMIC DEVELOPMENT CDBG-CV / CARES Act funds allocated to nonprofit services provider(s) and/or to for-profit businesses to address growing effects of the COVID-19 pandemic	**$250,000**
PROGRAM ADMINISTRATION CDBG-2019 ($89,713) and CDBG-CV ($59,360) funds for the management and oversight of all activities carried out under CDBG and CDBG-CV Programs. Funds cover expenses for salaries, legal fees, advertisements, supplies and equipment, planning and other administrative costs.	**$149,073**
TOTAL EXPENDITURES	**$1,137,927**

Jessica Tullar

From: Carter, Theodore <Theodore.Carter@hud.gov>
Sent: Wednesday, February 10, 2021 4:22 PM
To: Jessica Tullar
Cc: McIver, Roxanne H
Subject: RE: 2021 CDBG & CDBG-CV3
Attachments: PR56 Gainesville- 02-10-2021.pdf

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Jessica- my apology for responding so late.

For CV3, you will need to amend the 2019-2023 Con Plan and include in your latest upcoming AAP.

Aldo, regarding the next timeliness measure, do you have a spending plan that will address the required $219K expenses to put Gainesville at 1.50 ratio.

(Please note that the CV funds are not a part of the ratio calculation)

If you have any other questions, please feel free to contact me.

Ted Carter
Senior Financial Analyst
Office of Community Planning and Development
US Department of Housing and Urban Development
Five Points Plaza
40 Marietta Street, NW, 15th Floor
Atlanta, GA 30303-2806
Telephone: (678)732-2575

From: Jessica Tullar <JTullar@gainesvillega.gov>
Sent: Tuesday, January 19, 2021 12:43 PM
To: Carter, Theodore <Theodore.Carter@hud.gov>
Subject: 2021 CDBG & CDBG-CV3

Hi, Ted:

I hope you're doing well. As we prepare our PY 2021 Action Plan, I wanted to ask a couple of questions regarding the CDBG-CV3 funds.

1. Do we have to amend the Consolidated Plan again?
2. Can we include the CDBG-CV3 funds in our 2021 Annual Action Plan that we're about to draft, publish for public comment and review, hold a public hearing and adopt?
3. Or, do we have to amend our 2019 or 2020 Annual Action Plan to include the CDBG-CV3 funds? I believe this is the answer, but I wanted to ask in hopes of minimizing confusion and number of plans ☺

Thanks,

Jessica

JESSICA TULLAR, MPA / AICP
Housing & Special Projects Manager

+1.770.531.6570
www.gainesville.org

311 Henry Ward Way, SE
Gainesville, Georgia 30501
P.O. Box 2496 Gainesville, Georgia 30503

Jessica Tullar

From: Carter, Theodore <Theodore.Carter@hud.gov>
Sent: Monday, June 28, 2021 11:03 AM
To: Jessica Tullar
Cc: McIver, Roxanne H
Subject: RE: <External Message> RE: Gainesville's Revised FY21 Award Letter

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Jessica- thank you for your time for our conversation (just now).

As I mentioned, I was in error in stating that the CV3 award can be included in Gainesville's 2021 Annual Action Plan (AAP)- the CV3 award amount must be included in the 2019 AAP.

As a result of the above, the following actions need to be taken by Gainesville.

- Include the CV3 amount in the 2019 AAP and resubmit the amended 2019 AAP in IDIS
- Exclude (adjust out) the CV3 award from the 2021 AAP resubmit the corrected 2021 AAP in IDIS

These corrections/adjustments will not require Gainesville to republish an ad for Citizens Participation and Public Comments in their local media outlets.

All that is required is resubmission of the aforementioned AAPs in IDIS.

If you have any questions, please feel free to contact me.

Ted Carter
Senior Financial Analyst
Office of Community Planning and Development
US Department of Housing and Urban Development
Five Points Plaza
40 Marietta Street, NW, 15th Floor
Atlanta, GA 30303-2806
Telephone: (678)732-2575

From: Jessica Tullar <JTullar@gainesvillega.gov>
Sent: Thursday, June 24, 2021 9:20 AM
To: Carter, Theodore <Theodore.Carter@hud.gov>
Cc: McIver, Roxanne H <Roxanne.H.McIver@hud.gov>
Subject: <External Message> RE: Gainesville's Revised FY21 Award Letter

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi, Ted:

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 7/19/2021

Presenter: Bryan Lackey

Item of Business: GR-2021-07 Adoption of 2021 CDBG Annual Action Plan and to Rescind Grant Resolution GR-2021-03

Meeting Date: 8/3/2021

Purpose of Request:

This request is for Council's consideration to adopt the 2021 CDBG Annual Action Plan without the CDBG-CV3 CARES Act funds and to rescind Grant Resolution GR-2021-03. This resolution also reflects the increased 2021 award amount, which the City was notified of after adopting the 2021 Plan on 5/4/2021 (see attached HUD letter on revised award).

History/Background:

The City of Gainesville is designated by the U. S. Department of Housing and Urban Development (HUD) as a Community Development Block Grant (CDBG) entitlement grantee. As such, the City receives an annual CDBG allocation intended to (1) benefit low- and moderate-income persons, (2) eliminate slum and blight, and/or (3) meet a particular urgent need.

The Annual Action Plan (AAP) provides a detailed budget and description of activities the City will carry out with that year's CDBG allocation.

Facts & Issues for Consideration:

On 5/4/2021, Mayor and Council adopted the 2021 Annual Action Plan with the additional CDBG-CV3 funds per direction from HUD in an email on 2/10/2021. However, per a call from HUD on 6/28/2021, staff was alerted that HUD had changed its position as to which plan the CDBG-CV3 funds could be included. Per HUD, the CDBG-CV3 funds must be included in the 2019 Annual Action Plan. This resolution adopts the 2021 Annual Action Plan that only includes the 2021 entitlement allocation, as adjusted by HUD following the 5/4/2021 plan adoption.

In order to remain in compliance and be eligible to receive the annual CDBG allocation, the City must adopt its Annual Action Plan in accordance with the 2019-2023 Consolidated Plan (as amended).

Staff held two public hearings. One was held virtually through ZOOM on 3/30/2021 at 5:30 p.m., while the second public hearing was held as an "Open-House" style meeting on 3/30/2021 from 10:00 a.m. until 6:00 p.m.

A total of two attendees participated. None requested changes to the proposed budget or activities. No written comments were received.

Department Recommendation:

Adopt the Resolution.

Department Director:

Rusty Ligon

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

Amount Requested:

$496,323 in CDBG-2021 annual allocation

Source of Funds:

CDBG Grant

Finance Comments:

2021 CDBG - Entitlement allocation funds, as revised per HUD's letter dated 05/13/2021

Administrative Comments:

ATTACHMENTS:

	Description	Type
🗋	GR-2021-07 2021 CDBG Annual Action Plan and Rescind Grant Resolution GR-2021-03	Resolution
🗋	Exhibit A: 2021 CDBG Budget & Action Plan	Attachments/Exhibits
🗋	HUD Letter - Revised 2021 CDBG Allocation	Backup Material
🗋	HUD Email - Include CDBG-CV3 in 2021 AAP	Backup Material
🗋	HUD Email - Include CDBG-CV3 in 2019 Plan	Backup Material

RESOLUTION GR-2021-07

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2021 ANNUAL ACTION PLAN AND TO RESCIND GRANT RESOLUTION GR-2021-03

WHEREAS, the City of Gainesville is designated an entitlement grantee by the U. S. Department of Housing and Urban Development (HUD) for the purpose of participation in the *Community Development Block Grant (CDBG)* Program; and

WHEREAS, the Community Development Department is directed to prepare and file an application including all appropriate appendages, assurances, and certifications with the U.S. Department of Housing and Urban Development requesting funding under the *Community Development Block Grant Program for Entitlement Cities*; and

WHEREAS, all proposed activities are consistent with the City's 2019-2023 Consolidated Plan, as amended; and

WHEREAS, the City of Gainesville has been awarded a total of $496,323 in 2021 CDBG-Entitlement funds from HUD; and

WHEREAS, all monies distributed from the *2021 Community Development Block Grant* will be utilized only for specifically designated and approved projects as outlined in the Third Program Year 2021 Annual Action Plan and activities list outlined in the attached Exhibit A.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby rescinds Grant Resolution GR-2021-03 and adopts the 2021 Annual Action Plan and authorizes the Mayor or City Manager to sign all necessary resolutions, certifications, applications, subrecipient agreements, and documents directly related to obtaining and administering the *2021 Community Development Block Grant* on behalf of the City of Gainesville.

Adopted this _____ day of _____, 2021.

_____

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

CITY OF GAINESVILLE
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
THIRD PROGRAM YEAR
2021 ANNUAL ACTION PLAN

PROGRAM FUNDING SOURCES	
2021 Grant Allocation	**$496,323**
Program Income	**$ 0**
TOTAL FUNDING	**$496,323**

PROPOSED ACTIVITIES	**BUDGETED AMOUNT**
HOUSING REHABILITATION / EMERGENCY REPAIRS & REHAB ADMIN/PROJECT DELIVERY Homeowner Repairs ($30,000) & Admin/Project Delivery ($20,000) funds will be used to assist income-eligible homeowners with repairs and other housing improvements, including handicap accessibility features and emergency repairs.	**$ 50,000**
PUBLIC FACILITIES OR INFRASTRUCTURE Acquisition, construction, or rehabilitation of public facilities/infrastructure, including but not limited to, parks/recreation facilities; sidewalks; water/sewer and stormwater; and parking lots and parking garages. Other uses for the CDBG-2021 funds may include acquisition and demolition of vacant, dilapidated properties; installation or repair of streets, storm drains, curbs and gutters, tunnels, bridges, and traffic lights/signs; and improvements to sidewalks that include the installation of trash receptacles, lighting, benches, and trees; as well as activities limited to tree planting (sometimes referred to as "beautification"). Installation or replacement of water lines, sanitary sewers, storm sewers, fire hydrants, and other drainage improvements associated with developing affordable housing. Grading and site work on publicly-owned property.	**$330,767**
HOMEOWNERSHIP ASSISTANCE Financial assistance to low- to moderate-income, first-time homebuyers to assist them with the purchase of a home. Eligible uses of these funds include up to 50% of down payment, reasonable closing costs and premium for mortgage insurance required up-front.	**$ 16,292**
PROGRAM ADMINISTRATION Funds for the management and oversight of all activities carried out under the CDBG Program. Funds cover expenses for salaries, legal fees, advertisements, supplies and equipment, planning and other administrative costs.	**$ 99,264**
TOTAL EXPENDITURES	**$496,323**

GAINESVILLE

2021 Annual Action Plan

July 19, 2021

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ANNUAL ACTION PLAN

For Program Year 2021

CITY OF GAINESVILLE, GEORGIA

Community & Economic Development Department

July 19, 2021

Prepared for the City of Gainesville by
Mosaic Community Planning, LLC

OMB Control No: 2506-0117 (exp. 09/30/2021)

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EXECUTIVE SUMMARY

AP-05 EXECUTIVE SUMMARY - 24 CFR 91.200(C), 91.220(B)

1. Introduction

The City of Gainesville's 2021-2022 Annual Action Plan outlines the City's strategy for the use of Community Development Block Grant (CDBG) funds received from the U.S. Department of Housing and Urban Development (HUD) during the 2021 program year. The Annual Action Plan (AAP) details CDBG projects anticipated to be completed during 2021, along with funding levels, related activities, and anticipated beneficiaries for each. The 2021 program year is the third program year covered under Gainesville's 2019-2023 Five-Year Consolidated Plan, which identified priorities for and provided guidance on investment of HUD funds over a five-year period. During 2021, Gainesville will work toward addressing priorities related to housing affordability, infrastructure and public facility improvements, neighborhood revitalization, fair housing, and program administration.

2. Summarize the objectives and outcomes identified in the Plan

Priority needs for the 2019 through 2023 planning period were developed based on citizen participation and stakeholder consultation, and analysis of the city's top housing, homeless, special needs populations, and non-housing community development needs. These priorities include:

Housing Affordability

- Support the development of affordable rental and owned housing, including projects located near employment and transportation.
- Expand the useful life of existing affordable housing through rehabilitation, repair, or weatherization programs.
- Provide homeownership opportunities for households through downpayment or closing cost assistance.

Infrastructure and Public Facility Improvements

- Provide safe neighborhoods, public facilities, recreational and cultural opportunities which meet both safety and health regulations for citizens of all ages and socioeconomic backgrounds.
- Improve public infrastructure, increase public safety, residential desirability and quality of life in low- and moderate-income neighborhoods.
- Assist community service organizations in improving their physical structures to ensure they are sufficient in size, accessible, safe and meet the organization's service goals.
- Infrastructure improvements including but not limited to sidewalks, roadway, park, and water and sewer replacement or expansion.

Neighborhood Revitalization

- Non-housing community development activities that eliminate blight, including code enforcement, demolition, acquisition, and redevelopment.

- Through property acquisition, increase greenspace, improve housing affordability, or encourage economic development.

Economic Development

- Support business development to create new employment opportunities for low- and moderate-income workers.
- Provide job training assistance to help residents access employment opportunities.

Public Services

- Fund community services such as youth-focused activities, programming for seniors, services for people experiencing homelessness, employment training, housing counseling, transportation assistance, fair housing education and enforcement, legal services, and others.

Fair Housing Activities

- Either in-house or through an award to a local organization, provide fair housing education activities to residents, housing providers, and local agencies in English and Spanish.

Program Administration

- Funding for performance of administrative, implementation, and planning requirements of the CDBG program.

3. Evaluation of past performance

Each year, the City of Gainesville reports its progress in meeting its five-year and annual goals by preparing a Consolidated Annual Performance Evaluation Report (CAPER). The CAPER is submitted to HUD within 90 days of the start of a new program year. Copies of recent CAPERs are available for review at Gainesville's Community and Economic Development Department or online at: https://www.gainesville.org/174/Housing-Division.

4. Summary of Citizen Participation Process and consultation process

The City of Gainesville conducts a variety of public outreach to garner input from city staff, government agencies, nonprofit agencies, affordable housing developers, local service providers, and Gainesville residents in planning its CDBG program. While the City was unable to hold in-person public meetings during the preparation of this Annual Action Plan due to COVID-19 and related social distancing requirements, the City held a virtual public hearing session and a socially-distanced in-person drop-in day to gather input from interested stakeholders. This input is summarized in the Participation section of this document. Public comments on the draft Annual Action Plan were received throughout a 30-day public comment period from Saturday, March 20 to Monday, April 19, 2021.

In developing the 2019-2023 Consolidated Plan under which this Annual Action Plan falls, the City held public meetings, conducted focus groups with local agencies or committees, interviewed key stakeholders, and conducted a public survey regarding community development and housing priorities. During that process, a total of 50 people attended a community meeting or focus group, 38 people completed the survey, and 25 people participated in an interview.

5. Summary of public comments

Comments received through the public hearings and public comment period are summarized in the Participation section of this Plan and incorporated in individual sections as relevant.

6. Summary of comments or views not accepted and the reasons for not accepting them

The City took all comments into consideration in preparing this Annual Action Plan. The City reviewed all comments for common and recurring themes to help establish goals and priorities.

7. Summary

During the 2021-2022 program year, the City of Gainesville will use CDBG funds to address priorities identified in its 2019-2023 Five-Year Consolidated Plan. Specifically, Gainesville will fund public facility and infrastructure improvements, including improvements to support affordable housing development, downpayment assistance for first time homebuyers, housing rehabilitation/emergency repair, demolition and acquisition, and program administration.

THE PROCESS

PR-05 LEAD & RESPONSIBLE AGENCIES – 91.200(B)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

TABLE 1- RESPONSIBLE AGENCIES

Agency Role	Name	Department/Agency
Lead Agency	Gainesville	
CDBG Administrator	Gainesville	Community & Economic Development / Housing & Special Projects Division

Narrative (optional)

The City of Gainesville Community & Economic Development Department's Housing & Special Projects Division is responsible for administering the City's Community Development Block Grant Program. Among other City responsibilities, the Division coordinates the planning process, works with other city agencies and nonprofit partners on planning and implementation, and reports on performance to the City Council, city residents, and HUD.

Consolidated Plan Public Contact Information

The primary contact for Gainesville's CDBG Program and the consolidated planning process is:

Jessica Tullar, AICP
Housing & Special Projects Manager
Gainesville Community & Economic Development Department
PO Box 2496
Gainesville, Georgia 30503
770-531-6570
jtullar@gainesvillega.gov

AP-10 CONSULTATION – 91.100, 91.200(B), 91.215(L)

1. Introduction

The City of Gainesville conducts a variety of public outreach to garner input from city staff, government agencies, nonprofit agencies, affordable housing developers, local service providers, and Gainesville residents in planning its CDBG program. While the City was unable to hold in-person public meetings during the preparation of this Annual Action Plan due to COVID-19 and related social distancing requirements, the City held a virtual engagement session and a socially-distanced in-person drop-in day to gather input from interested stakeholders.

In developing the 2019-2023 Consolidated Plan under which this Annual Action Plan falls, the City held public meetings, conducted focus groups with local agencies or committees, interviewed key stakeholders, and conducted a public survey regarding community development and housing priorities. During that process, a total of 50 people attended a community meeting or focus group, 38 people completed the survey, and 25 people participated in an interview.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

The City of Gainesville works closely with public and private sector providers to ensure delivery of services to residents and to promote interagency communication and planning. The City has representatives on many non-profit agency boards and/or advisory committees. The Community & Economic Development Department works with various housing, health, mental health, and service agencies to gather data and identify gaps in services.

In developing this Annual Action Plan, the City strove to include input from housing providers and health, mental health, and other service agencies. During the public comment period, stakeholders are invited to participate in a virtual meeting or the in-person drop-in event, or otherwise provide input to City of Gainesville staff. Stakeholders included city elected officials and staff, housing authority staff, housing developers, nonprofit organizations, homeless housing and service providers, mental health service providers, agencies serving people with disabilities, senior services, and others. This Annual Action Plan and the associated Consolidated Plan are designed to promote enhanced coordination amongst local housing and service organizations over the five-year planning period.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

Gainesville and Hall County fall within the Georgia Balance of State Continuum of Care (BoS CoC). The Georgia Department of Community Affairs (DCA) staffs the CoC and allocates Emergency Shelter Grant (ESG) funds across 152 counties statewide to assist with emergency shelter, transitional housing, and homelessness prevention, outreach, and supportive services. The City of Gainesville supports local groups

that apply for funding through DCA to coordinate housing and services for its residents experiencing or at risk of homelessness.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

Gainesville and Hall County are parts of the Georgia Balance of State Continuum of Care (BoS CoC), which covers 152 Georgia counties and is staffed by the Georgia Department of Community Affairs. DCA administers ESG funding statewide, and the City of Gainesville provides input regarding local homeless needs and risk of homelessness as requested to assist in determining how to allocate ESG funds, develop performance standards, and evaluate outcomes.

Under CoC guidance, homeless housing and service providers in Hall County are implementing a coordinated entry system that matches households with the most appropriate housing and service intervention based on their needs, with the goals of prioritizing resources and preventing or reducing the time of homelessness. Implementation sites use HMIS to record assessments, manage priorities, track referrals, and enter data.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Agencies, groups, organizations, and others who participated in the 2021 Annual Action Plan planning process are shown in the table below.

TABLE 2 – AGENCIES, GROUPS, ORGANIZATIONS WHO PARTICIPATED

Agency/Group/Organization Name		Type	Section of Plan Addressed	Consultation Method
1	Family Promise of Hall County	• Services- homeless • Services- children • Services- employment	• Housing need assessment • Homeless needs – chronically homeless, families with children, veterans, unaccompanied youth • Homelessness strategy	• Public comment period
2	Georgia Initiative for Community Housing	• Housing	• Housing need assessment	• Virtual public hearing
3	J's Place	• Services- substance use disorder	• Non-housing community development strategy • Homelessness strategy	• Virtual public hearing
4	Wisdom Keepers	• Civic leaders	• Housing need assessment • Non-housing community development strategy	• Virtual public hearing

Identify any Agency Types not consulted and provide rationale for not consulting

Efforts were made to consult as broad a group of community stakeholders as possible. No agency types were excluded from participation.

Other local/regional/state/federal planning efforts considered when preparing the Plan

TABLE 3 – OTHER LOCAL / REGIONAL / FEDERAL PLANNING EFFORTS

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Georgia Department of Community Affairs	The DCA provides homeless McKinney Vento Act funds to agencies in Gainesville through the Balance of State Continuum of Care. These funds assist with emergency shelter, transitional housing, homelessness prevention, and outreach and supportive services. Point in time homeless counts prepared by the Continuum of Care are reported in the Needs Assessment.
2040 Comprehensive Plan	City of Gainesville	Goals identified in the Community Work Program that overlap with those on the Strategic Plan include development of infill housing, blight reduction, sidewalk improvements, extension of infrastructure, public facility improvements, and economic development/commercial revitalization.
2017-2022 Comprehensive Economic Development Strategy (CEDS) & Regional Plan	Georgia Mountains Regional Commission	City of Gainesville priorities in the CEDS include airport renovation, continuation of the Midtown Greenway, stormwater planning, and a wireless hot zone project. Infrastructure development, possibly to include things such as stormwater and greenway planning, is reflected in the Strategic Plan.
2015 Downtown Gainesville Renaissance Strategic Vison & Plan	Carl Vinson Institute, University of Georgia	Action items overlap with the Strategic Plan relative to pedestrian and bicycle access, safety, and security; transit; and parks/community space.
Westside TAD Redevelopment Plan, 2018	City of Gainesville	Potential benefits of the TAD that are relevant to Strategic Plan goals include infrastructure improvements, redevelopment of vacant/ blighted properties, and economic development.
Midtown Gainesville Redevelopment Plan & Tax Allocation District, 2010	City of Gainesville, Hall County Commission, Gainesville City Schools	Goals that overlap with the Strategic Plan include economic development, blight removal, and new residential development.
Bradford-Ridgewood NPU Vision, Goals & Objectives Statement, 2010	City of Gainesville	Goals that overlap with the Strategic Plan include pedestrian safety, property maintenance, and housing rehabilitation and new development.
Fair Street Area NPU Vision, Goals & Objectives Statement, 2008	City of Gainesville	Goals that overlap with the Strategic Plan include pedestrian safety, sidewalk improvements/expansion, code enforcement, property maintenance, and addition of parks/greenspace.
Community Game Plan	United Way of Hall County	Goals that overlap with the Strategic Plan include adequate affordable housing, supportive housing/ services, emergency and transitional housing, improved connectivity, financial literacy, employment assistance, and healthy food access.

AP-12 PARTICIPATION – 91.105, 91.200(C)

1. Summary of citizen participation process/Efforts made to broaden citizen participation

Summarize citizen participation process and how it impacted goal-setting

The City of Gainesville held a 30-day public comment period to receive comments on the draft 2021-2022 Annual Action Plan from Saturday, March 20 to Monday, April 19, 2021. During this time, copies of the draft report were available for public inspection, and residents and stakeholders could provide written comments to the Community & Economic Development Department. Gainesville staff also conducted a virtual public hearing session and a day-long open-house to present the plan and gather feedback. Following the public comment period, the 2021-2022 Annual Action Plan will be presented to the Gainesville City Council for approval.

This Annual Action Plan builds on the 2019-2023 Consolidated Plan, during which residents could participate in one of three public meetings and/or take a community-wide survey. During that process, a total of 50 people attended a community meeting or focus group and 38 people completed the survey.

Citizen Participation Outreach

TABLE 4- CITIZEN PARTICIPATION OUTREACH

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Comments not accepted and reasons
1	Display Ad in The Gainesville Times newspaper (English and Spanish)	Residents, including minority residents, people with limited English proficiency, people with disabilities, and assisted housing residents; Housing and service providers; Community development practitioners	N/A	N/A	N/A
2	City webpage and social media	Residents, including minority residents, people with limited English proficiency, people with disabilities, and assisted housing residents; Housing and service providers; Community development practitioners	Facebook post: 484 reach, 21 post clicks and 7 reactions, comments, or shares Newsflash: 89 unique views	N/A	N/A
3	Public comment period	Residents, including minority residents, people with limited English proficiency, people with disabilities, and assisted housing residents; Housing and service providers; Community development practitioners	1 comment	Comment: Would it be possible for the City to fund a sewer extension project? City's Response: The project falls outside of Gainesville's city limits, so the City would not participate.	None
4	Open house and virtual public hearings	Residents, including minority residents, people with limited English proficiency, people with disabilities, and assisted housing residents; Housing and service providers; Community development practitioners	2 attendees	None	None

EXPECTED RESOURCES

AP-15 EXPECTED RESOURCES – 91.220(C)(1,2)

Introduction

Due to its size, the City of Gainesville only qualifies for a formula grant under HUD's CDBG program. The table below shows the City's CDBG allocation for the 2021-2022 program year of $496,323, along with an estimate of anticipated grant funding for the remaining two years covered by the 2019-2023 Consolidated Plan. This estimate assumes that funding over those two years will average to be about the same as the City's 2020 allocation of $480,551.

Gainesville residents are also eligible for housing assistance through the Section 8 Housing Choice Voucher program and Continuum of Care programs operated by the Georgia Department of Community Affairs. However, the City of Gainesville does not receive direct allocations under either program.

All federal funds will be used in a manner that supports decent affordable housing, a suitable living environment, and expanded economic opportunities to principally benefit low- and moderate-income Gainesville residents.

Anticipated Resources

TABLE 5- EXPECTED RESOURCES- PRIORITY TABLE

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
CDBG	Federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	$496,323	$0	$0	$496,323	$961,102	CDBG funds will be used to carry out activities related to acquisition, administration and planning, housing, economic development, public facility improvements, and public services.

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

While CDBG funds do not require a match, the City anticipates leveraging local, state, federal, and private funds as they address the priorities and goals outlined in the Consolidated Plan. The City will leverage local funds (i.e., City general funds) to complete public improvements and code enforcement activities in neighborhoods and business districts with low- and moderate-income households. Private funds, state funds, and other federal funds will be leveraged for housing rehabilitation and new construction projects. Additionally, the Gainesville Nonprofit Development Foundation (GNPDF) has been a vital part of revitalizing the city for almost 50 years and provides annual financial support to enhance opportunities provided by the CDBG program.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan.

CDBG funding will be used to develop and improve public facilities for the benefit of low- and moderate-income residents using existing publicly owned land. For CDBG funds used to acquire private land for public purpose, the City will follow CDBG acquisition requirements and procedures.

ANNUAL GOALS AND OBJECTIVES

AP-20 ANNUAL GOALS AND OBJECTIVES

Goals Summary Information

TABLE 6- GOALS SUMMARY INFORMATION

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Expanded Affordable Housing Supply	2019	2023	Affordable Housing Public Housing Non-Housing Community Development	Citywide	Housing Affordability Infrastructure and Public Facility Improvements	CDBG: $75,000	Public facility or infrastructure activity: 180 LMI households benefitted
2	Homeowner Housing Rehabilitation	2019	2023	Affordable Housing Non-Homeless Special Needs	Citywide	Housing Affordability	CDBG: $50,000	Homeowner housing rehabilitated: 3
3	Homebuyer Assistance	2019	2023	Affordable Housing	Citywide	Housing Affordability	CDBG: $16,292	Direct financial assistance to homebuyers: 2 households assisted
4	Improved Public Facilities and Infrastructure	2019	2023	Non-Housing Community Development	Citywide	Infrastructure and Public Facility Improvements Neighborhood Revitalization	CDBG: $105,767	Public facility or infrastructure activities for low/moderate income housing benefit: 4 households assisted
5	Demolition and Acquisition	2019	2023	Affordable Housing Non-Housing Community Development	Citywide	Housing Affordability Neighborhood Revitalization Economic Development	CDBG: $150,000	Buildings demolished: 1 building
6	General Program Administration	2019	2023	Non-Housing Community Development	Citywide	Program Administration Fair Housing	CDBG: $99,264	Other

Goal Descriptions

TABLE 7- GOAL DESCRIPTIONS

1	**Goal name**	Expanded Affordable Housing Supply
	Goal description	Site improvements, public infrastructure, public facilities, or other eligible activities for the support of affordable housing development or re-construction
2	**Goal name**	Homeowner Housing Rehabilitation
	Goal description	Housing rehabilitation and emergency repair for income-eligible homeowners
3	**Goal name**	Homebuyer Assistance
	Goal description	Provide downpayment, closing cost, or other eligible assistance to income-eligible homebuyers
4	**Goal name**	Improved Public Facilities and Infrastructure
	Goal description	Improve public facilities and infrastructure in low- and moderate-income neighborhoods; Potential improvements may include, but are not limited to, parks and open space, community centers, sidewalk construction or improvement, ADA improvements, pedestrian safety devices and lighting, and bus shelters/seating
5	**Goal name**	Demolition and Acquisition
	Goal description	Demolition and/or acquisition of dilapidated buildings and land to create greenspace, improve housing affordability, or promote economic development
6	**Goal name**	General Program Administration
	Goal description	Staff salary, planning, and administrative service delivery costs for implementing the Community Development Block Grant programs

PROJECTS

AP-35 PROJECTS – 91.220(D)

Introduction

Projects planned for the 2021-2022 program year are identified in the table below, with additional detail provided in AP-38. Over the next year, the City of Gainesville anticipates assisting low- and moderate-income homeowners with home rehabilitation/emergency repair and downpayment assistance. The City also will use CDBG funds for demolition and acquisition, public facilities and improvements, and construction of public infrastructure to support affordable housing development. Using program administration funds, the City will provide fair housing education to its residents.

Projects

TABLE 8- PROJECT INFORMATION

#	Project Name
1	Tower Heights Infrastructure and Site Development
2	Midtown Public Facilities and Infrastructure Improvements
3	Demolition and Acquisition
4	Housing Rehabilitation and Emergency Repairs
5	Housing Rehabilitation and Emergency Repairs Administration
6	Homeownership Assistance
7	General Program Administration

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The City's allocation priorities reflect its focus on a number of high priority needs identified through data analysis, community member input, consultation with City staff and other public agencies, and reviews of relevant recently-completed plans and studies, such as Gainesville's 2040 Comprehensive Plan. A key priority that emerged from the Consolidated Planning process was the need for more affordable housing for renters and owners and a need for housing rehabilitation. To meet this underserved need, the City will provide infrastructure improvements to support development of new affordable housing construction. The City also will provide funds for downpayment assistance and to homeowners for housing rehabilitation and repair.

The City does not anticipate any obstacles to completing the projects it has identified for the 2021-2022 program year.

AP-38 PROJECT SUMMARY

Project Summary Information

TABLE 9 – PROJECT INFORMATION

1	**Project Name**	Tower Heights Infrastructure and Site Development
	Target Area	Citywide
	Goals Supported	Expanded Affordable Housing Supply
	Needs Addressed	Housing Affordability, Infrastructure and Public Facility Improvements
	Funding	CDBG: $75,000
	Description	Infrastructure improvements and site development work to support redevelopment of the Tower Heights Apartments by the Gainesville Housing Authority and Walton Communities
	Target Date	06/30/2022
	Estimate the number and type of persons that will benefit from the proposed activity	180 LMI households benefitted
	Location Description	Westside Redevelopment Area (Tower Heights Road and Jones Street)
	Planned Activities	Infrastructure improvements and site development work (i.e., grading, streetscape, pedestrian facilities)
2	**Project Name**	Public Facilities and Infrastructure Improvements
	Target Area	Midtown
	Goals Supported	Improved Public Facilities and Infrastructure
	Needs Addressed	Infrastructure and Public Facility Improvements, Neighborhood Revitalization

	Funding	CDBG: $105,767
	Description	Facility and infrastructure improvement projects such as, but not limited to: • Acquisition, construction, or rehabilitation of parking lots and parking garages. • Installation or repair of streets, street drains, storm drains, curbs and gutters, tunnels, bridges, and traffic lights/signs. • Improvements to sidewalks that include the installation of trash receptacles, lighting, benches, and trees. Activities limited to tree planting (sometimes referred to as neighborhood beautification). • Installation or replacement of water lines, sanitary sewers, storm sewers, and fire hydrants. • Site work/development, drainage Improvements and the installation of water lines, sanitary sewer and storm sewers associated with developing affordable housing.
	Target Date	06/30/2023
	Estimate the number and type of persons that will benefit from the proposed activity	4 LMI households assisted from public facility or infrastructure activity
	Location Description	Locations to be determined during program year
	Planned Activities	Various infrastructure and public facility improvement activities
3	**Project Name**	Demolition and Acquisition
	Target Area	Citywide
	Goals Supported	Demolition and Acquisition
	Needs Addressed	Housing Affordability, Neighborhood Revitalization
	Funding	$150,000
	Description	Acquire unkempt/abandoned vacant properties; acquire blighted or foreclosed properties with dilapidated structures and demolish dilapidated structures
	Target Date	06/30/2022

	Estimate the number and type of persons that will benefit from the proposed activity	1 building demolished
	Location Description	Citywide in income-eligible census tracts
	Planned Activities	Property acquisition and demolition of dilapidated structures
4	**Project Name**	Housing Rehabilitation and Emergency Repairs
	Target Area	Citywide
	Goals Supported	Homeowner Housing Rehabilitation
	Needs Addressed	Housing Affordability
	Funding	CDBG: $30,000
	Description	Housing rehabilitation and emergency repair funding of up to $10,000 for income-eligible homeowners
	Target Date	06/30/2022
	Estimate the number and type of persons that will benefit from the proposed activity	3 low- and moderate-income homeowners
	Location Description	Citywide
	Planned Activities	Housing rehabilitation and emergency repair funding of up to $10,000 for income-eligible homeowners
5	**Project Name**	Housing Rehabilitation and Emergency Repairs Administration
	Target Area	Citywide
	Goals Supported	Homeowner Housing Rehabilitation
	Needs Addressed	Housing Affordability
	Funding	CDBG: $20,000

	Description	CDBG funding will be used to cover implementation/administrative costs associated with the Housing Rehab and Emergency Repair program.
	Target Date	06/30/2022
	Estimate the number and type of persons that will benefit from the proposed activity	3 low- and moderate-income homeowners
	Location Description	Citywide
	Planned Activities	Administration of the Housing Rehab and Emergency Repair program
6	**Project Name**	Homeownership Assistance
	Target Area	Citywide
	Goals Supported	Homebuyer Assistance
	Needs Addressed	Housing Affordability
	Funding	CDBG: $16,292
	Description	Financial assistance to low- and moderate-income, first-time homebuyers to assist them with the purchase of a home. Eligible uses of these funds include: up to 50% of down payment, reasonable closing costs, and premium for mortgage insurance required up-front.
	Target Date	06/30/2022
	Estimate the number and type of persons that will benefit from the proposed activity	Up to 2 households assisted with direct financial assistance
	Location Description	Location to be determined during program year
	Planned Activities	First-time homebuyer assistance with downpayment, closing cost and/or up-front mortgage insurance premium
7	**Project Name**	General Program Administration
	Target Area	Citywide
	Goals Supported	General Program Administration

Needs Addressed	Fair Housing Activities Program Administration
Funding	CDBG: $99,264
Description	Staff salary, planning, and administrative service delivery costs for implementing the Community Development Block Grant program.
Target Date	06/30/2022
Estimate the number and type of persons that will benefit from the proposed activity	Not applicable
Location Description	Citywide
Planned Activities	Staff salary, planning, and administrative service delivery costs for implementing the Community Development Block Grant program. Provide fair housing education to Gainesville residents.
CDBG Total	**$496,323**
Total	**$496,323**

AP-50 GEOGRAPHIC DISTRIBUTION – 91.220(F)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

HUD identifies CDBG-eligible block groups where there are concentrations of low- and moderate-income families. In this case, HUD defines a concentration as a block group where low- and moderate-income households make up more than 51% of total households in the block group. As of the 2020 program year, there are 16 such block groups in Gainesville. Notably, 15 of these block groups are located in census tracts that have high rates of housing need (40% or more of households with a cost burden) and/or populations that are majority people of color.

Six of these census tracts (tracts 10.02, 10.03, 11.01, 11.02, 12.01, and 14.03) are contiguous tracts all located south of E.E. Butler Parkway extending roughly from Athens Highway on the east to Dawsonville Highway, McEver Road, and Lake Lanier on the west. These tracts cover the Downtown, Midtown, and Westside neighborhoods. Note that the area that includes the airport, Elachee Nature Preserve, and Chicopee Woods golf course is not included. In all of these tracts, the largest share of the population is Latino, ranging from 42 to 88%.

The remaining two tracts where people of color comprise more than 50% of the population are immediately north of downtown and E.E. Butler Parkway, and include the Fair Street Area NPU and neighborhoods to its east (Tracts 7.01 and 8). In each of these tracts, Latinos and African Americans each make up considerable shares of the population (between 33 and 41%). White residents make up 20-30% of people in these tracts.

Geographic Distribution

TABLE 10- GEOGRAPHIC DISTRIBUTION

Target Area	Percent of Funds
Midtown-Greenway	20%
Citywide	80%

Rationale for the priorities for allocating investments geographically

The City will focus its funding in neighborhoods that have concentrations of low- and moderate-income households and substantial needs related to housing quality and affordability, public facilities and infrastructure, and economic development. While specific target areas are listed in Gainesville's 2019-2023 Consolidated Plan, individual low- and moderate-income persons residing anywhere in the City may be eligible beneficiaries of CDBG funds. CDBG funding may also be spent in eligible block groups / census tracts where at least 51% of households have low- or moderate-incomes (i.e., incomes under 80% of the area median, adjusted for household size).

AFFORDABLE HOUSING

AP-55 AFFORDABLE HOUSING – 91.220(G)

Introduction

Over the 2021-2022 program year, the City of Gainesville estimates that it will assist 3 non-homeless low- and moderate-income homeowner households with the rehabilitation of existing residential units and up to 2 households with downpayment assistance. The City will also make infrastructure improvements to support the construction of 148 new and 32 replacement affordable rental units, completed over multiple phases, with about 90 units in the first phase. The City will construct public infrastructure to support expanding affordable and assist 4 low- to moderate-income households.

TABLE 11- ONE YEAR GOALS FOR AFFORDABLE HOUSING BY SUPPORT REQUIREMENT

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	99
Special-Needs	0
Total	**99**

TABLE 12- ONE YEAR GOALS FOR AFFORDABLE HOUSING BY SUPPORT TYPE

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
Production of New Units	94
Rehab of Existing Units	3
Acquisition of Existing Units	2
Total	**99**

AP-60 PUBLIC HOUSING – 91.220(H)

Introduction

Public housing in the city of Gainesville is managed by the Gainesville Housing Authority (GHA). The quasi governmental authority is governed by its board of commissioners which are appointed by the City. According to HUD's PIC (the HUD Office of Public & Indian Housing Information Center) data, there are 468 public housing units and no housing choice vouchers in Gainesville. The GHA receives federal funds to modernize and repair those units. The City of Gainesville Community Development Department works closely with the GHA to offer financial literacy classes to public housing residents and other citizens. Efforts also have been made to identify residents that may be ready for homeownership and direct them toward those opportunities. Grant funds from the City of Gainesville downpayment assistance program are available to assist residents with purchasing a new home. Such actions will help housing authority residents become more independent and make units available for families with affordable housing needs.

The GHA is independent of the City of Gainesville and the City does not manage or oversee GHA funds.

Actions planned during the next year to address the needs to public housing

The GHA is applying to HUD for the ability to convert its remaining public housing units under the Rental Assistance Demonstration (RAD) program. If approved, this would give the GHA opportunities to leverage its real estate assets to replace and/or rehabilitate these units. The GHA also will continue to work with Walton Communities, its LIHTC development partner, to redevelop Tower Heights into Walton Harbor as a LIHTC project.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

The GHA receives a Resident Opportunity and Supportive Services Program (ROSS) grant that supports GHA's residents by linking them with valuable community resources to obtain economic self-sufficiency, independence, improved quality of life, and in some cases, help maintaining stable housing as residents age.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

The GHA is rated a "Standard Performer" and is not designated as troubled.

AP-65 HOMELESS AND OTHER SPECIAL NEEDS ACTIVITIES – 91.220(I)

Introduction

The City of Gainesville is covered by the Balance of State Continuum of Care, a network of homeless service providers covering all but the most populous Georgia counties and coordinated by Georgia DCA. The state conducts a biennial homeless count and the most recent data released as of the date this plan was drafted was from January 2019. On the night of the count, there were a total of 149 homeless persons enumerated in Hall County, including 92 residing in shelters and 57 unsheltered.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The primary source of funding for homelessness programs and services in the Gainesville community comes from DCA through the Balance of State Continuum of Care. The local organizations receiving funding from this stream will continue to be engaged in the work of outreach to homeless persons in order to assess individual needs and share information about available resources.

Addressing the emergency shelter and transitional housing needs of homeless persons

Several local organizations address the emergency and transitional housing needs of homeless persons. In addition, emergency and transitional housing needs may be addressed through grant funding opportunities, such as the competitive Continuum of Care process, or through other state or local funding streams.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Stakeholder input suggests that one reason households in transitional housing are slow to transition out is because there are so few decent affordable options available in the private rental market. Increasing support and case management funding associated with shelter and transitional housing programs may help, but adding new units to the overall affordable housing stock may help as well.

The City of Gainesville is not a direct recipient of the Emergency Solutions Grant (ESG) which could assist with housing the homeless and provide services to prevent homelessness, rehouse or otherwise permanently house the homeless. ESG funding is made available through a competitive process through the Department of Community Affairs.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

Service providers in the city, along with housing providers, work together to prevent homelessness in those populations which are vulnerable or at risk of homelessness. These groups include extremely low-income individuals and families, people discharged from institutions, and those receiving assistance from agencies addressing a variety of needs, such as housing, health, social services, employment, education or youth needs.

This plan identifies a need for additional affordable housing in Gainesville. The City and the Gainesville Housing Authority will continue to work toward the goal of creating additional affordable housing options, which will provide additional housing options for all people exiting an institutional setting and who may otherwise become homeless. The existing nonprofit organizations that serve the homeless population will also continue planning and coordinating procedures to ensure people are not discharged from hospitals or jails into homelessness. Various other homeless prevention efforts will be initiated and maintained by the local organizations participating in the Continuum of Care.

Discussion

Local homeless service providers generally agree that the point-in-time count underestimates the true number of homeless people in the community, yet no more reliable source of data is available. Compared with what is likely a low-end estimate of 149 homeless people in Hall County, the 87 available emergency or transitional housing beds indicate a shortage of at least 36 beds within the community.

AP-75 BARRIERS TO AFFORDABLE HOUSING – 91.220(J)

Introduction:

Market data and stakeholder input both suggest a tight housing market in Gainesville, with low vacancy rates and increasing housing costs. While the market depends largely on the private sector to provide housing, there are roles the City and others can play through policy and regulation that may encourage greater private investment in new housing development in Gainesville.

Several aspects of the City's zoning code could potentially have a negative effect on housing development. For example, the City may want to consider adopting means to allow more flexibility in density and affordable housing development by carving out additional residential zoning districts or subdistricts that allow for a greater mix of housing types, lower minimum lot sizes, and higher multifamily density, and other alternatives such as relaxing the infill residential development standards, providing for cluster developments, density blending, and transfer of development rights in appropriate locations. Permitting or incentivizing conversion of single-family dwellings in high opportunity intown neighborhoods to two-family, 3-family, or multifamily dwellings on large lots also is a strategic way to address the need for more density and infill development in established neighborhoods.

Moreover, the City's land use regulations could go beyond just meeting the minimum FHA standards and affirmatively further and incentivize the development of affordable housing with inclusionary zoning policies. Gainesville has not adopted specific development incentives like density bonuses, reduced parking, or design waivers, reduced or waiver of development impact fees, administrative variances, or expedited permitting for the development of affordable or low-income housing or housing for protected classes.

Taken together, these zoning tools could potentially allow for more supply of housing, which helps put downward pressure on rental and sale prices, so that moderate and low-income families have access to those neighborhoods and all the congruent benefits that come with higher opportunity areas such as access to jobs, better schools, access to transportation, and access to cultural amenities and public accommodations.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

As described more completely in the City's Analysis of Impediments to Fair Housing Choice, the City will work toward removing barriers to affordable housing development related to zoning code issues by reviewing its current code and drafting any amendments that could expand housing choice by making affordable housing development more efficient and less costly. Additionally, the City will continue to be supportive of Low Income Housing Tax Credit development proposals that would add additional affordable rental units to the local housing stock.

AP-85 OTHER ACTIONS – 91.220(K)

Introduction

This section details the City's actions planned to ensure safe and affordable housing for its residents, along with plans to meet underserved needs, reduce poverty, develop institutional structure, and enhance coordination between public and private sector housing and community development agencies.

Actions planned to address obstacles to meeting underserved needs

The City will work with its community partners to assist low- and moderate-income residents in accessing employment services, childcare, health services, substance abuse counseling and treatment, education programs, services for senior citizens, services for people experiencing homelessness, and fair housing counseling.

Actions planned to foster and maintain affordable housing

In an effort to maintain the current affordable housing stock, the City of Gainesville will continue to provide funding for owner-occupied housing rehabilitation. Since 2001, the City has rehabilitated 48 homes with a total cost of about $1.3 million. The City will also provide funding for infrastructure activities to support rental housing development and redevelopment by the Gainesville Housing Authority, and will provide downpayment assistance for income-eligible persons and families.

Actions planned to reduce lead-based paint hazards

An important initiative emanating from HUD in the last decade is the reduction of lead-based paint hazards, and many jurisdictions around the country have focused on reaching this goal. The federal Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992) amends the Lead-Based Paint Poisoning Prevention Act of 1971, which is the law covering lead-based paint in federally funded housing. These laws and subsequent regulations issued by the U.S. Department of Housing and Urban Development (24 CFR part 35) protect young children from lead-based paint hazards in housing that is financially assisted or being sold by the federal government.

In property rehabilitation projects involving the City of Gainesville, the City will assess whether lead-based paint might be present and, if so, follow the guidelines set forth in the Residential Lead-Based Paint Hazard Reduction Act of 1992.

The City of Gainesville is committed to testing and abating lead in all pre-1978 housing units assisted with federal grant funds in any of the housing programs it implements. Currently, the City has contracted with an agency to provide all lead testing and clearance activities. Clearance testing is performed on all completed units.

Actions planned to reduce the number of poverty-level families

The City of Gainesville's anti-poverty strategy focuses on helping all low-income households improve their economic status and remain above poverty levels. This may include, but is not limited to, job training,

education, healthcare services, and emergency assistance. Current programs to reduce poverty through access to education and jobs are provided by through WorkSource Georgia Mountains and Lanier Technical College. Emergency assistance is also provided by several nonprofit housing and service agencies in Gainesville and Hall County. Additionally, City of Gainesville's housing programs and activities that support development of affordable housing inherently address poverty by creating housing opportunities for low-income households. Without these housing opportunities, many low-income households would not be able to afford housing rehabilitation costs or to purchase a home.

Actions planned to develop institutional structure

The City of Gainesville will continue to work closely with the United Way, Gainesville Housing Authority, state and local agencies and governments, and other service providers to coordinate delivery of services to city residents. The City has representatives on many nonprofit boards and advisory committees, and the Community & Economic Development Department will continue to consult with various housing, social service, elderly and disability resource agencies to gather data and identify service gaps. While there are unmet needs within the City of Gainesville, we have not identified any significant gaps in the service delivery system provided by the institutions within the city.

Actions planned to enhance coordination between public and private housing and social service agencies

Additionally, the Resident Opportunity and Supportive Services Program (ROSS) will continue to support public housing residents by linking them with valuable community resources to obtain economic self-sufficiency, independence, improved quality of life, and in some cases, helping individuals maintain stable housing as they age.

PROGRAM SPECIFIC REQUIREMENTS

AP-90 PROGRAM SPECIFIC REQUIREMENTS – 91.220(L)(1,2,4)

Introduction:

Projects planned with CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(l)(1)

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	$0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan	$0
3. The amount of surplus funds from urban renewal settlements	$0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan.	$0
5. The amount of income from float-funded activities	$0
Total Program Income	

Other CDBG Requirements

1. The amount of urgent need activities	$0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall benefit – A consecutive period of one, two, or three years may be used to determine that a minimum of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	70%

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

OFFICE OF COMMUNITY PLANNING
AND DEVELOPMENT

May 13, 2021

The Honorable Danny Dunagan
Mayor of Gainesville
300 Henry Ward Way
Suite 303
Gainesville, GA 30501

Dear Mayor Dunagan:

I am pleased to inform you of your jurisdiction's Fiscal Year (FY) 2021 allocations for the Office of Community Planning and Development's (CPD) formula programs, which provide funding for housing, community and economic development activities, and assistance for low- and moderate-income persons and special needs populations across the country. Public Law 116-260 includes FY 2021 funding for these programs. Please note that this letter reflects a revised amount for the Community Development Block Grant and Section 108 borrowing authority. Your jurisdiction's FY 2021 available amounts are as follows:

Community Development Block Grant (CDBG)	$496,323
Recovery Housing Program (RHP)	$0
HOME Investment Partnerships (HOME)	$0
Housing Opportunities for Persons With AIDS (HOPWA)	$0
Emergency Solutions Grant (ESG)	$0

Individuals and families across the country are struggling in the face of four converging crises: the COVID-19 pandemic, the resulting economic crisis, climate change, and racial inequity. Through these bedrock programs, CPD seeks to develop strong communities by promoting integrated approaches that provide decent housing and suitable living environments while expanding economic opportunities for low- and moderate-income and special needs populations, including people living with HIV/AIDS. We urge grantees to strategically plan the disbursement of grant funds to provide relief for those affected by these converging crises and help move our country toward a robust recovery.

Based on your jurisdiction's CDBG allocation for this year, you also have $2,481,615 in available Section 108 borrowing authority. Since Section 108 loans are federally guaranteed, this program can leverage your jurisdiction's existing CDBG funding to access low-interest, long-term financing to invest in Opportunity Zones or other target areas in your jurisdiction.

HUD continues to emphasize the importance of effective performance measurements in all its formula grant programs. Proper reporting in the Integrated Disbursement and Information System (IDIS) is critical to ensure grantees comply with program requirements and policies, provide demographic and income information about the persons that benefited from a community's

activities, and participate in HUD-directed grantee monitoring. Your ongoing attention to ensuring complete and accurate reporting of performance measurement data continues to be an invaluable resource with regard to the impact of these formula grant programs.

The Office of Community Planning and Development is looking forward to working with you to promote simple steps that will enhance the performance of these critical programs and successfully meet the challenges that our communities face. If you or any member of your staff have questions, please contact your local CPD Office Director.

Sincerely,

James Arthur Jemison II
Principal Deputy Assistant Secretary
for Community Planning and Development

Jessica Tullar

From: Carter, Theodore <Theodore.Carter@hud.gov>
Sent: Wednesday, February 10, 2021 4:22 PM
To: Jessica Tullar
Cc: McIver, Roxanne H
Subject: RE: 2021 CDBG & CDBG-CV3
Attachments: PR56 Gainesville- 02-10-2021.pdf

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Jessica- my apology for responding so late.

For CV3, you will need to amend the 2019-2023 Con Plan and include in your latest upcoming AAP.

Aldo, regarding the next timeliness measure, do you have a spending plan that will address the required $219K expenses to put Gainesville at 1.50 ratio.

(Please note that the CV funds are not a part of the ratio calculation)

If you have any other questions, please feel free to contact me.

Ted Carter
Senior Financial Analyst
Office of Community Planning and Development
US Department of Housing and Urban Development
Five Points Plaza
40 Marietta Street, NW, 15th Floor
Atlanta, GA 30303-2806
Telephone: (678)732-2575

From: Jessica Tullar <JTullar@gainesvillega.gov>
Sent: Tuesday, January 19, 2021 12:43 PM
To: Carter, Theodore <Theodore.Carter@hud.gov>
Subject: 2021 CDBG & CDBG-CV3

Hi, Ted:

I hope you're doing well. As we prepare our PY 2021 Action Plan, I wanted to ask a couple of questions regarding the CDBG-CV3 funds.

1. Do we have to amend the Consolidated Plan again?
2. Can we include the CDBG-CV3 funds in our 2021 Annual Action Plan that we're about to draft, publish for public comment and review, hold a public hearing and adopt?
3. Or, do we have to amend our 2019 or 2020 Annual Action Plan to include the CDBG-CV3 funds? I believe this is the answer, but I wanted to ask in hopes of minimizing confusion and number of plans ☺

Thanks,

Jessica

JESSICA TULLAR, MPA / AICP
Housing & Special Projects Manager

+1.770.531.6570
www.gainesville.org

311 Henry Ward Way, SE
Gainesville, Georgia 30501
P.O. Box 2496 Gainesville, Georgia 30503

Jessica Tullar

From: Carter, Theodore <Theodore.Carter@hud.gov>
Sent: Monday, June 28, 2021 11:03 AM
To: Jessica Tullar
Cc: McIver, Roxanne H
Subject: RE: <External Message> RE: Gainesville's Revised FY21 Award Letter

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Jessica- thank you for your time for our conversation (just now).

As I mentioned, I was in error in stating that the CV3 award can be included in Gainesville's 2021 Annual Action Plan (AAP)- the CV3 award amount must be included in the 2019 AAP.

As a result of the above, the following actions need to be taken by Gainesville.

- Include the CV3 amount in the 2019 AAP and resubmit the amended 2019 AAP in IDIS
- Exclude (adjust out) the CV3 award from the 2021 AAP resubmit the corrected 2021 AAP in IDIS

These corrections/adjustments will not require Gainesville to republish an ad for Citizens Participation and Public Comments in their local media outlets.

All that is required is resubmission of the aforementioned AAPs in IDIS.

If you have any questions, please feel free to contact me.

Ted Carter
Senior Financial Analyst
Office of Community Planning and Development
US Department of Housing and Urban Development
Five Points Plaza
40 Marietta Street, NW, 15th Floor
Atlanta, GA 30303-2806
Telephone: (678)732-2575

From: Jessica Tullar <JTullar@gainesvillega.gov>
Sent: Thursday, June 24, 2021 9:20 AM
To: Carter, Theodore <Theodore.Carter@hud.gov>
Cc: McIver, Roxanne H <Roxanne.H.McIver@hud.gov>
Subject: <External Message> RE: Gainesville's Revised FY21 Award Letter

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi, Ted:

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 7/20/2021

Presenter: Bryan Lackey

Item of Business: GR-2021-08 Adopt 2021 Community Home Improvement Program (CHIP) Grant Program Policies, Procedures, New Construction Standards and Specifications

Meeting Date: 8/3/2021

Purpose of Request:

Consideration of a resolution to adopt DCA CHIP Policies, Procedures and Written New Construction Standards and Specifications

History/Background:

The City was awarded a Community HOME Investment Program (CHIP) grant in the amount of $600,000 from the Georgia Department of Community Affairs for the purpose of constructing new single-family homes and housing rehabilitation. Per the General and Special Conditions of the Statement of Award from DCA, the City must adopt CHIP Policies, Procedures, and Written Rehabilitation Standards and Specifications. The City also must adhere to individual policies and plans intended to ensure fair and equitable opportunities for women and minority business enterprises as well as for low- to moderate-income persons to housing and employment opportunities.

Facts & Issues for Consideration:

Georgia DCA has designed CHIP Policies, Procedures, and Written New Construction Standards and Specifications which must be adopted locally and are applicable to all CHIP-funded projects. Authorization to use the funds awarded under the 2021 CHIP Program will not be provided until this condition has been cleared and documentation of adoption by way of resolution has been submitted to DCA.

Department Recommendation:

Accept the 2021 CHIP Grant conditions and approve the resolution.

Department Director:

Rusty Ligon

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

Amount Requested:

$600,000 accepted per GR-2021-01

Source of Funds:

DCA CHIP Grant

Finance Comments:

Administrative Comments:

ATTACHMENTS:

	Description	Type
🗋	GR-2021-08 2021 Community Home Investment Program (CHIP) Policies & Procedures Manual	Resolution
🗋	Exhibit A: 2021 CHIP Policies, Procedures, Plans & Standards	Attachments/Exhibits

RESOLUTION GR-2021-08

**2021 COMMUNITY HOME INVESTMENT PROGRAM (CHIP) GRANT
ADOPTION OF CHIP POLICIES, PROCEDURES & WRITTEN CONSTRUCTION STANDARDS & SPECIFICATIONS**

WHEREAS, the Georgia Department of Community Affairs (DCA) has awarded $600,000 in Community Home Investment Program (CHIP) funds to the City of Gainesville; and

WHEREAS, the grant will be utilized for new construction of single-family homes to benefit low- to moderate-income persons; and

WHEREAS, the City of Gainesville accepts the $600,000 in CHIP grant funds and agrees to the terms of the statement of award and all general and special conditions for CHIP Grant Number 2021-108; and

WHEREAS, the Program Policies and Procedures and design standards for new construction are attached as Exhibit A for adoption and will be used in accordance with the requirements of the 2021 CHIP Agreement, CHIP Administrative Manual, US Department of Housing and Urban Development (HUD), and other required federal and state regulations in conjunction with accepted Program Design, property value and purchase limits for homeownership activities, and homebuyer income eligibility requirements based on the City's approved application; and

WHEREAS, per the General and Special Conditions of the CHIP award, individual policies and plans to be adhered to by the City in its administration of the 2021 CHIP Grant shall include (1) an affirmative fair housing marketing plan, (2) a minority and women owned business enterprises (MBE/WBE) outreach plan, (3) Language Access Plan, and (4) the City's "Section 3" plan for the recruitment of businesses and employees targeted under Section 3 of the Housing and Urban Development Act of 1968.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby adopts the *2021 CHIP Manual of Policies and Procedures, Written New Construction Standards and Specifications*, and the above-named individual policies and plans to administer the City's 2021 CHIP Program; and

BE IT FURTHER RESOLVED THAT the governing body for the City of Gainesville hereby authorizes the Mayor or City Manager to sign all necessary resolutions, certifications, applications, subrecipient agreements, and documents directly related to administering the *2021 CHIP Grant*, including the individual policies outlined above, on behalf of the City of Gainesville.

Adopted this _____ day of _____, 2021.

RESOLUTION GR-2021-08

**2021 COMMUNITY HOME INVESTMENT PROGRAM (CHIP) GRANT
ADOPTION OF CHIP POLICIES, PROCEDURES & WRITTEN CONSTRUCTION STANDARDS & SPECIFICATIONS**

_____
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

CITY OF GAINESVILLE AFFIRMATIVE FAIR HOUSING MARKETING PLAN

EQUAL HOUSING OPPORTUNITY

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ABBREVIATIONS

ADA	Americans with Disabilities
AFH	Affirmative Fair Housing
AFHMP	Affirmative Fair Housing Marketing Plan
CFR	Code of Federal Regulations
CHDO	Community Housing Development Organization
DCA	Georgia Department of Community Affairs
HOME	HOME Investment Partnerships Program
HUD	United States Department of Housing and Urban Development
TBRA	Tenant Based Rental Assistance

CITY OF GAINESVILLE AFFIRMATIVE FAIR HOUSING MARKETING PLAN

To further the commitment to nondiscrimination and equal opportunity in housing, and in accordance with the regulations of the U. S. Housing and Urban Development Office, The Georgia Department of Community Affairs and the HOME Investment Partnerships Program (HOME), the City of Gainesville has established procedures to affirmatively market HOME-assisted housing units.

The City of Gainesville is committed to meeting the goals of affirmative marketing in furtherance of our fair housing objectives. As part of this commitment, the City requires HOME subgrantees, including Contract Administrators, Community Housing Development Organizations (CHDOs), Developers, and other subgrantees of HOME Program funds to comply with the affirmative marketing requirements. Subgrantees administering HOME funds must adopt policies and procedures that inform the public, potential tenants, homebuyers, homeowners, and rental property owners of their program through an Affirmative Fair Housing Marketing Plan (AFHMP).

As part of efforts to ensure that available housing is marketed to persons not likely to apply for such housing, subgrantees are encouraged to make HOME information available in non-English languages spoken by those residing in or near the community. Furthermore, subgrantees are encouraged to distribute marketing materials to area social service agencies that work with minorities and disabled individuals.

I. Overview of Affirmative Marketing

A. AFHMP procedures are required for subgrantees of HOME funds. Affirmative marketing procedures must continue throughout the length of the program, including the period of affordability. For homebuyer assistance and homeowner rehabilitation, the plan remains in effect until HOME-funded activities are completed. For single-family homeownership dwellings, the plan remains in effect until all the dwelling units are sold.

B. Affirmative marketing should be an integral part of any project's overall marketing effort. Affirmative marketing typically consists of efforts to inform persons that are "least likely to apply" or under-represented in a neighborhood or community about opportunities for housing under the HOME program. Through the Plan, a subgrantee indicates what special efforts the subgrantee will make to attract racial, ethnic, and other groups or communities who might not normally seek housing assistance. Affirmative marketing does not limit choices; choices are expanded to include those that might not otherwise be considered because of past discrimination. Increasingly, communities which make a long-term commitment to racial and ethnic diversity have found their efforts rewarded by increasing property values.

II. Minimum Affirmative Marketing Plan Requirements

A. Subgrantees must approve and distribute an AFHMP that will be used to attract prospective applicants of all minority and non-minority groups regardless of their race, color, religion, sex, national origin, disability, familial status, or religious affiliation. Racial groups to be marketed to may include White, African American, Native American, Alaskan Native, Asian, Native Hawaiians or Other Pacific Islanders. Other groups who may be subject to housing discrimination include, but are not limited to, Hispanic or Latino groups, persons with disabilities, families with children, or persons with different religious affiliations. For multifamily developments, the Affirmative Marketing Plan must be provided to the property management and onsite staff. Single family administrators must be readily available to staff administering the program for use in selection of applicants that will be served.

B. Subgrantees are not required to use HUD forms 935.2A for multi-family projects or 935.2B for single family activities; however development owners and subgrantees are encouraged to use these forms. Regardless of format, AFHMP and related records must include:

1. **A list of the group(s) that is least likely to apply for housing without special outreach:** All multi-family developments must select persons with disabilities as one of the groups identified as least likely to apply. When identifying racial/ethnic minority groups will be marketed to, factors such as the characteristics of the housing's market area should be considered.

2. **Procedures that will be used to inform and solicit applications from persons who are least likely to apply:** Specific media and community contacts that reach those groups designated as least likely to apply must be identified. Community outreach contacts may include neighborhood, minority, or women's organizations, grass roots faith-based or community-based organizations, labor unions, employers, public and private agencies, disability advocates, or other groups or individuals well known in the community that connect with the identified group(s).

3. **How the subgrantee will assess the success of Affirmative Marketing efforts:** Affirmative Marketing Plans should be reviewed on an annual basis to determine if changes should be made and plans must be updated every five years to fully capture demographic changes in the housing's market area.

C. At a minimum, the Plan will require projects involving five or more HOME-assisted units to comply with the following:

1. Prior to sales or rental activity (or marketing of homebuyer assistance, or rehabilitation program), the subgrantee shall identify community contacts (individuals, organizations, or agencies) actively involved with serving low-income persons who would benefit from specific outreach efforts.

2. Any AMP which includes homeownership should require that potential home purchasers receive homeownership counseling and education.

3. If any rental units are publicly advertised during the period of affordability, the Equal Housing Opportunity logo must accompany the advertisement.

4. For multifamily developments, the AMP must provide that the developer will issue press releases announcing available units that will be circulated to media outlets within the marketing and outreach area. The press releases should include: location of the units; total number of units available; bedroom sizes of the units; rents or purchase price; income requirements and limits; building amenities and features; and neighborhood amenities.

5. Information about available units at different developments may appear in combined press releases, as appropriate; this is especially encouraged for small developments, including those with four units or less. Issuance of the initial press release will coincide with the commencement of the initial marketing period.

6. The subgrantee (or its agent, if applicable) must display the HUD fair housing poster in an area accessible to the public, such as the rental office or project office.

7. The subgrantee (or its agent, if applicable) will collect information on the race and ethnicity of program applicants to demonstrate the results of the owner's affirmative marketing efforts.

8. For rental projects, the subgrantee/owner (or its agent, if applicable) will, for the entire period of affordability, maintain information demonstrating compliance, and will make such information available to The City of Gainesville, HUD and other regulatory agencies and official public information requests during HOME onsite inspections, or upon request.

9. The Plan must be signed by an authorized official of the sponsoring or ownership organization. By signing the Plan, the subgrantee assumes full responsibility for its implementation and agrees to make any changes which may be required to assure continued compliance with the marketing requirement of 24 CFR §200.620. The agreement to make changes is also applicable to Plans covering rental projects during the affordability period. With respect to single family subdivisions, the subgrantee may request changes to the Plan only during the initial sales period.

10. The Plan must reference and include methods for informing the public, owners, and potential tenants about the following state and federal laws and executive orders, including, but not limited to:

    a. The Fair Housing Act – Title VIII of the Civil Rights Action of 1968, as amended.

b. Title VI of the Civil Rights Act of 1964.

c. Section 504 of the Rehabilitation Act of 1973, as amended.

d. Executive Order 11063, as amended by Executive Order 12259.

e. Executive Order 12892, Leadership and Coordination of Fair Housing.

f. Texas Fair Housing Act.

g. Americans with Disabilities Act, as applicable.

III. Procedures for Implementing an Affirmative Marketing Plan

A. When implementing the AMP, the subgrantee must do the following:

1. **Targeting:** Identify the segments of the eligible population that are least likely to apply for housing without special outreach efforts.

2. **Outreach:** Outline an outreach program that includes special measures designed to attract those groups identified as least likely to apply and other efforts designed to attract persons from the total population.

3. **Indicators:** State the indicators to be used to measure the success of the marketing program. The effectiveness of the marketing program can be determined by noting if the program effectively attracted buyers or renters who are:

    a. Under-represented in the population of the housing market area where the HOME program will be operated;
    b. Persons with disabilities and their families.
    c. Families with children, unless exempted.
    d. Members of a protected class.

4. **Staff Training:** Demonstrate the capacity to provide training and information on fair housing laws and objectives to project or rental staff.

5. **Good Faith Effort:** Subgrantees are required to make a good faith effort to carry out the provisions of their approved plan. Good faith efforts are recorded activities and documented outreach to those individuals identified as least likely to apply. Examples of such efforts include:

    a. Advertising in print and electronic media that is used by those identified as least likely to apply. The press release or electronic media should contain the Equal Housing Opportunity slogan for press releases and the electronic media should contain the Equal Housing Opportunity logotype.

b. Marketing housing to specific community groups or organizations frequented by those least likely to apply.

c. Developing a brochure or handout that describes the HOME program that will be administered and the housing that will be constructed by the subgrantee or the rental assistance program that will be offered to applicants. The brochure or handout may include a range of information which influences decisions regarding housing choices.
    i. The brochure or handout should communicate the subgrantees Equal Housing Opportunity policy. The Equal Housing Opportunity policy should be consistent with the Fair Housing Advertising guidelines. All brochures and handouts must contain the Equal Housing Opportunity logotype.
    ii. For those subgrantees that administer the HOME Homeowner Rehabilitation program, highlighting the benefits, such as accessibility modifications, energy efficiency of the homes that will be reconstructed/constructed and increased property value is valuable.
    iii. For those subgrantees that administer the HOME homebuyer or downpayment assistance programs the brochure should highlight the benefits of homeownership and the type of downpayment assistance that will be provided.
    iv. For subgrantees that administer a CHDO, HUD's Fair Housing Poster must be conspicuously displayed wherever sales/rentals and showings take place. The subgrantee must indicate whether the poster will be displayed in the sales/rental office(s)/subgrantee's office and/or model units and/or other places.

d. Ensuring that the project/administrative staff have read and understood the Fair Housing Act, and the purpose and objectives of the Plan.

e. Developing a referral network with the local fair housing agency.

IV. Establish System for Documenting Outreach

A. Establish a system for documenting activities and maintaining records of such AFH activities. At minimum, the subgrantee must maintain documentation pertaining to:

1. The special outreach activities undertaken to attract groups that are least likely to apply and also the general public that applies for the housing.

2. How the groups considered least likely to apply were identified.

3. Race and ethnicity of all persons applying for the housing.

4. Race and ethnicity of all individuals who visited the project in person.

5. A copy of training materials used to train project management/staff on Federal, State local civil rights laws and fair housing laws;

6. The selection of the community contacts who assisted or may assist in implementing the Plan. In addition, the subgrantee must:
    a. List, with names and addresses, groups or organizations identified as serving least likely to apply populations and those serving special populations who may be served by the project, including those with physical disabilities.

    b. List, with names and addresses, community contact(s) that serve the disabled community, such as an independent living center (ILC).

    c. Indicate the method of contact for each of these outreach organizations e.g., community meetings, brochures, briefing sessions, etc., approximate date the group or individuals are to be contacted and how the project manager/agent/subgrantee will document such contact.

7. Communications with community contacts listed in the Plan;

8. Copies of public advertisements, brochures, leaflets, etc.;

9. The training given to staff on Federal, State and local civil rights laws;

10. Subgrantees must develop an affirmative marketing report that includes summaries of affirmative marketing efforts. The report details affirmative marketing activities and identifies actions to undertake or to correct any non-compliance with affirmative marketing policies or to mitigate any non-performance problems in implementing plans. If corrective measures have been identified, actions taken on such measures must be reported. The City of Gainesville may review reports at any time to determine compliance with affirmative marketing regulations.

11. Subgrantees must keep a record of complaints of unfair marketing and must notify the City of Gainesville in writing of the complaint.

V. Affirmative Marketing Recordkeeping

A. The documentation of activities should be maintained in the project file. This information must be collected and maintained during the federal period of affordability and must be made available for review throughout the period.

B. Up-to-date records based on census data, application and surveys about community residents, applicants for housing units, residents of the project, and records about tenant selection or rejection must be kept in the project file.

C. Racial and ethnic data on all persons applying for housing units and participants must be collected and kept in the project file.

D. Data obtained voluntarily from applicants with disabilities should be collected and kept in a separate file.

E. Examples of documentation that should be maintained include:

1. Copies of newspaper advertisements and flyers or other printed material used.

2. Copies of mailing lists to organizations that were sent flyers and other material.

3. Copies of press releases and description of circulation.

4. Evidence of broadcast of television and radio advertisement.

5. Photographs of site signs.

6. The racial, ethnic and gender characteristics of tenants.

7. List the names and addresses, of groups or organizations identified as serving least likely to apply populations and those serving special populations who may be served by the project, including those with physical disabilities.

8. List the names and addresses, of community contact(s) that serve the disabled community, such as an independent living center (ILC).

VI. Appendices

A. DCA Affirmative Fair Housing Marketing Plan form

B. HUD-935.2B form

DCA AFFIRMATIVE FAIR HOUSING MARKETING PLAN

COMPLETE FORM AND SUBMIT TO: DCA Community HOME Investment Program, 60 Executive Park South, N.E. Atlanta, GA 30329

1. INTRODUCTION

Affirmative Fair Housing Marketing Regulations require that each applicant subject to these regulations carry out an affirmative program to attract prospective buyers or tenants of all minority groups and non minority groups to the housing that the applicant is providing regardless of race, color, religion, sex, national origin, disability or familiar status. The applicant shall describe on this form, the activities it proposes to carry out during advance marketing, where applicable, and the initial sales rent up period.

2. APPLICATION AND PROJECT IDENTIFICATION

A. Applicant's Name:	B. Project or Application Number: Number of Units:
Address(City, State, & Zip Code)	Price Range of Units: From $ _____ to $ _____
Telephone Number (including area code)	D. For Multifamily Housing only: N/A Elderly Non-elderly
Project Name:	E. Approximate Starting Dates: Advertising: Occupancy:
C. Location/Address (include: City, State, and Zip Code) County: Census Tract:	F. Name of Managing Sales Agent Address (include: City, State, and Zip Code):

3. TYPE OF AFFIRMATIVE MARKETING PLAN

☐ Project plan ☐ Annual Plan (for single family scattered site units)

☐ Minority ☐ White (non-minority) Area ☐ Mixed Area (with ___% minority residents)

4. DIRECTION OF MARKETING ACTIVITY

Indicate below which group(s) in the housing market area is/are least likely to apply for the housing because of its location and other factors without special outreach projects.

☐ White (non-Hispanic) ☐ Black (non-Hispanic) ☐ American Indian or Alaskan Native ☐ Hispanic
☐ Asian or Pacific Islander ☐ Persons with Disabilities

5. MARKETING PROGRAM

A. Commercial Media

Check the media to be used to advertise the availability of this housing:

☐ Newspaper(s)/Publications ☐ Radio ☐ TV ☐ Billboard(s) ☐ Other (specify): Website, Social Media & Community Partners

Name of Newspaper, Radio or TV Station (1)	Racial/Ethnic Identification of Readers/Audience (2)	Size/Duration of Advertising (3)

B. Brochures, Signs and HUD's Fair Housing Poster

(1) Will brochures, leaflets, or handouts be used to advertise? _____Yes _____ No. If yes, attach a copy or submit when available. (2) For project site sign: indicate sign size _____x _____; Logotype size _____ x _____. Attach a photograph of project sign or submit when available. (3) HUD's Fair Housing Poster must be conspicuously displayed whenever sales/rentals and showings take place. Fair Housing Posters will be displayed in the o Sales Rental Offices(s); o Real Estate Office(s); o Model Unit(s) o Other specify)

C. Community Contacts

To further inform the group(s) least likely to apply about the availability of the housing, the applicant agrees to establish and maintain contact with the groups & organizations listed below that are located in the housing market area or SMSA. If more space is needed, attach an additional sheet. Notify DCA of any changes in this list. Attach a copy of correspondence to be mailed to these groups/organizations. (Provide all requested information.)

Name of Group/Organization (1)	Racial/Ethnic Identification (2)	Approximate Date of Contact or Proposed Contact (3)	Person Contacted or to be Contacted (4)

C. Community Contacts, continued

Address & Telephone (5)	Method of Contacts (6)	Indicate the specific function Group/Organization will undertake in implementing the Marketing Program (7)

6. Future Marketing Activities

Check the block(s) that best describe future marketing activities to fill vacancies as they occur after the project has been initially occupied.

o Newspapers/Publications ☐ Radio ☐ TV ☐ Brochures/Leaflets/Handouts ☐ Site Signs
o Community Contacts ☐ Others (specify)

7. Experience and Staff Instructions

Indicate any experience in marketing housing to the group(s) identifies as least likely to apply ☒ Yes ☐ No

Indicate training to be provided to staff on Federal, state and local fair housing laws and regulations, as well as this AFHM Plan. Attach a copy of the instructions to staff regarding fair housing.

8. Additional Considerations

By signing this form the applicant agrees, after appropriate consultation with DCA, to change any part of the plan covering a multifamily project to assure continued compliance with HUD's Affirmative Fair Housing Marketing Regulations.

Signature of person submitting plan_____ Date _____

Name (type or print) _____

Title and Company _____

FOR DCA's USE ONLY

Approval by: Signature	Disapproval by: Signature
Name (type or print)	Name (type or print)
Title	Title
Date	Date

Affirmative Fair Housing Marketing (AFHM) Plan - Single Family Housing

U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity

OMB Approval No. 2529-0013
(exp. 12/31/2016)

1a. Applicant's Name, Address (including City, State & Zip code) & Phone Number	1c. Development Number	1d. Number of Units
	1e. Price Range From $ To $	1f. Type of Housing ☐ Development ☐ Scattered Site
	1g. Approximate Starting Dates (mm/dd/yyyy) Advertising Occupancy	

1b. Development's Name, Location (including City, State and Zip code)	1h. Housing Market Area	1i. Census Tract
	1j. Sales Agent's Name & Address (including City, State and Zip Code)	

2. **Type of Affirmative Marketing Area** (check all that apply)

___ White (non-minority) Area

___ Minority Area

___ Mixed Area (with _____ % minority residents)

3. **Direction of Marketing Activity** (Indicate which group(s) in the housing market area are least likely to apply for the housing because of its location and other factors without special outreach efforts)

☐ White ☐ American Indian or Alaskan Native ☐ Asian
☐ Black or African American ☐ Native Hawaiian or Other Pacific Islander
☐ Hispanic or Latino ☐ Persons with Disabilities ☐ Families with Children
☐ Other _____ Specify _____
(e.g. specific ethnic group, religion, etc.)

4a. **Marketing Program: Commercial Media** (Check the type of media to be used to advertise the availability of this housing)

☐ Newspapers/Publications ☐ Radio ☐ TV ☐ Billboards ☐ Other (specify)

Name of Newspaper, Radio or TV Station	Group Identification of Readers/Audience	Size/Duration of Advertising

4b. **Marketing Program: Brochures, Signs, and HUD's Fair Housing Poster**

(1) Will brochures, letters, or handouts be used to advertise? ☐ Yes ☐ No If "Yes", attach a copy or submit when available.

(2) For development site sign, indicate sign size _____ x _____; Logo type size _____ x _____. Attach a photograph of sign or submit when available.

(3) HUD's Fair Housing Poster must be conspicuously displayed wherever sales/rentals and showings take place. Fair Housing Posters will be displayed in the ☐ Sales Office ☐ Real Estate Office ☐ Model Unit ☐ Other (specify)

4c. **Marketing Program: Community Contacts.** To further inform the group(s) least likely to apply about the availability of the housing, the applicant agrees to establish and maintain contact with the groups/organizations listed below which are located in the housing market area. If more space is needed, attach an additional sheet. Notify HUD-Housing of any changes in this list. Attach a copy of correspondence to be mailed to these groups/organizations. (Provide all requested information.)

Name of Group/Organization	Group Identification	Approximate Date (mm/dd/yyyy)	Person Contacted (or to be Contacted)

Address & Phone Number	Method of Contact	Indicate the specific function the Group/Organization will undertake in implementing the marketing program

5. **Reserved**

6. **Experience and Staff Instructions** (See instructions)

6a. Staff has affirmative marketing experience.

☐ No ☐ Yes

6b. On separate sheets, indicate training to be provided to staff on Federal, State and local fair housing laws and regulations, as well as this AFHM Plan. Attach a copy of the instructions to staff regarding fair housing.

7. **Additional Considerations** Attach additional sheets as needed.

8. **Compliance with AFHM Plan Regulations:** By signing this form, the applicant agrees to ensure compliance with HUD's Affirmative Fair Housing Marketing Regulations (24 CFR 200.620).

Signature of person submitting this Plan & Date of Submission (mm/dd/yyyy)

Name (type or print)

Title & Name of Company

For HUD-Office of Housing Use Only	**For HUD-Office of Fair Housing and Equal Opportunity Use Only**
Approved ____ Disapproved _____ (Check One)	
Signature & Date (mm/dd/yyyy)	Signature & Date (mm/dd/yyyy)
Name (type or print)	Name (type or print)
Title	Title

Public reporting burden for this collection of information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget (OMB) control number.

In General: The Affirmative Fair Housing Marketing (AFHM) Plan is used to ensure that Federal Housing Administration (FHA)-insured single family housing developers are taking necessary steps to eliminate discriminatory practices and to overcome the effects of past discrimination involving Federally insured housing. No application for any housing development insured under the Department of Housing and Urban Development's (HUD) housing programs, shall be funded without a HUD-approved AFHM Plan (See the "Applicability" section in the instructions below.) Single family housing developers complete the AFHM Plan only during the application process and the AFHM Plan is in effect until after initial occupancy. The responses are required to obtain or retain benefits under the Fair Housing Act, Section 808(e)(5) & (6) and 24 CFR Part 200, Subpart M. The form contains no questions of a confidential nature.

Applicability: Single family developers should answer the following two questions to determine if they need to complete an AFHM Plan or if they should complete block 11 on Form HUD-92541, Builder's Certification of Plans, Specifications, & Site. (See HUD Mortgagee Letter 1995-18 dated April 28, 1995 and 2001-09 dated April 2, 2001 for further instructions).

Question 1. (Check if applicable)

_____ a. Did you sell five (5) or more houses in the last twelve (12) months with HUD mortgage insurance?

_____ b. Do you intend to sell five (5) or more houses within the next twelve (12) months with HUD mortgage insurance?

If you did **not** check 1a or 1b, you do **not** have to complete an AFHM Plan. You should complete block 11 on the HUD-92541.

If you checked 1a and/or 1b, you must go to Question 2.

Question 2. (Check if applicable)

_____ a. I am a signatory in good standing to a Voluntary Affirmative Marketing Agreement (VAMA).

_____ b. I have an AFHM Plan that HUD approved.

_____ c. I have contracted with a company that has an AFHM Plan or who is a signatory to a VAMA to market my houses.

_____ d. I certify that I will comply with the following: (a) Carry out an affirmative marketing program to attract all minority and majority groups to the housing for initial sale. Such a program shall typically involve publicizing to minority persons the availability of housing opportunities regardless of race, color, religion, sex, disability, familial status or national origin, through the type of media customarily utilized by the applicants; (b) Maintain a nondiscriminatory hiring policy in recruiting from both minority and majority groups; (c) Instruct all employees and agents in writing and orally of the policy of nondiscrimination and fair housing; (d) Conspicuously display the Fair Housing Poster in all Sales Offices, include the Equal Housing Opportunity logo, slogan and statement in all printed material used in connection with sales, and post in a prominent position at the project site a sign that displays the Equal Opportunity logo, slogan or statement, as listed in 24 CFR 200.620 and appendix to subpart M to part 200. I understand that I am obliged to develop and maintain records on these activities, and make them available to HUD upon request.

If you checked "a, b, c, or d" in Question 2, you do **not** have to complete an AFHM Plan. You should complete block 11 on the HUD-92541.

If you did **not** check "a, b, c or d" in Question 2, you must complete an AFHM Plan.

Each applicant is required to carry out an affirmative program to attract prospective buyers of all minority and non-minority groups in the housing market area regardless of their race, color, religion, sex, national origin, disability or familial status (24 CFR 200.620). Racial groups include White, Black or African American, American Indian or Alaska Native, Asian, Native Hawaiian or Other Pacific Islander. Other groups in the housing market area who may be subject to housing discrimination include, but are not limited to, Hispanic or Latino, persons with disabilities, families with children, or persons of different religious affiliations. The applicant shall describe in the AFHM Plan the proposed activities to be carried out during advance marketing, where applicable, and the initial sales period. The affirmative marketing program also should ensure that any group(s) of persons ordinarily **not** likely to apply for this housing without special outreach (See Part 3), know about the housing, feel welcome to apply and have the opportunity to buy.

INSTRUCTIONS

Send completed form to: your local HUD Office
Attention: Director, Office of Housing

Part 1-Applicant and Project Identification. Blocks 1a thru 1f-Self-Explanatory. Block 1g-the applicant should specify the approximate date for starting the marketing activities and the anticipated date of initial occupancy. Block 1h-the applicant should indicate the housing market area, in which the housing will be located. Block 1i - the applicant may obtain census tract location information from local planning agencies, public libraries and other sources of census data. Block 1j the applicant should complete only if a Sales Agent (the agent can not be the applicant) is implementing the AFHM Plan.

Part 2-Type of Affirmative Marketing Area: The AFHM Plan should indicate the approximate racial composition of the housing market area in which the housing will be located by checking one of the three choices. Single family scattered site builder should submit an AFHM Plan that reflects the approximate racial composition of each housing market area in which the housing will be located. For example, if a builder plans to construct units in both minority and non-minority housing market areas, a separate AFHM Plan shall be submitted for each housing market area.

Part 3-Direction of Marketing Activity. Indicate which group(s) the applicant believes are least likely to apply for this housing without special outreach. Consider factors such as price or rental of housing, sponsorship of housing, racial/ethnic characteristics of housing market area in which housing will be located, disability, familial status, or religious affiliation of eligible population, public transportation routes, etc.

Part 4-Marketing Program. The applicant shall describe the marketing program to be used to attract all segments of the eligible population, especially those groups designated in Part 3 of this AFHM Plan present in the housing marketing area that are least likely to apply. The applicant shall state: the type of media to be used, the names of newspaper/call letters of radio or TV stations; the identity of the circulation or audience of the media identified in the AFHM Plan (e.g., White, Black or African American, American Indian or Alaska Native, Asian, Native Hawaiian or Other Pacific Islander, Hispanic or Latino, persons with disabilities, families with children, and religious affiliation), and the size or duration of newspaper advertising or length and frequency of broadcast advertising. Community contacts include individuals or organizations that are well known in the housing market area or the locality that can influence persons within groups considered least likely to apply. Such contacts may include, but need not be limited to: neighborhood, minority and women's organizations, grass roots faith-based or other community based organizations, labor unions, employers, public and private agencies, disability advocates, schools and individuals who are connected with these organizations and/or are well-known in the community. Applicants should notify their local HUD–Office of Housing of any changes to the list in Part 4c of this AFHM Plan.

Part 5-Reserved

Part 6-Experience and Staff Instructions.

6a. The applicant should indicate whether he/she has had previous experience in marketing housing to group(s) identified as least likely to apply for the housing.

6b. Describe the instructions and training provided or to be provided to sales staff. This guidance to staff must include information regarding Federal, State and local fair housing laws and this AFHM Plan.

Copies of any written materials should be submitted with the AFHM Plan, if such materials are available.

Part 7-Additional Considerations. In this section describe other efforts not previously mentioned which are planned to attract persons least likely to apply for the housing.

Part 8-Compliance with AFHM Plan Regulation. By signing, the applicant assumes full responsibility for implementing the AFHM Plan. HUD may monitor the implementation of this AFHM Plan at any time and request modification in its format or content, where deemed necessary.

Notice of Intent to Begin Marketing. No later than 90 days prior to the initiation of sales marketing activities, the applicant with an approved AFHM Plan shall submit notice of intent to begin marketing. The notification is required by the Affirmative Fair Housing Marketing Plan Compliance Regulations (24 CFR Part 108.15). It is submitted either orally or in writing to the Office of Housing in the appropriate HUD Office servicing the locality in which the proposed housing will be located.

OMB approval of the Affirmative Fair Housing Plan includes approval of this notification procedure as part of the AFHM Plan. The burden hours for such notification are included in the total designated for this AFHM Plan form.

DCA AFFIRMATIVE FAIR HOUSING MARKETING PLAN

COMPLETE FORM AND SUBMIT TO: DCA Community HOME Investment Program, 60 Executive Park South, N.E. Atlanta, GA 30329

1. INTRODUCTION

Affirmative Fair Housing Marketing Regulations require that each applicant subject to these regulations carry out an affirmative program to attract prospective buyers or tenants of all minority groups and non minority groups to the housing that the applicant is providing regardless of race, color, religion, sex, national origin, disability or familiar status. The applicant shall describe on this form, the activities it proposes to carry out during advance marketing, where applicable, and the initial sales rent up period.

2. APPLICATION AND PROJECT IDENTIFICATION

A. Applicant's Name: **CITY OF GAINESVILLE**	B. Project or Application Number: **CHIP GRANT #2021-108** Number of Units: **6 NEW CONSTRUCTION**
Address(City, State, & Zip Code) **300 Henry Ward Way, Gainesville, GA 30501**	Price Range of Units: From $ N/A to $ N/A
Telephone Number (including area code) **770.531.6570**	D. For Multifamily Housing only: N/A Elderly Non-elderly
Project Name: **Community Home Investment Program (CHIP), 2021**	E. Approximate Starting Dates: Advertising: **January 2023** Occupancy: **July 2023**
C. Location/Address (include: City, State, and Zip Code) **Summit Street, Gainesville, GA 30501**	F. Name of Managing Sales Agent **City staff & Realtor (To Be Determined)**
County: **Hall** Census Tract: **12.01**	Address (include: City, State, and Zip Code): N/A

3. TYPE OF AFFIRMATIVE MARKETING PLAN

☒ Project plan ☐ Annual Plan (for single family scattered site units)

☐ Minority ☐ White (non-minority) Area ☒ Mixed Area (with 13% minority & 55% Hispanic or Latino residents)

4. DIRECTION OF MARKETING ACTIVITY

Indicate below which group(s) in the housing market area is/are least likely to apply for the housing because of its location and other factors without special outreach projects.

☐ White (non-Hispanic) ☐ Black (non-Hispanic) ☐ American Indian or Alaskan Native ☐ Hispanic
☐ Asian or Pacific Islander ☐ Persons with Disabilities

5. MARKETING PROGRAM

A. Commercial Media

Check the media to be used to advertise the availability of this housing:

☒ Newspaper(s)/Publications ☒ Radio ☐ TV ☐ Billboard(s) ☒ Other (specify): Website, Social Media & Community Partners

Name of Newspaper, Radio or TV Station (1)	Racial/Ethnic Identification of Readers/Audience (2)	Size/Duration of Advertising (3)
The Gainesville Times	Mixed	Ad/Periodically; Article
Mexico Lindo	Hispanic	Ad/Peridodically
Newtown Florist Club	African American / Black	Notice, Post & Emails/Periodically
WDUN Radio/Access North Georgia	Mixed	Radio Spot/Periodically; Online Article
City Website & Social Media Sites	Mixed	Notice & Posts; From Start until Sold

B. Brochures, Signs and HUD's Fair Housing Poster

(1) Will brochures, leaflets, or handouts be used to advertise? **X** Yes _____ No. If yes, attach a copy or submit when available. (2) For project site sign: indicate sign size **4-ft** x **8-ft (example proof & in-field photo attached)**; Logotype size _____ x _____. Attach a photograph of project sign or submit when available. (3) HUD's Fair Housing Poster must be conspicuously displayed whenever sales/rentals and showings take place. Fair Housing Posters will be displayed in the o Sales Rental Offices(s); o Real Estate Office(s); o Model Unit(s) **X** Other specify) Gainesville Community & Economic Development Office & seller's agent

C. Community Contacts

To further inform the group(s) least likely to apply about the availability of the housing, the applicant agrees to establish and maintain contact with the groups & organizations listed below that are located in the housing market area or SMSA. If more space is needed, attach an additional sheet. Notify DCA of any changes in this list. Attach a copy of correspondence to be mailed to these groups/organizations. (Provide all requested information.)

Name of Group/Organization (1)	Racial/Ethnic Identification (2)	Approximate Date of Contact or Proposed Contact (3)	Person Contacted or to be Contacted (4)
Newtown Florist Club	Black	January 2023	Rev. Rose Johnson
Gateway Domestic Violence Center	Various	January 2023	Cindy Bryant
Gainesville Housing Authority	Various	January 2023	Maria Calkins
Hispanic Alliance GA – La Alianza	Hispanic	January 2023	Vanesa Sarazua
Family Promise	Various	January 2023	Lindsey McCamy
United Way's One Hall Housing Group	Various	January 2023	Jessica Dudley

C. Community Contacts, continued

Address & Telephone (5)	Method of Contacts (6)	Indicate the specific function Group/Organization will undertake in implementing the Marketing Program (7)
1067 Desota Street, SE; Gainesville, GA 30501 / 770.718.1343 / newtown193@gmail.com	Email / Telephone / In Person	Distibute info to residents they serve
P O Box 2962, Gainesville, GA 30503 / 770.539.9080 x106 / cbryant@gatewaydvcenter.org	Email / Telephone / In Person	Distibute info to clients they serve
750 Pearl Nix Pkwy, Gainesville, GA 30501 / 404.358.3558 / mcalkins@gainesvillehousing.org	Email / Telephone / In Person	Distibute info to their residents who are ready for homeownership
2490 Hilton D, # A, Gainesville, GA 30501 / 678.750.0251 / hispanicalliancega@gmail.com	Email / Telephone / In Person	Distibute info to Hispanic & Latino residents they serve
3606 McEver Rd, Oakwood, GA 30566 / 770.535.0786 x204 / lindsey@familypromisehall.org	Email / Telephone / In Person	Distibute info to their clients who are ready for homeownership
527 Oak Street, Gainesville, GA 30501 / 678.989.5333 / jdudley@unitedwayhallcounty.org	Email / Telephone / In Person	Distibute info to residents who call the Compass Center, Housing Focus Group agency reps & organizational newsletter

6. Future Marketing Activities

Check the block(s) that best describe future marketing activities to fill vacancies as they occur after the project has been initially occupied.

o Newspapers/Publications ☐ Radio ☐ TV ☐ Brochures/Leaflets/Handouts ☒ Site Signs

o Community Contacts ☒ Others (specify) **Housing Festival – info table (to be held in October 2022)**

7. Experience and Staff Instructions

Indicate any experience in marketing housing to the group(s) identifies as least likely to apply ☒ Yes ☐ No

Indicate training to be provided to staff on Federal, state and local fair housing laws and regulations, as well as this AFHM Plan. Attach a copy of the instructions to staff regarding fair housing. **City staff will coordinate with Metro Fair Housing to provide a training workshop for staff, nonprofit developer, and qualified realtor/seller's agent (to be determined)**

8. Additional Considerations

By signing this form the applicant agrees, after appropriate consultation with DCA, to change any part of the plan covering a multifamily project to assure continued compliance with HUD's Affirmative Fair Housing Marketing Regulations.

Signature of person submitting plan_____ Date _____

Name (type or print) Bryan Lackey

Title and Company City Manager; City of Gainesville

FOR DCA's USE ONLY

Approval by: Signature	Disapproval by: Signature
Name (type or print)	Name (type or print)
Title	Title
Date	Date

MBE/WBE OUTREACH PLAN
CITY OF GAINESVILLE, GA

Minority/Women's Business Enterprise Program (MBE/WBE) Policy Statement

The City of Gainesville's minority and women's business enterprise outreach goal is to ensure the inclusion to the maximum extent possible, of entities owned by minorities and women in DCA's HOME program in order to provide affordable housing authorized under the HOME program. The City of Gainesville will carry out this policy through the MBE/WBE outreach procedures outlined in the next section.

Minority/Women's Business Enterprise (MBE/WBE) Outreach Procedures

The City of Gainesville has established procedures to encourage the use of minority and women's business enterprises (MBE/WBE) in HOME-assisted housing in accordance with the Home Investment Partnerships (HOME) Program. These procedures are intended to further the objectives of Executive Orders 11625, 12432, and 12138.

(a) Informing the public and potential MBE/WBE about the MBE/WNE outreach policy and procedures:

1. The City of Gainesville will publish its Minority/Women's Business Enterprises Policy Statement in the newspaper of widest statewide circulation and other minority/women oriented newspapers of widest statewide circulation.
2. The City of Gainesville will develop and maintain a solicitation list of certified MBE/WBE with capabilities, services, supplies, and/or products that are related to housing development, whenever financially feasible. The services and assistance of the Minority Business Development Agency of the U.S. Department of Commerce and other appropriate federal and state agencies will be sought in accomplishing this task.

(b) MBE/WBE participation in the HOME programs:

1. To the maximum extent possible, MBE/WBE will be included in all contracts into which the City of Gainesville enters related to the provision of affordable housing under the HOME program, to the maximum extent possible.

2. When economically feasible, the City of Gainesville will divide total requirements into small tasks and quantities to permit the maximum participation by MBE/WBE.
3. When economically feasible, the City of Gainesville will establish delivery schedules, which encourage MBE/WBE participation in HOME programs.

Entity Submitting Plan: City of Gainesville (CITY) **Date:** _____

By: _____

Bryan Lackey

City Manager

Attest: _____

Denise O. Jordan, City Clerk

CITY SEAL

LANGUAGE ACCESS PLAN
CITY OF GAINESVILLE, GA

General Information

Grantee:	City of Gainesville (CITY)
CHIP Grant #:	2021-108
Target Area:	Summit Street within Gainesville's Midtown Redevelopment Area, which is a 240± acre area located south of the historic Downtown Square
Preparer:	Jessica Tullar, AICP Special Projects & Neighborhood Development Manager Phone: (770) 531-6570 Email: JTullar@gainesvillega.gov
LAP Coordinator:	Janeann Allison, Director Administrative Services/Human Resources Phone: (770) 297-5485 Email: JAllison@gainesvillega.gov

Four-Factor Analysis

The City of Gainesville looked at the totality of circumstances, including the following four factors, in determining whether to provide language services to LEP customers.

1. **Factor 1: Number or proportion of LEP persons eligible to be served or likely to be encountered**

   Nearly 38% of the City of Gainesville's population is estimated to be Hispanic or Latino and Spanish speaking. Of the almost 14,000 Spanish-speaking residents, nearly half (48.1%) are described as "Speak English less than very well" (Source: U.S. Census Bureau, 2019 American Community Survey, 1-Year Estimates, Table S1601).

2. **Factor 2: Frequency with which LEP persons come into contact with the City's programs**

   The City of Gainesville housing programs fall under the "Housing & Special Projects" Division within the Community and Economic Development Department, which also includes the City's Planning, Inspection Services/Building Permits, and Code Enforcement Divisions. On a daily basis, the City's Community and Economic Development Department provides some level of service to Spanish-speaking residents, business owners, contractors, and visitors. More specifically, the Housing & Special Projects Division frequently receives inquiries from or on behalf of Spanish-speaking persons.

   Application deadlines for homeowner housing rehabilitation assistance and emergency repairs or down-payment assistance are on a "rolling" schedule in that there is no specific deadline dates published, nor does the City limit the number of times per year that such applications can be submitted. While the City will accept and review applications for assistance from individuals as they are received, the City will seek qualified contractors or publish requests for bid on an as-needed basis when a project has been identified.

3. **Factor 3: Nature and importance of the City's programs, activities, or services**

   As funding becomes available, the City allocates Community Home Investment Program (CHIP) funds to the construction of new homes or homeowner housing rehabilitation. New homes constructed with CHIP grant funds are marketed and sold to income-eligible owners. Similarly, funds earmarked for housing rehabilitation are used for home repairs, like improving accessibility or replacing a front porch. The applicant must own the home, use the home as their primary residence, and be income-eligible to participate. CHIP grant funds are used for materials and labor in either type of project. Given these funds are being used to provide affordable housing and to address livability of houses, access to information about the City's programs is very important. The City offers to provide services to persons of special needs relating to foreign language, and the City provides pertinent information – such as program information and application forms for housing program assistance – in English and Spanish.

4. **Factor 4: Resources available and costs to recipients**

   The City offers to provide services to persons of special needs relating to foreign language, such as interpreters for public meetings or events and public hearings. As well, the City provides pertinent program information in English and Spanish, and will refer clients to community liaisons proficient in Spanish. The City provides such services at no fee to the citizen(s) requesting the service(s).

Language Access Plan (LAP)

The City of Gainesville is committed to ensuring that limited English proficiency (LEP) customers have meaningful access to its housing programs and activities. In addition, meaningful language access will be ensured by all entities contracting with the department for the provision of services. The City's LAP Coordinator shall be the Administrative Services/Human Resources Director.

Data Collection & Reporting

Gainesville's Housing & Special Projects Division will collect data on housing services, programs, and activities accessed by the LEP population through program-related application forms to collect information on (a) what languages our LEP customers speak, (b) what services they

access from our organization, and (c) the frequency in which LEP customers use these services. The City's housing program staff shall maintain a record of all LEP customers encountered, including their characteristics, languages, and complaints, if any, which will be included in a report submitted at grant closeout to the Georgia Department of Community Affairs.

LAP Evaluation & Update

This language access plan shall be evaluated and revised, if needed, with each grant program year under which the City of Gainesville is awarded funding. The Four-Factor Analysis will be reviewed and updated at such time the language access plan requires to be updated. The City's LAP contact person or designee shall be responsible for the evaluation and revision of the plan. Members of the staff, particularly those who are in contact with the public regarding the City's housing programs, shall be trained on the City's language access plan. Said training shall be provided by the City's Human Resources Department (or the Director's designee), and shall impart the background and understanding to implement the objectives of the Plan.

Vital Documents

Vital documents, which shall be provided in English and Spanish, will include at a minimum the following:

- Housing programs informational handouts and brochures;
- Housing programs application forms;
- Advertisements for requests for bids, contractors, etc. to be hired to complete work funded through the City's housing programs;
- Notices and invitations for community meetings and other public meetings related to the programs; and
- Sales and marketing of new homes available for purchase by income-eligible persons.

Complaints and Appeals

Any person who believes they have been denied the benefits of this LAP or that the City of Gainesville has not complied with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) and Executive Order 13166 regulations may file a complaint with the City of Gainesville's LAP Coordinator. The Division or program point of contact (POC) may be the first point of contact for any complaints or appeals, but the City's Community and Economic Development Director must be informed of all complaints and appeals. The LAP Coordinator will provide oversight of the complaint/appeal resolution process. To file a complaint, submit the written complaint to:

Human Resources Director
City of Gainesville
300 Henry Ward Way
P. O. Box 2496
Gainesville, Georgia 30503-2496
JAllison@gainesvillega.gov

Christy Barnes
DCA 504 Coordinator
60 Executive Park South, NE
Atlanta, GA 30329-2231
fairhousing@dca.ga.gov

Entity Submitting Plan: City of Gainesville (CITY) **Date:** _____

By: _____

Bryan Lackey

City Manager

Attest: _____

Denise O. Jordan, City Clerk

CITY SEAL

Georgia
Department of Community Affairs
60 Executive Park South, NE, Atlanta, GA 30329

Section 3 Policy
for
Covered HUD Funded Activities

This Section 3 policy pertains to training, employment contracting, and other economic opportunities arising in connection with the expenditure of Federal housing assistance and community development assistance that is used in conjunction with the following activities:

- Housing rehabilitation,
- Housing construction, and
- Other public construction.

All Recipients and Sub-recipients of Section 3 Covered Assistance (including but not limited to contractors, sub-contractors, developers, grantees, CHDOs, non-profits, and local government entities) must be in compliance with the provisions of this policy in order to be eligible for DCA awards.

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SOLICITATION PACKAGE AND CERTIFICATION DOCUMENTS

BACKGROUND ON THE SECTION 3 REGULATION:

The purpose of Section 3 of the Housing and Urban Development Act of 1968, as amended by Section 915 of the Housing and Community Development Act of 1992 (Section 3), is to "ensure that employment and other economic opportunities generated by certain HUD financial funding shall, to the greatest extent feasible, and consistent with existing Federal, State, and local laws and regulations, be directed toward low and very low-income persons, particularly those who are recipients of government funding for housing and to Business Concerns which provide economic opportunities to low- and very low-income persons."

Consistent with 24 CFR Part 135, as a recipient of HUD Housing and Community Development Funding, the State of Georgia Department of Community Affairs (DCA) requires fulfillment of Section 3 obligations on all contracts subject to 24 CFR Part 135 that make use of that assistance. These policies are implemented for contract amounts as specified in 24 CFR Part 135 whether it is designated as housing construction, housing rehabilitation, lead based paint abatement, or other public construction project. DCA works to ensure the provision of employment, training, contracting, and other economic opportunities to low-income persons. In doing so, DCA utilizes Section 3 as a means of promoting stability and self-sufficiency of Section 3 Residents. Implementation procedures may be amended periodically by DCA to insure that the policy requirements are being met and/or to enhance the efficiencies of compliance.

PART I. APPLICABILITY:

Section 3 of the Housing and Urban Development Act of 1968 by the Housing and Community Development Act of 1992. Section 3, as amended, requires that economic opportunities generated by Federal Housing and Community Development programs shall, to the greatest extent feasible, be given to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to businesses that provide economic opportunities for these persons.

Section 3 requirements apply to **all** housing rehabilitation, housing construction or other public construction projects, and activities for which the recipient or sub recipient's award exceeds $200,000 and the contract or subcontract exceeds $100,000. If the recipient or sub recipient's award of assistance exceeds $200,000, but the contracts and subcontracts do not exceed $100,000, then only the recipient or sub recipient is subject to the Section 3 requirements. The recipient or sub recipient's responsibility includes awarding contracts, to the greatest extent feasible, to Section 3 business concerns.

PART II. DEFINITIONS:

Please refer to the 24 CFR 135.5 for a full list of prevailing definitions found in the regulation.

Employment Opportunities Generated by Section 3 Covered Assistance: All employment opportunities generated by the expenditure of applicable Federal Section 3 covered funding (i.e., Housing and Community Development Funding) and with respect to Section 3 covered Housing and Community Development Funding, all employment opportunities arising in connection with Section 3 Covered Projects.

Full-Time: For recipient, sub-recipients, and contractors, this term refers to an employee assigned to a position who regularly works a minimum of forty (40) hours per week on a continuous basis. For DCA, this term refers to an employee who is assigned to an unclassified position who regularly works a minimum of forty (40) hours per week on a continuous basis. Regular full-time employees will be eligible to receive full State-sponsored benefits and accrue any form of service credit.

Housing and Community Development Funding: Resources from the U.S. Department of Housing and Urban Development (HUD) covered by Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u) include Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Emergency Solutions Grant (ESG), Housing Opportunities for Persons with AIDS (HOPWA), and Neighborhood Stabilization (NSP) programs, as well as certain grants awarded under HUD Notices of Funding Availability (NOFAs). The requirements for Section 3 only apply to the portion(s) of covered funding used for project/activities involving housing construction, rehabilitation, demolition, and/or other public construction.

Low Income Person: A person whose household (including single persons) has a total income that does not exceed 80% of the median income for the project area. Income levels can be obtained online at: https://www.huduser.gov/portal/datasets/il.html.

New Hires: Full-time employees for at-will, permanent, temporary or seasonal employment opportunities for any Section 3 covered contract.

Recipient: An entity which receives Section 3 covered assistance directly from HUD (i.e., DCA) or from any other recipient (e.g., local government, PHA or other public body, public or private non-profit organization, private agency or institution, mortgagor, developer, limited dividend sponsor, builder, property manager, Community Housing Development organization, resident management corporation, resident council, or cooperative association). For the purpose of this policy, the phrase, “any other recipient” will carry the same definition as “Sub-recipient” and may include DCA in cases when program terminology establishes a “Recipient” as any entity receiving an award of DCA funds under a HUD-funded program.

Resident Owned Business (ROB): A Business Concern owned or controlled by low or very low-income residents who reside within the legal boundaries where the funds are expended. A ROB must meet these requirements: (a) at least 51% owned and operated by Section 3 residents, and (b) whose management and daily business operations are controlled by one or more such individuals. For purposes of Section 3 compliance, a ROB must also meet Subpart A to the definition of a Section 3 Business Concern.

Section 3: Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u).

Section 3 Resident:
(1) A public housing resident; or
(2) An individual who resides in the area in which the Section 3 covered assistance is expended, and who is a low-income person whose household income does not exceed 80% of the average median income for the area or a very low-income person whose household income does not exceed 50% of the average median income for the area as per Section 3(b) (2) of the U.S. Housing Act of 1937 (1937 Act).

To find the current Average Median Income go to:
https://www.huduser.gov/portal/datasets/il.html

Section 3 Business Concern: As defined by HUD, an entity:

A. That is Fifty-one (51%) percent or more owned by Section 3 Residents; or

B. Whose permanent, full-time employees includes persons, at least 30 percent of whom are current Section 3 Residents, or were Section 3 Residents within three (3) years of the date of first employment with the Business; or

C. That provides evidence of a commitment to subcontract in excess of 25 percent of the total contract award amount (including any modifications) to Section 3 Business Concerns as defined in A or B. Example: If the Contract Amount is = $1,000,000, the contractor must subcontract in excess of 25%, or greater than $250,000, to a Section 3 Business Concern (s) as defined in A or B in this part.

Section 3 Clause: The contract provisions and sanctions set forth in 24 CFR 135.38

Section 3 Covered Activity: Any activity that involves housing construction, rehabilitation, or other public construction funded by Section 3 covered assistance.

Section 3 Covered Assistance: The requirements of Part 135 apply to Recipients of covered Section 3 Housing and Community Development Funding for which the amount of the assistance exceeds $200,000. These requirements also apply to contractors and subcontractors performing

work on projects using Federal Housing and Community Development Funding from DCA for which the Recipient's award exceeds $200,000 and the contract or subcontract exceeds $100,000. If the Recipient or Sub-recipient's award of assistance exceeds $200,000, but the contracts and subcontracts do not exceed $100,000, then only the Recipient or Sub-recipient is subject to the Section 3 requirements. The Recipient's responsibility includes awarding contracts, to the greatest extent feasible, to Section 3 business concerns.

Section 3 Covered Contract: A contract or subcontract, including a professional service contract, awarded by a recipient, sub-recipient, or contractor for work generated by the expenditure of Section 3 Covered Assistance or for work arising in connection with a Section 3 Covered Project. "Section 3 Covered Contracts" do not include contracts for the purchase of supplies and materials except whenever a contract for materials includes the installation of the materials.

Section 3 Covered Project: The construction, reconstruction, conversion or rehabilitation of housing (including reduction and abatement of lead-based paint hazards), other public construction which includes buildings or improvements (regardless of ownership) assisted with applicable Federal Housing and Community Development Funding.

Section 3 Joint Venture: An association of Business Concerns, one of which qualifies as a Section 3 Business Concern, formed by written joint venture agreement to engage in and carry out a specific business venture for which purpose the Business Concerns combine their efforts, resources, and skills for joint profit, but not necessarily on a continuing or permanent basis for conducting business generally, and for which the Section 3 Business Concern:

- Is responsible for a clearly defined portion of the work to be performed and holds management responsibilities in the joint venture; and

- Performs at least 25% of the work and is contractually entitled to compensation proportional to its work.

Sub-recipient: Any public or private agency, institution, organization, or other entity (e.g. Local government, Public Housing Authority, public or private non-profit organization, private agency or institution, mortgagor, developer, limited dividend sponsor, builder, property manager, Community Housing Development organization, resident management corporation, resident council, or cooperative association) to whom Federal financial assistance is extended, through the Georgia Department of Community Affairs for any program or activity, or who otherwise participates in carrying out such program or activity but such term does not include any Beneficiary under any such program. The term "Sub-recipient" may include the term "Recipient" when program terminology establishes a "Recipient" as any entity receiving an award of DCA funds under a HUD-funded program.

Very Low Income Person: A person whose household (including single persons) has a total income that does not exceed 50% of the median family income for the project area.

PART III. GOALS OF THE SECTION 3 REGULATION:

DCA's Section 3 protocol seeks to aid Section 3 residents to the greatest extent feasible in three ways, listed in order of preference:

A. *Hiring low- and very low-income workers*
   DCA requires that a recipient or sub-recipient and its contractors make every effort within their disposal to attempt to hire at least 30% Section 3 residents of the aggregate number of full-time new hires with a preference for Section 3 residents in this order:

   1: Residents of HUD-assisted housing.
   2. Residents at the site where the work is being performed.
   3: Residents of the city where the work is being performed.
   4: Residents of the county where the work is being performed.

B. *Awarding contracts to Section 3 business concerns*
   DCA requires that the recipient or sub-recipient, and its contractors make every effort within their disposal to award at least 10% of the total dollar amount of all Section 3 covered contracts for building trades work arising in connection with housing rehabilitation, housing construction, and other public construction, to Section 3 business concerns. DCA also requires that the recipient or sub-recipient and its contractors make every effort within their disposal to award at least 3% of the total dollar amount of all "Other" Section 3 covered contracts.

C. *Providing other economic opportunities*
   If a recipient, sub-recipient, or contractor identifies a greater need, other training and employment opportunities may be provided to substitute for goals A and B. In such cases, a recipient, sub-recipient, or contractor must provide training and other employment opportunities as described in Part VII equal to or exceeding 3% of the total contract award in order to meet this goal.

PART IV. RECIPIENT AND SUBRECIPIENT RESPONSIBILITIES:

The recipient or sub recipients of DCA Housing and Community Development Funding accept the responsibility of not only enforcing the Section 3 requirements, but also for pro-actively providing notice, encouraging, and facilitating compliance with Section 3 subject to the definition of a Section 3 Covered Project. The recipient or sub-recipient will have fulfilled this responsibility when they can provide evidence that the following have occurred in the case of every contract and sub-contract solicitation that exceeds the threshold requirements of 24 CFR Part 135:

The following actions are required for all contract and sub-contract solicitations:

A) Notifying Section 3 residents of opportunities through posting of job openings in community sources that are generally available to low income residents and the general public, including but not limited to: the local community newspaper; the most widely distributed newspaper; the management office of the local housing authority, or homeless agency, or/local low-income housing community; the local workforce board; the local office of the Georgia Division of Family and Children Services; and the local office of the Georgia Department of Public Health serving the county in which the project is located.

B) Conveying that the contract work is a Section 3 Covered Contract in any advertisement for bids and proposals by placing the following language in each advertisement/public notice and website: "**This project is covered under the requirements of Section 3 of the HUD Act of 1968.**"

C) Notifying contractors of Section 3 requirements in any pre-bid or pre-construction meeting held.

D) Incorporating the HUD mandated Section 3 clauses in all contracts where the work to be performed is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 170lu (Section3).

E) Providing Resident Certification and Affidavit forms for employment at the recipient or sub-recipient's business offices and allowing applications to be submitted at appropriate local locations.

F) Encouraging the training of Section 3 residents by the contractors.

G) Reporting quarterly on its efforts regarding Section 3 implementation on the DCA prescribed mechanism or form.

H) Refusing to award contracts to businesses or persons that have previously violated Section 3 requirements.

I) Using the attached Solicitation Package for each procurement associated with a covered project indicating that the work to be performed is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C.170lu (Section 3).

J) Documenting actions taken to comply with Section 3 requirements including all results and impediments using the DCA prescribed mechanism or form.

Recipients or Sub-recipients also must implement at least one (1) of the following actions:

K) Facilitating an opportunity fair annually for contractors to meet interested Section 3 residents for possible employment. A list can be developed as a resource for the recipient or sub-recipient and contractors when seeking to hire Section 3 workers in the future.

L) When employment opportunities arise or are anticipated, posting all job sites funded by DCA with a location or phone number of whom and how to apply for any opportunities for employment, training or contracting. The sign should be no smaller than 24" x 24" in Black ink and specifically read:

> *"This project is covered under Section 3 of the HUD Act of 1968 which requires that any new hiring opportunities first be directed to low- and very low income persons in this community. Please contact (list the contact person name and number) for information on any employment, contracting and sub-contracting opportunities."*

PART V. RECIPIENT, SUB-RECIPIENT, AND CONTRACTOR RESPONSIBILITIES:

All recipient, sub-recipients, and contractors must submit prior to an award exceeding $100,000 the prescribed forms in the attached solicitation package describing their proposal to implement Section 3. Omission of a satisfactorily completed solicitation package prior to award makes that contractor ineligible for award. Regardless of the amount of the potential contract award, all recipient, sub-recipients, and contractors that wish to claim a Section 3 preference must submit with any bid or proposal the *Section 3 Self-Certification and Action Plan* and the *Section 3 Business Concern Self Certification* that is part of the attached solicitation package. Prior to award of a contract exceeding $100,000, the remainder of the solicitation package must be prepared in its entirety. No preference may be claimed after bids are opened.

The only safe harbors for determining whether Section 3 requirements have been met are the following:

A. The 30% new hiring of Section 3 Residents goal;
B. The 10% Section 3 Business Concern Contracting for Building Trades Work goal; and,
C. The 3% Section 3 Business Concern Contracting for "Other" Covered Contracts goal.

As DCA does not execute final funding contracts, it is reliant upon the compliance of its recipient, sub-recipient, and/or contractor(s) to execute DCA's Section 3 initiatives. If the goals above cannot be met by the recipient, sub-recipient, and/or contractor, the recipient, sub-recipient, and/or contractor must provide documentation explaining why those numerical goals could not be met, including a description of any actions taken, any impediments encountered, and any other economic opportunities provided (See Part VII – Other Economic Opportunities). This documentation must be submitted to DCA for review and approval. DCA will take each recipient or sub-recipient's explanation into consideration when making the determination of compliance.

In addition to the notice requirements for both hiring and contracting, other examples of activities to demonstrate effort to comply with the Safe Harbor Limits are listed in the appendix to part 135 of the Code of Federal Regulations—24 CFR Part 135 and include:

1. Distributing or posting flyers advertising positions to be filled;
2. Contacting the local government or housing authority for a list of residents who have expressed interest in Section 3 employment;
3. Holding job informational meetings for residents, contractors, etc…;
4. Contacting agencies administering HUD YouthBuild programs and requesting their assistance in recruiting HUD YouthBuild program participants for training and employment positions.

PART VI. PREFERENCES AND ELIGIBILITY:

Note: All persons who are recipients of housing assistance from the government are Section 3 residents. Residents of HUD assisted housing are top priority Section 3 residents (Tier One). HUD assisted housing includes: (A) public housing, (B) Housing Choice Voucher holders, (C) substance abuse rehabilitation housing, (D) domestic violence shelters, (E) transitional housing facilities, (F) homeless shelters, and (G) veterans housing. The businesses owned by Section 3 residents (ROBs) are top priority business concerns (Tier One). When employment or contracting opportunities are offered and all requirements are met and remain equal, HUD assisted housing residents and ROBs within the area of the project shall be provided preference over other Section 3 residents/business concerns and non-Section 3 residents/business concerns.

A) Regarding the hiring of Section 3 residents, preference, in the following order, shall be given to those residents who live:

1. In HUD assisted housing.
2. At the site where the work is being performed.
3. In the city where the work is being performed.
4. In the county where the work is being performed.

B) Regarding the contracting opportunities for Section 3 business concerns, preference shall be given to business concerns, in the order of preference described in Section A of Part VI, Preference and Eligibility, meeting these definitions and in this order:

1. Resident Owned Businesses (ROBs) owned and operated at 51% by Section 3 Residents.
2. Businesses that employ Section 3 residents at no less than 30% of the contractors aggregate full time staff.

3. Contractors that at the time of bid show evidence (meaning the specific name and preference met) of their intent to award no less than 25% of their total award to Section 3 business concerns.

C) A Section 3 resident seeking employment must fulfill the requirements of the sought position and, if asked, must provide evidence of their Section 3 status (e.g., proof of residency in public housing development; evidence of participation in a HUD YouthBuild program operated in the metropolitan area (or non-metropolitan county) where the Section 3 covered assistance is spent; evidence that the individual resides in the Section 3 area and is a low or very low-income person as defined in Section 3(b)(2) of the U.S. Housing Act of 1937). Recipient agencies may choose to allow prospective Section 3 residents to self-certify their eligibility. Any self-certification should include a statement of penalty for falsifying information. A Section 3 Business Concern seeking to win a contract must fulfill the requirements of the contract and, if asked, provide evidence of their Section 3 status.

PART VII. OTHER ECONOMIC OPPORTUNITIES:

The Other Economic Opportunities provision may only be used when a contractor, recipient, or sub-recipient desires to claim a preference under Part VI and cannot comply with the hiring or subcontracting goals set forth in the Preference Tier structure, or, based on observed special needs, has concluded that providing Other Economic Opportunities will be a greater benefit to Section 3 Residents or Businesses. Whenever the Other Economic Opportunities provision is employed, the actions must equal or exceed 3% of the total contract value including all labor and material costs as well as any change orders to these costs.

Firms that will provide other economic opportunities will be responsible for soliciting and contracting a qualified firm/individual experienced in providing a Georgia Department of Labor Approved training curriculum consistent with Section 3 requirements of 135.11 in the area of Section 3 resident training in the following areas:

- Employment Readiness and Professional Development
- Section 3 Small Business Concern Development Training
- Computer Literacy and Data Entry Skills Training
- Employment Skills Training (Any Viable Employment Field)
- Other training curriculum approved by DCA

The acceptability of these efforts will be determined by DCA in the case of a recipient, sub-recipient, and by the recipient or sub-recipient in the case of a contractor, or in cases of a complaint, by HUD.

PART VIII. DCA SECTION 3 RESPONSIBILITIES:

Refer to the Georgia Department of Community Affairs Section 3 Hiring Policy available upon request to the Georgia Department of Community Affairs Human Resources Department.

PART IX. COMPLAINTS AND COMPLIANCE:

Any Section 3 resident or business concern that feels that the Section 3 regulations were not complied with may file a complaint directly to the Assistant Secretary for Fair Housing and Equal Opportunity at the following address (or as otherwise directed by HUD):

Assistant Secretary for Fair Housing and Equal Opportunity
U.S. Department of Housing and Urban Development
Regional Field Office
40 Marietta Street, NW
Atlanta, Georgia 30303

The complaint must be in writing and be received within 180 days from the date of the action upon which the complaint is based. It should include the complainant's name and address, the recipient, sub-recipient's or contractor's name and address, and a description of the acts in question. The complainant will receive a response from HUD within 10 days in which further investigation will be explained.

PART X. DCA STANDARD SECTION 3 OPERATING PROCEDURES

Policy Effective Date: _____, 20__ Procedural Change Date: _____, 20__

Procedure Title: Section 3

This operating procedure is tied to the Operating Policy on Section 3 designed to achieve and maintain compliance with the HUD Act of 1968 revised in 1992 and in 1994.

The procedures contained within are relative to the Section 3 daily operations in:

- Hiring
- Procurement
- Contracting
- Compliance Management
- Solicitation Package and Certification Documents

Section 1 – Recipient, Sub-Recipients and Contractors: Hiring

This procedure encompasses all full time employment types including, long term, short term, temporary and special assignments. In the process of seeking new employees for the recipient,

sub-recipient, contractor, or subcontractor, the following procedures should be followed in an effort to create as many employment opportunities for Tier 1 HUD direct beneficiaries:

Step 1: Post the position in community sources that are generally available to low income residents and the general public. It is required that a minimum of three (3) of the following listed sources will be exercised at least once prior to extending an offer of employment to anyone not covered by Section 3 requirements:

A) The local community newspaper
B) The most widely distributed newspaper
C) Company or agency website
D) The management office of the local housing authority, or homeless service agency, or local low income housing community
E) Local Workforce Board (i.e., Department of Labor)
F) Local office of the Georgia Division of Family and Children Services
G) Local office of the Georgia Department of Public Health
H) Dodge Room http://www.construction.com/dodge/dodge.asp
I) Other locations as approved by DCA.

Step 2: Be certain to list in the notice that the position is a **"Section 3 Covered Position under the HUD Act of 1968 and that Section 3 Residents and Business Concerns are encouraged to apply."**

Step 3: In reviewing all applicants, be certain to first select candidates that best fit the position requirements. If a Tier I resident is identified as a qualified candidate, all things being equal with others in consideration, a preference for employment should be given to the Section 3 Resident based on the Policy order established in Part VI – Preferences and Eligibility.

Step 4: In cases where a recipient, sub-recipient or contractor establishes a relationship and requirement with any temporary employment agency contractor, the temporary employment agency contractor or temporary employment agency must require placements to its recipient, sub-recipient or contractors to complete the Self Certification form clarifying their qualifications as a qualified Section 3 Resident. Any person certifying as a qualified Section 3 Resident must be given Preference for any Section 3 covered assignment with the recipient, sub-recipient or contractor providing they meet all other position requirements.

Section 2 –Recipient, Sub-Recipients and Contractors: Procurement

Whenever a contract opportunity is solicited, these steps must be followed in order to comply with DCA's Section 3 Policy.

ROB Verification: Whenever ROB status is sought, the recipient, sub-recipient or contractor staff shall request address and ownership verification of the 51% Owner/Operator rule as stated in

the HUD Act of 1968. Use of the **"Section 3 Self-Certification Form"** attached to this policy is an acceptable statement of address and business data, when presented along with all other required incorporation documents, including any Letter of Issuance of a Federal Employer Identification Number (FEIN) and state Articles of Incorporation.

Step 1: ***This step is only applicable when a public housing authority is involved in the transaction.*** During the development process of any solicitation or work project, there should be a determination as to whether or not the work can be and/or should be isolated to Resident Owned Businesses (ROB's) under the **24 CFR Part 963.12 Alternative Procurement Method.** If so, then Steps 2-8 should be followed with respect for **ROB's ONLY**. Keep in mind, a qualified ROB can be one that is a Joint Venture Partnership where a non-ROB can participate at no more than 49% ownership, operations and profit. A statement where both parties have committed to these terms is required as validation of ROB status.

Step 2: As a direct method of encouraging greater participation and election of Section 3 Preference by contractors, DCA requires that all recipient, sub-recipient, and contractors conduct at least one pre-bid meeting or workshop to facilitate the meeting of contractors (large and small) in hopes that more opportunities will be afforded all parties in covered DCA funded contracts. These steps must be in compliance with State of Georgia procurement laws. Where a conflict occurs, the recipient, sub-recipient, or contractor should not conduct such acts that would constitute a violation.

Step 3: Post the contract opportunity in community sources that are generally available to Section 3 Businesses, low income residents and the general public. It is required that a minimum of three (3) of the listed sources will be exercised at least once prior to entering into a contract with anyone not covered by Section 3 requirements:

A) The local community newspaper
B) The most widely distributed newspaper
C) Company or agency website
D) The management office of the local housing authority, or homeless service agency, or local low income housing community
E) Local Workforce Board (i.e. Georgia Department of Labor)
F) Local Office of the Georgia Division of Family and Children Services
G) Local Offices of the Georgia Department of Public Health
H) Dodge Room http://www.construction.com/dodge/dodge.asp
I) Other locations as approved by DCA.

DCA recommends that all such posting periods shall last at least one calendar week.

Step 4: The recipient, sub-recipient or contractor must check the HUD Section 3 Business Registry to determine if there are any Section 3 businesses in the County where the work will be performed. If there are Section 3 businesses in the County that may be able to perform the work, the recipient,

sub-recipient or contractor must provide a copy of the contracting opportunity(ies) (e.g., bid notices) to the Section 3 businesses. See the HUD Section 3 Business Registry at: https://portalapps.hud.gov/Sec3BusReg/BRegistry/What.

Step 5: All ads must include a notice that the contract opportunity is a **"Section 3 Covered Contract and that Section 3 Business Concerns are encouraged to apply."**

Step 6: All awardees must include the attached "**Solicitation Package**" for recipient, sub-recipients and contractors to complete and return with their applications/responses. Any application/response claiming a preference must include the satisfactorily completed *Section 3 Self-Certification and Action Plan* and the *Section 3 Business Concern Self Certification*.

Step 7: In reviewing the solicitation responses, any contractors that claim a preference and are identified as qualified Section 3 Concerns should be reviewed and if legitimate, granted a Preference in contracting, all other things being equal.

Step 8: When procurements require point scores as part of the award process, the recipient, sub-recipient or contractor shall ensure that a method of providing Preference exists based on the solicitation criteria to secure the most qualified firm or individual for the contract. Under no circumstances shall a contract be awarded to a firm (Section 3 or Non-Section 3) if they fail to meet minimum standards or do not score high enough to surpass "competitive range" scoring. **Section 3 Preference only is to be considered after all other relative quantitative and qualitative factors have been scored and weighted.**

Step 9: All solicitations exceeding $100,000 shall require that applicants/respondents prior to award convey prior compliance with Section 3 on any HUD funded contract**. If a contractor has not complied on any HUD funded contract effective on or after January 1, 2014, they should be considered non-responsive.**

Step 10: All solicitations exceeding $100,000 must include a certification of prior compliance with HUD Section 3 for all HUD funded contracts effective on or after January 1, 2014 as a requirement for award. See the attached form titled: "Previous Compliance Certification."

Section 3 – Recipient, Sub-Recipients and Contractors: Contracting

Step 1: In addition to the required Section 3 contract language provided in 24 CFR §135.38, the following language is to be added to all new contracts effective immediately:

> "All contractors claiming a Preference in contracting by meeting any of the three qualifications including: a Resident Owned Business, Hiring/Employing 30% of New Hires, and/or sub-contracting at least 25% of their total award to a Section 3 Concern, shall maintain that status throughout the life of the contract. Failure to meet this requirement will result in penalties up to and including contract termination."

Step 2: Any recipient, sub-recipient or contractor claiming a Preference **must be in compliance prior to the issuance of a notice to proceed** by DCA, recipient, sub-recipient, or contractor based on the policies established for the applicable DCA funding program.

Step 3: The sub-recipient or contractor must maintain compliance. If at any time a recipient, sub-recipient or contractor fails to bring the contract into compliance, DCA, recipient, the sub-recipient, or contractor must withhold all future payments until the contract is in compliance or until other penalties have been levied as stated below.

DCA, the recipient, sub-recipient, or the contractor shall execute these remedies to achieve compliance in this order:

A. Based on the first observation or report of non-compliance with Section 3, the recipient, sub-recipient or contractor will be sent an e-mail by the compliance manager notifying them of their non-compliance issue. The recipient, sub-recipient or contractor will have until the next payroll or 10 business days, whichever is less, to bring the contract into compliance and/or justify in writing why they cannot meet compliance requirements.

B. DCA, the recipient, sub-recipient or contractor must render a response to the violating party within 10 business days of receipt of the violating party's letter of reason for non-compliance. If DCA, the recipient, sub-recipient, or the contractor deems the reason to be unacceptable, at its option, DCA, the recipient, sub-recipient, or the contractor can extend the response period one time for up to 5 business days to allow the violating party to identify and secure other compliance options.

C. If the violating party fails to take any corrective action to bring the contract into compliance within the allotted time, or DCA, the recipient, sub-recipient, or the contractor rejects any of the corrective plans and justifications for non-compliance, DCA, the recipient, sub-recipient, or the contractor will either terminate the contract immediately or impose liquidated damages equal to $100 a day for every day out of compliance. At DCA's determination, any liquidated damages received must be paid to the recipient, sub-recipient or DCA, at DCA's determination, and be used to promote economic opportunities for Section 3 Residents and Business Concerns.

D. .

   DCA, the recipient, sub-recipient, or the contractor will hold **all funds due to the violating party until such time that a financial workout is completed**.

   Additionally the violating party may be banned by DCA, the recipient, the sub-recipient, and the contractor on future HUD funded projects.

Georgia® Department of Community Affairs

Community HOME Investment Program

Administrative Manual

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Introduction to Manual

This manual has been developed to assist Recipients administer the Community HOME Investment Program (CHIP).

This guide is divided into two sections:

- Housing rehabilitation activities
- New construction activities.

Each section begins with a flow chart outlining the steps necessary to complete the projects. All CHIP recipients must adhere to performance benchmarks to avoid cancellation of the grant agreement in all or in part.

Changes to the CHIP Program

The State as a Participating Jurisdiction (PJ) for the US Department of Housing and Urban Development (HUD) is responsible for administering HOME funds. Starting with the 2019 awards, CHIP grant recipients are required to adhere to three new policies: Homebuyer Underwriting Policy, Program Income Policy, and Procurement Policy. All policies have been included in this manual.

<u>Procurement Policy</u>
All local government CHIP recipients must adhere to the State of Georgia Procurement Requirements effective July 1, 2018, effective with the passage of H.B. 489, adding O.C.GA. 36-80-26 and amending O.C.G.A 36-91-20(B)(1). Most bids or proposals, including professional services for CHIP application submission and administration and engineering/architectural services must be advertised in the Georgia Procurement Registry prior to grant submission. This change will minimize the appearance of a conflicts of interest.

<u>Homebuyer Underwriting Policy</u>
In August 2018, HUD issued the CPD Notice 18-09, The Homebuyer Underwriting Policy which addresses underwriting expectations for homebuyer affordability to insure successful homeownership over time and to provide only the amount of assistance needed to each household. It is a starting point for local state recipients and subrecipients to develop or enhance their local underwriting policies.

<u>Program Income Policy</u>
The HOME Regulation at 24 CFR § 92.2 defines program income as, "*...gross income received by the PJ, State recipient, or a subrecipient directly generated from the use of HOME funds or activities funded from matching contributions....*" The most common form of program income is principal and interest payments of HOME-funded loans. Other sources of program income include, but are not limited to, proceeds from the disposition of HOME-funded property and interest earned on program income pending its disposition.

The CHIP Program requires that Recipients deposit all PI they receive in a separate account and report it to CHIP annually. This includes all PI that CHIP permits its Recipients to retain for additional HOME projects, pursuant to the terms described in the written agreement.

Background

The HOME Investment Partnerships (HOME) Program was authorized under Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended and was signed into law on November 28, 1990 (Pub. L. 101-625). The HOME Program provides funds to expand the supply of affordable housing for individuals and families earning less than 80% of the Area Median Income (AMI). Interim regulations for the HOME Program were first published on December 16, 1991 and are codified at 24 CFR Part 92. The HOME Final Rule was released September 16, 1996. HUD published a Final Rule in the Federal Register on July 24, 2013 to amend the HOME Investment Partnership (HOME) Program regulations. Click on the link below for additional information about the HOME Final Rule:

Overview of the 2013 HOME Final Rule

The Georgia Housing and Finance Authority (GHFA) receive HOME funds from the U.S. Department of Housing and Urban Development (HUD) as the designated Participating Jurisdiction (State PJ) for the State of Georgia. The Georgia Department of Community Affairs (DCA) administers the program on behalf of GHFA. DCA allocates a portion of its HOME funds received each year from HUD to the Community HOME Investment Program (CHIP) for use by small cities, rural counties, non-profits, and local public housing authorities that serve communities that are not designated by HUD as a local Participating Jurisdictions (Local PJs). In order to receive CHIP funding, these entities must apply to DCA and, if awarded, will become State Recipients or Sub-recipients under CHIP.

Recipients under CHIP are responsible for carrying out all program activities and complying with all HOME regulations as well as many other federal requirements. DCA is responsible for providing technical assistance, developing program allocation and selection policies, managing the funding and distribution process, monitoring Recipient compliance with program requirements, and reporting to HUD on the use of the funds.

This Manual covers program administration requirements.

Disclaimer
This manual provides information required for State and Sub-Recipients to locally administer awarded CHIP funds. However, whenever a conflict exists between the manual, local policies, and the HUD HOME program regulations at 24 CFR Part 92, the HOME Rule must be complied with except where DCA has more narrowly defined any HOME activities or programmatic requirements.

CHIP Administration Process for All CHIP Activities

Under the CHIP program, a Recipient that has been awarded CHIP funds has already established the basic program design set forth in the CHIP application and approved by DCA through the issuance of an Agreement with General and Special Conditions. Implementation of the program must be in keeping with the approved CHIP award and all general and special conditions; the HOME program regulations and DCA CHIP policies.

After approval by DCA of the CHIP award, the steps to begin administering a CHIP program can be summarized as follows:

Review the Agreement, HUD HOME Regulations, and the Recipient Manual

As a first step, the Recipient should review the Statement of Award including the General and Special Conditions and the basic HOME program rules as outlined in HOME program regulations at 24 CFR Part 92.

The Recipient should also review all of the project and financial interface requirements with DCA as outlined in the **CHIP Administrative Manual** in order to be prepared to set up projects, draw down funds, meet the DCA reporting requirements and meet the project completion reporting requirements.

Activating Your New CHIP Award

Written Agreement with DCA

Upon approval of an application for CHIP funds, GHFA must enter into a written agreement (Agreement) with each selected Recipient. This Agreement is required by HUD for all CHIP Recipients and covers both the funding level and planned activities of the Recipient and the applicable HOME Regulations, state laws, and program requirements that must be followed.

Two copies of the Agreement will be emailed to the Recipient's designated grant administrator for their execution. Two originals must be signed and mailed to DCA within 30 days of receipt. DCA will execute the Agreement by signing both copies and then mail one original of the signed executed agreement to the Recipient for their records.

Executing Instructions:

- The Recipient must have their Certifying Representative examine these documents closely before signing and dating all required originals and copies.
- The Certifying Representative (Mayor, Chairman of County Commission, Chairman of the Board of a Non-profit, or other authorized official) must execute the Agreement.

- The Certifying Representative must execute the Agreement and return both original versions to DCA. The documents must be mailed to DCA as follows:

  DaTonya Lewis
  CHIP Program Manager
  Georgia Department of Community Affairs
  60 Executive Park South, N.E.
  Atlanta, Georgia 30329-2231

Authorized Signature Cards

A. Signature Card for Draw Request (CA-1)

An Authorized Signature Card authorizes individuals of the Recipient to request payment of funds under the Agreement. The Authorized Signature Card must authorize at least one signatory but no more than four. At least one of the signatories must be an employee of the Recipient. Check the box designating whether one or two signatures will be required on an individual draw request. If the Certifying Representative designates him/herself for authorization of the draw request, then two authorized signatures are required. An employee of the Administrator may not be designated in lieu of an employee of the Recipient.

The Recipient's or Recipient's Certifying Representative must also sign the Authorized Signature Card to certify that the individuals named above are indeed authorized to request payment and that the signatures on the card are their own. No erasures or corrections may appear on the Authorized Signature Card.

The Authorized Signature Card must be received and on-file prior to processing draw request for all Recipients.

If signatories change during the grant period, a new Authorized Signature Card must be completed and re-submitted prior to the submission of any future draw requests. All draw requests must match the signatory authorizations on file at DCA.

Completion of this form is voluntary on behalf of the Authorized Official of the Recipient. If no individual(s) is designated in either Section 1 or Section 2, the Authorizing Official will be required to sign all documents submitted by the Recipient.

B. Signature Card for Program Policy and Activity Documents (CA-9)

DCA has put in place a signature card (CA-9) authorizing the Recipient to designate individual(s) to sign on behalf of the Recipient. This procedure will allow the Recipient to designate an appropriate person to sign documents. Completion of this form is voluntary on behalf of the Authorizing Official of the Recipient. If no individual(s) is designated in either Section 1 or Section 2, the Authorizing Official will be required to sign all documents submitted by the Recipient. This Authorized Signature Card may be utilized for any CHIP Grant regardless of the year that the grant was awarded.

Clearing Your General Conditions

Appendix B in each Agreement outlines each of the General Conditions that must be cleared by DCA prior to initiating the program. **The Recipient may not initiate any work on its program until DCA has approved all of the General Conditions.** DCA staff will provide guidance and templates to assist Recipients with clearing contract conditions.

Tiered Environmental Review Process
HUD's regulations at 24 CFR 58.22 prohibit grant recipients and their partners from committing or spending HUD or non-HUD funds on any activity that could have an adverse environmental impact or limit the choice of reasonable alternatives prior to completion of an environment review once a project has become "federal." This prohibition on "choice-limiting actions" prohibits physical activity, including acquisition, rehabilitation, and construction, as well as contracting for or committing to any of these actions.

The restriction on undertaking or committing funds for choice-limiting actions does not apply to undertakings or commitments of non-federal funds before a project participant has applied for HUD (i.e CHIP) funding. A party may begin a project in good faith as a private project and is not precluded from later deciding to apply for federal assistance. However, when the party applies for federal assistance, it will generally need to cease further choice-limiting actions on the project until the environmental review process is complete.

Level of Review
Once the scope of the project is known you can determine the appropriate level of environmental review. CHIP activities fall under one of two of levels of Environmental Review depending on the scope of the project:

Categorical exclusions subject to §58.5 paragraphs (3)(i), (4)(i), or (4)(ii):

- (3)(i) Rehabilitation of buildings and improvements of a building for residential use (with one to four units) when the density is not increased beyond four units, and the land use is not changed.
- (4)(i) An individual action on up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between; or
- (ii) An individual action on a project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site.
- Paragraphs (a)(4)(i) and (ii) of this section do not apply to rehabilitation of a building for residential use (with one to four units) (see paragraph (a)(3)(i) of this section).

Environmental Assessment
Projects that exceed the threshold for categorially excluded categories above must complete the environmental assessment. An **environmental assessment** (EA) is completed to determine

whether or not an action is a "major federal action significantly affecting the quality of the human environment."

The public review timeframe must start one day after the notice is published. For example, if the notice is published on February 1st, then the comment period for a Tiered Review NOI published in the local newspaper must be listed as February 2nd through February 9th.

PLEASE NOTE: Federal environmental requirements do not allow for any individual other than the Chief Elected Official of the Recipient to certify compliance of the Tier One Environmental Review or the Site-Specific Environmental Screening Checklist required by Tier Two.

Environmental Review Process

For City and County Government CHIP Recipients

- The City and County Government CHIP Recipients serve as the Responsible Entity (RE)
- Prepare and sign the Tiered (Broad Level) Environmental Review (if addresses are not known) or Environmental Assessment if addresses are known
- Publish the public notice listing the Mayor or Chairperson as the RE
- Request the Release of Funds to DCA
- DCA will provide the Authority to Use Grant Funds Form
- Prepare and sign the site-specific Environmental Review Forms for each project address

For Nonprofit and Public Housing Authorities CHIP Recipients

- DCA serves as the Responsible Entity (RE)
- DCA prepares and signs the Tiered (Broad Level) Environmental Review (if addresses are not known) or Environmental Assessment if addresses are known
- The Nonprofit or Public Housing Authorities publishes the public notice listing the DCA as the RE
- DCA staff will request the Release of Funds to HUD
- HUD will provide the Authority to Use Grant Funds (AUGF) form to DCA and DCA staff will send the Recipient the AUGF form to the Recipients for their records
- The Recipient will prepare and sign the site-specific Environmental Review Forms for each project address

Public Notice

For Tiered Reviews, the Notice of Intent (NOI) to Request Release of Funds for Tiered Reviews must receive comments for seven days if published in the local newspaper or ten days if posted or mailed to interested parties.

For Environmental Assessments the Notice of Intent/Finding of No Significant Impact (NOI/FONSI) must receive comments for fourteen days if published in the local newspaper or eighteen days if posted or mailed to interested parties.

Using Tiering allows the Recipient to publish the required public notice and request the release of funds from DCA before identifying the addresses. Without this approach, the Recipient would

need to complete each step each time a new address was added to the grant. HUD requires a full environmental review record or ERR for each project. The Environmental Review Record is not completed until the site-specific reviews are completed.

Develop Local Program Policies and Procedures

After approval of a CHIP award the Recipient must develop a set of written policies and procedures to govern the program. A written program policies and procedures document is a management tool that will protect the community from allegations of fraud and mismanagement. The purpose of the local policies and procedures is to ensure that the requirements of the approved CHIP award are set forth in a set of written policies and procedures outlining the basic eligibility and program implementation requirements.

The policies and procedures serve as a management tool to assist the Recipient and the citizens in understanding the program requirements. They also serve as a tool to assist the Recipient during disputes related to participant or contractor eligibility; scope of work undertaken; denial of CHIP loans; citizen complaints and other areas of dispute that may arise. The basic structure of the statement should be uniform and meet current DCA's standard. The resolution of the government, approving the Policies and Procedures as dictated by the terms and conditions of the award, must be kept on-site by the awarded recipient and made available to the public during normal business hours.

Affirmative Marketing Plan

In compliance with 24 CFR 92.351 of the HOME Rule, the Recipient must make reasonable efforts to affirmatively further fair housing practices and must develop and adopt as part of their local CHIP policies and procedures an Affirmative Fair Housing Marketing Plan (AFHMP). DCA must approve the AFHMP. HUD guidance for the MBE/WBE Outreach Plan can be found at: *https://www.hudexchange.info/programs/affh/*

MBE/WBE Plan

In compliance with 24 CFR 92.351 of the HOME Rule, the Recipient must make reasonable efforts to encourage the use of minority and women owned business enterprises (MBE/WBE) and must adopt as part of their local CHIP policies and procedures an MBE/WBE Outreach Plan. The MBE/WBE Outreach Plan must be approved by DCA. HUD guidance for the MBE/WBE Outreach Plan can be found at: *https://www.hudexchange.info/resources/documents/MBE-WBE_Outreach.pdf*

Language Access Plan

In compliance with Title VI of the Civil Rights Act of 1964 and Executive Order 13166, the Recipient must take timely and reasonable steps to provide Limited English Proficient (LEP) persons with meaningful access to programs and activities funded by the federal government and awarded by DCA. The Recipient must provide a Language Access Plan (LAP) and DCA must approve the LAP

Section 3

The Recipient has adopted a plan for the recruitment of businesses and employees targeted under Section 3 of the Housing and Urban Development Act of 1968 and such plan has been approved by DCA. Section 3 guidance can be found at *http://www.hud.gov/offices/fheo/section3/Section3.pdf*

Procurement Requirements for Grant Administrator and Professional Services

Applicability and State Government Procurement Requirements

The CHIP Program is funded with Federal HOME Investment Partnership Program (HOME) funds therefore all Federal procurement requirements in 24 CFR Part 92 for the HOME program apply. In addition, state procurement requirement became effective July 2018 based on the passage of House Bill 489, adding O.C.G.A. 36-80-26 and amending O.C.G.A. 36-91-20(b)(1). These changes require most bid or proposal opportunities extended by local governments be advertised in the Georgia Procurement Registry. Each advertisement shall include such details and specifications as will enable the public to know the extent and character of the bid opportunity. The Georgia Procurement Registry can be found at the following web site: http://doas.ga.gov/state-purchasing/georgia-procurementregistry-for-local-governments.

Procurement of Application Development and Other Professional Services

All professional procurements should be done prior to the preparation of the CHIP application and submission. For example, before submitting the CHIP application, both grant application services and grant administration services should be solicited using the same Request for Proposal (RFP). This avoids the appearance of a conflict of interest that can be created when a grant writer in a later procurement process submits and receives an award for grant administration services. This approach is also applicable for engineering and architectural services. In other words, preliminary reports and design and construction services should all be procured using the appropriate RFP or Request for Qualification (RFQ) process. Local governments often rely on grant writers and engineers/architects to assist them in navigating complex federal and state requirements; however, having a grant writer engineer or architect assist in the procurement process (e.g., developing an RFP or RFQ) can also create the appearance of a conflict of interest.

Competitive Negotiation for Professional Services

CHIP payments for professional services are subject to the "competitive negotiation" requirements consistent with 2 CFR 200.319 for Competition. These provisions apply, typically, to contracts with private consultants, engineers and architects, and are not necessary when contracting with Regional Commissions (RCs). Note, however, that RCs that wish to subcontract directly with private consultants must use the procedures in this section and follow the procurement requirements before entering into subcontracts with private consultants. Alternately, the local government may contract with both an RC and private consultant provided the requirements herein are followed for the procurement of the private consultant.

To comply, the applicant government (not the individual or firm proposing to provide services) must:

- Develop a Request for Proposal (RFP) that includes a clear, accurate description of the services requested and the "evaluation factors" selected by the applicant with their level of importance. A Request for Qualifications (RFQ) is also acceptable for engineering or architectural services. Contact DCA for assistance, if needed. When contracting for architectural and engineering services, geographical location may be a selection criterion provided the application leaves an appropriate number of qualified firms to compete for the contract.
- Publicize the RFP or RFQ. This is most often accomplished by publishing it in the applicant's "legal organ" and/or on the local government's website. RFPs or RFQs must also be posted on the Georgia Procurement Registry, when applicable. Allow 30 days for responses. The publication must state this is a Section 3 contract opportunity.
- Send a letter with copy of the RFP or RFQ to a number of "known providers". When soliciting firms to develop applications/administer projects, RFP's should be sent to at least 7 known providers. When soliciting engineering/architectural services, the RFP or RFQ should be sent to at least 10 known providers. The Recipient should:
- Negotiate with (preferably with at least 2) respondents to the RFP or RFQ.
- Prepare documentation that evaluates proposals and establishes reasons (based on criteria in RFP or RFQ) for contract recommendations.
- Consult city or county attorney with above recommendations and proposed contract.
- Based upon established reasons and attorney's recommendation, obtain full council/commission approval and execute contract.

Letter(s) thanking unsuccessful respondents for making a proposal should then be sent. Based on evaluation criteria contained in the RFP/RFQ, this letter should state reasons why the respondent was not hired. Also, consult with the Procurement Instructions for Grant Writing/Administration [included in full below]

Because HOME funds cannot be used to pay for any application development costs, applicants are cautioned only to obligate HOME funds for grant administration services and not for grant writing services.

The applicant initial contract for application development should use local or other non-HOME sources. Communities are encouraged to include a contingent contract for administrative services that will become effective if the HOME application is funded. Note: Even if local sources of funds are planned for grant administration services and no HOME funds are budgeted for this activity, this procurement process described herein and in the most recent version of the HOME Recipients' Manual must be followed for both grant writing and grant administration services based on the requirements of federal regulations. All professional procurement requires Section 3 compliance.

If an acceptable procurement process was followed for an application that is being resubmitted because it was denied in the previous program year, it is not necessary for the local government to re-advertise for professional services if they choose to retain the same firm for the same application for the same project. (Please note, however, that should the procurement process not have included the applicable Section 3 compliance requirements, then a new advertisement and RFP solicitation is required).

Any older procurements will not be valid, and a new advertisement and solicitation of RFP's is required.

Sole Source Procurement

Procurement by noncompetitive proposals, referred to as sole source procurement, is procurement through solicitation of a proposal from only one source. Sole source procurements must adhere to the standards set forth in 2 C.F.R. § 200.320(f) in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. All sole source requests must be submitted prior to the CHIP application deadline.

For procurement processes that result in requests for sole source approval from DCA, the procurement process must be fully documented to DCA's satisfaction before DCA will grant approval, including but not limited to the following:

- a description of the procurement process;
- documentation of advertisement of the Request for Proposals;
- a list of the active, qualified consultants or engineers/architects that were emailed/mailed the Request for Proposals; and
- certified return receipt documentation that the Request for Proposals was mailed to the required number of active, qualified consultants or engineers/architects, or adequate email documentation that the Request for Proposals was delivered as required.

Procurement Standards for Contracts Entered into by CHIP Recipients

The Recipient is the responsible authority with regard to all contracts entered into directly between the Recipient and the Grant Administrator, and without recourse, to DCA regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into, in connection with a CHIP-funded activity. Matters concerning violation of law are to be referred to such local, State or Federal authority as may have proper jurisdiction. However, Recipient are encouraged to contact DCA for assistance in any procurement matter.

The following procurement standards shall apply to all transactions entered into directly between the Recipient and the Administrator:

A. **Recipient Procurement Regulations:** Recipients may use their own procurement regulations which reflect applicable Federal, State and local law, rules and regulations provided that all procurement made with CHIP funds meets the following standards:
   1. The Recipient must maintain written codes or standards of conduct to govern the performance of its officers, employees or agents in contracting with and expending CHIP funds. A Recipient's or Recipient's officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors or potential contractors. No employee, official or agent of the Recipient may participate in the selection, or in the award or administration of a contract supported by CHIP funds if a conflict of interest, real or apparent, is involved.
   2. Recipients may set minimum rules where the financial interest is not substantial, or the gift is an unsolicited item of nominal intrinsic value.

3. To the extent permissible by Federal, State or local law, rules or regulations, the Recipient's standards must provide for penalties, sanctions, or other disciplinary actions to be applied for violations of such standards by either the Recipient officers, employees, or agents, or by contractors or their agents.
4. It is national policy to award a fair share of contracts to small, minority, and women business enterprises. Accordingly, affirmative steps must be taken to assure that small and minority businesses are utilized where possible as sources of supplies, equipment, construction and services. Each Recipient must develop a Minority and Women Business Enterprise Outreach Plan which conforms to the MBE/WBE Outreach Plan Guide form.
5. All procurement transactions entered into by the Recipient regardless of whether negotiated or advertised and without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition. The recipient must maintain written Standards of Conduct that extends to organizational conflicts of interest or non-competitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade (2 CFR 200.318(c)(2).)

Examples of what is considered to be restrictive of competition include, but are not limited to:

a. Placing unreasonable requirements on firms in order for them to qualify to do business;
b. Non-competitive practices between firms;
c. Organizational conflicts of interest; and
d. Unnecessary experience and bonding requirements.

B. Procurement Selection Procedure

Each Recipient must have written selection procedures which provide, at a minimum, the following procedural requirements:

A clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, set forth minimum essential characteristics and standards to which it must conform to be satisfactory. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equal" description may be used as a means to define the performance or other important requirements related to procurement. The specific features of the named brand which must be met by bidders must be clearly stated;

a. All requirements which bidders must fulfill and all other factors to be used in evaluating bids or proposals;
b. Awards shall be made only to responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration must be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources;
c. Proposed procurement actions must be reviewed by Recipient officials to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis must be made of lease and purchase alternatives to determine which would be the most economical and practical

procurement. Consideration should be given to consolidating or breaking out purchases to obtain a more economical proposal.

d. A Recipient must perform some type of cost or price analysis in connection with every procurement action including contract modifications and must only permit allowable costs to be included. *THE COST PLUS A PERCENTAGE OF COST METHOD OF CONTRACTING SHALL NOT BE USED. IN ADDITION, CONTRACTS WITH OTHER PUBLIC AGENCIES WILL ONLY ALLOW ACTUAL COST TO BE PAID. NO PROFIT IS ALLOWABLE WHEN CONTRACTING WITH OTHER PUBLIC AGENCIES.*

e. Recipients must maintain well-organized records to detail the significant history of all procurements. These records must include, but are not necessarily limited to, information pertinent to rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the cost or price.

C. **Method of Procurement:** There are 5 methods of procurement (2 CFR 200.320) which can be used by Recipients if authorized by DCA's adopted standards.

1. **Micro-purchases** are used for acquisitions or purchases that do not exceed the micro-purchase threshold of $3,000. Micro-purchases may be awarded without soliciting competitive quotes if the non-Federal entity determines the price is reasonable. The micro-purchase threshold is adjusted for inflation on a periodic basis.
2. **Small purchase procedures** which can be used for procurement under $25,000 and which require that price or rate quotations be obtained from an adequate number of qualified sources. These quotations should be clearly documented in the Recipient's or Recipient's files. Refer to the "Small Purchase Procedures Manual" for assistance. **NOTE that this method is not appropriate for procurement of professional services.**
3. **Competitive sealed bids (formal advertising)** where sealed bids are publicly solicited and a firm-fixed-price contract (lump-sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is lower in price.

   In order for formal advertising to be feasible, appropriate conditions must be present, including, as a minimum the following:

   a. A complete, adequate and realistic specification or purchase description;
   b. Two or more responsible suppliers are willing and able to compete effectively for the Recipient's business;
   c. The procurement lends itself to a firm-fixed price contract, and selection of the successful bidder can appropriately be made principally on the basis of price;
   d. A sufficient time prior to the date set for opening of bids, bids must be solicited from an adequate number of known suppliers. In addition, the invitation must be publicly advertised;
   e. The invitation for bids, including specifications and pertinent attachments, must clearly define the items or services needed in order for bidders to properly respond to the invitation;
   f. All bids must be opened publicly at the time and place stated in the invitation for bids;
   g. A firm-fixed-price contract award must be made by written notice to that responsible bidder whose bid, conforming to the invitation for bids, is lowest. Where specified in

the bidding documents, factors such as discounts, transportation cost and life cycle cost must be considered in determining which bid is lowest; and,

h. Any or all bids may be rejected when there are sound documented business reasons that to do so would be in the best interest of the program.

4. **Competitive negotiation** is a method of procurement where proposals are requested from a number of sources and the Request for Proposal (RFP) is publicized. Negotiations should be conducted with more than one of the sources submitting offers, and either is fixed-price or cost-reimbursable type contract is awarded, as appropriate. A Recipient should perform a systematic analysis of each contract item or task to assure adequate service and to offer reasonable opportunities for cost reductions. Competitive negotiation may be used if conditions are not appropriate for the use of formal advertising. If competitive negotiation is used for procurement under a grant, the following requirements apply:
   a. Proposals must be solicited from an adequate number of qualified sources to permit reasonable competition consistent with the nature and requirements of the procurement. The Recipient should send a letter with a copy of the RFP to a number of "known providers". When soliciting firms to develop application/administer projects, RFPs should be sent to at least 7 known providers. When soliciting engineering/architectural services, RFP's should be sent to at least 10 known providers. As a service to applicants, recipients and others, DCA maintains a list of professionals who have expressed an interest in proposing on CHIP projects. This is not an "approved" list. DCA does not approve or disapprove professionals. This is the applicant or recipient's responsibility. The Request for Proposals must be publicized and reasonable requests by other sources to compete must be honored to the maximum extent practicable. A "Solicitation" request by the Recipient for contracts other than application development/project administration and architectural/engineering services must be specifically addressed to a list of several potential bidders identified by the Recipient. To "publicize" the RFP, the Recipient must offer the RFP through publication in a newspaper with adequate circulation or publication by other means such that reasonable exposure to potential bidders can be expected.
   b. The Request for Proposals must identify all significant evaluation factors, including price or cost where required and their relative importance.
   c. The Recipient must have mechanisms for technical evaluation of the proposals received; for determining responsible bidders; and for engaging in written or oral communication with the providers in the selection process.
   d. Award may be made to the responsible bidders whose proposal will be most advantageous to the procuring party, price and other factors considered. Unsuccessful bidders should be notified promptly.
   e. State Recipients and Sub-recipients may utilize competitive negotiation procedures for procurement of architectural/engineering professional services, whereby competitors' qualifications are evaluated, and the most qualified competitor is selected subject to negotiation of fair and reasonable compensation.
   f. If "competitive negotiation" is not successful, then the Recipient must receive "sole source" approval from DCA prior to contracting.
5. **Non-competitive** or "sole source" procurement requires prior DCA approval for professional services regardless of the contract amount and for all other contracts if over $25,000 and may be used when:

a. The item or service is available from only one source;
b. Urgent public need will not allow for the delay caused by advertising;
c. Although a number of bids were solicited, only one response was received; and,
d. Such contracts shall be made with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and other technical resources, or accessibility to other necessary resources.

Contract Requirements: The Recipient must include, in addition to the provisions needed to define a sound and complete agreement, the following provisions in all contracts and sub grants:

1. Contracts other than small purchases must contain such contractual provisions or conditions which will allow for administrative, contractual or legal remedies in instances where contractors violate or breach contract terms, and provide for appropriate sanctions and penalties.
2. All contracts in excess of $10,000 must contain provisions for terminations "for convenience" by the Recipient, including when and how terminations may occur and the basis for settlement. In addition, all contracts must describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.
3. All contracts awarded by the Recipient and their contractors or sub-grantees having a value of more than $10,000 must contain a provision requiring compliance with Executive Order 11246, entitled "Equal Employment Opportunity", as amended by Executive Order 11375, and as supplemented in the Department of Labor regulations (41 CFR, Part 60).
4. All contracts and subcontracts over $2,000 for construction or repair must include a provision for compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (23 CFR, Part 3. This act provides that each contractor or sub-grantee shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work to give up any part of the compensation to which he is otherwise entitled. The Recipient must report all suspected or reported violations to DCA.
5. All negotiated contracts (except those of $10,000 or less) must include a provision that DCA, HUD, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific grant program for the purposes of making audit, examination, excepts, and transcriptions for 3 years after final payment to the Recipient or all pending matters are closed, whichever is longer.
6. Contracts must recognize mandatory standards and policies relating to energy efficiency which are contained in the State Energy Conservation Plan issued in compliance with the Energy Policy and Conservation Act (P.L. 94-163).
7. Contracts cannot be entered into with Contractors that listed on the governmentwide Excluded Parties List Systemin the System for Award Management, in accordance with OMB guidelines at 2 CFR 180that implement Executive Orders 12549 (3 CFR Part 1986 Comp. p 189) and 12689 (# CFR Part 1989 Comp. p. 235).

8. Contracts must certify that the Contractors that apply or bid for awards over $100,000 have not and will not used Federally appropriated funds to pay any person or organization for influencing or attempting to influence any member of Congress, officer or employee of Congress or a employee of a member of Congress in connection with obtaining any Federal contract, grant or any notification that would allow the Contractor an unfair advantage to decide to not to apply or take needed actions before receiving an award.

DCA Guidance: Procurement for Application Development and Administrative Services
HOME payments for Grant Administration services are subject to the "competitive negotiation" requirements of 2 CFR 200.319. These provisions apply, typically, to contracts with private consultants, and are not necessary when contracting with Regional Commissions (RCs). Note, however, that RCs that wish to subcontract directly with private consultants must use the procedures in this section and follow the requirements of procurement, before entering into subcontracts with private consultants. Alternately, the local government may contract with both an RC and private consultant provided the requirements herein are followed for the procurement of the private consultant.

To comply, the applicant government (not the individual or firm proposing to provide services) must:

Step 1. Establish or appoint a local Selection Review Committee
The city or county must establish a Selection Review Committee to determine the evaluation criteria and to rate proposals for services. This committee may consist of the entire local governing body (council/board of commissioners), a subset of this council/ board, as appointed by the Mayor/Chairman, or a combination of elected officials and city/county staff. Cities/counties should have a minimum of three members on the committee.

Committee members may not have any potential conflicts of interest with any of the individuals, firms, or agencies under review (e.g., family relationships, close friendships, business dealings) and no person who might potentially receive benefits from HOME-assisted activities may participate in the selection, award, or administration of a contract supported by HOME funding if he or she has a real or apparent conflict of interest. For further guidance regarding potential conflicts of interest, please see the most recent version of the HOME Recipients' Manual.

Step 2. Determine the Selection Criteria to Evaluate Respondents
Determine what evaluation criteria will be used to rate the proposals submitted to the city/county. Prepare a Ratings Criterion Score sheet to evaluate and score each proposal received.

Step 3. Develop the Request for Proposals (RFP) Package
Develop a Request for Proposal (RFP) package that includes "evaluation factors" selected by the Review Committee and their level of importance. The RFP package should include the submission deadline and instructions for submission, a local point of contact for any questions regarding the RFP, and a format for a Statement of Qualifications.

Step 4. Advertise the RFP

If the contract will be for more than $10,000 it must be advertised on the Georgia Procurement Registry: doas.ga.gov/state-purchasing/georgia-procurement-registry-for-local-governments Communities are urged to also advertise the RFP on their web site and/or by publishing it in the applicant's "legal organ." Allow 30 days for responses. The publication must state this is a Section 3 contract opportunity.

Send an email or letter with a copy of the RFP to a minimum of 7 "known providers". If sending letters by mail, DCA requires that letters be sent certified return receipt to provide the required documentation. Sole source approval is required from DCA when only one response is received. Emails must be sent with a Request Delivery Receipt and Request Read Receipt to provide equivalent documentation when using this method. See the sample in Appendix B.

When soliciting firms to develop applications/administer projects, RFP's should be sent to at least 7 "known providers." As a service to applicants, recipients and others, DCA maintains a list of consultants who have expressed an interest in making proposals on HOME projects. This is not an "approved" list. DCA does not approve or disapprove consultants. This is the applicant's or recipient's responsibility. The list can be found on the DCA web site.

Step 5. Review and rate proposals

After the submittal deadline, the committee should review and rate each of the proposals received. Committee members should use the evaluation criteria established in step 2 above. Each committee member should score the proposals; all scores can then be averaged to determine the highest scoring proposal. The firm with the highest average points should be selected.

If a Section 3 business submits a bid and requests a preference, the city/county must give priority to the greatest extent possible to the business. In this instance, the city/county should contact Kathleen Vaughn at (404) 679-0594 or kathleen.vaughn@dca.ga.gov for further guidance to ensure compliance with the federal Section 3 requirements.

Step 6. Approve the selected contractor and award contract

The City Council/Board of Commissioners has final authority to award the contract to the selected contractor. The review committee should present a recommendation to the city/county attorney and to the governing board for final approval. A contract for services should be prepared between the city/county and the selected consultant.

Letter(s) or emails thanking unsuccessful respondents for making a proposal should then be sent. Based on evaluation criteria contained in the RFP, this letter should briefly state the reasons why the respondent was not hired.

Step 7: Record keeping

The city/county must maintain and make available all documentation utilized during the RFP process, including but not limited to:

- Copy of the full RFP
- Proof of publication of the RFP on the Georgia Procurement Registry (GPR) (by screen shot of GPR posting; if posting links to another web site for full RFP, documentation must also include screen shots of RFP on the other site)

- List of firms/individuals that were sent RFPs
- Copies of proposals received
- Scoring sheet that shows the rankings for each of the submitted proposals
- Meeting minutes indicating the council/board approved the selection of the selected firm for service
- Executed contract for services with applicable federal language
- Documentation of any correspondence with a Section 3 business

Because HOME funds cannot be used to pay for any application development costs, applicants are cautioned only to obligate HOME funds for grant administration services and not for grant writing services. Contracts should initially only obligate the applicant to pay for costs of application development using local or other non-HOME sources. Communities are encouraged to include a contingent contract for administrative services that will become effective if the HOME application is funded. ***Note: Even if local sources of funds are planned for grant administration services and no HOME funds are budgeted for this activity, this procurement process described herein and in the most recent version of the HOME Recipients' Manual must be followed for both grant writing and grant administration services based on the requirements of federal regulations.***

All professional procurement requires Section 3 compliance.

If an acceptable procurement process was followed for an application that is being resubmitted because it was denied in the previous program year, it is not necessary for the local government to re-advertise for professional services if they choose to retain the same firm for the same application. (Please note, however, that should the procurement process not have included the applicable Section 3 compliance requirements, then a new advertisement and RFP solicitation is required). Any older procurements will not be valid, and a new advertisement and solicitation of RFP's is required.

For procurement processes that result in requests for sole source approval from DCA, the procurement process must be fully documented to DCA's satisfaction before DCA will grant approval, including but not limited to the following: 1) a description of the procurement process; 2) documentation of advertisement of the Request for Proposals; 3) a list of the active, qualified consultants or engineers/architects that were emailed/mailed the Request for Proposals; and 4) certified return receipt documentation that the Request for Proposals was mailed to the required number of active, qualified consultants or engineers/architects, or adequate email documentation that the Request for Proposals was delivered as required. Contact CHIP for further guidance regarding procurement for professional services; policy and samples of the following documents; sample notice for RFP, sample email request for proposals, sample request for proposals, sample certification for businesses seeking Section 3 preference, sample statement of qualifications, and sample grant administration ratings criterion.

CHIP HOUSING REHABILITATION ACTIVITIES

CHIP Housing Rehabilitation Flow Chart

Contract with DCA

- Written Policies & Procedures
- Clear Broad Environmental Review
- Meet Federal and State Requirements

Select Homeowners

- Assemble Program Forms & Documents
- Public Hearing (optional)
- Market Program to Homeowners
- Application Intake Process

Qualify Contractors

- Market to Contractors
- Check Qualifications
- Create List of Qualified Contractors

Follow the Steps Below for Each Home

Qualification of Home

- Site-Specific Environmental Review
- Initial Property Inspection
- Lead Paint Inspection
- Work Write Up (home and lead, if necessary)

Qualification of Homeowner

- Homeowner Eligibility
- Homeowner Commitment

Submit the **Qualification Pre-Setup** Packet to DCA for Approval

Select the Contractor

- Prepare the Bid Package
- Invite Contractors to Bid
- Bid Opening
- Select and Notify the Contractor

Homeowner Loan Closing

- Prepare the loan documents
- Close the loan

Construction Contract

- Hold preconstruction conference
- Execute Construction Contract
- Issue the Notice of Commencement

Submit the **Setup** Packet to DCA for Approval

Construction

- Inspections
- Change Orders

Submit **Revised** Setup Packet to DCA for Approval **if Necessary**

Submit **Draw Requests** with **Inspection** Reports to DCA for Payment

Project Close Out

- Final Inspection
- Release of Liens

Submit **Final Draw and Completion Packet** to DCA for Payment

After all Homes are Completed and all Grant Funds are expended

Monitoring and File Close Out

Introduction- Owner-Occupied Rehabilitation

The following section of this manual is intended to assist Recipients with the step-by-step administering the CHIP Housing Rehabilitation Program.

Select Key Participants

Staffing
There are several manners in which Recipients undertake the administration of CHIP homeowner rehabilitation programs including:

- Self-administered by the City or County Community Development or Housing Staff
- Administered by a for-profit consultant
- Administered by a non-profit sub-recipient

Key personnel required to administer and manage the day to day operations of a homeowner rehabilitation program typically include:

- Program Director or Administrator
- Housing inspector or Specialist
- Clerical/Technical Support

Additionally, in order to implement the homeowner rehabilitation program, the Recipient will need to identify and develop the following professional relationships:

- Appraiser
- Attorney
- Title Company
- Loan Review Committee (if used by the Recipient's as set forth in their CHIP Program Policies and Procedures)

The responsibilities, functions, and tasks vary from Recipient to Recipient based upon their overall administrative plan. Because of these variations, all references in the Manual to the individual steps and tasks in the homeowner rehabilitation process are made to the "Recipient." While some functions may be the responsibility of the Program Director or Administrator, some responsibilities or tasks are undertaken by the Housing inspector or Specialist, and some responsibilities and tasks are undertaken by the clerical/technical support person based on local program design.

Assemble/Develop Program Forms and Documents

The Recipient should assemble all required CHIP program forms and documents. DCA will provide most of the forms necessary to carry out this program. Form templates are available on the website and CHIP staff.

Market the Rehab Program to Prospective Applicants and to Contractors

This section of the manual will address both marketing to the CHIP applicant and marketing to potential rehabilitation contractors.

Marketing to the CHIP Applicant
In accordance with the approved CHIP award, the Recipient should implement the marketing plan as described in the application. Each Recipient should set forth a marketing strategy for outreach to potential low income homeowners in their approved award. For some Recipients the marketing strategy includes assisting qualified applicants from an existing waiting list followed by a first come, first served application intake process. For other approved CHIP awards, where an existing waiting list is non-existent, Recipients can design a first come, first served application intake process.

In order to reach potential low income homeowners and to encourage them to participate in the CHIP homeowner rehabilitation program, the Recipient is required to follow the marketing strategy set forth in the approved award. Some of the marketing strategies include distribution of brochures and flyers, public and non-public radio and television advertising, newspaper advertising, outreach to community organizations, and holding housing fairs.

The HUD HOME regulations and DCA policy regarding fair housing and equal opportunity must be followed to ensure that those least likely to apply will have the opportunity to become aware of the program and to apply and participate. In keeping with these requirements, all printed material and flyers/brochures must include the equal housing opportunity logo. DCA also requires that the fair housing poster and the equal employment opportunity posters be posted at locations where both applicants and contractors are likely to go for information on the program. The Recipient is required to follow the affirmative marketing plan and local Language Access Plan as required by the approved conditions of the award. The local Language Access Plan will outline how the Recipient will accommodate citizens who are not English proficient speakers.

The following methods of outreach and marketing have been deemed successful in targeting the low income homeowner:

- flyers and brochures listing the key facts and information about the program;
- social media; posters;
- utility mailing inserts;
- public service announcements;

- new releases;
- feature articles;
- direct mail.

The HUD Fair Housing Poster must be displayed in the office locations where applicants are likely to go to apply for assistance.

HUD Fair Housing resources can be found on this site:
https://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/aboutfheo/aboutfheo

Marketing and Outreach to Contractors
The Recipient will also need to market and outreach to potential rehabilitation construction contractors. In keeping with the HUD regulations and DCA policy, the Recipient must follow the outreach requirements as set forth in the approved special conditions of the CHIP award to outreach to minority and women owned contractors.

Some methods to ensure a pool of eligible rehabilitation contractors include:

- Newspaper advertisements
- Flyers at construction supply companies and hardware stores
- Flyers at lumber yards
- Social media
- Mailings to existing pool of local contractors and to chapters of construction related associations
- Notices to minority and women owned newspapers and radio stations
- Flyers in local building permit office

The Equal Employment Opportunity Poster must be displayed in locations where contractors are likely to go for information about the program.

Download the poster here: https://www1.eeoc.gov/employers/poster.cfm

Develop a Pool of Eligible Contractors

NOTE: ALL GENERAL and RESIDENTIAL CONTRACTORS NOW ARE LICENSED BY THE STATE OF GEORGIA. The License Number MUST be documented and noted in the client (Homeowner) case file.

The first step toward creating and maintaining a quality rehabilitation program is to establish a list of competent and reputable General Contractors. It is suggested that the community inquire with the following sources:

1. The City and/or County Building Inspector's Office

2. Local Building Supply Dealers
3. Lumber Yards
4. Local Insurance Agencies (Property Insurance Claims)
6. Neighboring Communities presently administering rehabilitation programs
7. Local Newspaper - place an ad addressed to experienced general contractors.
8. Local agencies administering other housing programs.

The Recipient should take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms in their area are solicited to participate in the program. Based on the contractor qualifications included in the Recipients' CHIP program policies and procedures, the Recipient must solicit potentially qualified contractors through its marketing efforts as outlined under "Marketing the Program."

In order to qualify contractors from the pool of eligible contractors, Recipients should review the contractor applications against their contractor requirements. These qualifications typically include but are not limited to:

- Property damage and liability insurance
- Credit standing
- Length of time in business
- References (Jobs Completed, Jobs in Progress, Suppliers, Financial, Warranty)
- Licenses/Certifications
- Areas of Expertise/Experience
- Lead based paint certification
- Check for state and federal debarment

In some of the smaller rural areas of Georgia, Recipients may have difficulty in obtaining a large enough pool of eligible contractors for CHIP rehabilitation work. Recruiting from a larger geographic area may be required.

It is important to note that while a Recipient can limit the pool of contractors from which an owner can choose and the Recipient can set limits regarding acceptable bids, the responsibility of selecting a contractor from the eligible pool and checking out the contractor to their own satisfaction falls upon the owner.

Some Recipients administering homeowner rehabilitation program conduct an orientation with eligible contractors prior to putting out the projects to bid. The purpose of this orientation is to:

- provide information on the CHIP program and process that will be beneficial to the contactors
- familiarize the contractors with the program requirements
- familiarize the contractors with the CHIP program client eligibility
- provide information on the bidding process
- provide information on the inspection process
- provide information on the pay request process

- familiarize the contractors with the contract documents and forms that will be used
- familiarize the contractors with the HOME property standards that have been selected by the Recipient for use in the CHIP homeowner rehabilitation program
- provide the contractors with the Recipients' Written Rehabilitation Standards that describe the methods and materials that will be used to meet the selected property standards

Licensing and Certification Requirements for Construction and Trades in the State of Georgia

Recipients administering homeowner rehabilitation programs should be well informed of the construction and trade industry licensing and certification requirements required by the State of Georgia.

All contractors or subcontractors engaged in the practice of electrical contracting or plumbing contracting or low-voltage contracting and conditioned air contracting (heating and cooling) or the installation, alteration and/or repair of plumbing, air conditioning, heating, electrical or low-voltage wiring systems are required to be licensed by the State of Georgia Construction Industry Licensing Board.

Contractors undertaking CHIP homeowner rehabilitation projects also must agree that anyone engaged in the practice of Lead Hazard Reduction or Abatement must be certified by the State of Georgia Department of Natural Resources, Environmental Protection Division.

Set up Fair and Equitable Application In-take Process

Following the fair and equitable process outlined in the approved CHIP award, the Recipient should develop an application in-take log to record each preliminary application received. The most popular method of handling eligible applications is the "first come, first served" basis. However, the priority system for the processing and funding of cases addressing all the units identified in the CHIP application as being feasible for rehabilitation should be defined in the Program Policy Statement Also, a telephone log should be set up to record information from interested applicants in order to provide callers deemed eligible with a preliminary application.

Some Recipients develop a telephone pre-screening form to record more information up front to avoid the expense of mailing and processing applications from unqualified applications. If an applicant is ineligible due to over income, does not hold fee simple title or a 99 year leasehold interest, non-occupancy as a principal residence, renter occupied, investor owned, or other clear and discernable ineligibility criteria, a record should be made of the resolution of the call.

Most Recipients develop a transmittal letter to potential applicants that includes:

- Preliminary application
- Releases for verification of income, benefits and assets
- Release form for credit report
- General program guidelines and policies and procedures

- Fair Housing Brochure (in other languages besides English)
- Protect Your Family from Lead in Your Home https://www.dca.ga.gov/sites/default/files/handbook_with_statutes.pdf
- Certification of Income and Principal Residence form
- Conflict of Interest Certification form
- Declaration of citizenship status

The transmittal letter usually gives the potential applicant a deadline date within which to return the completed application form and all required notices and releases. The transmittal letter makes clear that if the preliminary application and all required enclosures are not received by the deadline date that their application will fall to the bottom of the application log or not receive service.

Once the first applicant has been selected and it has been confirmed that the unit was targeted in the grant application, the applicant should be asked to bring the following documents:

1. Form of Identification (i.e., Driver's License)
2. Warranty Deed for the property to be rehabilitated, including the year the home was constructed
3. Current Homeowner's Insurance Policy,
4. Most recent real estate tax receipts for property to be rehabilitated,
5. Recent pay stubs benefit(s) award letters and/or documentation of income from all sources for all adult members of the households,
6. If self-employed, last two year's tax returns and current financial statement,
7. Copy of court award for child support or alimony
8. Proof of ownership and principal residency
10. Lawful Presence Certification – OCGA 50-36-1(e)(2). See "Exhibit L"

Some forms of proof of principal residency could include copy of a driver's license with physical property address shown; social security or pension award letter showing the address; a property tax bill showing the address; and copies of utility bills showing the address.

Some forms of proof that the applicant is current in their property taxes could include a property tax statement receipt from the City and/or County; a cancelled check for property taxes; or a mortgage statement from the lender indicating property taxes were paid.

Proof of ownership can be shown through a copy of a Deed or Deed of Trust or a copy of a 99 year leasehold interest in the property.

The Recipient should date and time stamp the receipt of each preliminary application.

Pre-Qualify the Applicant

Once the Recipient receives a completed preliminary application, it can be reviewed for completeness and preliminary eligibility or ineligibility. A letter of transmittal should be

developed to inform the applicant of their preliminary approval or denial. If denied, the process for appeals should be explained in the transmittal letter. Recipients can refer all denied applicants to the USDA home repair loan program for assistance.

The preliminary application form will provide the Recipient information on the number of persons in the household, the form of ownership or title held to the property, whether or not the property is used as the household's principal residence and the income, benefits and debts of the members of the household 18 years of age and older. In other words, enough information should be gathered to determine that you do or do not have a potential eligible applicant. HUD's guidance on determining eligibility can be found at:
https://files.hudexchange.info/resources/documents/HOMEGuideForIncomeAndAllowances.pdf

The Recipient should verify income, benefits and assets for each member of the household who is 18 years of age or older. HUD has available an Income Calculator for use by HOME programs. It is available at the following website:

http://www.hud.gov/offices/cpd/affordablehousing/training/calculator/calculator.cfm

The Income Calculator allows Recipients to efficiently determine income eligibility of applicants for rehabilitation loans, homeownership assistance, etc.

All sources of "gross household income" and earnings of all adult members anticipated to be received in the 12-month period following the effective date of income certification(s) which will be used to determine whether the applicant is eligible for assistance, must be verified and documented. After all the "gross household income" of the occupants has been verified, the Recipient should compute the annual income to determine if it is within the current "Low and Moderate" Income Tables. If the annual income exceeds the income limit, the applicant is not eligible for financial assistance Copies of these documents must be maintained in the applicant file. Communities must use one or more of the following means of documenting the applicant's recent income.

1. Completing and printing calculations using the HUD Income Calculator described above.
2. Completed Verification of Employment Form. A completed "Request for Verification of Employment Form," (available at DCA), or another acceptable verification of employment form designed by the community which includes all the information on the DCA form, is the best means of verifying income. However, the verification of employment form must be mailed by the community to the employer and by the employer back to the community; these forms should not be hand-carried by applicants.
3. Previous Year's Income Tax Return (1040). The Federal Income Tax Form (such as the IRS 1040 Form), signed by the applicant and filed with the IRS, generally is acceptable as a sole source of income documentation if the borrower is applying for assistance funds in the early part of the year. The IRS tax forms are the most accurate source of income verification for applicants with irregular incomes or with updated information for the current year. These forms are required for all self-employed borrowers. During the last six months of the calendar year, the Federal tax forms should be supplemented with recent income documentation, such as one or more pay stubs or a documented telephone call to the employer. This will help ensure

that the applicant's income has not changed significantly since the Federal tax form was prepared.

4. Salary Pay Stubs. When the income is solely from salary, salary pay stubs may be used as the sole or primary source of income verification. These salary stubs must be for a recent, continuous one-month period. When the salary paystub documentation supplements a different verification source, such as the previous year's W-2 form(s), one typical pay stub may suffice to verify the current salary.
5. Previous Year's W-2 Form(s). Like the Federal tax form, the previous year's W-2 form(s) for all employment income is generally an acceptable sole source of income verification, but only if the applicant is applying for assistance in the early part of the year.
6. Pension, Disability, Social Security or Social Services Benefits. Acceptable methods of verifying such income include any one or more of the following, which are listed in order of preference:
   a. Requesting information from the Social Security Administration Office which services the community. In order to receive prompt service, it is best to send the request to the attention of a particular individual;
   b. A current copy of the award letter;
7. A photocopy of a regular benefit check, if the prospective borrower can bring the check to the office for photocopying.
8. Bank statement which clearly indicates a direct deposit for fixed income benefits (such as social Security, SSI, etc.).
9. Currently Dated Balance Sheet and Statement of Operations. Where the principal source of income is from the applicant's business, whether owned individually or by a corporation or partnership, or where the applicant itself is a corporation, partnership or other legal entity, the community must obtain audited financial statements for the entity prepared by an accountant, including a currently dated balance sheet and statement of operations, or a signed copy of the legal entity's most recent tax return filed with the IRS. For partnerships, the community must also obtain this same information from all general partners. For limited partnerships, the community must also obtain this same information from as many limited partners as necessary to determine whether the partnership is an acceptable risk. (This may or may not include all limited partners.)
10. Separation or Divorce Settlement Statement. A separation or divorce settlement statement for alimony or child support payments is necessary. This statement must be supplemented by some evidence of regular payment of the alimony or child support payments.

Verifying Other Income. The community must either use the previous year's Federal income tax return or the sources listed below to verify the following types of other income:

1. Income and Expenses from Investment Properties -- verifiable with signed leases for income, cancelled checks or copies of receipts marked paid for expenses, audited profit/loss statements or other statements from leasing agents or; a completed Pro-Forma (available at DCA).
2. Interest or Dividends from Stocks, Bonds, or other Financial Institutions -- verifiable with statements from the broker or financial institution. A "Verification of Deposit" form is available at DCA;

3. Payments of Principal or Interest on Notes or Mortgages -- verifiable with copies of the legal instrument and some evidence of regular payment. A "Verification of Mortgage" form is available at DCA;
4. Overtime, Bonuses or Commissions -- verifiable with statements from the employer;
5. Regular Contributions or Payments from Others, including funds contributed by other family members regardless of whether they live in the same dwelling as the prospective borrower -- verifiable with cancelled checks written by the payer, bank statements showing deposits in the prospective borrower's account, or a written statement concerning the contribution or payment.
6. Various "Odd Jobs" -- verifiable with an executed notarized legal "affidavit."

NOTE: Telephone verification may be used in lieu of forms and statements only when the services are not responding to your written requests. The information gathered over the telephone should include:
1. ALL the information required on the appropriate verification form
2. Name and position of person providing information
3. Date and time of telephone call

This information should then be documented in the applicant's file.

The Recipient can also order a preliminary title opinion to determine that the applicant does in fact own the property in fee simple title or hold a 99 year leasehold interest in the property.

At the end of the preliminary application stage, the applicant must meet the following tests:

General Eligibility – The application should be reviewed to determine that the applicant meets the general eligibility criteria including low income eligibility and ownership eligibility including residing in an eligible single family property as their principal residence.

Type of Ownership Interest – A homeowner applicant must own the property and occupy the property as his or her principal residence. An applicant is considered to have met the requirement to own a dwelling if the person holds any of the following interest in the real property:

1. Fee title, a life estate, a 99-year lease, or a lease, including any options for extension; or
2. An interest in a cooperative housing project which includes the right to occupy a dwelling; or
3. A contract to purchase any of the interests or estates described above (i.e., Land sales contract); or
4. Any other interest, including a partial interest, which, in the judgment of the local attorney, warrants consideration as ownership of the dwelling.

A note about title searches: DCA recommends that the Recipient becomes a member of the Georgia Superior Court Clerks' Cooperative Authority (www.gsccca.org) to search for titles. The

cost is about $12.00 a month. The Recipient may also consider using an online title search site to receive titles more quickly and less expensively than through an attorney.

Please be aware that there may be some cost involved in obtaining a preliminary title opinion and that the cost cannot be reimbursed by the CHIP program if the project is not completed. If the project is completed as a CHIP project, the cost can be included as a project soft cost. For this reason, the Recipient may want to review the County records to ascertain the preliminary condition of title. Some Recipients charge a nominal application fee that covers the cost of the credit report. However, any Recipient that charges an application fee must first obtain DCA approval.

Note: The term "dwelling" means the place of permanent or customary and usual residence of a person, according to local custom or law, including a single family house; a single family unit in a two-family, multifamily, or multi-purpose property; a unit of a condominium or cooperative housing project; a non-housekeeping unit; a mobile home; or any other residential unit.
Housing that is rehabilitated may include inherited property with multiple owners, life estates, living trusts and beneficiary deeds under the following conditions:

1. Inherited property. Inherited property with multiple owners: Housing for which title has been passed to several individuals by inheritance, but not all heirs reside in the housing, sharing ownership with other nonresident heirs. (The occupant of the housing has a divided ownership interest.) The Recipient may assist the owner-occupant if the occupant is low-income, occupies the housing as his or her principal residence, and pays all the costs associated with ownership and maintenance of the housing (e.g., mortgage, taxes, insurance, utilities).

2. Life estate. The person who has the life estate has the right to live in the housing for the remainder of his or her life and does not pay rent. The Recipient may assist the person holding the life estate if the person is low-income and occupies the housing as his or her principal residence.

3. Inter vivos trust, also known as a living trust. A living trust is created during the lifetime of a person. A living trust is created when the owner of property conveys his or her property to a trust for his or her own benefit or for that of a third party (the beneficiaries). The trust holds legal title and the beneficiary holds equitable title. The person may name him or herself as the beneficiary. The trustee is under a fiduciary responsibility to hold and manage the trust assets for the beneficiary. The Recipient may assist if all beneficiaries of the trust qualify as a low-income family and occupy the property as their principal residence (except that contingent beneficiaries, who receive no benefit from the trust nor have any control over the trust assets until the beneficiary is deceased, need not be low-income). The trust must be valid and enforceable and ensure that each beneficiary has the legal right to occupy the property for the remainder of his or her life.

4. Beneficiary deed. A beneficiary deed conveys an interest in real property, including any debt secured by a lien on real property, to a Recipient beneficiary designated by the owner and that expressly states that the deed is effective on the death of the owner. Upon the death of the owner, the Recipient beneficiary receives ownership in the property, subject to all

conveyances, assignments, contracts, mortgages, deeds of trust, liens, security pledges, and other encumbrances made by the owner or to which the owner was subject during the owner's lifetime. The Recipient may assist if the owner qualifies as low-income and the owner occupies the property as his or her principal residence.

In reviewing the title, the ownership interest must be subject only to the mortgages, deeds of trust or other liens or instruments securing debt on the property. No restriction or encumbrance that impairs the good and marketable nature of the title to the ownership interest in the property is allowed.

The most important aspect of reviewing the title is for the Recipient to be assured that the applicant owns the property and is legally able to make modifications to it and to encumber the property with debt.

It is important to note that Recipients take on all aspects of being a lender and the fair and equal credit laws must be followed. Whenever the Recipient, administrative agent, or Sub-recipient operates a loan program on behalf of homeowners, all federal Fair Housing and Equal Credit Opportunity laws are in effect.

Environmental Review- Site Specific

A site-specific review must be completed before any funds, regardless of source, are committed to a project. Recipients cannot engage in any choice-limiting activities prior to environmental clearance per 24 CFR §58.22. Choice-limiting activities include but are not limited to these examples:

- Acquisition of land;
- Closing on loans including loans for interim financing;
- Signing a contract;
- Commencing construction

All HUD Part 58 Environmental Reviews must follow the format suggested by HUD found on the HUD Exchange website under the right toolbar titled "Suggested Formats and Sample Notices," see https://www.hudexchange.info/programs/environmental-review/. The Recipient chooses the appropriate forms based on the level of review. The worksheets for the related laws can be found here to help navigate you through completing the environmental review. The site -specific review should concentrate on the issues that were not resolved in the broad-level review (see 40 CFR 1508.28). In addition, NEPAssist is a useful tool that can help facilitate the environmental review process using environmental data from the Environmental Protection Agency (EPA) Geographic Information System databases and web services. The mapping tool is located at:

https://nepassisttool.epa.gov/nepassist/nepamap.aspx

Other useful mapping tools include:

US Fish and Wildlife Service Wetlands Mapper- https://www.fws.gov/wetlands/data/mapper.html

FEMA Flood Map Service Center- https://msc.fema.gov/portal/home

Coastal Barrier- https://www.fws.gov/cbra/maps/index.html

Coastal Zone- http://geospatial.gatech.edu/G-WRAP/

Sole Source Aquifers- https://www.epa.gov/dwssa/map-sole-source-aquifer-locations

The site-specific review must determine and document the project's adherence to all established statutes and remaining requirements as defined in the broad-level review.. The Environmental Submission should follow the document order as listed below:

- Location Map, close up with overview of area to be reviewed
- Pictures of the property that include the front, side, and rear views.
- All pictures and maps should be in color
- DCA Part 58 Form (which incorporates the project description, level of review and all required checklists into one document);
- All Supporting Documentation in the order of the HUD checklist with attachment letters or numbers for identifiers for each support section;
- Supporting documents should include all data utilized for the review including maps submitted with correspondence to State or Federal Agencies (SHPO, Fish and Wildlife, etc.)

Initial Property Inspection

Once the Recipient has deemed an applicant as preliminarily approved and notified the applicant of pre-approval by letter, an appointment should be made with the property owner to conduct a preliminary property inspection. During this time the Recipient can send out verification forms to document the information provided in the preliminary application, if this process has not already begun.

The purpose of the preliminary inspection of the property is to determine if the property is feasible for rehabilitation or if re-construction would be required, and to estimate the total cost of regular (non-lead) rehabilitation or the cost of reconstruction.

In inspecting the property, the Recipient should develop a Property Inspection Form or use a copy of the Work write up form in order to record the work required to meet the Recipient's selected property standards (codes) for the CHIP rehabilitation program.

It is an appropriate time during the preliminary inspection to have the owner sign a permission statement to allow pictures to be taken of the property. Exterior pictures of the property are needed for the environmental and interior pictures may also be needed for historic preservation review.

Before and after pictures are also helpful to both the Recipient and DCA in reviewing requests for reconstruction. The Recipient and DCA also need permission to use before and after pictures of the property for use in program outreach, publicity and training. A permission statement should be included on both the initial and full application forms.

Reconstruction
CHIP funds may be used to reconstruct housing that is owned and occupied by low and very low-income households and that will be located on the same property as the original structure. Reconstruction means the rebuilding, on the same lot, of a housing unit eligible for CHIP assistance that is not economically or structurally feasible to rehabilitate. The reconstructed housing must be substantially similar to the original housing.

Final Qualification of Applicant

Once a preliminary inspection has been completed and an estimate of total cost of the rehabilitation has been determined, the Recipient can proceed with full application processing.

The steps in the full qualification process include taking a completed full application from the homeowner; verifying the income and assets using third party verification; and verifying property ownership. **Income determinations must be completed before assistance is provided. Income need not be reexamined at the time assistance is actually provided unless more than six months has elapsed since the initial determination.**

These steps in the final qualification of the application can be summarized as:

- Take a full application on the applicant
- Consolidate and track all verifications ordered on income, benefits and assets
- Review preliminary title opinion to determine if the applicant owns the property in fee simple title or holds a 99-year leasehold interest on the property
- Review any liens or other encumbrances to the title that would prohibit the city or county from being able to secure their CHIP interest in the property
- Confirm proof of ownership by reviewing the deed or other ownership documents
- Obtain proof that the applicant has current paid property taxes
- Obtain proof that the applicant has up to date and current paid homeowner's insurance
- Confirm any other requirements of your local CHIP program. Some recipient's require additional qualification criteria.

Once the Recipient reviews all of the verifications, a thorough analysis of the information against the local program's eligibility and underwriting standards should be conducted. This review will enable the Recipient to determine the maximum amount of CHIP funds and the required owner or "other" or "leveraged" funds that will need to contribute.

After determining that an applicant is eligible for CHIP assistance, the Recipient should send the applicant a letter notifying them of their approval for the CHIP loan, subject to their obtaining a

commitment for the owner's required other funds. The letter should notify the applicant of the time and place for the "owner orientation" meeting. The letter should also notify the owner of their responsibility to make an appointment with the Recipient to conduct the final inspection.

Conduct Final Property Inspection, Develop Work Write-Up and Cost Estimate

During the preliminary inspection, the Recipient conducted a general site inspection of the work required to bring the property up to the property standards selected by the Recipient in accordance with the HOME program requirements. Whenever HOME funds are used for rehabilitation, the work must be performed according to written rehabilitation standard and the unit must be brought up to the applicable state or local code. The property standards are the standards against which the actual physical condition of a property is judged in the inspection process.

Now it is time to develop a detailed work write-up in a format that will be used later for the bid package specifications. HUD policy requires the Recipient to use a Property Inspection Form designed to capture the work necessary to meet the Recipient's selected property standards. Therefore, the Recipient's property standards (codes) should be reviewed and used in developing the final work write-up. Using the property standards (codes) as a baseline, a housing inspector determines the scope of the rehabilitation necessary to address the physical deficiencies of the property.

Working from the Property Inspection Form, the Recipient will develop a detailed work write-up to determine the estimated cost of each item on the work write up and the corresponding total estimated cost.

Some Recipients utilize housing inspectors who are experienced estimators and are very current on material and labor prices and who are therefore capable of estimating costs from personal knowledge. Due to the volatility of prices, Recipients should utilize cost estimating software and up-to-date construction mean cost manuals.

In the final analysis, the Recipient should ensure that the cost estimate was a professionally derived estimate of reasonable bid.

The work write-up and cost estimate need to be reviewed with the homeowner. Owners need to understand the relationship between deficiencies that have been identified and deficiencies that the program can correct with CHIP funding.

The owner should be reminded of the local program's rules and policies on allowable work at the outset of the development of the work write up and cost estimate.

Once the Recipient and the owner have agreed on the final work write-up, the Recipient should make a copy of the work write-up which does not include cost estimates. The work write-up

should be signed by the owner and the Recipient. This new version (without the line item cost estimates) will be used as the work specifications when the project goes out to bid.

Incorporating Written Rehabilitation Standards into Work Write-Ups

There are two methods for incorporating the written rehabilitation standards or specifications into work write-ups.

The first method incorporates the specifications directly into the work write-up. This method also serves as the Property Inspection Report. A sample of this type of work write-up would include the following:

- Property standards
- Inspection report
- Work write-up and cost estimate for each item
- Technical specifications

The second method has a number of good features and is included in Appendix A as "Work Write-Up for Bidding Contractors." This type of work write-up:

- Identifies each page number clearly
- Separates the cost of labor and materials
- Has a place for the owner and contractor to sign on each page

Under this method, the Recipient has entered the Written Rehabilitation Standards for individual work items on a form or online application; the Recipient maintains an index of each work item identified by the property standard (code) number; the property standard or code number is entered directly onto the work write-up; and, bidding contractors are provided a booklet listing the Written Rehabilitation Standards or specifications identified by number so the work write-up references the specification number. This method proves to be less lengthy than the first method listed above.

Once the owner has signed off on the work write up, the project processing can proceed.

Incorporating Historic Preservation in Work Write Up

Section 106 requires federal agencies (and their applicants) to take into account the effects of their undertakings on historic properties (both structural and archaeological). The Section 106 review process must be completed prior to approval of the expenditure of federal funds for the project, or prior to the issuance of any federal license or permit. As part of this process, federal agencies, or their applicants, are required to consult with the State Historic Preservation Office (SHPO), which in Georgia is the Historic Preservation Division (HPD) of the Department of Natural Resources. Recipients must seek Historic Preservation review for all properties that will receive federal funding for rehabilitation. All Recipients are required to follow Section 106 and consult with a Preservation Professional or SHPO whenever planned rehabilitation activities include federal funding.

Incorporating Lead Based Paint Requirements in Separate Work Write Up
If the dwelling was constructed prior to January 1, 1978, a lead-based paint inspection is required for all CHIP rehabilitation projects under all CHIP awards made to communities unless the property is otherwise exempt (see Types of Housing Not Covered Below). If applicable, the inspection for lead-based paint should occur at this time and a separate lead- based paint work write-up prepared. If lead-based paint is detected, a risk assessment should be performed at the time of the inspection (if mandated by the level of federal assistance). Please reference the chart on the next page. The Recipient should use the risk assessment report as a guide in determining how to best reduce the hazards found in the dwelling. If the federal assistance for the unit falls between $5,000 and $25,000 interim controls are a design option for lead hazard control. **Above $25,000, abatement is mandatory**. It is imperative that the Recipient has a thorough understanding of the issues and procedures involved in this process to achieve maximum effectiveness in the goal of creating lead-safe housing. In all cases where lead-based paint is detected, clearance requirements must be met. Technical assistance is available through DCA on this subject.

Types of Housing Not Covered by Lead Based Paint Requirements

- Property that has been found to be free of lead-based paint by a certified lead-based paint inspector
- Property where all lead-based paint has been removed
- Unoccupied housing that will remain vacant until it is demolished
- Any rehabilitation of housing improvement that does not disturb a painted surface

The approach to lead hazard reduction evaluation is based on the amount of federal assistance as shown in this chart:

	<$5,000	$5,000-$25,000	>$25,000
Approach to Lead Hazard Evaluation and Reduction	Do no Harm	Identify and control lead hazards	Identify and abate lead hazards
Notification	Yes	Yes	Yes
Lead Hazard Evaluation	Paint Testing	Paint Testing and Risk Assessment	Paint Testing and Risk Assessment
	Safe work practices Clearance of work site	Safe work practices Clearance of unit	Safe work practices Clearance of unit
Ongoing Maintenance	No	No	No
Options	Presume lead based paint Use safe work practices on all surfaces	Presume lead-based paint and/or hazards Use standard treatments	Presume lead-based paint and/or hazards Abate all applicable surfaces

For more information on lead based paint requirements go to:

https://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/lbp/hudguidelines

The lead based paint work write-up and cost estimate should be included with the regular work write up and cost estimate as a separate part of the overall work write-up in preparation for bidding.

The Recipient should be careful to avoid including duplicative work items on both the regular rehabilitation work write up and the lead based paint work write up such as replacing deteriorated windows found to contain lead based paint.

Understanding the HUD HOME Requirements for Property Standards

Property Standards are the housing quality standards used to determine whether a housing unit is decent, safe and sanitary. They are the standards against which the actual physical conditions of a property are judged in the inspection process. Property Standards are the housing quality standards used to determine whether a housing unit is decent, safe and sanitary. They are the standards against which the actual physical conditions of a property are judged in the inspection process. Using the property standard as a baseline, a housing inspector determines the scope of the rehabilitation necessary to address the physical deficiencies of the property. Using the property standard as a baseline, a housing inspector determines the scope of the rehabilitation necessary to address the physical deficiencies of the property. In order to truly "localize" a housing rehabilitation program, DCA has refrained from imposing a uniform code of property standards. It is recognized that local officials are more aware of the community's housing conditions and needs than anyone else. Consequently, they can realistically establish property standards that will be practical to administer and tailored to their specific needs. Minimum Property Standards are not to be confused with Standard Building Codes adopted by the State of Georgia (addressed below).

While it is important that the community rehabilitate the number of units stated in the application, quality in the construction is essential for the program to impact favorably in the target area. Quality rehabilitation, initially achieved, will cause a "snowball" effect in the neighborhood and quantity will eventually become evident.

If the program cannot qualify a property to meet the standards because of excessive costs, the property should not be rehabilitated. Reconstruction should be considered as a possible alternative. In these instances, Communities are now required to use the **Rehabilitation Feasibility Test Form** for this reason. In no case should the housing inspector compromise the program's minimum property standards by omission of required work items or applying a double standard. Consequently, a thorough and accurate survey should be conducted in the target area with particular attention to the existing condition of housing prior to the community selecting the appropriate housing activity(s) in the program application.

The importance of the hosing inspector being thoroughly familiar with the program's minimum property standards and the state's adopted Standard Building Codes cannot be overstated. One cannot prepare a work write-up without knowing what work is eligible in the program, or determine if a property is going to be feasible for rehabilitation according to program policies. The best way for housing inspector to become familiar with the standards is to participate in the selection of the appropriate standards for the project area with the assistance of the local building inspector and the local historic preservation planner.

Specifically, in the absence of local code for rehabilitation, CHIP homeowner rehabilitation projects must meet the **articles on property or sanitary standards** in one of three model codes (Uniform Building Code (ICBO), National Building Code (BOCA), Standard (Southern) Building Code (SBCCI); or the Council of American Building Officials (CABO) one or two family code; or the Minimum Property Standards (MPS) in 24 CFR 200.926.

Since the first four codes listed above, i.e. the ICBO, BOCA, SBCCI and the CABO have all now been merged into the International Residential Code, Recipients have a choice to either rehabilitate a single family CHIP-assisted home up to:

the International Residential Code (Appendix J, Existing Buildings);
or
the FHA Minimum Property Standards at 24 CFR 200.926 (See note below);
or

State of Georgia **locally adopted** "permissive codes," which include the International Property Maintenance Code or International Existing Building Code.

Note: Not only have the four model codes referenced above merged into the International Residential Codes, the FHA Minimum Property Standards (MPS) in 24 CFR 200.926 are no longer maintained by HUD as separate Minimum Property Standards. Instead HUD has accepted the model building codes, including over 250 referenced standards and local building codes in lieu of separate and prescriptive HUD standards, with additional durability requirements.

In order to assist communities in the selection of appropriate minimum property standards for their rehabilitation program, DCA recommends use of model codes and standards being used in Georgia.

The following codes and standards are mandatory* by Georgia law and are applicable to all construction.

- International Building Code (Standard Building Code)
- CABO One and Two Family Dwelling Code
- National Electric Code
- Standard Gas Code
- Standard Mechanical Code
- Georgia State Energy Code
- Standard Fire Prevention Code
- Standard Plumbing Code

HUD lead-based paint requirements (24 CFR Part 35) compliance mandatory for all programs using CHIP, HOME USDA or other Federal funding.

*These mandatory codes are applicable in units undergoing rehabilitation only to the extent that the proposed rehabilitation work shall replace or modify existing components covered by the code. For example if electrical work is required in a unit, that work must meet all provisions of the electric code. However if the electrical system in the unit is safe and no electrical work is proposed, the program is not required to bring the unit electrical system "up to code".

The following codes and standards are permissive and may be adopted by the local government:

- HUD Uniform Physical Condition Standards (UPCS)
- United States Secretary of Interior's Standards for Housing Rehabilitation.
- Standard Housing Code
- Standard Existing Buildings Code
- Standard Unsafe Building Abatement Code

The property standards are intended for use in the inspection and evaluation of conditions for residential properties being considered for rehabilitation. The property standard is used to determine whether rehabilitation is feasible for individual properties and they serve as a minimum standard for improvement when rehabilitation will take place.

The Recipient must comply with the property standard requirements in 24 CFR Part 92.251 with regard to homeowner rehabilitation and the HUD guidance provided in the January 2001 HOMEfires Volume 3, No. 1.

The Recipient must identify which of the allowable property standards that CHIP assisted homeowner rehabilitation projects will meet upon completion of the rehabilitation work. The property standards selected must be identified in the Recipient's Local CHIP Program Policies and Procedures. If the Recipient administering the CHIP award has adopted either one of the Georgia permissive codes (International Property Maintenance Code or International Existing Building Code) then the Recipient's CHIP Program Policies and Procedures can set forth the **locally adopted** permissive code.

The Section 8 Housing Quality Standards or HQS at 24CFR 982.401 are not a HUD HOME allowed property standard or code for CHIP assisted homeowner rehabilitation projects

Understanding the HUD HOME Requirements for Written Rehabilitation Standards
Additionally, the HOME final rule at 24 CFR 92.251 requires each Recipient to adopt Written Rehabilitation Standards for rehabilitation work assisted with HOME funds.

Written Rehabilitation Standards establish the specifications for the actual rehabilitation work that will bring substandard housing into compliance with the property standard or code(s). The Written Rehabilitation Standards prescribe the method and materials to be used in the rehabilitation of the property. The Written Rehabilitation Standards are sometimes referred to as "specs" or specifications, and include details such as the grade of lumber to be used, the number of nails per square foot, the type of material that can or cannot be used for doors serving as fire exits, the distribution pattern and material of roofing tiles, etc.

The Written Rehabilitation Standards provide a common basis for contractor bids. The Recipient wants to ensure that all contractors are bidding work using identical methods and materials. This enables the Recipient to make an accurate determination of the cost of reasonableness of bids. By holding all contractors to a single rehabilitation standard, consistent, high quality rehabilitation is assured. The Written Rehabilitation Standards or specifications represent an accepted standard of workmanship and materials. These are the specifications and details most important to contractors and will ultimately ensure that the rehabilitation is properly completed. The Written Rehabilitation Standards provide a means for the Recipient to determine whether the bids are reasonable and give all bidders an equitable list of work items to be bid.

Meeting the Georgia Construction Codes
The State of Georgia has adopted fourteen "state minimum standard codes." Of the fourteen codes, there are eight (8) that are mandatory. Of the eight (8) mandatory codes, four (4) apply to all residential construction. These four codes are:

- National Electric Code
- CABO One-and-Two Family Dwelling Code (International Residential Code)
- Georgia State Energy Code for Buildings
- International Plumbing Code

In addition to the HUD HOME requirement that CHIP homeowner rehabilitation projects must meet the **articles on property or sanitary standards** in one of three model codes (Uniform Building Code (ICBO), National Building Code (BOCA), Standard (Southern) Building Code (SBCCI); or the Council of American Building Officials (CABO) one or two family code; or the Minimum Property Standards (MPS) in 24 CFR 200.926, all CHIP rehabilitation activity must meet the provisions of the four mandatory codes, as applicable.

Owner Commitment and Owner Orientation

After the final work write-up has been agreed to and signed by the homeowner and Recipient and the final amount of other or leveraged funds has been determined the Recipient needs to obtain proof of the owner's funding commitment for the "other" required leveraged funds if any.

HOME regulations at 24 CFR 92.203(d)(2) require that if more than six (6) months have elapsed since the Recipient determined that the family was income eligible then the Recipient must re-examine the family's income at the time the HOME assistance is provided.

After determining the total cost of the regular rehabilitation and being provided a commitment for the owner's required other funds, it is time for the Recipient to review again with the homeowner all of the information they need to know about the program. This review will allow the owner to make a final decision if they want to go forward with the project.

If the owner does want to proceed with the rehabilitation of their home under the CHIP program requirements, an owner orientation will provide information on what the owner can expect and what is expected of them going forward.

Owners need to understand:

- the overall construction process and timing; the CHIP loan documents; the CHIP owner occupied rehabilitation grant agreement for the project delivery cost; the construction process and the legal documents related to construction; temporary relocation; and, what happens after the construction is completed
- the possibility of the lead based paint reduction process that may take place on their property. The attached link to the pamphlet "Protect Your Family From Lead in Your Home" should be distributed to the household. See link: https://www.epa.gov/sites/production/files/2020-04/documents/lead-in-your-home-portrait-color-2020-508.pdf
- the DCA policy regarding the Owner's Selection of Bidding Method
- the DCA policies in regard to manufactured homes
- the HOME and DCA requirements regarding any refinancing being considered in conjunction with the CHIP assisted homeowner rehabilitation
- Their responsibility to maintain homeowner's insurance in an amount sufficient to cover the after-rehabilitated value of the property for the full affordability period. The policy must include the Recipient as an additional insured holder of the policy.
- Owners are responsible for moving their belongings and finding somewhere else to stay during construction if necessary. CHIP funds will not pay for relocation costs. If it is safe for the homeowner to stay in their home during construction then the electric, gas, and water utilities must be turned on each evening while construction is underway.

Submit the Pre Setup Packet to DCA for approval

Setting-Up Activities for Homeowner Rehabilitation Assistance

DCA will be monitoring each activity to ensure its compliance with key programmatic requirements during the set-up phase of project implementation. The processes used to ensure programmatic compliance will be based on the activity being implemented – homeowner rehabilitation assistance.

Homeowner Rehabilitation Assistance activities are required to follow a three-step Activity Setup process: (1) Environmental Review and (2) Homeowner Qualification and Housing Qualification setup.

Environmental Review

For activities that were partially cleared with the Tier One review, a Site Specific review is required to clear the related laws and authorities listed in 24 CFR 58.5 and 58.6. This review should concentrate on the issues that were not resolved in the broad-level review (see 40 CFR 1508.28). This should be done before any "choice-limiting actions" are begun.

Homeowner Qualification Pre-Setup:
The Housing Rehabilitation Pre-Setup process is designed to ensure that the Household and housing meets certain HOME requirements prior to the Recipient entering into a contract for assistance with the homeowner or the homeowner entering into any construction contract. The Recipient must submit to DCA a Housing Rehabilitation Activity Pre-Setup Information Form (CA-3) with required accompanying documentation for any unit proposed for funding. The setup is divided into two phases to avoid the Recipient from incurring any unnecessary expenditures prior to the household and environmental review's approval. It is suggested that items listed on the Pre-Setup Information Form (CA-3) be submitted in the order of the form for clarity and uniformity.

For any Recipient that proposes reconstruction as part of their program design and where reconstruction is proposed on an individual unit, a Reconstruction Feasibility Test Form (CR-8) must be provided during the activity Pre Set-up phase that provides the following information:

a. Narrative describing the needs for a unit to be reconstructed instead of rehabilitated. The narrative must identify the costs of reconstruction versus the cost of rehabilitation. The narrative must also describe the Recipient's or Recipient's plans to relocate the unit residents during reconstruction, including the source of funds, the estimated length of time that relocation will be necessary, and a commitment from Recipient that sufficient resources are available to the Recipient to cover the entire length of time that the relocation will be necessary.
b. An appraisal or third party documentation of the After Development Value of the Property.

DCA will review the pre setup packet and respond to the grant administrator within five business days. If there are no deficiencies then DCA will issue a notice to proceed to the setup phase of the project. At that time the Recipient is free to enter into a contract with the homeowner and allow the homeowner to secure a contractor.

Owner's Selection of Bidding Method and Contractor

While DCA prefers open and competitive bidding, under the CHIP program owners have a right to select one of two methods to secure the rehabilitation contractor for their property. The two methods are either open, free competitive bidding or negotiation.

DCA Policies in Regard to Manufactured Homes

Manufactured homes can be rehabilitated with CHIP funds if the Recipient has been approved to include this activity in their CHIP contract. The total cost of the rehabilitation cannot exceed $15,000 including both the CHIP funds and the owner's funds. It is generally advised that manufactured housing requiring more than $15,000 in order to bring the unit into compliance with the Recipient's Property Standards (codes) should be considered for replacement. DCA approval is required to exceed this amount on a per project basis.

Replacement manufactured housing must be new or standard housing in conformance with the National Manufactured HOME Construction and Safety Standards Act of 1974 as amended. Manufactured housing must be permanently affixed in accordance with HUD's Handbook 4930.3, Permanent Foundations Guide for Manufactured Housing.

DCA has established that "used" manufactured housing can be no more than ten (10) years old to receive CHIP reconstruction assistance.

Prepare Bid Document Packages and Send Invitation to Bid

After the Recipient has qualified applicants, selected one of the HUD approved property standards (codes), inspected the property, determined the scope of work and the specifications for the work have been developed based on the Recipient's Written Rehabilitation Standards, and conducted the owner orientation, it is time to prepare the bid documents. The Recipient has already developed a list of eligible, qualified contractors.

The bid documents package consists of a cover letter of general instructions. The cover letter is often called an Invitation to Bid. It gives staff contact names for questions; instructions on how to obtain access to the property; identifies the date, time and place the bid is due; and includes the following enclosures:

- General conditions of bid
- Special conditions of bid
- DCA CHIP Addendum to Construction Contract
- Lead Based Paint Addendum
- Bid and proposal form (Make sure that the bid form makes it clear that all bids are to include permit fees and sales taxes. Additionally, some Recipients combine the bid form with the actual final construction contract. This allows the contractor to see exactly the terms and conditions of the contract if he or she is awarded the contract. This method is a legally enforceable bid when signed by the contractor. It only becomes a binding contract obligating the contractor to perform the work and the owner to pay for the work when the owner signs the document.)
- Work write up without the cost estimates
- Written rehabilitation standards/specifications
- Library of model specifications for lead hazard evaluation and reduction
- Lead work write-up without the cost estimates
- Arbitration agreement (if used by your local program as the mechanism to settle disputes). (If a Recipient utilizes this mechanism to settle disputes, a copy of the agreement should be a part of the bid package. The instructions should tell the contractor to sign the agreement, as by doing so he indicates his willingness to follow this required procedure. The document does not become binding until it is signed by the owner at the time the construction contract is signed.) .

Once the bid package is developed, copies should be made for every eligible contractor on the Recipient's list of eligible contractors. A bid package should then be emailed to each eligible contractor.

Bid Opening

All bids received should be sealed and due by a specific time to assure fairness. The bid opening should be conducted in a public manner and the results recorded on a bid control sheet. Usually only contactors who bid choose to attend. Every person in attendance should sign a Bid Opening Attendance Sheet.

The Recipient should open and check each bid package to be sure all information is properly entered and complete. This review should include that all sales taxes, fees and permits are included and any required addendums are clearly included; specifications and related documents are correctly referenced; dates are correctly entered and that the bidder's signature is completed in ink. The review should make certain that any licensing requirements, tax numbers and supporting documents (such as the arbitration agreement, if used) are included.

The bids are reviewed for responsiveness, accuracy and reasonableness; recorded on the Bid Control Sheet; and, summarized on the Bid Summary. The Bid Summary should include a computation of the Recipient's cost estimate plus or minus ten (10) percent in order to compare each bid to the Recipient's cost estimate. This will allow the Recipient to determine what percentage the low bid is to the Recipient's cost estimate. The Recipient's CHIP program Policies and Procedures should define the required threshold for a bid to be considered "reasonable." Most programs use a ten percent spread as a threshold.

The Recipient should develop a set of minutes of the bid opening meeting.

Guidance on Determining Reasonableness of Bid
The reasonableness threshold, usually a ten percent spread (plus or minus of the Recipient's cost estimate) is a generally accepted threshold to ascertain the "reasonableness" of the low bid. If the low bid is below the "reasonableness" margin, as indicated in the Recipient's CHIP Program Policies and Procedures, the Recipient should meet with the contractor immediately to determine how he/she arrived at the bid price. This meeting should determine if a miscalculation occurred on the part of the Recipient or the contractor. The Recipient should be assured that the acceptance of the bid will not cause the contractor to fail in completing the work for lack of funds. If the Recipient gains this assurance, the Recipient can make a recommendation for the owner's acceptance of the bid. If, however, the low bid is above the "reasonableness" margin, a close analysis should be taken of the Recipient's cost estimate. In either case, both the owner and the program's interest should always be protected. While the owner reserves the right to reject any and all bids, the owner will oftentimes rely on the Recipient for an opinion as to whether the bid is "reasonable." In the final analysis, the bid will be awarded to a responsible contractor whose proposal is most advantageous to the program with price and other factors considered, regardless of the method of bidding selected (competitive bidding or negotiated bid).

Negotiated Bids
While open, competitive bidding is the preferred method of selecting a contractor, it is permissible to use the negotiated method in instances where a community cannot attract multiple contractors to form a contractor pool or when a property owner has requested using a contractor of their choosing.

In all cases, the contractor must meet the program's contractor eligibility criteria as described in the Recipient's CHIP Program Policies and Procedures. The bid submitted by the contractor must meet the criteria established for the program in determining the "reasonableness" of bids. If the bid does not meet the criteria, the Recipient may negotiate the price in order to get the bid within a qualifying range. If the negotiation is not successful, the project should be re-bid or the owner may pay the difference between the contractor's price and the cost estimate.

Similarly, should the owner choose to use a contractor not deemed "most advantageous to the program," by the Recipient because of a high bid, the owner may pay the difference to the contractor of their choosing, providing the contractor has met the Recipient's contractor qualification requirements.

Selecting and Notifying the Contractor

After the bids have been opened and recorded on the Bid Control Sheet and reviewed for accuracy and reasonableness, and the Bid Summary prepared, the contractor for the proposed work will be selected by the owner. The bid selected should reflect the lowest responsible bid complying with all program requirements provided such bid is reasonable and in the best interest of the owner. The program requirements have been predetermined and set forth in the Recipient's CHIP Program Policies and Procedures.

The Recipient will review all bids for compliance with program requirements. The owner and the Recipient may reserve the right to reject any and all bids or any portion thereof and waive any and all irregularities per the Recipient's CHIP Program Policies and Procedures.

Following this review, the owner selects the contractor and authorizes the Recipient to send a Bid Award Notice to the selected contractor. The owner authorizes the selection by signing the Bid Award Notice. The Bid Award Notice advises the contractor that the owner has accepted his/her bid on the described property.

The Bid Award Notice to the successful bidder should notify the contractor of the date, time and location of the pre-construction conference; advise the contractor that he or she may only begin the project after attending the pre-construction conference with the Recipient and the owner; and further notifies the contractor that work cannot begin until a Notice to Proceed has been issued.

The Bid Award Notice

- requires that the contractor return an enclosed form listing all sub-contractors that will be used on the project
- advises the contractor that before any payments can be made, a program lien waiver must be signed and submitted by the general contractor and all sub-contractors and material suppliers
- advises the contractor that the construction contract is contingent upon the owner obtaining a firm commitment for the other (non-CHIP) funds
- advises the contractor that before a Notice to Proceed can be issued, an Arbitration Agreement must be signed, if required by the Recipient's CHIP Program Policies and Procedures
- advises the contractor that prior to issuing a Notice to Proceed the contractor must furnish evidence of the required contractor liability insurance and all required permits and any documentation in support of any other Recipient's requirements

All bidders should be notified of the results of the bid by letter indicating whether the bid was accepted or not accepted. If a contractor's bid was not accepted, the letter should indicate which bidder received the award. This letter should include a contact person for all questions regarding the bidding and contact award procedures.

Based on local program policy as set forth in the Recipient's CHIP Program Policies and Procedures, contractors may have their bids rejected or may be declared ineligible to bid on future projects if past performance does not meet the standards of performance identified in the Recipient's CHIP Program Policies and Procedures. Failure to comply with the instructions of bidding may be a basis for bid rejections per the Recipient's CHIP Program Policies and Procedures. The Recipient's CHIP Program Policies and Procedures should include a contact person for all questions regarding the bid award process.

As noted above, no work will begin until the contractor receives a "Notice to Proceed" order executed by the owner and provided by the Recipient to the contractor.

Prepare for Closing the CHIP Loan

It is now time to prepare for closing the CHIP loan.

The Recipient should take sufficient time to review the project file using the Checklist for Homeowner Rehabilitation to determine completeness of the project file.

During the file completeness check, the Recipient wants to make certain that all of the required paperwork is included and completed accurately. The file needs to clearly document that:

- the eligibility of the applicant given the CHIP program and local program guidelines

- the property is an eligible single family property
- the form of ownership is eligible
- the prescribed property standards and written rehabilitation standards are clearly defined and will be met and followed
- the verification of household income is current within six months of the estimated closing date. (If re-verifications are not current then the Recipient must re-verify the household income with documentation supporting the income eligibility requirements)
- the file contains the Recipient's "after-rehabilitation" value as determined by one of the three methods allowed under the HOME program. **The value of the HOME assisted property after rehabilitation must not exceed 95 percent of the median purchase price for the area, as published by HUD, or, in accordance with the Final Rule.** Such method must be used unilaterally for the Recipient's CHIP homeowner rehabilitation program and such method must be described in the Recipient's CHIP Program Policies and Procedures. The three methods from which the Recipient can choose to adopt for their homeowner rehabilitation program include:
  i. Estimates of value by the Recipient or Sub-recipient may be used. However, project files must contain the estimate of value and document the basis for the value estimates.
  ii. Appraisals, whether prepared by a licensed fee appraiser or by a staff appraiser of the Recipient, may be used.

  iii. Tax assessments for a comparable property located in the same neighborhood may be used to establish the after-rehabilitation value if the assessment is current and accurately reflects market value after rehabilitation.
- the file needs to contain documentation to support the DCA required policy that State Recipient's cannot approve CHIP funding where the combined debt (CHIP funding and other public/private funding) exceeds the loan to value limits as set forth by the underwriting, closing and funding criteria of the DCA Georgia Dream first mortgage revenue bond program, Fannie Mae, Freddie Mac, USDA, FHA or VA. Any exceptions must be submitted to DCA prior to project set-up for review and approval.

The Recipient needs to confirm the evidence of commitment(s) that the required other funds are available.

In preparing for the closing the Recipient will prepare the CHIP loan documents using local counsel and the Recipient will prepare the construction contract and all addenda; the Truth in Lending Statement; and, the Right of Rescission Notice. The Recipient will also order the final title commitment.

In summary, the file review and preparation for closing and final approval of the CHIP loan should include a review of the information collected from the borrower against the program eligibility and underwriting criteria. The title policy should be reviewed. A calculation of the CHIP funding and the other funding should be made to ensure there are adequate funds in place to cover construction, closing and any allowable contingency costs. Additionally, the file needs to include the HOME required subsidy layering review if more than one source of federal funds is being used

on the project to ensure that no more subsidy is being used than is necessary to provide affordable housing.

Closing the CHIP Loan

The Recipient should make a final review of the application and verifications, using updated information as required and prepare and issue the Truth in Lending Statement.

1. **Issue Truth in Lending Notice**

   The Recipient should prepare and issue the Truth in Lending Statement as part of the closing process.

   Disclosure Statement. The federal Truth in Lending Act requires that a lender disclose certain information about the loan to a borrower in a uniform and readable manner. The Federal Reserve Board publishes a model with guidelines for format which must be followed. This must be presented to the borrower before the documents are signed. If disclosure is not done properly, there can be serious consequences. Be sure to obtain up to date information on proper disclosure format and content, and file documentation requirements from a professional lender, a closing attorney or other reliable source. .

2. **Confirming the Recipient as Additional Insured**

   The Recipient should obtain a copy of the homeowner's insurance policy to verify that the Recipient has been added as an "additional insured" on the policy. The policy should be in amount to cover the after-rehabilitated value of the property.

3. **Execute and Record the CHIP Loan Documents/Other Funds Loan Document Execution**

   The owner and Recipient will execute three documents in connection with the CHIP loan: a loan agreement, a promissory note, and a security deed. Only the security deed is recorded after it is signed. The owner will also execute the grant agreement for project delivery fees.

   Typically, the closing on the owner's other funding is held simultaneously with the CHIP loan closing.

   The Recipient should record the CHIP Deed to Secure Debt in the Superior Court of the County in which the property is located as soon as possible after the closing. The CHIP Deed to Secure Debt should be recorded after any security deed of another lender that is supposed to be prior in position of superiority to the CHIP security deed. If the CHIP loan closes simultaneously with the other loan on the property, the closing attorney for the other loan will probably be accommodating and record both the other loan documents and the CHIP Deed to Secure Debt at the same time.

4. **Provide Three Day Right of Rescission Notice to Owner**

Owners have a right under federal Truth in Lending Act, Regulation Z, to cancel a transaction, without cost, that will result in a lien on their home.

Right of Rescission Notice

In a credit transaction in which a security interest is or will be retained or acquired in a consumer's principal dwelling, each consumer whose ownership interest is or will be subject to the security interest has the right to rescind the transaction. Lenders are required to deliver two copies of the notice of the right to rescind and one copy of the disclosure statement to each consumer entitled to rescind.

The notice must be on a separate document that identifies the rescission period on the transaction and must clearly and conspicuously disclose the retention or acquisition of a security interest in the consumer's principal dwelling; the consumer's right to rescind the transaction; and how the consumer may exercise the right to rescind with a form for that purpose, designating the address of the lender's place of business.

In order to exercise the right to rescind, the consumer must notify the creditor of the rescission by mail, telegram or other means of communication. Notice is considered given when mailed, filed for telegraphic transmission or sent by other means, when delivered to the Lender's designated place of business. The consumer may exercise the right to rescind until midnight of the third business day following consummation of the transaction; delivery of the notice of right to rescind; or delivery of all material disclosures, whichever occurs last. When more than one consumer in a transaction has the right to rescind, the exercise of the right by one consumer shall be effective for all consumers.

When the consumer rescinds a transaction, the security interest giving rise to the right of rescission becomes void and the consumer will no longer be liable for any amount, including any finance charge. Within twenty (20) calendar days after receipt of a notice of rescission, the lender is required to return any money or property that was given to anyone in connection with the transaction and must take any action necessary to reflect the termination of the security interest. If the lender has delivered any money or property, the consumer may retain possession until the lender has complied with the above.

Recipients must become familiar with the requirements of this Act and implement these requirements with each CHIP loan closing.

Please note that the Recipient is responsible for issuing its own Three Day Right of Rescission Notice which is in addition to and separate from the notice required to be issued by any third party lender.

Again, most Recipients conduct the CHIP loan closing in conjunction with the closing of the leveraged loan.

Pre-Construction Conference, Construction Contract and Notice to Proceed

The pre-construction conference provides an opportunity to review program rules and procedures for the construction phase; to reinforce quality and performance standards; to review the inspection and payment responsibilities and process; to discuss any special circumstances about the project; to discuss the change order process; and, to discuss special needs the owner may have regarding the contractor's access to and presence on the property. Holding this meeting at the property provides an opportunity for all of those involved to go over the work write-up item by item and to make sure all parties understand what work can and cannot be done with CHIP funds and the total funds per the construction contract. The conference should:

- Review the construction contract and all addenda
- Review the HOME (CHIP) program code standards that have been selected by the Recipient for use in the CHIP homeowner rehabilitation program
- Review the Georgia Construction Codes
- Review the Recipient's Written Rehabilitation Standards
- Review the Notice to Proceed process
- Review the inspection process including interim and final inspections
- Review the pay request process
- Review the owner's responsibility in monitoring of construction
- Review the contractor's responsibility to advise the Recipient regarding percentages of completion and to request the prescribed inspections
- Provide a supply of forms for the contractor to request payments
- Provide the required lien release forms
- Provide the required owner's satisfaction of work completed forms
- Review occupant protection and relocation issues with owners and contractors
- Review the lead hazard reduction work and occupancy protections
- Review the change order process
- Review the dispute resolution procedures
- Review the work schedule so all parties understand when the work will begin; how it will proceed; and when it is expected to be completed
- Review the close-out procedures and all of the required documentation/warranty

It is recommend that prior to executing the construction contract that a final review be conducted of the availability and access to the property and completion timeliness and a review of any penalties that would be imposed if the project is not completed on time.

Executing the Construction Contract
If both parties are in agreement to the construction contract, it is now time to execute the contract. Again, the construction contract is executed between the owner and the contractor. The Recipient is not a party to the construction contract.

Request for Clearance of Prime Contractor
The Recipient must check that the contractor is not on the state or federal debarment list.

Notice to Proceed
After all loan and construction documents have been property executed; the Deed to Secure Debt has been recorded; the contractor has been cleared through the HUD debarment process; and, the Three Day Right of Rescission period has expired, an authorization or Notice to Proceed can be issued.

Since the Notice to Proceed triggers the contract completion time frame, it is important to coordinate this fully with the owner and contractor to ensure that the work can begin on time and that the contractor is available to do the work. The Recipient should make certain that the owner and contractor understand that no work can be incurred prior to the issuance of the Notice to Proceed.

The Notice to Proceed should be signed by the homeowner first as the owner is providing the authorization to the contractor to proceed with commencement of construction. The Notice is then signed by the contractor. A fully executed copy must be maintained in the project file.

Owner Choices
As the owner has choices to make in selecting colors and finishes, some Recipients use a formal tracking method that identifies all colors of paint (both exterior and interior), floor finishes, wood stains and cabinet stain or paint colors.

Some Recipients have experienced disputes between the contractor and owner in regard to the colors or finishes in the rehabilitation work.

Set-Up Project with DCA

The Recipient should now set up the project with DCA using the HUD HOME Project Set-Up form (Homeowner Rehab Set Up and Completion Form) by following the project set-up process outlined in the CHIP Manual.

Homeowner Rehabilitation Assistance Activity Setup:
In order to receive a drawdown of funds from the CHIP grant, DCA must first commit funds for the specific activity (i.e. household and unit address) in the HUD Integrated Disbursement and Information System (IDIS). It is required that the following information for homeowner rehabilitation activities be submitted to DCA to ensure that the proposed activity meets specific CHIP requirements:

List of forms:
Homeownership Qualifications

- Income Verification Form (CC-8)
- Certification to Use Unit as Principal Residence (CC-7)

- Declaration of Citizenship Status (CC-3 and, if applicable, CC-4):
- Certification as to Conflict of Interest (CC-6)
- Copy of Existing Warranty Deed
- Current market value of the property
- Proof of Year of Construction of Housing Unit (tax record)

Housing Qualifications

- Lead- Based Paint Visual Assessment (if unit was built prior to 1978)
- Initial Scope of Work Write-Up for Non-Lead Costs
- Work Scope of Work Write-Up for Lead Costs (if unit was built prior to 1978)
- Reconstruction Feasibility Test Form (CR-8)
- Pictures of housing unit demonstrating need for work to be performed

DCA will review the set up packet within five (5) business days of receipt at DCA. If there are no deficiencies, DCA will issue a Notice to Proceed.

Homeowner Rehabilitation Revised Set-up Submission

All revised Set up requests must be prepared on the Homeowner Rehabilitation Assistance Activity Set up Form (CA-4) by the Recipient and returned to DCA. Make sure you check the "Revision" box" on the upper left-hand corner and provide the name and phone number of the person completing the form.

DCA will review the Revised Homeowner Rehabilitation Assistance Activity Set up Form (CA-4) and accompanying documentation, identify any deficiencies, and, if necessary, communicate those deficiencies via email within five (5) business days of receipt at DCA.

Requests to Exceed Maximum CHIP Assistance

Any project requiring more than $60,000 must be approved by DCA.

a. For Amounts up to 20% of the original set up amount: A Recipient may exceed the original set up amount for an individual housing unit by up to 20% without seeking DCA approval. In these instances, the Recipient and, if applicable, their Administrator must submit a revised Homeowner Rehabilitation Assistance Activity Set up Form (CA-4) with the following information:
   - Revised HOME Cost
   - Change order or other documentation explaining the change
   - Homeowner Affidavit to Execute Amended Promissory Note (CL-A13)
   - Contract between Homeowner and Contractor
   - Must include the Contractor Work Write-Up and Pictures

b. For Amounts over 20% of the original set up amount: A Recipient may not exceed the original set up amount for an individual housing unit by over 20% without seeking DCA approval. In these instances, the Recipient must submit a Request to Exceed Maximum letter clearly describing the reason for the increased request along with a revised Homeowner Rehabilitation Activity Set up Form (CA-4) with the following information:
   - Revised HOME Cost

- Accompanying Documentation
- Narrative describing the reasoning behind the need for the increased assistance request
- Homeowner Affidavit to Execute Amended Promissory Note (CL-A13)
- Signed Change Order Amending the Contract between Homeowner and Contractor
- Contractor's Work Write-Up
- Pictures documenting the need for the revised scope of work

DCA will review the request and if approved send the grant administrator an approval notice.

Construction Process

After holding the pre-construction conference, allowing the three day right of rescission period to expire, executing the construction contract, obtaining clearance of the contractor through the HUD debarment process, and issuing the Notice to Proceed, it is now time for the start of construction.

Georgia Lien Law
One of the most important requirements at the onset of construction is for the Recipient to ensure that the requirements of the Georgia Lien law are followed.

Georgia lien law provides contractors and subcontractors with certain rights to place a lien on a property if they have not been paid. Recipients should follow a rigid lien release procedure which protects both the owner's interest and the program's investment. This procedure requires the contactor to sign a lien release including information on the sub-contractors and suppliers when any partial or full payment is made. DCA also requires lien releases from sub-contractors and material suppliers.

Georgia lien statute amendment, O.C.G.A.§44-14-361.5, provides that not later than 15 days after the Contractor physically commences work on the Owner's property, Notice of Commencement shall be filed either by the Owner or the Contractor in the Superior Court in the county where the property is located. It is suggested that the Recipient assume this responsibility. The notice must include (1) legal description of the property; (2) the name and location of the project, and the name and address of the following: a) the contractor, b) the true owner of the property, the person at whose instance their work is being furnished if not the true owner (e.g., a tenant), c) the surety (if any) and d) the construction lender (if any).

Once a Notice of Commencement is filed, any potential lien claimant that the community was not informed of (e.g., everyone but first tier subcontractors and suppliers) must provide a "Notice to Contractor" to the Owner and the contractor within 30 days from the day it first furnishes labor or materials, or from the day the Notice of Commencement was filed, whichever is later. The Notice to contractor must include the name, address and telephone number of the person providing the labor or materials, the name and address and telephone number of the person providing the labor or materials were furnished, and a description of the labor or materials being provided. The Notice must also include the contract price or anticipated value of the labor or materials. Any potential

lien claimant not in privity of contract with the contractor, and not providing a Notice to Contractor within the time required, will not be entitled to file a lien. The statute makes filing a Notice of Commencement mandatory. If a Notice of Commencement is not filed, the only consequence is that lower tier subcontractors and suppliers are relieved from having to serve a Notice to Contractor and the requirements of Section 44-14-361.5 do not apply.

The statute also allows a subcontractor or supplier to request a copy of the Notice of Commencement from the Owner or Contractor. If the Notice is not provided within 10 days of the request, the section's requirements do not apply to the subcontractor or supplier making the request.

The purpose of the Notice of Commencement is twofold. First, it enhances the ability of lien claimants to file lien and bond claims, since the information necessary for filing such claims is provided in the Notice of Commencement. Second, the Notice provides the Recipient with a mechanism for keeping track of lower-tier subcontractors and material suppliers. Armed with this knowledge, owners and contractors should be better able to make sure that everyone performing in the rehabilitation is paid in a timely manner, and to eliminate the filing of last-minute liens by previously unidentified subcontractors and suppliers.

Reconstruction

Sometimes, after a housing rehabilitation Construction Contract has been awarded and work has commenced, the Contractor and/or the Recipient may discover additional work necessary to bring the property in compliance with the CHIP program Property Standards (Codes). If an existing structure is converted to affordable housing, or if a structure is moved to a new foundation which is constructed with CHIP funds, these projects are considered reconstruction. For CHIP contracts allowing manufactured housing, reconstruction also includes replacing an existing dilapidated unit of manufactured housing with a new or standard unit of manufactured housing.

After conducting the initial property inspection, the Recipient may determine that the house is not structurally or economically feasible to rehabilitate. With DCA approval, the project may be approved for set-up as a reconstruction if all of the following conditions are met:

- Unit is unsuitable for rehabilitation both structurally and economically.

- The estimated cost of reconstruction (constructing a comparable replacement house on the same property) will be substantially less than the estimated cost to purchase a comparable house (including land) that would be newly constructed in a comparable neighborhood within the community's jurisdiction.

- The estimated cost of reconstruction will be less than the fair market value of the property (dwelling and land) after reconstruction. This is determined by obtaining an appraisal prior to reconstruction on the projected value of the property including the reconstructed house and land. The Rehabilitation Feasibility Test Form must be submitted to DCA for prior approval

of each unit.

If the Recipient determines that reconstruction would be appropriate based on the above criteria, DCA approval is required on a project by project basis in advance of project set-up.

Requirements such as replacing hidden rotten joists and sills or structural termite damage may require a rehabilitation feasibility test to be performed. If the estimated costs for the change order (when added to the current contract amount) will exceed the economic feasibility for (approved) replacement housing in accordance with the Rehabilitation Feasibility Test Form and the condition of the house does not meet the "structural" feasibility test the Recipient may decide "reconstruction" would be the most cost effective action to undertake. At this point, issue a stop order to the contractor and contact DCA for approval. If approved, it is important to note that the current Construction Contract should stay in effect with the same contractor. Non-applicable items should be deleted from the existing Work Write-up and a new Work Write-up for reconstruction should be incorporated into a change order. A cost estimate should be prepared and each item negotiated to determine reasonable costs.

Monitoring the Contractors

During the course of the project, difficulties may arise between a contractor and the staff. Some of the danger signals to watch for are:

- Failure of the contractor to respond to messages
- Lack of supervision at the job site
- Failure of the contractor to respond to "call backs" during the warranty period
- Financial problems (comments from creditors and suppliers)
- "Shortcutting" and using alternatives from the specifications
- Conflict with the Owner

All of these problems require prompt attention by the Recipient. Contractors should be kept under close monitoring, but by the same token, every contractor deserves to be treated fairly and with respect at all times.

Complaint Resolution

During the course of the project a circumstance may arise where all parties in the project cannot come to terms. Most common are conflicts between the owner and the contractor. However, on occasion either the homeowner or the contractor may disagree with some aspect of the program.

Some Recipients establish a Board of Arbitration to conduct hearings with the contractor, Recipient and/or homeowner on any disputes that cannot be resolved. The Arbitration Board should be composed of neutral parties who make a binding decision. This board could consist of:

- Homeowners from the community or target area
- Building material suppliers
- Social workers
- Outside construction contractors
- Attorney
- Recipient official(s)
- Non-profit housing official

Prior to resolving a conflict through the Arbitration Board, the Recipient should arrange a meeting at the site with all concerned parties. Hopefully a decision can be reached and agreed upon on the spot. However, if there are any doubts, no commitments should be made until the Recipient has time to further investigate the matter. Above all, the Recipient should be sure that all disputes arriving from the work are resolved before the case is ready for the final inspection. If the dispute cannot be resolved, the matter should be referred to the Arbitration Board.

The terms of arbitration should be set forth in the construction contact and these terms should be fully disclosed and understood by all parties to the contract before execution.

When disputes arise, the Recipient should go out to the property and meet with the Homeowner and the Contractor on the site where all concerned parties can see the problem. Hopefully, a workable solution can be agreed upon on the spot, but should there be any doubts, no commitments should be made until the Recipient has investigated the matter. Above all, the Recipient should be sure that all disputes arising from the work are resolved before the case is ready for final inspection. If the dispute cannot be resolved, the matter should be referred to the Arbitration Committee if that is the method of dispute resolution used by the Recipient as required in the CHIP Program Policies and Procedures.

Construction File

The Recipient should set up a construction file to track and monitor the construction process and disbursement of funds. These records should be readily available for the appropriate staff of the Recipient as they monitor progress, complete interim inspections, authorize progress payments, process change orders and make final inspections and payments. These records should also be readily available for DCA review during site monitoring visits.

The file should include:

- Executed construction contract and all addenda
- Specifications
- Change Orders
- Arbitration Agreement, if applicable
- List of Contacts:
  Name and address of phone number of owner; contractor; sub-contractors; State Recipient staff and building official regularly involved in the construction process

- Project Set Up Form
- Disbursement ledger
- Invoices
- Draw Requests
- Copies of checked issued for payment(s)
- Inspection forms
- Building Inspector reports
- Owner satisfaction statements at each disbursement to contractor
- Lien Releases: general, sub-contractor, material suppliers
- Initial property inspection form
- Interim property inspection forms
- Final property inspection forms
- Project log: a log should be maintained to record any significant conversations or actions in order to have a record in the event the Recipient needs to reconstruct events or reconcile disputes.

Interim Inspections and Progress Payments

After the Notice of Commencement has been delivered and receipt by the Contractor is documented, it is the responsibility of the Recipient to inspect the work when it starts, and as it progresses. Inspections should be frequent enough so that the Owner and the community will be assured that the workmanship and materials meet all specifications. It is also suggested that the community appoint a responsible official, possibly the Program Director, to monitor the work in progress on a "spot" basis. It should be clear to all involved, however, that these visits are not inspections. Only the Recipient will conduct inspections as outlined in the construction contract. Depending upon the Recipient's CHIP Program Policies and Procedures, a Recipient may have required a payment schedule at certain percentages of completion. **Regardless of the number of payments scheduled, the Recipient must inspect the job prior to issuing any payment whether it is a partial or a final payment. Inspection reports must be included with the draw request, with pictures, whenever possible.** The Recipient is charged with the responsibility to ensure that the funds are used for eligible purposes and the work has been completed in accordance with the required standards. A Recipient should not pay for work that is not done properly and should not pay for materials that are not present on the site and preferably installed**.** If work is not properly completed as billed, a Recipient should reject the invoice or reduce the amount to pay only the acceptable portion.

Owner's Acceptance of Work Completed
DCA policy requires that the owner of the property sign a satisfaction statement certifying that they are satisfied with the rehabilitation work on their house and property. This signed statement must be obtained prior to each Recipient's request to DCA for disbursement to a contractor including all interim disbursements and at final disbursement. By signing the satisfaction statement, the owner is requesting that the disbursement be made to the contractor. The statements are required to be witnessed and notarized.

It is recommended that inspections take place in the presence of the owner and contractor so that any problems can be identified, discussed and resolutions developed.

All progress payments should be contingent not only on the percentage of work completed, but also upon the Contractor maintaining satisfactory progress. A retainage (usually 10%) of the completed work should be withheld by the administrator for each progress payment.

All electrical, mechanical, plumbing, framing and roofing work should be inspected by the community's Building Inspection Department. An Inspection Card should be posted at the job site accessible to the Housing inspector for follow-up. In addition to the signed satisfaction statement by the owner requesting a partial or full payment to the contractor, the releases of liens must be obtained from the general contractor and all sub-contactors and material suppliers prior to releasing any payments.

The DCA General Conditions Invoice, Release of Liens and Warranty/Affidavit is prepared by the contractor, signed by the contractor in the presence of a notary and notarized. If the Recipient has also received the subcontractor and material supplier releases of lien, DCA Release and Waiver of Claim for Subcontractor or Material Supplier/Affidavit and the DCA Owner's Satisfaction statement, then a draw request can be submitted to DCA.

Other Inspections

If the job is complicated or problems arise with any of the parties involved, or if unforeseen conditions arise, the Recipient may need to do additional inspections between formal inspections in order to resolve issues or prevent serious problems.

As previously stated inspection of the work in progress is essential to assure that all the work is performed and completed in accordance with the Specifications and Codes and properly monitored to prevent serious disputes before they happen. The question is: how many and how often? There is only one way to determine the frequency of inspecting work in progress, and that is by experience. Some Contractors require closer attention than others. The Contractors who have become accustomed to your frequent inspection routine will not feel harassed. In fact, they should welcome your presence.

Frequent inspections will: (1) prevent many disputes from arising; (2) assure the homeowner that the community is protecting his or her interest; (3) prevent the Contractor from extra expenses borne of needless work that could have been prevented had the Housing inspector been on the site to advise the Contractor before the work was performed; (4) remind the Contractor of the remaining amount of contract time.

Retention

All progress payments should be contingent not only on the percentage of work completed but also upon the contractor making satisfactory progress. The practice of reserving a portion of the payment provides an incentive for the contractor to complete the work in a timely manner and correct problems promptly. This practice also provides a protective cushion to the program if a contractor fails to complete the work and the Recipient has to engage another contractor to complete the work.

DCA recommends that the Recipient retain at least ten (10) percent of every progress billing including the final billing until the entire project has passed the final inspection.

Change Orders

Each Recipient has included in their CHIP Program Policies and Procedures their policy on changes in the scope of work. While every effort was made to include all required work in the original work write up, unforeseen conditions may arise that will require a change order. Some unforeseen conditions might include a collapsed wall, wood that appeared to be sound but was found to be rotten, materials became unavailable due to events beyond any reasonable person's control, or unforeseen termite damage. While it is sometimes impossible to detect every hidden code or property standard violation at the initial and final inspection completed prior to construction, simply failing to include an otherwise noticeable work item on the original scope of work is not generally allowed to be addressed after construction commences. Additionally, contractor error in estimating the project or doing the work is not typically allowed in a change order if the result is an increase in the cost of the job.

If additional unforeseen problems arise during the performance of the work, the solution is to prepare an Amendment to Contract describing the item(s) of work and the additional costs and the additional number of days that would be needed to complete the work. All of these items need to be added by amending to the contract. This document is more commonly referred to as a "change order." The procedure for obtaining a reasonable amount to do the additional work is basically the same principle in securing a negotiated bid.

The change order process includes:

- The Recipient prepares a list of the additional work on the Amendment to Contract/Change Order form describing it in detail as in the work write-up.
- The Contractor will price each item listed and submit the Amendment to Contract/Change Order Form to the Recipient for review.
- The Recipient will determine whether or not the cost and the additional time are reasonable and document justification by comparing the Contractor's proposal to local cost estimates.
- The Recipient discloses the Amendment to Contract/Change Order Form with the figures to the homeowner for final approval.
- With the Homeowner's concurrence, the Amendment to Contract/Change Order Form is prepared and executed. The Amendment must be signed by the Contractor, Recipient AND Owner, and becomes part of the contract.

NOTE: Change orders should also be executed to extend the contract expiration date when necessary to allow for excusable delays. If the extension of time is overlooked, the Liquidated Damages clause could be triggered inappropriately.

Excusable delays and liquidated damages should be addressed in the general conditions of the construction contract

The process for change orders in the Recipient's CHIP Program Policies and Procedures should include a review process so they are not perceived as routine by the contractors.

Other records may be affected by change orders such as the contract and the CHIP loan documents which may need to be revised to reflect any increase in the amount of CHIP or terms of the CHIP loan, including either an increase or decrease in the required affordability period.

Conflict Resolution
During the course of the project a circumstance may arise where all parties in the project cannot come to terms. Most common are conflicts between the owner and the contractor. However, on occasion either the homeowner or the contractor may disagree with some aspect of the program.

Some Recipients establish a Board or Committee of Arbitration to conduct hearings with the contractor, Recipient and/or homeowner on any disputes that cannot be resolved. The Arbitration Board should be composed of neutral parties who make a binding decision. This board could consist of:

- Homeowners from the community or target area
- Building material suppliers
- Social workers
- Outside construction contractors
- Attorney
- Recipient official(s)
- Non-profit housing official(s)

Prior to resolving a conflict through the Arbitration Board, the Recipient should arrange a meeting at the site with all concerned parties. Hopefully a decision can be reached and agreed upon on the spot. However, if there are any doubts, no commitments should be made until the Recipient has time to further investigate the matter. Above all, the Recipient should be sure that all disputes arriving from the work are resolved before the case is ready for the final inspection. If the dispute cannot be resolved, the matter should be referred to the Arbitration Board. The terms of arbitration should be set forth in the construction contract and these terms should be fully disclosed and understood by all parties to the contract before execution, if this is the method of dispute resolution as required by the Recipient's CHIP program Policies and Procedures.

Final Inspection and Final Payment
Once the project is totally completed, the contractor can then request that the Recipient arrange for a final inspection.

It is critical that all inspections as set forth in the Recipient's approved award application and CHIP Program Policies and Procedures are conducted. Some Recipients set forth that the interim and final or at a minimum the final inspection would be conducted by an official of the Recipient's building or code department in addition to the program's housing inspector or administrator. Some Recipients set forth special arrangements with outside building officials from

neighboring communities to conduct inspections, both interim and final, or at least at final, in the absence of a building or codes official for the Recipient. Regardless of who was set forth in the approved award application, the designated inspector(s) must complete and sign off on the final inspection.

Final inspections should always be conducted at the request of the contractor and never conducted on the assumption that the work has been completed. Before the final inspection, the Recipient must be assured that all of the required inspections, including required code inspections, have been completed and signed off by the appropriate authorities.

When the Recipient makes the final inspection, the work write-up and all of the change orders should be used as a checklist to ensure compliance. Any work items that do not meet the Recipient's Written Rehabilitation Standards should be listed and defined as to the nature of the discrepancy. This "punch" list should be given to the contractor with instruction to contact the Recipient when the items have been completed.

Upon the satisfactory completion of the punch list items, the Recipient should prepare the Certificate of Final Inspection. The Recipient can process the final construction draw provided the contractor has remitted the final invoice and all required releases of liens, copies of warranties, and insulation certification, if applicable. The DCA Contracts and Sub-Contracts Completed Form must be included with the final project draw in order for DCA to meet its HUD reporting requirements.

As with the progress inspections, the general contractor and all sub-contractors and material suppliers must provide the releases of liens. As with the interim or progress payments, the general contractor signs the General Contractor's Invoice, Release of Liens and Warranty, serving as a final invoice, release of liens, and a guarantee or warranty of the work for a period of one year.

The Recipient signs the Certificate of Final Completion certifying that the work has been completed in accordance with the contract; that the property conforms to the requirements of the Recipient's CHIP Program Policies and Procedures; to the Recipient's required property standards (codes); and the property conforms to the HUD Lead Based Paint regulations at 24 CFR Part 35.

Typically, Recipients withhold a portion of the final payment until the Certificate of Final Inspection is signed; the Recipient is satisfied all of the work is complete and up to program standards; and, all disputes are resolved.

After the final inspection has occurred and the releases of liens have been obtained and the Certificate of Final Inspection is executed, it is now time for the owner to authorize final disbursement of funds based on his/her satisfaction of the work completed.

The owner signs the satisfaction statement which is witnessed by a notary and notarized and the Recipient can request the final project draw from DCA.

Drawing Down Project Funds from DCA

Once a project has received a set-up confirmation with a HUD project number, a Recipient may begin to draw down funds for project construction costs, project delivery fees, and other project based soft costs. **All draws must be supported by detailed, itemized invoices, progress inspections with pictures (if available) that are maintained in the Recipient's project file.**

Project Completion and Closing the File

Warranty
The construction has been completed and the Recipient obtained the notarized releases of liens; the notarized owner satisfaction statement and made the final disbursement for the construction. As part of the project completion process, the Recipient should send a letter to the owner reminding them of the warranty. Contractors are required to warrant their work for a period of one year. The contract as well as the General Contractor's Invoice Release of Liens and Warranty clearly recite this requirement.

The letter to the owner should explicitly explain the beginning and ending period of the warranty and instructions on how to go about resolving a warranty issue. The letter should make it clear that warranty issues are to be resolved directly with the contractor. Both owners and contractors should be made aware of the Recipient's limited capacity to intervene, although the Recipient may be required to assist the low income homeowner in this regard.

All appliance and termite and systems warranties should be provided directly by the contractor to the owner with copies obtained for the project file.

Send Project Completion Report to DCA
As soon as possible after project completion but no later than sixty (60) days, the Recipient is required to send the project completion report (Homeowner Rehab Set Up and Completion Form) to DCA.

Re-review Project File
The Recipient should re-review the Homeowner Rehabilitation Checklist and make sure that all required documents are in the project file.

Monitoring and Change of Ownership

In accordance with the requirements set forth in the General Conditions of the CHIP award, the Recipient has agreed to manage the day to day operations of the CHIP program and to monitor all activities to assure compliance with the HOME regulations, all requirements of the CHIP Manual and all other applicable federal, state and local laws and regulations.

Under the CHIP program two major requirements apply to the compliance period including the recapture provisions and the principal residency provisions. In regard to the recapture provisions, these provisions should be self-enforcing due to DCA's requirement that the Deed of Trust is recorded. However, monitoring for continued occupancy in the event the CHIP assisted household moved away or rented the property is not so easily monitored.

CHIP assisted households certify that they will occupy the property as their principal residence for the entire affordability period, typically 5 or 10 years. While DCA understands that Recipients cannot always conduct annual site visits to each household assisted under their CHIP program, DCA requires the Recipient to keep a log of each CHIP assisted household with the beginning and ending dates of the required affordability period. **The Recipient is required to send on an annual basis a "DO NOT FORWARD" letter to each household on the anniversary date of the recorded loan documents to ensure that the original assisted CHIP household remains in the property as its principal residence. For any returned letters, the Recipient will implement procedures to follow-up with the CHIP assisted household and take measures to recapture the CHIP assistance due the Recipient.**

Reimbursement to DCA if Default Under the Terms of the Loan Agreement
Recaptured funds are HOME funds which are recouped by the Recipient when HOME (CHIP) assisted housing does not continue to be the principal residence of the assisted homebuyer for the full affordability period required by 24 CFR 92.254 (a) (4) for homebuyer projects and by DCA for rehabilitation projects. Recaptured funds are not considered "program income" but rather represent a return of the original HOME investment. Therefore, when the Recipient receives recaptured funds, the funds must be remitted to DCA, (to the attention of the CHIP Manager) for placement in the DCA HOME Investment Trust Fund local account. The remittance must be accompanied by a letter of explanation of the recaptured funds identifying the HUD project number, owner name and address.

Subordination Agreements
During the course of the CHIP loan, a Recipient may be asked to subordinate the CHIP loan to another loan which is being requested by the homeowner against the property. Most subordination requests are due to the owner attempting to improve their interest rate or payment schedule for an existing superior position loan; to obtain a new loan to consolidate exiting debt; or remove equity from the property for some other purpose. For technical assistance with these requests, please contact the CHIP staff for further clarification or instruction to complete.

Record Retention

This section provides a summary of the HOME program regulations at 24 CFR 92.508 regarding record retention.

The regulations require that homeownership rehabilitation project records must be retained for five years after the project completion date, except for documents imposing recapture/resale restrictions which must be retained for five years after the affordability period terminates.

Written agreement must be retained for five years after the agreement terminates.

Records covering displacements and acquisition must be retained for five years after the date by which all persons displaced from the property and all persons whose property is acquired for the project have received the final payment to which they are entitled in accordance with 24 CFR 92.353.

In the event there were any litigation, claim, negotiation, audit, monitoring, inspection or other action that had been started before the expiration of the required record retention period, records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the required period, whichever is later.

NEW CONSTRUCTION AND REHABILITATION OF VACANT HOMES ACTIVITIES

Flow Chart

Contract with DCA- Step 1

- Written Policies & Procedures
- Clear Broad Environmental Review
- Meet Federal and State Requirements

Contract with DCA – Step 2

- Determine Project Timeline
- Secure Other Financing
- Determine Current Market Value
- Develop House Plans
- Site Specific Environmental Review
- Contract with Pre-Purchase Housing Counseling Partner

Select Developer

- Prepare the Bid Package
- Invite Builders to Bid
- Bid Opening
- Select and Notify the Builder

Follow the Steps Below for Each Home

Submit the **Pre-Setup** Packet to DCA for Approval

Construction Contract

- Hold Preconstruction Conference
- Execute Construction Contract
- Issue the Notice of Commencement

Submit the **Setup** Packet to DCA for Approval

Construction

- Inspections
- Change Orders

Submit **Revised** Setup Packet to DCA for Approval **if Necessary**

Submit **Draw Requests** with **Inspection Reports** to DCA for Payment

Project Close Out

- Final Inspection
- Release of Liens

Introduction- New Construction

The following section of this manual is intended to assist Recipients with the step-by-step administering of the CHIP New Construction and Rehabilitation of Vacant Homes for Sale to Eligible Homebuyers.

Recipients administering CHIP new construction activities are required to comply with the HOME regulations at 24 CFR Part 92. The Policies and Procedures/Written Construction Standards and Specifications do not negate the need for securing your attorney's opinion and approval when necessary. The HOME program regulations can be accessed at:

https://www.hudexchange.info/programs/home/home-final-rule/

CHIP funds may be used to develop homeownership through new construction, rehabilitation, or reconstruction. Funds will be provided to acquire, rehabilitate, or newly construct single-family units to be sold to low and moderate income home buyers. Single-family units are defined as structures with 1-4 units. CHIP Recipients can contract with a Developer for new construction, rehabilitation, and/or reconstruction of single family units. The Developer shall be responsible for the day to day management of the development (either new construction or rehabilitation).

Developers who are contracted by the Recipient shall be paid a 15% developer fee of the total development cost. The total development cost does not include the value of the land if funds are provided to acquire the land. This amount may be reduced if there is an identity of interest between the developer and the contractor working on the development.

In instances where the sales price less a 15% developer fee may be less than the total development cost, the developer fee will be limited to 15% of the sales price and the remaining balance after applying the sales proceeds will be provided as a grant to the developer. The maximum development subsidy amount is $20,000.

Recipients are eligible to receive project delivery costs of up to 5% of the HOME-funded total development cost. All eligible project delivery costs must be identified by the Recipient.

If the application proposes the development (either new construction or rehabilitation) of housing units that will be sold to low and moderate income home buyers, a formal agreement between the Recipient or Developer and a HUD-approved housing counseling agency to provide pre-purchase housing counseling services to all new home buyers will be required. Each homebuyer is required to attend housing counseling before the purchase of a CHIP funded home. Partnerships that consider post-purchase education services for each new home buyer are encouraged.

Whenever CHIP funds are used for either of these types of developments, the work must be performed according to DCA's Written Rehabilitation Standards and Specifications which describe the methods and materials (which address health and safety, habitability and functionality, useful life of major systems, lead-based paint, accessibility, disaster mitigation, and other improvements), construction plans, work write-ups and cost estimates, property inspections

procedures, frequency of inspections; and payment schedule. At a minimum, the unit must be constructed or rehabilitated to all state and local code requirements and must pass an inspection that addresses all of the inspectable items under HUD's Uniform Physical Condition Standards (UPCS). Recipients will be required to adopt and submit as an addendum to DCA's Written Rehabilitation Standards the local codes applicable to their locality.

A Recipient that has been awarded CHIP funds has already established the basic program design. The basic program design was set forth in the CHIP application and approved by DCA through the issuance of a CHIP Recipient Grant Agreement that includes the Program Plan and General and Special Conditions. Implementation of the program must be in keeping with the approved CHIP award and General and Special Conditions, the HOME Program Regulations, and all DCA CHIP policy memorandums and clarifications.

DCA may modify or update the Policy and Procedures periodically at its sole and absolute discretion or as required by changes to federal regulations. Recipients are responsible for maintaining knowledge of these changes and implementing the most up-to-date requirements established for the program.

Eligible Activities and Costs

The CHIP Program is regulated by DCA and HUD in conformance with 24 CFR Part 92, the HOME Final Rule. The following are the major activities and costs permitted under the program.

In general, the following activities are eligible under the CHIP Development Program:

1. Acquisition: Funds used for property acquisition necessary for the construction of homeownership units are allowable.

2. Construction Financing**:** Funds may be used for the hard or soft costs of development of the housing units.

3. Development Subsidy: This is available to developers of homeownership units when the appraised value/sales price of the completed home minus the approved developer's fee maximum of 15% is less than the total development costs. In these circumstances, the developer fee will be limited to 15% of the sales price and the remaining balance after applying the sales proceeds will be provided out of CHIP funds as a grant to the developer. The maximum development subsidy amount is $20,000.

4. Home Buyer Subsidy: A Home Buyer Subsidy is the amount of funds needed to fill the gap between the sales price of the home and the mortgage amount for which the purchasing household qualifies. The maximum amount of homebuyer subsidy per unit is $14,999 and the minimum amount is $1,000. The Home Buyer Subsidy should be made available to the purchaser of the unit as a 0% interest, deferred payment loan and must be secured with a HOME written agreement that is separate from the other loan documents.

A. Eligible Development Costs

1. Infill Construction vs. Subdivision Development

Development may occur on both scattered site lots or on a single site which will be divided into separate lots where one unit will occupy one lot.

For the purposes of this Program, DCA will consider a "Subdivision" as any project that is one contiguous piece of property that will be split into multiple lots for the development of single family units and which will include the installation of utilities on the property for service to each lot.

DCA will consider as "scattered site" any project that includes scattered lots where each lot is surrounded on two sides by established residential units and each lot does not require the installation of utilities to the lot. To be considered "surrounded on two sites by established residential units," a Recipient may consider lots immediately adjacent to the lot in question or immediately across the street from the lot in question. Further, if several adjacent vacant lots exist, all lots may be considered as one parcel for the sole purpose of determining if the lots qualify as "scattered site."

2. Eligible Forms of Development

a. New Construction - Units developed through the CHIP Program may be new construction.

Adjacent vacant, scattered site lots may be combined into one parcel and one unit built on the parcel if each lot individually does not meet local zoning codes for the construction of new single family housing.

Similarly, if the separate cost of rehabilitating two existing units exceeds 75% of the after-rehabilitation appraised value of each unit and, if local zoning codes prohibit the construction of a new unit on each existing lot, the lots may be combined and one unit constructed as a "new construction" activity under the CHIP Program.

b. Rehabilitation - Rehabilitating a vacant, dilapidated single family dwelling unit where the estimated cost of rehabilitation of the existing unit is less than 75% of the total estimated after-rehabilitation value of the existing unit is an eligible activity. Upon completion of construction, the unit must meet all applicable local codes and property standards as defined by the CHIP Program. If the unit was built prior to 1978, the unit must be rehabilitated following all Lead-Based Paint guidelines.

B. Total Development Budget - Eligible Costs

The following costs are eligible under the CHIP Program and may be included as part of the Total Development Budget for each site:

1. Eligible Acquisition Costs: Eligible acquisition costs are those costs related to the acquisition of a site(s) for the project. These costs include land, existing structures on the land, and costs associated with obtaining legal title and closing on the site.

2. Eligible Development Hard Costs: Eligible development hard costs are those costs required to construct, reconstruct or rehabilitate properties to meet applicable state and local building codes (including the Model Energy Code), accessibility requirements, and Single Family Development Minimum Construction Standards to ensure that the Georgia Dream Single Family Development Program-assisted housing is decent, safe and sanitary, and to make other essential improvements, including, but not limited to:

    a. Energy-related repairs and improvements;

    b. Accessibility improvements for individuals with disabilities (whether to comply with ADA requirements or otherwise);

    c. Abatement of lead based paint hazards;

    d. Repairs and/or replacement of major housing systems in danger of failure;

    e. General property improvements (in accordance with DCA policy) which are non-luxury in nature; and

    f. Demolition of existing structures on a site where reconstructed or newly constructed housing will be developed.

Eligible hard costs include the following line items: site preparation, landscaping, road construction, utilities and storm sewer, residential construction, and construction contingency.

3. Soft Costs: Related soft costs (costs incurred by the owner, paid to a third-party provider other than the Recipient or Developer and associated with the financing or development of reconstruction, new construction, rehabilitation or acquisition) are eligible costs. The following are eligible, related soft costs:

    a. Architectural, engineering or related professional services required to prepare plans, drawings, specifications or work write-ups (including the reasonable cost associated with compliance under the State Programmatic Agreement on Historic Preservation);

    b. Costs to process and settle the financing for a project such as private lender origination fees, credit report, fees for title evidence, fees for recordation and filing of legal documents, building permits, attorney fees, private appraisal fees and fees for an independent cost estimate, and builder's or developer's fees that are reasonable and customary;

c. Impact fees, hook-up fees and property taxes;

d. Insurance costs, including an initial flood insurance premium;

e. Costs for security at the construction site;

f. Costs to inspect the project for compliance with Program and local/state building codes; and

g. Costs to market the completed units to prospective home buyers or tenants.

4. Project Delivery Costs: Recipients are eligible to receive a project delivery fee of up to 5% of the HOME-funded total development cost. All eligible project delivery costs must be identified by the Recipient and may include items such as project design and implementation, environmental reviews, underwriting, document preparation, the cost of inspections, and oversight of the Developers.

5. Program Income: Proceeds generated from the disposition by sale or long-term lease of real property acquired, rehabilitated, or constructed with HOME funds is considered Program Income. All program income generated by the development throughout the loan term may be retained by the Recipient and used for additional HOME-eligible housing development activities.

6. Developer's Fees: Fees to developers that complete developments funded under this NOFA shall be up to 15% of DCA's HOME investment cost not including the value of the land if acquisition funds are provided. This amount may be reduced if there is an identity of interest between the developer and the contractor working on the development. The developer fee should be pro-rated among all funding sources.

7. Other costs: Other miscellaneous costs which are also approved by DCA at its sole and absolute discretion. These costs may include interim construction financing. Please contact DCA for consideration of Other Costs which may be allowable.

C. Total Development Costs - Ineligible Activities and Costs

The following costs are ineligible under the CHIP New Construction and Acquisition and Rehabilitation Program and may not be included as part of the Total Development Budget for each site:

1. Acquiring property which is not part of a CHIP-eligible housing unit.

2. Installing off-site improvements (development on any property not owned or under the control of the Developer.

3.Paying for any cost that is not eligible under §92.206 through §92.209 of 24 CFR Part 92, HOME Investments Partnerships Program.

4. Rehabilitating or constructing any property occupied by an existing owner.

Maximum HOME Investment

The minimum subsidy amount for any unit is $1,000 as required by HOME Program regulations. The maximum amount shall be the 221(d)(3) limits as determined by HUD. These limits can be found at the following link:

https://www.hudexchange.info/resource/2315/home-per-unit-subsidy/

Maximum Home Sales Price

The maximum sales price of a newly constructed housing or acquisition with rehabilitation should not exceed 95 percent of the median purchase price for the area. If there is no ratified sales contract with an eligible homebuyer for the housing within 9 months of the date of completion of construction or rehabilitation, the housing must be rented to an eligible tenant in accordance with §92.252.

Affordability Period Requirements-Recapture Provisions

Recapture provisions must ensure that CHIP recoups all or a portion of the HOME assistance to the homebuyers, if the housing does not continue to be the principal residence of the family for the duration of the period of affordability. The HOME investment that is subject to recapture is based on the amount of HOME assistance that enabled the homebuyer to buy the dwelling unit. This includes any HOME assistance that reduced the purchase price from fair market value to an affordable price, but excludes the amount between the cost of producing the unit and the market value of the property (i.e., the development subsidy). The table below provides the required affordability periods:

CHIP Investment per Unit	Length of Affordability	Amount considered satisfied for each year of the period of affordability completed in its entirety
Less than $15,000	5 years	1/5th
$15,000 - $40,000	10 years	1/10th
More than $40,000	15 years	1/15th

CHIP funds that are invested in projects that do not meet the established Period of Affordability requirements will be subject to recapture based on policies outlined in Administration Manual. The development subsidy is not subject to recapture under this provision.

Homebuyer Qualifications

Income Eligibility Requirements

The program will serve homeowners and tenants with incomes at or below 80% of the area median, adjusted for household size. The current income limits published by HUD can be found by visiting the HUD website located here: https://www.huduser.gov/portal/datasets/il.html

Methods for determination of annual income will be consistent with HUD requirements under 24CFR 92.203. All income and assets must be documented by either a review of documents or third party verification. The requirement for third party verification of income and assets should be clearly set forth as well as the requirement that income is projected for the coming twelve month period from time of verification. All income and asset verification documentation must be current to within six (6) months of the loan closing or lease execution. This allows Recipients to efficiently determine income eligibility of applicants for rehabilitation loans, homeownership assistance, etc.

All sources of "gross household income" and earnings of all adult members anticipated to be received in the 12-month period following the effective date of income certification(s) which will be used to determine whether the applicant is eligible for assistance, must be verified and documented. Copies of these documents must be maintained in the applicant file. Communities must use one or more of the following means of documenting the applicant's recent income.

Please see Pre-Qualifying Applicants in the Owner Occupied section of this Manual .

U.S. Citizenship Qualification

Each member of a household that receives assistance must be lawfully within the United States. Each household member over the age of 18 years must complete a "Declaration of Citizenship Status" form. The parent/guardian must complete a "Declaration of Citizenship Status" form for each minor child under the age of 18 years. Evidence of citizenship status for all household members must be in the file.

Conflict of Interest Qualification

The proposed residents of all units must sign a document stating that they have no relationship to anyone who has a decision-making role or inside knowledge of the HOME process, financial or contractual interests in a HOME activity, or anyone who can obtain benefits of any kind from a HOME activity. This extends to anyone with whom a person has familial or business ties during the funding process and up to one year thereafter. If an individual knowingly has any of the aforementioned connections to a HOME activity, and has not made these ties public, then she/he has violated Federal Conflict-of-Interest statutes.

Primary Residence:

The homebuyers must use these homes as their primary residence.

Homebuyer Counseling

Homebuyers must receive pre-purchase housing counseling before purchasing a HOME-assisted unit as per 24CFR §92.254(a)(3). Recipients may not charge a fee to the homebuyer for the receipt of housing counseling assistance but may include a fee of up to $100 as part of the Project Delivery Costs associated with the activity. If a third-party provides such services to the homebuyer, the fees charged must not exceed $100 and the fees charged to and paid by the homebuyer. The amount paid by the homebuyer may be counted toward the $1,000 minimum household contribution required of all borrowers.

Recipients are responsible for ensuring that the CHIP-assisted homebuyer completes the homebuyer counseling. A Certificate of Completion of the required counseling or evidence of completion from a housing counseling provider must be maintained in each individual project file.

Loan Terms and Conditions and Minimum/Maximum Subsidy

Each home buyer of completed units will be required to secure their own mortgage financing following the determination that they meet HOME income eligibility requirements. All CHIP funds provided to the homeowners are subject to a promissory note and a deed to secure debt between the Owner Occupant as mortgagor and the Recipient as the mortgagee.

Home buyer subsidy loans will be made available to the homeowner at a 0% deferred payment second mortgage loan payable only when the home is sold, refinanced, or no longer used for their principal residence during the affordability period. ***The minimum subsidy amount for any unit $1,000 as required by HOME Program regulations. The maximum per unit subsidy amount shall be $14,999. A percentage of the loan will be forgiven annually in equal installments over the applicable minimum five (5) year period of affordability.***

Required Homeownership Documents

All loans made to home buyers using CHIP funds will be secured by a lien attached to the property occupied by the borrower. The following documents must be provided by the lender at closing:

- Deed to Secure Debt
- Loan Agreement
- Promissory Note
- Homeowner Notice Right to Rescind
- Real Estate Note
- Affidavit to Execute Amended Promissory Note

Transfer of Home Buyer Loans

In the event of the death or incapacity of a homeowner(s) during the stated period of affordability, transfer of property to an eligible low or moderate income household that is an immediate family member of the original homeowner will be permitted.

An "immediate family member" is defined as a spouse, parent, brother, sister, or child of that person, or an individual to who that person stands loco parentis.

Any immediate family member that wishes to assume responsibility of the loan must contact the Recipient for an assessment. The family member must meet all qualification criteria for CHIP funds, including:

Borrower Eligibility Requirements

- Income
- Age
- Occupancy
- Mortgage Status

Property Eligibility Requirements

- Property ownership and type
- Property tax
- Property insurance

The Recipient will conduct third party verification and obtain all required documentation to determine if the household meets all the eligibility requirements.

The immediate family member that is to assume responsibility of the loan is responsible for transferring title of the property into his/her name. The immediate family member is also responsible for preparation and processing of all documents related to loan assumption. All costs associated with transferring the title of the property and loan assumption will be the sole responsibility of the immediate family member, including any legal fees, filing fees, taxes, and any other costs incurred with such process. The immediate family member will have 180 days after the death of the original homeowner to complete the title transfer and loan assumption. If an immediate family member has not completed the process of title transfer and loan assumption within the specified timeframe, the original loan is considered "*in default.*"

All assumed loans will continue with the original loan terms outlined in the Loan Agreement, Deed to Secure Debt, and Promissory Note.

DCA CHIP Homebuyer Underwriting Policy

Background

At 92.254(f), the HOME Rule requires that Participating Jurisdictions (DCA) establish and implement homebuyer program policies that address underwriting standards for buyers of HOME-assisted units, responsible lending standards, and subordination requirements. In August 2018, HUD issued CPD Notice 18-09: Requirements for HOME Homebuyer Program Policies and Procedures detailing these requirements.

This Policy has been developed as a resource for CHIP Recipients as they develop, update, and refine their local policies. It is intended to incorporate both minimum HOME expectations and best practices that DCA has considered. CHIP Recipients can use this as a starting point for the development of their own policies but it is important to note that it should be adapted to reflect local circumstances.

HUD has not established specific metrics in terms of debt-to-income ratios, interest rates, or the like but does require HOME recipients to establish requirements that are reasonable and make sense in the local market.

Finally, this Policy primarily addresses underwriting expectations that influence how much assistance needs to be provided to a given buyer; it is not intended to address all local policies and procedures or all HUD requirements that may apply to homebuyer transactions. For example, recipients still need to ensure that their local policies designate which definition of income will be

used, how recapture policies may be applied, and that the homes purchased meet HOME requirements, among other things, related to their physical condition and value. Additionally, recipients should incorporate their local procedures identifying roles and responsibilities of various program participants, documentation standards, approval processes, and the like.

As part of the local HOME Program, DCA provides assistance to low income homebuyers and this assistance can be used toward an eligible buyer's down-payment or closing costs or can be used as direct financing that reduces the size of a buyer's primary loan (i.e. first mortgage) to a level that is affordable.

By providing assistance to homebuyers, CHIP Recipients have to balance potentially competing perspectives. First, CHIP Recipients should ensure that participating buyers will be successful homeowners. The program should target households who are ready for homeownership and provide enough assistance to make the home affordable. At the same time, buyers should only be provided with the assistance they "need" so the homebuyer is not over subsidized with assistance. Finally, CHIP Recipients should ensure that assisted buyers are informed consumers and avoid the use of risky lending products.

To balance these priorities, DCA has developed these underwriting guidelines, which are based on the following key principles.

- Assisted buyers should have established credit to qualify for competitive lending products on par with those offered to credit-worthy unassisted buyers in the local market. Buyers should be chosen based on their creditworthiness to sustain homeownership without requiring a larger subsidies which reduces the impact of the CHIP program.

- Assisted buyers should make reasonable and meaningful contributions to their home purchase in terms of both up-front investments and monthly payment without being overburdened by their monthly payment or left without cash reserves after closing.

Applicability and Exceptions
This policy applies to the sale of any homes built or acquired and rehabilitated by a participant in the DCA CHIP program. While there may be individual cases where these requirements may be waived, CHIP Recipients should request specific exceptions in writing prior to making any commitments to prospective buyers who cannot qualify within these criteria. CHIP Recipients are reminded that they will be responsible for representations and/or commitments made to prospective buyers without prior approval by DCA.

Maximum Homebuyer Assistance
The maximum CHIP assistance available for a buyer is $14,999. Not all buyers will qualify for the maximum assistance. The assistance available to any given buyer is based on the CHIP Recipient's assessment of the buyer's need taking into account the additional criteria outlined below.

Income Determination
The housing must be acquired by a homebuyer whose family qualifies as a low-income family, and the housing must be the principal residence of the family throughout the period described in paragraph (a)(4) of this section. All eligible household members income must be calculated to determine the household income. Please refer to Owner Occupied Rehabilitation of this Manual for a more comprehensive sources of determining Income sources when Pre-Qualifying Applicants

CHIP limits eligibility to buyers with incomes are between 40% and 80% of the Area Median Income (AMI) as adjusted for household size. HOME regulations limit assistance to households with incomes at or below 80% AMI. While CHIP is concerned about the housing needs of lower income households, it also recognizes that homeownership requires buyers to have sufficient discretionary income to maintain their homes over time, absorb increases in taxes and insurance, and otherwise address unexpected expenses. As a result, the CHIP Program focuses its homebuyer assistance on buyers with incomes in excess of 40% AMI.

In all cases, income eligibility will be determined using the Part 5 (Section 8) definition of income. For guidance on this definition go to:
https://www.hudexchange.info/resource/2701/sample-format-for-calculating-part-5-annual-income/

In addition, Recipients are encouraged to use the HUD Income calculator to determine the households income. The income Calculator can be found at https://www.hudexchange.info/incomecalculator/ The total household income will be used for eligibility purposes and must be documented with at least two-months of source documentation (e.g. paystubs, benefit records, bank statements). Income attributable to all household members, whether or not related to one another by blood or marriage, will be included for eligibility purposes.

However, for underwriting purposes to determine the appropriate level of assistance, the following adjustments will be made:

- The income of adults who will not have an ownership interest in the property will be excluded. For example, in a circumstance where an elderly parent is part of the household but is neither being listed on title to the property nor included on the loan documents, that individual's income will not be included in calculations of the income available to make the mortgage payment.

However, this exclusion for "non-purchasing" adults is not intended to artificially exclude the income of a household member with marginal credit. In the case of married couples, the income of both spouses will always be included for underwriting purposes.

- Significant sources of income such as social security benefits, child support payments, or the like that will not continue for three (3) years will be excluded. For example, while child support received for a 16 ½ year old is included in the Part 5 definition of income because

it will continue over the upcoming 12 months, the source of income will cease in about a year and a half when the child turns 18 and should not be counted on in sizing the buyer's mortgage.

- Any imputed income from assets will be excluded for underwriting purposes.

Buyer Expectations
To ensure that buyers are likely to sustain homeownership, assisted buyers must:

- Purchase the home for a reasonable price that does not exceed the fair market value as determined by an independent appraisal. CHIP Recipients should coordinate with the buyer's senior lender to obtain a copy of the lender's appraisal. Additionally, the home must have a sales price less than or equal to the applicable HOME Homeownership Value limit for the type (new or existing) and location of the home. These limits are updated annually by HUD and can be obtained from DCA.

- While documenting the market value via appraisal is a best practice, DCA does allow Recipients other means of determining value including an evaluation using comparable properties completed by a qualified Recipient representative or an estimate of value by the local tax assessor based on comparable properties in the same neighborhood.

- Contribute at least $1,000 toward down payment and closing costs. Additionally, buyers are encouraged to have sufficient cash resources (including savings, checking, money market, or other similar non-retirement accounts) such that after closing they have savings of at least three (3) times their total monthly payment, including principal, interest, taxes, insurance, and any association fees.

- ***Buyers with liquid assets in excess of $25,000 will be required to invest assets above $25,000 toward the purchase of the home before receiving CHIP assistance.*** For purposes of this requirement, liquid assets are those readily convertible to cash (including but not limited to savings or checking accounts, certificates of deposit, stocks and bonds, etc.). Liquid assets, however, exclude life insurance policies and any savings held in a tax-preferred retirement account (e.g. pension, 401(k), IRA, etc.), college savings plan (e.g. 529 account), or health savings account recognized by the Internal Revenue Service.

- Obtain a loan whose monthly payment (i.e. front end ratio) does not exceed 33% of monthly income and that does not result in a total debt burden (i.e. back end ratio) in excess of 43%. While the recent foreclosure crisis has reduced the availability of lending products that allow buyers to take on excessive monthly payments, some such products are still available. Even when assisted buyers are willing to take on larger monthly payments, the Recipient has determined that buyers with excessive payments are less likely to sustain homeownership.

- Be qualified by their lender to spend at least 20% of their monthly gross income on housing. Lenders often qualify borrowers to spend between 28-33% of monthly gross

income, so buyers qualifying only at payment levels below 20% of income usually have high consumer debt which increases both subsidy costs and the likelihood of foreclosure later.

Note, this criterion is not intended to eliminate buyers whose loan is limited by the lender's loan-to-value ratio resulting in a monthly payment less than 20% of income. For example, if a buyer could qualify to purchase a $100,000 home at a 28% ratio, but because the household is purchasing a $50,000 home, the actual payment will be less than 20% of monthly income.

- To ensure that other non-housing, non-debt costs do not unduly threaten an assisted buyer's ability to afford their first mortgage, the Recipient will consider the following non-discretionary fixed costs:
    - Dependent care expenses, including child or elder care necessary to allow adult members of the household to work, in excess of 15% of gross income;
    - Court ordered child support or alimony payments in excess of 20% of gross income;
    - Out of pocket health insurance premiums in excess of 10% of gross income.

In the event any such expense exceeds the limit or the combination of such expenses exceeds a combined total of 25%, the maximum back end ratio allowed will be reduced by the overage. For example, if a household has no dependent care or court ordered payments but has health insurance premiums equal to 15% of gross income. The back end ratio will be limited to 38% (43% minus the 5% by which the health care premium exceeds 10% of income).

To qualify, the buyer must still be qualified to spend at least 20% of their income toward housing without requiring assistance in excess of the maximum assistance limit.

In cases where fixed costs are in excess of these limits, the proposed monthly housing payment – inclusive of principal, interest, taxes, insurance, and any mortgage insurance or association fees – cannot exceed the household's existing housing payment (e.g. rent or payment on a prior home) by more than 10%.

- Complete Pre-Purchase Homeownership Counseling as required below.

- Obtain a mortgage or senior loan that meets the requirements outlined below.

Pre-Purchase Counseling Requirement

In December 2016, HUD published the Final Rule for Housing Counseling Certification which applies to homeownership counseling required by the HOME program. That rule, the final effective date of which is August 1, 2021, requires that CHIP assisted buyers receive counseling from HUD certified counselors employed by HUD- approved Housing Counseling Agencies. The rule also standardizes the content requirements for counseling. Until then, CHIP Recipients

continue to have the flexibility to determine in their local policies and procedures. DCA is working on policies and developing partnership to ensure that there are an adequate number of HUD-certified housing counseling agencies in Georgia by the 2020 compliance deadline.

To ensure that buyers are informed consumers, the following are required:

- Attendance within the past 12-months at a DCA-approved pre-purchase homeownership counseling course by all adult household members who will hold title and be party to the senior loan; and

- That such counseling consists of all applicable topics under the HUD Housing Counseling Rule delivered by a HUD-certified counselor working for a HUD-approved Housing Counseling Agency.

CHIP Recipients should provide the following language in their homebuyer policies:

[CHIP Recipient Name] has arranged for [Homebuyer Counseling Provider] to provide pre-purchase counseling to participating buyers. There is a fee of [$XX] to attend. Potential buyers should contact [Homebuyer Counseling Provider at [PHONE] or via [EMAILADDRESS] to register for an upcoming class.

Primary Loan Expectations

To ensure that buyers receive high quality loans that are sustainable over time, DCA requires that any buyer receiving CHIP assistance towards closing costs, down payment, or a portion of the purchase price receive a senior loan (i.e first mortgage) meeting the following criteria:

- The loan must be a "Qualified Mortgage (QM)" under the requirements of the Consumer Protection Financial Bureau (CFPB) outlined at 12 CFR 1026.43(e). Qualified Mortgages, among other features, limit total points and lender fees to reasonable levels. Qualified Mortgages also strictly limit pre-payment penalties and contain many other features intended to protect consumers.

There are exemptions from the QM standards for certain nonprofits (typically including Habitat for Humanity) and CDFIs depending on which products are actually present in the local market. In rural areas, USDA Section 502 Direct Loans are made directly from the federal government to the consumer and are not technically subject to the QM requirements but are otherwise perfectly appropriate loans for low-income buyers.

- Interest rates must be competitive and must NOT be a "Higher Priced" loan as defined by CFPB. Higher priced loans are those that exceed the Average Prime Offer Rate by more than 1.5% as of the date of the loan's rate lock. Loans can be checked against the Average Prime Offer Rate by visiting the following website: https://www.ffiec.gov/ratespread/newcalc.aspx

- Lending products should be fully amortizing 30-year fixed rate loans. While some buyers

may prefer shorter (e.g. 15 year) loans, the Recipient will only consider such loans on an exception basis if it determines that the buyer's payment is sustainable and that the use of a shorter-term product does not require additional CHIP assistance compared to a 30-year loan.

A mortgage with a term in excess of 30 years does not qualify as a "Qualified Mortgage" under the CFPB standards, so Recipients that wish to allow extended amortization periods may need to more carefully reconcile that with the first criteria in this section of this Policy.

- Loan products used must generally allow loan-to-value (LTV) ratios of at least 95%. While assisted buyers are not required to be approved for loan amounts equal to 95% of the purchase price, buyers who use more restrictive lending products (such as those limiting the LTV to 80%) will not receive CHIP assistance toward their purchase if they could otherwise afford the monthly payment on a larger loan. In short, buyers should obtain the largest loan they can reasonably afford, and DCA will not subsidize purchases more deeply to avoid mortgage insurance on higher LTV lending products.

Subordination of CHIP-Funded Liens

After providing assistance to eligible homebuyers, DCA has ongoing interests in the success of those buyers from the standpoint of both the CHIP program and as a local government concerned about the impact of foreclosures on its residents and neighborhoods. To help prevent future foreclosures and to protect the State's financial investment in assisted-units, subordination of CHIP funded liens to future refinancing by assisted buyers will only be considered under the following circumstances. (This policy will also apply to CHIP funded liens resulting from the homeowner rehabilitation programs.)

The new loan must be for one of the following purposes:

- To improve the rate and or term of the existing loan.

  For purposes of this requirement, the new loan may allow the assisted homeowner to finance their closing costs without being considered cash out. Additionally, nominal cash back at closing of less than $500 resulting from last-minute adjustments to payoff figures, closing costs, tax/insurance escrows and the like will not be considered "cash out."

- To take "cash out" through a refinancing transaction in order to complete needed repairs to the home.

  Any cash out refinancing for rehabilitation to the property must result in a total loan-to-value ratio (including the CHIP loan) of 90% or less. The cash proceeds of the refinancing must be escrowed with the lender and disbursed directly to a contractor.

The proposed new loan must meet all requirements in the Primary Loan Expectations section above.

- The proposed new loan must be affordable to the assisted owner within the lending ratios contained in the Buyer Expectations section above. The assisted owner's income must be re-verified prior to the refinancing, and the current income must be used to determine debt to income ratios. In no case may the monthly payment on the new loan exceed the original monthly payment by more than 10%.

Note, while the assisted owner's income must be re-verified to evaluate the loan's affordability, if the owner's income has risen above 80% AMI there is no violation of HOME. After the project is complete, there is no ongoing expectation that buyers will necessarily always remain low income.

A Homebuyer Feasibility Analysis spreadsheet (CHIP Form CN-4), should be used at Pre-Set Up when there is a specific house but unknow buyer (Project Affordability Analysis Tool) and at Final Draw and Completion when there is both a known buyer and a known home (Final Buyer Underwriting).

Property Eligibility Requirements

Purchase Price Limits
HUD has issued new HOME Property Value Limits. In 24 CFR § 92.254(a)(2)(iii) of the HOME Final Rule published on July 24, 2013, HUD established new property value limits for homeownership activities. These new limits apply to all homeownership housing to which HOME funds are committed on or after August 23, 2013, and will remain in effect until HUD issues new limits.

§ 92.254(a)(2)(iii) is revised so that PJs are no longer permitted to use the FHA Single Family Mortgage Limit [known as the 203(b) limit] as a surrogate for 95% of area median purchase price, as was permitted in the pre-2013 Rule.

This change was necessitated by statutory changes to the 203(b) statute, which, over time, increased the FHA Section 203(b) floor. With these increases, the 203(b) limits became a less reliable surrogate for 95% of area median purchase price. The HOME program statute requires that no housing have a purchase price or after-rehabilitation value that exceeds 95% of area median purchase price, in order to ensure that HOME-assisted housing is modest and non-luxury.

In the 2013 Rule, § 92.254(a)(2)(iii) is amended to eliminate the use of 203(b) limit and to change the methods for determining 95% of area median purchase price. HUD will determine and issue limits that represent 95% of the area median purchase price separately for newly constructed and existing single family housing units.

The new HOME Rule requires the State to evaluate the property value of a unit assisted based on whether the unit is considered "existing" or "new construction". HUD has determined the values of each for all counties in Georgia based upon prior years' sales data for each type of housing.

The most current HOME Property Value Limits can be found on HUD's website at:

https://www.hudexchange.info/resource/2312/home-maximum-purchase-price-after-rehab-value/

Property Standards

CHIP-funded properties must meet certain property standards. At minimum, all units must meet HUD's Uniform Physical Condition Standards (UPCS). However, the HOME regulation also requires that all housing that is rehabilitated or financed with HOME funds must meet all applicable local codes (including state codes), rehabilitation standards, ordinances, and zoning ordinances at the time of project completion.

Mandatory Residential Construction Codes

The State of Georgia has mandatory residential construction codes that are applicable to CHIP and that must be adhered to regardless of whether or not the Recipient enforces the codes. There are no exceptions to meeting these requirements for construction of CHIP-assisted homes.

These mandatory codes are as follows (the latest edition as adopted and amended by DCA):

- Georgia State Minimum Standard Building Code (International Building Code)
- Georgia State Minimum Standard One- and Two Family Dwelling Code (International Residential Code for One- and Two-Family Dwellings)
- Georgia State Minimum Standard Fire Code (International Fire Code)
- Georgia State Minimum Standard Plumbing Code (International Plumbing Code)
- Georgia State Minimum Standard Mechanical Code (International Mechanical Code)
- Georgia State Minimum Standard Gas Code (International Fuel Gas Code)
- Georgia State Minimum Standard Electrical Code (National Electrical Code)
- Georgia State Minimum Standard Energy Code (International Energy Conservation Code)

The permissive codes are as follows (the latest edition as adopted and amended by DCA):

- International Property Maintenance Code
- International Existing Building Code
- Residential Green Building Standard
- International Swimming Pool and Spa Code

As noted above, the building, one and two family dwelling, fire, plumbing, mechanical, gas, electrical and energy codes are mandatory codes, meaning that under Georgia law, any structure built in Georgia must comply with these codes whether or not the Recipient chooses to locally enforce these codes.

Administration and Enforcement of the State Minimum Standard Codes

In order to properly administer and enforce the state minimum standard codes, Recipients must adopt reasonable administrative provisions. The power to adopt these administrative procedures is set forth in O.C.G.A. Section 8-2-26(a)(1). These provisions should include procedural requirements for the enforcement of the codes, provisions for hearings, provisions for appeals from decisions of local inspectors, and any other procedures necessary for the proper local administration and enforcement of the state minimum standard codes.

These powers include:

- Inspecting buildings and other structures to ensure compliance with the code;
- Employing inspectors and other personnel necessary for the proper enforcement of codes;
- Requiring permits and the establishment of charges for said permits; and
- Contracting with other Recipients for code enforcement.

DCA periodically reviews, amends and/or updates the state minimum standard codes. If a Recipient chooses to locally enforce any of these codes, it must enforce the latest editions and the amendments adopted by DCA.

DCA has developed a sample resolution/ordinance that may be used as a guide for Recipients in the development of their administrative procedures. Please contact DCA for a copy of this sample resolution/ordinance and for any technical assistance needed in the development of a local code enforcement program.

Appendices

It should be noted that The Uniform Codes Act states that the appendices of the codes are not enforceable unless referenced in the body of the code, adopted by DCA, or specifically adopted by a municipality or county. If any appendices have been adopted by DCA, they will be noted in the Georgia amendments to the base code. Georgia Amendments to all of the codes listed can be found at https://www.dca.ga.gov/local-government-assistance/construction-codes-industrialized-buildings/construction-codes

Please contact the Office of Construction Codes and Industrialized Buildings of Georgia for more information concerning these amendments.

Architectural Standards

In accordance with requirements established by the federal government at 24 CFR 92.251 for the proper operation of the CHIP Program, DCA has established these Architectural Standards. All projects receiving CHIP funds from DCA for the purpose of building new property and rehabilitating existing property must meet or exceed these Architectural Standards. Incorporation of these minimum standards into all work scopes which control the level of construction to be performed on all properties is required. These standards have incorporated all State and local building codes, State energy codes and the HUD housing quality standards, and, in many cases, DCA requirements exceed the referenced State and Federal Requirements.

The CHIP Program requires that all units funded under the program meet the applicable Federal and State Accessibility standards as well as all DCA accessibility requirements. This includes the requirements of Section 504 of the Rehabilitation Act of 1973 as well as those visitability improvements identified in O.C.G.A. 8-3-172 within all units receiving CHIP assistance to the extent compatible with the rehabilitation work. (i.e. if code related improvements affect an entrance to the property, bathroom door or other applicable item, the improvement will incorporate work necessary to meet visitability requirements). Recipients must document why any visitability improvements required by this law were not incorporated into the assisted improvements for each home.

All units that will be reconstructed must be re-built to conform to the requirements of O.C.G.A. 8-3-172.

These Architectural Standards do not have the effects of replacing local codes or minimum property standards. All properties must meet or exceed applicable local codes and property standards. With the exception of off-site development costs, measures required to address local codes and property standards are eligible construction costs for properties receiving CHIP funds.

These Architectural Standards are applicable to new construction, reconstruction and rehabilitation construction. New construction, reconstruction and rehabilitation construction are governed by all local and state building codes and requirements.

Building Permits are required for all units to be funded under the CHIP Program, if building permits are issued in the community. Proof of inspections and approvals by local officials will be required prior to the loan closing for the purchase of a unit by an eligible home buyer.

Final determination as to a recipient's compliance with the Architectural Standards rests solely with DCA.

General Standards for all Properties

1. Drawings and Specifications-The architectural drawings and specifications must be in compliance with the Livability Standards found in HUD's Minimum Property Standards 4910.1 (1984). These are the minimum standards. Where DCA or local standards are higher, the higher standards will prevail. All Federal, State, and Local codes must be met, including all applicable Building and Fire Codes, applicable Federal and State Accessibility laws and requirements, Georgia Energy Code, and any other applicable requirements. In every case, the most restrictive requirement will prevail.

2. Contract Drawings-The contract drawings should be complete clear and consistent in order to minimize construction problems, schedule delays, discrepancies in documentation and cost overruns, all of which affect the overall construction process.

3. Exterior Construction Materials-All construction materials must be appropriate for lifecycle cost and ease of maintenance. All materials are to be installed according to manufacturer specifications using acceptable methods and materials that will result in the issuance of a manufacturer's guarantee. All materials must bear the label of an industry accepted testing or certification agency. Preference must be given to materials that represent low maintenance and longevity over the life of the property. Any major component of a rehabilitation project with less than five (5) years expected useful life remaining shall be replaced. Specific exterior construction material requirements are listed below:
   a. Roofing: DCA requires a minimum warranty of twenty (20) years for all pitched roofs that must be verified by the manufacturer. Note: flat roofs are not permitted in any construction. Gutters and downspouts are mandatory for all construction on all buildings.

b. Vinyl Siding: DCA requires commercial grade siding with a minimum thickness of .044 and with a 15-year warranty to be verified by the manufacturer.

c. Manufactured Siding: Siding must be 7/16" nominal thickness or equivalent with a 20-year warranty. The warranty must be verified by the manufacturer.

d. Wood Siding: Cedar or redwood in random lengths of 4'-0" or greater is acceptable. Any other wood siding product must be approved by DCA prior to order and installation. The warranty must be verified by the manufacturer.

e. Dryvit: The installation of dryvit, or similar products, must include protection of finish in high traffic areas and must be approved by DCA.

f. Stucco: Hard stucco may be used in some instances, but must be approved in advance of by DCA.

g. Soffits & Fascias: Consideration should be given to prefinished or low maintenance finishes to all fascias and soffits. Gutters and downspouts are mandatory for all construction and on all buildings.

h. Exterior Doors and Windows: Exterior doors must be 1¾" metal insulated or solid core wood, 20 minute rated door. Windows must have insulated glass and meet Georgia Energy Standards.

Visitability Requirements

All construction activities must meet all of the following visitability requirements of OCGA 8-3-172:

a. One No Step Entry through 36 inch door;

b. On first floor:
   1. Each interior door is at least a standard 32 inch door, unless the door provides access only to a closet of less than 15 square feet in area;
   2. Each hallway has a width of at least 36 inches and is level, with ramped or beveled changes at each door threshold;
   3. Each bathroom wall is reinforced for potential installation of grab bars;
   4. Each electrical panel or breaker box (located inside on first floor), light switch, or thermostat is not higher than 48 inches above the floor; and
   5. Each electrical plug or other receptacle is at least 15 inches above the floor.

Single Family Development Architectural Submittal Instructions

These instructions are established as an aid to the Recipient, detailing the necessary submissions, cost controls, scheduling, approvals and procedures to be used during the development of the proposed housing units. Disciplined adherence to these requirements, together with periodic consultation with DCA staff, is essential to ensure that scheduling deadlines are met and that a

high quality project will result. All submittals are required to be on the most current standard forms issued by the American Institute of Architects (AIA).

Summary of Submittal Requirements:

a. Location/vicinity map of each unit site within the community.

b. Conceptual Site Development Plan of each site should include:

- Easements existing on the property must be indicated on the plan. (Information should be compiled from public records and other appropriate sources).
- Wetlands and Floodplains. Applicant must submit maps and/or documentation from a qualified third party certifying that the eligible site is not located within a floodplain/wetland. Sites located within a floodplain/wetland area are not eligible for CHIP assistance.
- Existing single family housing unit(s) located within a flood plain is/are eligible. Flood insurance must be obtained and a certification from an Environmental Consultant that the unit is located within a flood hazard zone is due at the time of Application. (This information must be supported by the wetlands map, wetlands delineation report, and floodplain map submitted in the Environmental Screening Checklist).
- Utilities (water, sanitary and storm sewers, electricity, gas and telephone) must be located on the plan and contact information included in the notes.
- Use of all adjacent properties indicated both graphically and in written form.
- All zoning setbacks and any other zoning restrictions for the subject property must be graphically indicated.
- An indication of all structures, slabs, tanks and any other improvements existing on the property.
- An indication of any other features physical or otherwise that would affect the development of the subject property.
- The location of the proposed entrance access to the property and a layout of the unit, driveways, etc. must be indicated, and;
- An indication of all areas of tree and vegetation to be preserved and those to be installed.

c. Environmental Screening Checklist. (**see Environmental Review -Site Specific Environmental Review in Housing Rehabilitation Activities**)

d. Phase I and II Reports (if applicable).

e. Physical Needs Assessment for all existing improvements on the property.

f. Color photographs of the property and adjacent surrounding properties and structures, with location map. Aerial photographs are desirable and should be submitted whenever they are available. (Black and white photographs are not acceptable).

g. Any other documentation needed at DCA's sole discretion as requested.

Reconstruction Procedures

The initial property inspection will be completed once a property has been identified for possible assistance in the program. The purpose of the inspection is to determine if the property is feasible for rehabilitation, determine code required improvements and estimate the total cost of the regular (non-lead) rehabilitation work. Refer to the Owner-occupied housing rehabilitation section of this manual concerning reconstruction for additional guidance.

A standard Housing Rehabilitation Inspection Form can be used in conducting inspections to ensure completeness and consistency in the inspection process. This form will record the work required to meet the minimum property standards.

A work write-up is a set of specifications which sets forth the work to be done and materials to be used plus a cost estimate. A Rehabilitation Feasibility Test Form will be completed and a separate work write-up will be done for the lead interim control requirements for the home after the testing is completed by the lead risk assessor. The scope of repairs will be clearly stated and specifications will be sufficiently detailed to form a basis for obtaining bids from contractors. Generally, if it is determined that the hard cost of rehabilitation of a property is greater than $25,000 and the expenditure of funds is not justified, a determination of economic unfeasibility will be made. Although this determination must be based on a strong element of subjective judgment, certain relative objectives threshold criteria must also be applied. In the event that it is determined the property is not economically feasible for rehabilitation, another property must be identified for the program. If any HRSHD acquisition funds were used to acquire the property, these must be supplanted with other non-HOME funds by the Recipient or Developer as the site is not feasible for a HOME project to be completed.

Bidding Procedures

All contractor bids will be obtained through an "open, free competitive bidding" that is in compliance with 24 CFR 85.36(b) (8), which states contract awards shall only be made to responsible contractors possessing the ability to perform under the terms and conditions of the proposed contract. No sole source procurement will be allowed for any CHIP funded activities.

The Recipient must require that the Developer make efforts to notify the contractor community of the potential to bid. Solicitations from a minimum of three qualified contractors must be sought and no contract may be awarded for a project in which less than two bidders submitted proposals. A Bid Control Sheet will be used to document bids submitted and will include signatures documenting all who attended the bid opening. This sheet will be placed in the project file.

The Developer, under the auspices of the Recipient, will review all bids for responsiveness, accuracy, and reasonableness, record findings on Bid Control Sheet, and prepare a Bid Summary. The Bid Summary will compare each bid to the cost estimate. Bids will be considered reasonable if they are within 10% of the cost estimate. If the bids are not within 10% of the estimate, the Recipient will determine if the discrepancy is justified based on a careful review of the cost of individual work items.

The bid selected should reflect the lowest responsible bid complying with all program requirements, provided such bid is reasonable and in the best interest of the project.

Contractor Qualifications

Only those contractors who have submitted a complete application to the Recipient or Developer and have received approval from the Recipient or Developer shall be eligible to perform work under this program. Prior to issuing a notice to proceed to any contractor, the Recipient will search the Excluded Parties List System (EPLS) to confirm that the contractor has not been debarred from performing work in the State of Georgia. This list can be found at: https://www.epls.gov/

Upon clearance, a bid award will be provided to the selected contractor.

Eligible Contractor Requirements
All Contractors will have to provide:
- State Certified License
- Certificate of Insurance
- Model Accredited Renovator Certification
- Pass the State Clearance Process

In addition to the aforementioned, Lead Contractors have to Provide:
- Lead Certification
- Lead Abatement Certification

Criteria for selecting a contractor can include, but is not limited to:
- Quality of workmanship and response time on warranty work based on three references;
- Paying of material dealers and suppliers in a timely fashion based on references;
- Paying of sub-contractors in a timely fashion based on references;
- Adequate and valid insurance; etc.

Ineligible Contractor Requirements
The Recipient or Developer shall remove any contractor from the approved contractors list for one or more of the following reasons:

1. Continuous performance of unsatisfactory (poor quality) work, as deemed by the Recipient or Developer.
2. Failure to maintain REQUIRED insurance.
3. Failure to pay sub-contractors and/or material dealers.
4. Failure to respond to grievances from past customers.
5. Failure to respond to warranty work in a timely fashion.
6. Failure to maintain current license and/or registration.
7. Insolvency, bankruptcy, or other conduct or condition which has resulted in a monetary loss to a homeowner in connection with any contract funded through a state or federal program.
8. Failure to complete contract work or abandonment of a job.

9. Withdrawal of bid without justification.
10. Conviction of a crime in connection with any contract work, or connection with payment, or receipt of funds from ANY state or federally funded program.

All applicable state and federal regulations, equal opportunity provisions (including Section 3), conflicts of interest, etc. are incorporated into all construction contracts for housing rehabilitation to ensure that all housing goals and objectives are met.

Recipient and Contractors Terms and Conditions

Dates
The Recipient and Developer will agree on the commencement date and the contractor will be given an appropriate time period to complete the project. In the event of inclement weather or other conditions beyond the contractor's control, he/she will be given extra days equal to the actual time lost. If there are change orders or amendments to the original contract, the contractor will be given additional time to accomplish the changes. This additional time and cost will be agreed upon by the contractor, Developer, and the Recipient. If the contractor fails to complete the project within the allotted time, he will be penalized for the agreed upon amount as per the contract for each calendar day he exceeds the agreed upon completion date.

Draws
There is no limit to the number of draws allowed for each project. However, the minimum draw amount request that DCA will process is $10,000. All final payments will be contingent on the approval of the final inspection made by the Recipient and the Developer. DCA will withhold a 10% retainage from each payment until 30 days following satisfactory completion of the project.

Owner Satisfaction
The Developer must sign an Owner's Satisfaction Statement certifying that they are satisfied with the rehabilitation work each time a request for payment is submitted by the contractor and prior to any payment being issued to the contractor. In addition to the signed satisfaction statement by the Developer for a partial or full payment to the contractor, the releases of liens must be obtained from the general contractor and all sub-contractors prior to releasing any payments.

No payment made under the contract shall act as a waiver for the right of the owner to require the fulfillment of all terms of the contract.

Inspections

Interim Property Inspection:
The Recipient will perform interim inspections during the course of the construction work. At a minimum, the Recipient will perform two (2) interim inspections to ensure that the funds are used for eligible purposes and the work is being completed in accordance with the New Construction or Rehabilitation Standards. Inspections will be conducted in the presence of the Developer and

contractor, whenever possible, so that any problems can be identified, discussed and resolutions developed.

The Recipient will inspect the job each time a request for payment is submitted to ensure all work for which payment is being requested is complete. The number of allowable draws for each job will be identified in the construction contract. If only one final payment is allowed by the contract, the Recipient will perform two progress inspections during the course of the job.

If the job is complicated or problems arise with any of the parties involved, or if unforeseen conditions arise, the Recipient will make additional inspections as necessary to resolve issues or prevent serious problems.

Final Inspection:
Final inspections will be conducted by qualified staff of the Recipient at the request of the contractor. Prior to the final inspection, the contractor must submit documentation that all required inspections per permit, have been completed and signed off by the appropriate building official.

The work write-up and all of the change orders will be used as a checklist to ensure completion of all work items and compliance with Written Rehabilitation Specifications. A "punch" list will be given to the contractor identifying any remaining work items. Upon satisfactory completion of the "punch" list items, the Recipient will prepare the Certificate of Final Inspection.

After the final inspection has occurred and the releases of liens have been obtained, the Certificate of Final Inspection is executed, and applicable warranties and contacts are given to the homeowner, the owner can authorize final disbursement funds, by signing the statement of satisfaction. The Recipient may then request the final payment for the contractor.

Change Orders

Should unforeseen conditions arise that could not be detected in the original scope of work, a change order must be completed per the process below. Unforeseen conditions might include a collapsed wall, rotted wood that was undetected, unavailability of materials due to matters beyond reasonable control, or unforeseen termite damage. While it is sometimes impossible to detect every hidden code or property standard violation at the inspection completed prior to construction, simply failing to include an otherwise noticeable work item on the original bid is not generally allowed to be addressed after construction begins. Additionally, contractor error in estimating the project or doing the work is not typically allowed in a change order if the result is an increase in the cost of the job. If a need for a change order should arise and additional time is needed, the contractor will be given additional time to accomplish the changes. This additional time and cost will be agreed and approved by the signatures of the contractor, Developer, and the Recipient.

The staff of the Recipient shall inspect the property upon request and, if warranted, prepare an itemized list of work to be performed or modification on a Change Order form describing in detail, as in the work write-up. Justification for added or deleted items will need to be described in detail. The contractor will price each item as requested on the Change Order form and return it to the

Recipient for review. The Recipient will then determine if the figures are justified by comparison to the Local Cost Index and if so, send the request in to DCA for approval. When approved by DCA, the Change Order form will be executed by the Developer, contractor and Recipient, and will become a part of the contract.

Appeals and Disputes

The Recipient will administrate the following appeal procedure to settle any disputes that may arise between the Developer and the contractor. If an Arbitration board/committee has been appointed by the county/city, a mandatory arbitration using the Construction Industry Rules of the America Arbitration Association must be held.

If an Arbitration board/committee does not exist, grievances between the property owners and the contractor must be filed in writing to the Local Official/Authorized Official within five (5) business days of the incident. The Local Official/Authorized Official will have ten (10) business days to inform both parties of his/her decision. The decision of the Local Official/Authorized Official shall be final and conclusive.

Per this policy, all persons submitting an application for assistance and receiving CHIP assistance within the project activity location has the right to appeal any and all decisions for assistance and any types of assistance for which they may be eligible.

Compliance Monitoring and Recapture Provisions

In its capacity as a Recipient of DCA that has been chosen to administer a portion of the State's HOME program, the Recipient has primary responsibility for monitoring activities to ensure compliance with all HOME requirements throughout the period of affordability.

For homeownership activities, this requires the Recipient to document that the homebuyer has continued to maintain the HOME unit as their principal place of residence throughout the period of affordability as spelled out in their loan documents. In addition to monitoring ownership through property tax records, the Recipient must send out DO NOT FORWARD letters to all homebuyers annually through the U.S. mail and maintain these in the project files. If any are returned, the Recipient must investigate to see if the homeowner is continuing to satisfy this requirement and document its findings in the project file. The Recipient should also be listed as a mortgagee on homeowner's insurance documents so that it is notified if this insurance lapses. If the homeowner or another immediate family member no longer occupies the home, a portion of the total HOME subsidy must be recaptured or returned to GHFA.

All recaptured CHIP funds will be returned to DCA for return to the U.S. Treasury. This provision will also be in the Loan Agreement, Promissory Note, and Deed to Secure Debt.

Project Closeout

The Recipient will submit a Project Completion Report to DCA along with the final request for project reimbursement. DCA will provide a notice of project completion. The date of this notice is the beginning date of the affordability period of the loan.

Within thirty (30) days of payment of all CHIP-funded costs (with the exception of audit costs and any unsettled third-party claims), the Recipient will inform DCA that the CHIP Program is ready for close-out and the date of the next scheduled annual audit review.

The following will be performed by DCA:

1. DCA will conduct a review to ensure that any monitoring findings are resolved, and that any excess grant funds have been refunded. DCA will also verify that the accomplishments projected in the application have been satisfactorily met.
2. After review and final resolution of any findings, DCA will notify the Recipient or Recipient of the grant's conditional close-out pending receipt of an acceptable final audit.
3.

Record Retention

CHIP program records will be kept for a minimum of five (5) years after the program close-out or five (5) years after the termination of all applicable periods of affordability, written agreements, and loan terms, whichever is longer. All program records will be stored in an acceptable record storage facility during the required retention period.

Records pertaining to any litigation, claim negotiation, or audit, monitoring, inspection, or other action, which may have started before the expiration of the required record retention period, will be retained until completion of the action and resolution of all issues that arise from it, or until the end of the required period, whichever is later.

Program Income Policies and Procedures

Recipients using CHIP to develop homes may retain the net proceeds, or Program Income, from the sale of the properties, to fund additional HOME-eligible activities to assist income eligible homebuyers and homeowners. These activities may include developing affordable homes to sell to income-eligible homebuyers, down payment assistance, and owner-occupied housing rehabilitation. This policy explains the requirements for the use of Program Income

Program Income Definition:

HOME Program Income is defined in the Definitions section of the HOME Final Rule at 24 CFR 92.2. Program Income means gross income received by the participating jurisdiction, sub-recipient

or State recipient which is directly generated from the use of HOME funds (including HOME Program Income) and matching contributions. When Program Income is generated by housing that is only partially assisted with HOME funds or matching funds, the income shall be prorated to reflect the percentage of HOME funds or match used. Following is a list of examples. Please note that this is not an exclusive list.

1. Proceeds from the disposition by sale or long-term lease of real property acquired, rehabilitated, or constructed with HOME funds or matching contributions;
2. Gross income from the use or rental of real property, owned by the participating jurisdiction, State recipient, or a sub-recipient, that was acquired, rehabilitated, or constructed with HOME funds or matching contributions, less costs incidental to generation of the income (Note: rental income from property owned by entities other than the participating jurisdiction, a State recipient or a sub-recipient does not constitute Program Income);
3. Payments of principal and interest on loans made using HOME funds or matching contributions;
4. Proceeds from the sale of loans made with HOME funds or matching contributions;
5. Proceeds from the sale of obligations secured by loans made with HOME funds or matching contributions;
6. Interest earned on Program Income pending its disposition; and
7. Any other interest or return on the investment permitted under §92.205(b) of HOME funds or matching contributions. (Note: this does not include recaptured funds, repayments or CHDO proceeds).

DCA CHIP State Recipient and Sub-Recipient Program Income Requirements

Recipients are required to complete a Program Income Plan for the use of CHIP proceeds. This plan must be approved by DCA staff. Recipients will submit a Program Income Report quarterly to report on the use of Program Income until the Program Income is expended. Additionally, program income should be deposited into a separate account. This account may be interest-bearing and the interest is also considered Program Income. **If the Recipient does not use the Program Income within two (2) years from the receipt of the CHIP proceeds, DCA may request the funds to be returned.**

Recipients must follow the same HOME rules when spending Program Income as were required with the original CHIP grant including income eligibility, affordability periods, environmental reviews, lead paint, and all other laws and statues required by the HUD HOME Program. When a Recipient combines Program Income and CHIP grant funds into a project, the Program Income must be spent first.

The submission approvals (i.e. the CHIP pre-setup, setup, and completion approvals) are not required. Recipients will be responsible for maintaining records required by the HUD HOME Program and to make these records available to DCA and HUD for review if necessary. DCA may request the Program Income to be paid back if the Recipient is not in compliance with these regulations. DCA staff will provide technical assistance and review documents to ensure that Recipients are in compliance with the regulations.

CHIP Forms Checklists

For All Projects:

☐	Authorized Signature Card (CA-1)
☐	Project Drawdown Form (CA-2) Must attach invoices, approval of work completed
☐	Signature Card for Program Policy and Activity Documents (CA-9)

Housing Rehabilitation Activity Checklists:

Pre Set Up

☐	Site Specific Environmental Review
☐	Lead-Based Paint Visual Assessment (if unit was built prior to 1978)
☐	Pre Set Up form (CA-3)
☐	Income Verification Form (CC-8)
☐	Certification to Use Unit as Principal Residence (CC-7)
☐	Declaration of Citizenship Status (CC-3 and, if applicable, CC-4)
☐	Certification as to Conflict of Interest (CC-6)
☐	Copy of Existing Warranty Deed
☐	Current market value of the property
☐	Proof of Year of Construction of Housing Unit: (tax record, appraisal, builder's deed, historic survey, Sanborn fire insurance map, other legal documentation)
☐	Initial Scope of Work Write-Up for Non-Lead Costs
☐	Work Scope of Work Write-Up for Lead Costs (if unit was built prior to 1978)
☐	Pictures of housing unit demonstrating need for work to be performed

Set Up

☐	Homeowner Rehabilitation Assistance Activity Set-Up Form (CA-4)
☐	Loan Agreement (CL-3)
☐	Promissory Note (CL-4R)
☐	Homeowner Rehabilitation Assistance Deed to Secure Debt (CL-1)
☐	Notice of Commencement
☐	Notice of Right of Rescission
☐	Contract between Homeowner and Contractor
☐	Addendum to Construction Contract (CRA-10)
☐	Contractor's Work Write Up
☐	Proof of Contractor Clearance (no debarments)
☐	Proof of Lead Renovator Certification (if applicable)
☐	Georgia Security and Immigration Compliance Act of 2006 (CC-2)

Final Draw and Completion

☐	Project Drawdown Request Form (CA-2) with invoices
☐	Homeowner Rehabilitation Completion Form (CA-5)
☐	Contractor & Sub-Contractor Information Form (CR-2)
☐	Contractor & Sub-Contractor Activity (CR-3)
☐	Section 3 Report (CC1)
☐	Match Contribution Form (CC-9) if applicable
☐	Final Schedule of Work Completed
☐	State Sub-Recipient and Homeowner Agreement
☐	Final Lien Wavers
☐	Certification of Final Inspection (CR-9)
☐	Final Rehab Photos
☐	Final Owner's Satisfaction Statement
☐	Contractor's Certification of Completed Work
☐	Homeowner's Insurance

Housing New Construction and Rehabilitation of Vacant Homes for Sale to Eligible Homebuyers Checklists:

Pre Set Up

☐	New Construction Activity Pre Set-up form
☐	Proposed project timeline from present through unit occupancy
☐	Total project budget including a breakout of developer fees and project delivery costs
☐	Copy of Existing Warranty Deed
☐	Current market value of the property
☐	Homebuyer Underwriting Feasibility Tool, Part C: Project Affordability Analysis Known House (CN-4)
☐	Tier 2 Site Specific Environmental Screening Checklist with required documentation
☐	Copies of floor plans, elevations, and site plans

Set Up

☐	New Construction Activity Set-Up and Completion Form (CN-2)
☐	Agreement between State Recipient and Developer
☐	Documentation of the Procurement Process Including Copies of the Following:
	Notice to Potential Bidders about the Project
	Bid Summary Sheet that Compares each Bid to the Cost Estimate
	Bid Control Sheet that Documents Summaries of each Bid Received and Includes Signatures of Those that Attended the Bid Opening
☐	Contract Between the Develop and Contractor
☐	Contractor's Write-Up
☐	Notice of Commencement

☐	Addendum to Construction Contract (CR-A10)
☐	Proof of Contractor Clearance
☐	Proof of Lead Renovator Certification, if Applicable
☐	Georgia Security and Immigration Compliance Act of 2006 (CC-2)
☐	Davis-Bacon Wage Rates, if Applicable

Final Draw and Completion:

☐	Project Drawdown Request Form (CA-2) with invoices
☐	Activity Set-Up and Completion Form (CN-2)
☐	Contractor and Subcontractor Information Form (CR-2)
☐	Contract and Subcontract Activity Report (CR-3)
☐	Section 3 Report (CC-1)
☐	Davis Bacon certified payrolls
☐	Documentation of HOME Match Contribution (CC-9)
☐	Contractor Certification of Work (CR-5)
☐	Certificate of Occupancy from Local Code Official
☐	Final Schedule of Work Completed Compared to the Construction Contract
☐	Final Lien Waivers
☐	Pictures Documenting Completed Work Activity
☐	Homeowner Income Eligibility Form (CC-8)
☐	Citizenship Form (CC-3 and CC-4)
☐	Conflict of Interest (CC-6)
☐	Use as Primary Residence (CC-7)
☐	Homebuyer Underwriting Feasibility Tool, Part B: Final Buyer Underwriting (CN-4)
☐	Deed to Secure Debt Executed Between the Recipient and Home Buyer (CL-A11)
☐	Loan Agreement (CL-A12)
☐	Promissory Note (CL-AD)
☐	HOME Grant Agreement (CL-2)

CHIP Written New Construction Standards

CONTRACTOR MINIMUM REQUIREMENTS

Scope of the Work shall include all labor, materials, equipment, permits, drawings and services necessary for the proper completion of the rehabilitation or new construction of the property as identified in the "Work Write-Up" or in the approved house plans and all such work called for shall be done in accordance with the Basic General Specifications as outlined in the Policy and Procedures of the CHIP Program.

At a minimum, State Recipients and Developers must include in the contractors agreement:

A. The Work Write-up. Shall take precedence over the Basic General Specifications and when in conflict, the material, equipment or workmanship called for in the Work Write-up will be required.

   AS DESCRIBED IN THIS SECTION, ALL ITEMS MUST BE LISTED ON THE WORK WRITE-UP. IF REPAIR/REPLACEMENT OF LISTED ITEMS IS NOT NEEDED, REFERENCE EACH SECTION AS N/A – NO CODE VIOLATION.

B. State Certification. All contractors or subcontractors engaged in the practice of electrical contracting, plumbing contracting, low-voltage contracting, heating and cooling contracting or the installation, alteration and/or repair of plumbing, HVAC, electrical or low-voltage wiring systems are required to be licensed by the State of Georgia Construction Industry licensing board.

C. Bids and Proposals. Will be submitted at the bidder's risk prior to a time and date certain, and the homeowner or CHIP Recipient reserves the right to reject any or all bids or proposals.

D. Subcontractors. Shall be bound by the terms and conditions of this contract, insofar as it applies to their work. This shall not relieve the General Contractor from the full responsibility to the owner for the proper completion of all work to be executed under this contract; and he shall not be released from this responsibility by any sub-contractual agreement he may make with others.

E. Fitting and Coordination of the Work. The contractor shall be responsible for the proper fitting of all work and for the coordination of the operations of all trades, subcontractors or material men engaged upon this and measurements which they may require for the fitting of their work to all surrounding work.

F. Trade Names. Are used in the Basic General Specifications to establish quality and type of materials required. Exact materials to be used on a specific property may be described in the Work Write-up for the particular property.

G. Adjacent Property. When adjacent property is affected or endangered by any work done under this contract, it shall be the responsibility of the contractor to take whatever steps are necessary for the protection of the adjacent property and to notify the owner thereof of such hazards.

H. Repairs. Shall be made to all surfaces damaged by the contractor resulting from his work under this contract at no additional cost to the Developer. Where "repair of existing" work is called for by the contract, the feature is to be placed in "equal to new condition" either by patching or

replacement. All damaged, loose or rotted parts shall be removed and replaced and the finished work shall match adjacent work in design and dimension.

I. Payments.

1. In the event that satisfactory progress is being maintained, as determined by the State Recipient, the Developer agrees to approve the contractor's requisition for progress payment(s) as specified in an amount not to exceed $25,000. This progress payment(s) will be based on the work and materials, fixtures and equipment satisfactorily placed at the time of the requisition and shall not exceed 90% of the amount due for the work satisfactorily completed with deductions for the amounts of previous progress payments. The remainder due to contractor shall be withheld pending satisfactory completion of all work covered in this contract.

2. After Recipient's inspection, the contractor shall submit to the Developer for approval, his requisition for payment. When the required Affidavits and Release of Claims (warranties and the release of liens) have been executed by the contractor, subcontractors, and material suppliers, the payment will be made which will include any amounts due under the contract as adjusted in accordance with approved contract amendments and subject to the payment of any amounts due the owner for liquidated damages as may be necessary to protect the owner against any claim arising from the contractor's operation under the contract.

3. No payment made under the contract shall act as a waiver of the right of the owner to require the fulfillment of all the terms of the contract.

4. The contractor will be paid the contract price in one lump sum, less a 10% retainage, after the work is satisfactorily completed on all contracts of **$10,000.00** or less.

5. When progress payments are applicable, the contract will include a payment schedule that specifies the stages at which payments will be made and the percentage (or amount) of the contact price that will be paid for the satisfactory completion of each stage.

6. There is no limit to the number of draws allowed for each project. However, the minimum draw amount request that DCA will process is $10,000 and the maximum is $25,000 regardless of the contract amount. All final payments will be contingent on the approval of the final inspection made by the Recipient and the Developer. DCA will withhold a 10% retainage from each payment until 30 days following satisfactory completion of the project.

   IMPORTANT: All progress payments are contingent upon the contractor maintaining satisfactory progress in the prescribed work. This will be determined by the Recipient.

J. General Guarantee and Warranty. The general contractor warrants that all materials, fixtures and equipment furnished by him and his subcontractors shall be new, of good quality and of good title and that the work will be done in a neat and workmanlike manner. Neither the final payment nor any provision in the contract nor partial or entire use of occupancy of the premises by the owner shall constitute an acceptance of work not done in accordance with the contract or relieve the contractor of liability in respect to any express warranties of responsibility for faulty materials or workmanship. The contractor shall promptly remedy any defects in the work and pay for any

damage to other work resulting therein which may appear within a period of one year from the date of final acceptance of the work unless a longer period is specified. The Recipient or Developer will give notice of observed defects with reasonable promptness.

K. Changes in the Work.

1. The Developer, with the Recipient's concurrence, may make changes in the work required to be performed by the contractor by making additions thereto, or deleting work from or by changing materials, fixtures or equipment from those specified without invalidating the contract and without relieving or releasing the contractor from any of his obligations under the contract. All such work will be in writing and executed under the terms of the original contract unless it is expressly provided otherwise.

2. Except for the purpose of affording protection against any emergency endangering life or property, the contractor shall make no change in the work or rehabilitation, provide any extra or additional work or supply additional labor, services or materials beyond that actually required from the execution of the contract unless in pursuance of a written order from the owner authorizing the change. No claim for an adjustment of the contract price will be valid unless so ordered.

3. Each "change order" shall include in its final form a detailed description of change of work, the contractor's definite statement as to the work, the contractor's definite statement as to the resulting change in the contract price and/or time and the statement that all work involved in the change shall be performed in accordance with contract requirements except as modified by the amendment.

4. Any request for a Change order", either by the owner or contractor, regardless of whether it involves an increase or decrease in work to be done, cost and/or time must be approved by the Recipient before the change takes effect.

L. Excusable Delay. The contractor shall not be charged with liquidated damages for any delays in the completion of the work due to:

1. Any acts of the government, including controls or restrictions upon or requisitioning of materials, equipment, tools or labor by reason of war, National Defense or any other national emergency.

2. Any acts of the Developer that will hinder the progress of the work as determined by the Recipient.

3. Causes not reasonably foreseeable by the parties to the contract at the time of the execution of the contract which are beyond the control and without the fault or negligence of the contractor; including but not limited to acts of God or of the public enemy, acts of another contractor in the performance of some other contract with the owner, fire, floods, epidemics, quarantine restriction, strikes, freight embargoes and weather of unusual severity such as hurricanes, tornadoes, cyclones and other extreme weather conditions.

4. Any delay of the subcontractor occasioned by any of the cause specified in the above subparagraphs (1) through (3). Provided, however that the contractor promptly (within 10 days) notifies the Developer and Recipient in writing of the cause of the delay. If the facts show the delay to be properly excusable under the terms of this contract, as determined by the Recipient, the Developer shall extend the contract time by a period commensurate with the period of excusable delay to the completion of the work as a whole, in the form of an amendment to the contract.

M. Permits and Codes. The contractor shall give all notices required by and comply with all applicable laws, ordinances and codes of the local government including the obtaining of and payment for all required permits, provided, however, that the contractor shall not be held responsible for pre-existing violations of any law including but not restricted to zoning or building codes or regulations except compliance for any new or replaced work included in this contract will be required. Before beginning the work, the contractor shall examine the "Work Write-up" or new construction plans for compliance with the applicable ordinances and codes for the new or replaced work and shall immediately report any discrepancy to the Recipient and the Developer. Where the requirements of the "Work Write-Up" fail to comply with such applicable ordinances or codes for the new or replaced work, the Developer will adjust the contract by amendment to conform to such ordinances or codes and make appropriate adjustment in the contract price unless waivers in writing covering the difference have been granted by proper authority.

N. Insurance.

1. The Contractor shall provide for Workman's Compensation Insurance for all his employees and shall be responsible for compliance of his subcontractors engaged in work at the site in accordance with State or Territorial Workman's Compensation Laws, if applicable.

2. The contractor shall provide for Manufacturer's and Contractor's Public Liability Insurance with minimum limits of $500,000 on each accident ($100,000 on each person) to protect the Contractor and his subcontractors against claims for injury to or death of one or more persons because of accidents which may occur or result from operations under this contract. Such insurance shall cover the use of all equipment including, but not limited to, excavating machinery, trenching machines, cranes, hoists, rollers, concrete mixers and motor vehicles in the construction of the rehabilitation embraced in this contract.

3. The Contractor shall provide for, during the life of the contract, property damage insurance in the amount not less than $50,000 to protect him and his subcontractors from claims for property damage which might arise from operations under this contract.

4. Prior to the execution of the contract, the contractor shall submit evidence of the coverage required above by an insurance certificate or its equivalent.

O. Inspection of Work. HUD, DCA, and the Recipient shall have the right to examine and inspect rehabilitation and new construction work included in this contract. The work shall be subject to the inspector's approval and acceptance. The contractor will be informed of rejected work in writing. Also, these representatives shall be permitted to examine and inspect all subcontracts, materials, equipment, payrolls and conditions of employment pertaining to the work including all relevant data and records.

P. Surplus Material. All surplus materials delivered to the job site and all material, fixtures and equipment replaced become the property and responsibility of the contractor and/or its subcontractors and shall be removed from the job site promptly after completion as well as all rubbish and debris resulting from the contractor's operations. The premises shall be left in clean condition.

Q. Interest of Certain Federal and Other Officials.

1. No member of the Delegate to the Congress or the United States and no Resident Commissioner shall be admitted to any share or part of the contract or to any benefit to arise from same.

2. No member of the governing body of the Recipient or Developer, who exercise any functions or responsibilities in connection with the administration of the CHIP Program to which this contract pertains and no other officer or employee of the Recipient or Developer who exercises any such functions or responsibilities shall have any interest, direct or indirect, in this contract which is incompatible or in conflict with the discharge or fulfillment of these functions and responsibilities in connection with the carrying out of the program to which this contract pertains.

3. No member of the governing body of the Recipient or Developer and no other public official who exercises any functions or responsibilities in connection with the administration of the CHIP Program shall have any interest, direct or indirect, in this contract.

R. DCA's Section 3 Policy. DCA published its revised Section 3 Policy for Recipients (i.e., grantees) and contractors/subcontractors on November 1, 2013. Section 3 of the U. S. Housing and Urban Development (HUD) Act of 1968 and the Housing and Community Development Act of 1992, requires that economic opportunities generated by federal Housing and Community Development programs shall, to the greatest extent feasible, be given to low- and very low-income persons, and to businesses that provide economic opportunities for these persons.

S. Equal Employment Opportunity. If the contract amount is $10,000 or more, the following conditions shall apply during the performance of this contract:

1. The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to insure that applicants are employed, and that employees are treated, during employment, without regard to their race, creed, color or national origin. Such action shall include, but is not limited to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the municipality setting forth the provisions of this nondiscrimination clause.

2. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

3. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, notice to be provided advising the labor union or workers representative of the contractor's commitments under Section 202 Executive Order 11246 of September 24, 1965, and shall post copies of the notices in conspicuous places available to employees and applicants for employment.

4. The contractor will furnish all information and reports by Executive Order 11246 of September 24, 1965, and by the rules, regulations and orders of the Secretary of Labor or the Secretary of Housing and Urban Development pursuant thereto, and will permit access to his books, records and accounts by the Secretary of Housing and Urban Development, or his designee, and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

5. In the event of the contractor's noncompliance with the nondiscrimination clause of this contract or with any of such rules, regulations or orders, this contract may be cancelled, terminated or suspended, in whole or in part, and the contractor may be declared ineligible for further government contracts of federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies involved as provided in Executive Order 11246 or by rule or regulation by order of the Secretary of Labor or as otherwise provided by law.

6. The contractor will include the provisions of the above subparagraphs (1) through (5) in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 202 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the property owner may direct as a means of enforcing such provisions, including sanctions for noncompliance provided, however, that in the event the contractor becomes involved in, or is threatened with litigation with a subcontractor or vendor as a result of such direction by the property owner, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

T. Certification of Non-segregated Facilities. The building contractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The bidding contractor certifies further that he will not maintain or provide for his employees any segregated facilities any of his establishments, and that he will not permit his employees to perform their services at any location under his control where segregated facilities are maintained. The bidding contractor agrees that a breach of this certification will be a violation of the Equal Opportunity clause in any contract resulting from acceptance of this bid. As used in this certification, the terms "segregated facilities" means any waiting rooms, work areas, restrooms, restaurants, any other eating areas, time clocks, etc. The bidding contractor agrees that, except where he has obtained identical certification from proposed subcontractors for specific time periods he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause, and the bidding contractor will retain such certification in his file.

U. Clean Up. The contractor is required to keep the premises clean and orderly during the course of the work and to remove all debris at the completion of the work. Clean up and removal of all debris and materials resulting from his work shall be the responsibility of the contractor who will, upon completion of his work, leave the premises in clean condition. Remove from site all construction materials, tools and debris. Sweep clean all exterior work areas. Vacuum all interior work areas, removing all visible dust, stains, labels and tags. Clean all windows referenced in specifications.

V. Statewide Uniform Construction Codes Act. The General Contractor and his subcontractors are legally obligated to comply with all applicable state and local codes.

W. Uniform Physical Condition Standards (UPCS) CHIP funded properties must meet certain property standards. At minimum, all units must meet HUD's Uniform Physical Condition Standards (UPCS). The UPCS are uniform national standards established by HUD for housing that is decent, safe, sanitary, and in good repair, pursuant to 24 CFR §5.703. These standards became effective on January 24, 2015 for HOME rehabilitation, acquisition, and tenant-based rental assistance projects in accordance with revisions made to the property standards requirement at 24 CFR §92.251.

In addition, the HOME regulation also requires that all housing that is rehabilitated or financed with HOME funds must meet all applicable local codes (including state codes), rehabilitation standards, ordinances, and zoning ordinances at the time of project completion.

X. Mandatory Residential Construction Codes

The State of Georgia has mandatory residential construction codes that are applicable to CHIP and that must be adhered to regardless of whether or not the local government enforces the codes. There are no exceptions to meeting these requirements for construction of CHIP assisted homes.

These mandatory codes are as follows (the latest edition as adopted and amended by DCA):
Georgia State Minimum Standard Building Code (International Building Code)
Georgia State Minimum Standard One- and Two Family Dwelling Code (International Residential Code for One- and Two-Family Dwellings)
Georgia State Minimum Standard Fire Code (International Fire Code)
Georgia State Minimum Standard Plumbing Code (International Plumbing Code)
Georgia State Minimum Standard Mechanical Code (International Mechanical Code)
Georgia State Minimum Standard Gas Code (International Fuel Gas Code)
Georgia State Minimum Standard Electrical Code (National Electrical Code)
Georgia State Minimum Standard Energy Code (International Energy Conservation Code)
The permissive codes are as follows (the latest edition as adopted and amended by DCA):
Residential Green Building Standard

International Swimming Pool and Spa Code
As noted above, the building, one and two family dwelling, fire, plumbing, mechanical, gas, electrical and energy codes are mandatory codes, meaning that under Georgia law, any structure built in Georgia must comply with these codes whether or not the local government chooses to locally enforce these codes.

Administration and Enforcement of the State Minimum Standard Codes

In order to properly administer and enforce the state minimum standard codes, local governments must adopt reasonable administrative provisions. The power to adopt these administrative procedures is set forth in O.C.G.A. §8-2-26(a)(1). These provisions should include procedural requirements for the enforcement of the codes, provisions for hearings, provisions for appeals from decisions of local inspectors, and any other procedures necessary for the proper local administration and enforcement of the state minimum standard codes.

These powers include:

- Inspecting buildings and other structures to ensure compliance with the code;
- Employing inspectors and other personnel necessary for the proper enforcement of codes;
- Requiring permits and to establishment charges for said permits; and
- Contracting with other local governments for code enforcement.

DCA periodically reviews, amends and/or updates the state minimum standard codes. If a local government chooses to locally enforce any of these codes, it must enforce the latest editions and the amendments adopted by DCA.

DCA has developed a sample resolution/ordinance that may be used as a guide for local governments in the development of their administrative procedures. Please contact DCA for a copy of this sample resolution/ordinance and for any technical assistance needed in the development of a local code enforcement program.

Appendices

It should be noted that The Uniform Codes Act states that the appendices of the codes are not enforceable unless referenced in the body of the code, adopted by DCA, or specifically adopted by a municipality or county. If any appendices have been adopted by DCA, they will be noted in the Georgia amendments to the base code.

Georgia Amendments to all of the codes listed can be found at:

http://www.dca.state.ga.us/development/constructioncodes/programs/codes2.asp

Please contact the Construction Codes and Industrialized Buildings Section for more information concerning these amendments.

GENERAL REQUIREMENTS

State Certification
All contractors or subcontractors engaged in the practice of electrical contracting, plumbing contracting, low-voltage contracting, heating and cooling contracting or the installation, alteration and/or repair of

plumbing, HVAC, electrical or low-voltage wiring systems are required to be licensed by the State of Georgia Construction Industry licensing board.

Construction Definitions

"Install" means to purchase, set up, test and warrant a new component. "Replace" means to remove and dispose of original material, purchase new material, deliver, install, test and warrant. "Repair" means to return a building component to like new condition through replacement, adjustment and recoating of parts. "Reinstall" means to remove, clean, store and install a component.

Verify Quantities/Measurements

All quantities stated in the attached specifications for this address using units of measure other than Each (EA), Room (RM) or Dwelling Unit (DU) (e.g. SF of Drywall) are for the contractor's convenience and must be verified by the contractor at a mandatory site inspection prior to bid submission. All quantities stated in the units of measure Each (EA), Room (RM) or Dwelling Unit (DU) is as stated. Discrepancies in quantities found by the contractor must be communicated to the Housing Rehabilitation Specialist prior to the submission of a bid. Claims for additional funds due to discrepancies in quantities shall not be honored if submitted after the bid submission.

Electrical Permit Required

Prior to the start of work, the contractor shall create any documentation necessary to apply for, pay for and receive an electrical permit on behalf of the owner.

Plumbing Permit Required

Prior to the start of work, the contractor shall create a riser diagram, septic layout and all other documentation needed to apply for, pay for and receive a plumbing permit on behalf of the owner.

HVAC Permit Required

Prior to the start of the heating/cooling work, the contractor shall create a heating distribution layout and perform heat/cooling loss calculations and all other documentation needed to apply for, pay for and receive an HVAC permit on behalf of the owner.

Contractor Pre-Bid Site Visit

The contractor must inspect the property. Submission of a bid is presumptive evidence that the bidder has thoroughly examined the site and is conversant with the requirements of the local jurisdiction.

New Materials Required

All materials used in connection with this work write-up are to be new, of first quality and without defects - unless stated otherwise or pre-approved by Owner and Construction Specialist.

Final Clean

Remove from site all construction materials, tools and debris. Sweep clean all exterior work areas. Vacuum all interior work areas, removing all visible dust, stains, labels and tags. Clean all windows referenced in specifications.

One Year General Warranty

Contractor shall remedy any defect due to faulty material or workmanship and pay for all damage to other work resulting there from, which appear within one year from final payment. Further, contractor shall furnish Developer with all manufacturers' and suppliers' written warranties covering items furnished under this contract prior to release of the final payment.

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 7/9/2021

Presenter: Bryan Lackey

Item of Business: PR-2021-05 Woodmen Of The World Chapter 29 Donation

Meeting Date: 8/3/2021

Purpose of Request:

The purpose of this request is to receive approval for Gainesville Fire Department to accept a donation of $500 from the Woodmen Of The World Chapter 29.

History/Background:

Woodmen Of The World promotes community support by providing donations to community organizations and Gainesville Fire Department was selected as the recipient of this donation.

Facts & Issues for Consideration:

The Gainesville Fire Department appreciates the support it receives from our community and will use this donation to make a purchase of needed equipment.

Department Recommendation:

The Gainesville Fire Department recommends approving this donation to assist the department in purchasing needed equipment for Gainesville Fire Department.

Department Director:

Jerome Yarbrough

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
PR-2021-05 Woodmen Of The World Chapter 29 Donation	Resolution
Copy of Check	Backup Material

RESOLUTION PR-2021-05

Woodmen of the World Chapter 29 Donation

WHEREAS, Woodmen of the World Chapter 29 has selected Gainesville Fire Department to receive a donation; and

WHEREAS, Woodmen of the World Chapter 29 has indicated that the Gainesville Fire Department will receive a donation of $500 from the Woodmen of the World Chapter 29; and

WHEREAS, the donation is a way of giving back to the community first responders made by Woodmen of the World Chapter 29; and

WHEREAS, Woodmen of the World Chapter 29 has declared that the donation may be used for any equipment deemed necessary by the Gainesville Fire Department.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby authorizes the acceptance of said donation from Woodmen of the World Chapter 29.

Adopted this _____ day of _____, 2021.

_____

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

WOODMEN OF THE WORLD
CHAPTER 29
204 SKYLINE DRIVE
DAHLONEGA GA 30533

204

64-1284/611

5/19/21
Date

CHECK ARMOR

Pay to the Order of GAINESVILLE FIRE DEPARTMENT $ 500.00

FIVE HUNDRED AND NO/100 Dollars

Photo Safe Deposit®

United Community Bank.

For DONATION

Susan Rainwater

Harland Clarke

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 7/22/2021

Presenter: Abb Hayes

Item of Business: Request from **City of Gainesville** to rezone a 1.716± acres tract located between Jesse Jewell Parkway, West Academy Street, Broad Street and Maple Street (a/k/a **312 Jesse Jewell Parkway, SW; 315 and 323 Broad Street, SW; 0 and 320 Maple Street, SW**) from General Business (G-B) to Central Business (C-B) with a special use. **Ward Number: Four**. Tax Parcel Number(s): 01-012-004-001; 01-006-004-002, 004, 005 & 006. **Request: Restaurant and special event center.**

- Proposed Rezoning Ordinance 2021-21
- Proposed Resolution ZR-2021-02

Meeting Date: 8/3/2021

Purpose of Request:

To conduct a public hearing regarding the following zoning request as presented at the July 13, 2021 Planning and Appeals Board Meeting:

The City of Gainesville is proposing to rezone the subject property with a special use. The purpose of the request is to clean up the zoning boundary to be consistent with the zoning of most of the properties within the downtown central business district. The special use portion of the request is to allow a special event center that can accommodate over 100 patrons.

Upon rezoning the property, B Entertainment intends to develop the property for a Bourbon Brothers restaurant and entertainment venue that will include a 15,000 square foot concert/special event venue, 9,000 square foot restaurant and an 8,000 square foot outdoor patio area. Approximately 100 to 120 ticketed shows and an additional 100 events such as weddings, conventions, proms, sporting events, church and corporate events are planned per year. Preliminary access is proposed from Maple Street and parking will be provided on site and from nearby parking provided within the City parking deck, on street parking and parking planned at the adjacent Poultry Park lot.

The property consists of five lots which are located downtown and partially within the Midtown Overlay Zone. The property contains a parking lot and the Gainesville Midland Train which will be relocated further south to the new Midland Train Park under construction at the railroad wye. Surrounding uses include Carroll Daniel Construction Company, Wild Wing Café, Poultry Park and The Arts Council event center.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Staff and PAB recommended approval with three conditions. See the PAB Recommendation report for details and excerpts from the meeting minutes.

SAMPLE MOTIONS

Approval of Ordinance 2021-21
I move to approve the ordinance to rezone the subject property from General Business (G-B) to Central Business (C-B) with three conditions as presented.

Approval of Resolution ZR-2021-02
I move to approve the resolution to allow for a special event facility to accommodate 100 patrons or more within Central Business (C-B) zoning district with three 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 Newspaper Article	Legal Ad
PAB Recommendation Report	Report
Proposed Rezoning Ordinance 2021-21	Ordinance
Proposed Resolution ZR-2021-02	Resolution
Location Maps	Backup Material
Narrative	Backup Material
Survey	Backup Material
Site Plan	Backup Material

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Minor Child
CIVIL ACTION
FILE NO.2021CV1036J
NOTICE OF PETITION TO CHANGE NAME
You are Hereby notified that on the 17 day of June 2021, Elaheh Daryaeisarabi and Arash Moslehishad filed a Petition in the Superior Court of Hall County, Georgia, Case No 2021CV1036J to change the name of minor child LYDIA ANNELIESE MOSLEHISHAD which, if granted, will be known as LYDIA ELLIE SHAD. Notice is hereby given pursuant to law to any interested or affected party to appear in said Court and to file objections to such name changes. Objections must be filed with said Court within 30 days of the filing of said Petition.
Respectfully subn1itted,
DEMING, PARKER, HOFFMAN,
CAMPBELL & DALY, LLC
JANELLE N. RICHARDS
Attorney for Petitioners
Georgia Bar No. 940357
99159 6/23,30,7/7,14

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA
In re the Name Change of: Mark Anthony Reder Yera,
Petitioner,
CiviL Action File No 2021-CV-905C
NOTICE OF PETITION TO CHANGE NAME OF ADULT
Petitioner, Mark Anthony Reder Yera, by Counsel, Rebecca McLaws has filed a petition in the
Superior Court of Hall County on 5/27/2021 to change his/her name from
Mark Anthony Reder Yera to Mark Anthony Vaden. Any interested party has the right to appear in this case and file objections within 30 days after the Petition filed.
Dated 5/27/2021
/s/ Mark Anthony Reder Yera
98935 6/16,23,30,7/7

IN THE SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA
INRE:
JANE KING OGLETREE
DATE OF BIRTH: 07/02/1950 FILE No. 2021CV993B
NOTICE OF PETITION TO CHANGE NAME OF ADULT
JANE KING OGLETREE filed a petition in the Hall County, Georgia Superior Court on 10th day of June,
/s/ Ana Liliana Parker
Petitioner Pro se
98997 6/16, 23, 30, 7/7

SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA
In re the Name Change of Daisy Mariana Munoz Ogazon
Petitioner
Civil Action Case Number 21CV630W
NOTICE OF PETITION TO CHANGE NAME OF ADULT
Daisy Mariana Munoz Ogazon filed a petition in the Superior Court of Hall County on May 2021 to change the name from Daisy Mariana Munoz Ogazon to Daisy Mariana Munoz-Ogazon Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed.
Dated May 19,2021
/s/Daisy Mariana Munoz Ogazon
98599 6/2,9,16,23

SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA
In re the Name Change of Sonam Seely
Petitioner
Civil Action Case Number 2021CV875C
NOTICE OF PETITION TO CHANGE NAME OF ADULT
Sonam Seely filed a petition in the Superior Court of Hall County on 5/24/2021 to change the name from Sonam Seely to Sonam Shah. Any interested party has the right to appear in this case and file objections withing 30 days after the Petition was filed.
Dated 5/24/2021
/s/Sonam Seely
Petitioner Pro se
98706 6/2,9,16,23

Public Hearings

CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
FOR REZONING
NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A.§ 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request from JPC Design and Construction, LLC. to rezone a 2.08 +/- acre tract of land identified as 5512 McEver Road, tax parcel number 08099 000009, from NS (Neighborhood Shopping) to HB (Highway Business).
NOTICE IS HEREBY GIVEN shall conduct a public hearing at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia, at 5:15 p.m. on Monday, July 6, 2021 to consider the following:
1. Previously tabled application of Michael Andrea for a right side yard setback variance from 10 feet to 3 feet on a 0.82± acre tract located on the south side of Aarons Way approximately 135 feet from its terminus; a.k.a. 6411 Aarons Way; Zoned R-I; Tax Parcel 15048E000150. Proposed Use: construct a detached garage. * Commission District 1.
2. Application of Louise G. Butler front yard setback variance from 40 feet to 22 feet on a 2.164± acre tract located on the south side of Ellison Farm Road approximately 540 feet from its intersection with Cottonwood Drive; a.k.a. 4176 Ellison Farm Road; Zoned AR-IV; Tax Parcel 15028 000252. Proposed Use: bring property into compliance. * Commission District 1.
3. Application of Louise G. Butler rear yard setback variance from 25 feet to 15 feet on a 1.521± acre tract located on the south side of Ellison Farm Road approximately 590 feet from its intersection with Cottonwood Drive; a.k.a. 4178 Ellison Farm Road; Zoned AR-IV; Tax Parcel 15028 000253. Proposed Use: bring property into compliance. * Commission District 1.
4. Application of Gail W. Chapman for a Use Subject to County Commission approval on 3.43± acres located on the northwest side of Atlanta Highway approximately 170 feet from its intersection with Wallis Road; a.k.a. 3536 and 3546 Atlanta Highway; Zoned H-B; Tax Parcels 08047 001004 and 001003. Proposed Use: outdoor storage within Gateway Corridors Overlay District (GCOD). ** Commission District 2.
5. Application of Jody Satterfield for a Use Subject to County Commission approval on a 51.90± acre tract located on the east side of Whiporwill Road approximately 985 feet from its intersection with Winder Highway, approximately 1390 feet from its intersection with Raceway Drive; a.k.a. 5295 Winder Highway (pt.); Zoned PCD; Tax Parcel 15028B000001E (pt.). Proposed Use: mixed use commercial development. ** Commission District 1.
12. Application of MP Partners Development, LLC to amend conditions of a Planned Commercial Development on a 60.91± acre tract located on the north side of Winder Highway approximately 510 feet from its intersection with BBS Way; a.k.a. 5301 Winder Highway; Zoned PCD; Tax Parcel 15028B000001. Proposed Use: mixed use commercial development. ** Commission District 1.
13. Application of MP Partners Development, LLC to amend conditions of a Planned Commercial Development on a 19.82± acre tract located on the north side of Winder Highway at intersection with Benefield Road; a.k.a. 5385 Winder Highway; Zoned PCD; Tax Parcel 15028B000015. Proposed Use: mixed use commercial development. ** Commission District 1.
14. Application of MP Partners Development, LLC to rezone from Agricultural Residential-IV (AR-IV) to Planned Commercial Development (PCD) on 54. 05± acres located on the south side of Benefield Road approximately 900 feet from its intersection with Village South Drive; a.k.a. 4370 and 4420 Benefield Road; Zoned AR-IV; Tax Parcels 15028 000070 and 000090. Proposed Use: mixed use commercial development. ** Commission District 1.
15. Application of FIDES Development to rezone from Agricultural Residential-III (AR-III) and Vacation Cottage (V-C) to Planned Residential Development (PRD) on a 16.28 acre tract located at the terminus of North Waterworks Road, Seymour Circle, and Seymour Drive; a.k.a. 3450 North Waterworks Road; Zoned AR-III and V-C; Tax Parcel 08167 005002. Proposed Use: mixed use residential development. ** Commission District 1.
16. Application of Longstreet Property

Georgia.
99053 6/23

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, July 13, 2021 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 the City of Gainesville to rezone a 1.716± acres tract located between Jesse Jewell Parkway, West Academy Street, Broad Street and Maple Street (a/k/a 312 Jesse Jewell Parkway, SW; 315 and 323 Broad Street, SW; 0 and 320 Maple Street, SW) from General Business (G-B) to Central Business (C-B) with a special use.
Ward Number:Four
Tax Parcel Number(s):
01-012-004-001; 01-006-004-002, 004, 005 and 006
Request: Restaurant and special event center
2) Request from Optum Development to annex a 7.77± acres tract located on the northeast side of Limestone Parkway, across from the intersection of Tapawingo Drive and Riverwood Drive (a/k/a 1744 Cleveland Highway) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number:Two
Tax Parcel Number(s):
09-126-000-024 (Part)
Request: 36 residential townhomes
3) Request from Carl Volle to annex a 1.69± acres tract located on the south and west side of Meadowlark Lane, east of the intersection of Cleveland Highway and Meadowlark Lane (a/k/a 1646 Meadowlark Lane) and to establish zoning as Residential-II (R-II).
Ward Number:Two
Tax Parcel Number(s):
00-084-006-001 (Part)
Request: Six single-family homes
4) Request from McNeal Development, LLC to rezone a 4.86± acres tract located between Queen City Parkway, Banks Street and Gordon Avenue, having road frontage on Saint Thomas Drive and Longstreet Avenue (a/k/a

504, 512, 514, 520 and 528 Banks Street, SW; 510 East Avenue, SW; 535, 548, 549, 604, 608, 620 and 628 Gordon Avenue, SW; 0, 602, 611 and 612 Longstreet Avenue, SW; 436 and 442 Parker Street, SW; 627 and 635 Queen City Parkway; 507 and 513 Saint Thomas Drive) from Residential-II (R-II), Office and Institutional (O-I), General Business (G-B) and Heavy Industrial (H-I) to Planned Unit Development (P-U-D).
Ward Number:Three
Tax Parcel Number(s):
01-012-002-006; 01-013-001-001, 002, 003, 004, 005 and 006; 01-013-002-001, 002, 003, 004, 005, 006, 007, 007A, 008, 009 and 010
Request: 214 Multi-family apartments
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, August 3, 2021 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 the City of Gainesville to rezone a 1.716± acres tract located between Jesse Jewell Parkway, West Academy Street, Broad Street and Maple Street (a/k/a 312 Jesse Jewell Parkway, SW; 315 and 323 Broad Street, SW; 0 and 320 Maple Street, SW) from General Business (G-B) to Central Business (C-B) with a special use.
Ward Number:Four
Tax Parcel Number(s):
01-012-004-001; 01-006-004-002, 004, 005 and 006
Request: Restaurant and special event center
2) Request from Optum Development to annex a 7.77± acres tract located on the northeast side of Limestone Parkway, across from the intersection of Tapawingo Drive and Riverwood Drive (a/k/a 1744 Cleveland Highway) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number:Two
Tax Parcel Number(s):
09-126-000-024 (Part)
Request: 36 residential townhomes
3) Request from Carl Volle to annex a 1.69± acres tract located on the application to annex and rezone a total of +/- 0.85 acres with the zoning from Hall County R-I "Residential" to Oakwood R-1 "Residential" on Tax Parcel No. 15044H000095 and further identified as 4291 Falcon Crest Drive according to the current street numbering system of Hall County, Georgia.
• Cajun-Dawn Land Holdings, LLC has made application to annex and rezone a total of +/- 24.23 acres with the zoning from Hall County PRD "Planned Residential Development" to Oakwood PRD "Planned Residential Development" on Tax Parcel No. 15044 000028 and further identified as 4465 Martin Rd. according to the current street numbering system of Hall County, Georgia.
• Comprehensive Plan Amendment from residential use to industrial use on Tax Parcel No. 08068 000001C and further identified as 4144 W White Rd. according to the current street numbering system of Hall County, Georgia.
• Richard Senter has made application to rezone a total of +/- 5.02 acres with the zoning from Oakwood A-1"Agricultural" and M-1 "Light Industrial" to Oakwood M-2 "Heavy Industrial" on Tax Parcel No. 08068 000001C and further identified as 4144 W White Rd. according to the current street numbering system of Hall County, Georgia.
• GA Oz. Fund, LLC. has made application request for a variance to Chapter 54 "Zoning" to reduce the landscape buffer along Mundy Mill Drive from 15 feet to 5 feet on Tax Parcel No. 08045 003004; 08045 003005; 08045 003006; 08045 003007; and 08045 003008 and further identified as 3761, 3765, 3769, 3775, and 3783 Mundy Mill Drive according to the current numbering system of Hall County, Georgia.
• GA Oz. Fund, LLC. has made application request for a variance to The Downtown Overlay District Design Standards; Section 2. Parking – Inter-Parcel Access on Tax Parcel No. 08045 003004; 08045 003005; 08045 003006; 08045 003007; and 08045 003008and further identified as 3761, 3765, 3769, 3775, and 3783 Mundy Mill Drive

Oakwood, 4035 Walnut Circle, Oakwood, Georgia.
Peggy Funderburk
Permit Clerk
99058 6/23

The City of Buford Planning and Zoning Board will meet on Tuesday, June 8, 2021 at 7:00 p.m. at Buford City Hall, 2300 Buford Highway and the Buford City Commission will meet on Monday, July 19, 2021 at 7:00 p.m. at Buford City Arena, 2795 Sawnee Avenue, Buford, Georgia 30518 to consider a special use permit at 4995 B. U. Bowman Drive for Auto Tires, LLC (Alec NG). The special use permit requested is to allow installation of tires.
98427 5/19, 26, 6/2, 9, 16, 23, 30

Public Sales/Auctions

FLOWERY BRANCH MINI STORAGE -FLOWERY BRANCH, GA:
UNIT B10 – DARRELL MCCLURE – HOUSEHOLD ITEMS, UNIT C-43-SCOTT CURTIS-HOUSEHOLD ITEMS. CONTENTS WILL BE AUCTIONED ON JULY 1, 2021 AT 2PM ON WWW. STORAGEAUCTIONS.COM.
98981 6/16,23

Notice of Public Auction
Boardwalk Storage-Murrayville Will be holding a public auction online at Lockerfox.com on Date: July 7 2021@ Time: 11:OOam
This is a cash only sale - Please bring a money order. All sales are final and the units must be cleaned out completely in 48 hours. A 100.00 cash cleaning deposit is required and will be refunded upon unit inspection.
We currently have 1 unit(s)
Unit# 1423 Wellborn R= floral chair, girls tee pee and toys,chest of drawers, antique sewing box,deco bird cage,plastic totes, chairs and table, bicycle, some christmas decor, rocking horse, wooden furniture
678-989-1999
5162 Thompson Bridge Rd
Murrayville Ga 30564
99073 6/23,30

Pursuant to the Georgia Self-Service Storage Facility Act, notice is hereby given that SS Flowery Branch, LLC d/b/a Simply Self Storage at 6121 Spout Springs Road, Flowery Branch GA 30542 will sell at public auction

This 11thday of June, 2021.
Denise Garcia Clerk, Probate Court of Hall County
99077 6/23

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE: ESTATE OF JOHNNY HOYT NIX SR, DECEASED
ESTATE NO.• E-20-038
NOTICE
[For discharge from office and all liability]
IN RE: Petition for Discharge of Personal Representative
TO: to whom it may concern:
This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before July 6th 2021
BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.
Patty Walters Laine Judge of the Probate Court
By: Riley Norris
Clerk of the Probate Court
116 Spring Street First Floor Gainesville, Georgia 30501
770-533-7828
98776 6/23

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE: ESTATE OF EDITH H. GRIFFIN, DECEASED
ESTATE NO.. E-17-825
NOTICE
[For discharge from office and all liability}
IN RE: Petition for Discharge of Personal Representative
TO: to whom it may concern:
This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before July 6th 2021
BE NOTIFIED FURTHER: All

ANN JAY DICKMAN, DECEASED
ESTATE NO. E-21-293
NOTICE OF PETITION TO FILE FOR YEAR'S SUPPORT
The petition of Donald Wayne Payton, for a Year's Support from the estate of, deceased, for decedent's surviving spouse, having been duly filed, all interested persons are hereby notified to show cause, if any they have, on or before July 9th, 2021, why said petition should not be granted.
All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed on or before the time stated in the preceding sentence. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with yow- objections, unless you qualify to :file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections arc filed, a hearing will be, scheduled at a later date. If no objections are filed the petition may be granted without a hearing.
Patty Walters Laine
Judge of the Probate Court
By: S. Carley
Clerk of the Probate Court
116 Spring Street First Floor
Gainesville, Georgia 30501
770-53-6923
98493 6/9,16,23,30

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE: ESTATE OF RUBY LOIS MCDANIEL, DECEASED
ESTATE NO.. E-21-049
PETITION FOR LETTERS OF ADMINISTRATION
NOTICE
[Note: Strike the sentence in parenthesis below if not applicable.]
TO: whom it may concern:
Michael Shane Daniel has petitioned for (Letters of Administration) to be appointed administrator of the estate of RUBY LOIS MCDANIEL. deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § [illegible] All interested persons are

By: Riley
Clerk of
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3) Request from Carl Volle to annex a 1.69± acres tract located on the south and west side of Meadowlark Lane, east of the intersection of Cleveland Highway and Meadowlark Lane (a/k/a 1646 Meadowlark Lane) and to establish zoning as Residential-II (R-II).
Ward Number: Two
Tax Parcel Number(s): 00-084-006-001 (Part)
Request: Six single-family homes
4) Request from McNeal Development, LLC to rezone a 4.86± acres tract located between Queen City Parkway, Banks Street and Gordon Avenue, having road frontage on Saint Thomas Drive and Longstreet Avenue (a/k/a 504, 512, 514, 520 and 528 Banks Street, SW; 510 East Avenue, SW; 535, 548, 549, 604, 608, 620 and 628 Gordon Avenue, SW; 0, 602, 611 and 612 Longstreet Avenue, SW; 436 and 442 Parker Street, SW; 627 and 635 Queen City Parkway; 507 and 513 Saint Thomas Drive) from Residential-II (R-II), Office and Institutional (O-I), General Business (G-B) and Heavy Industrial (H-I) to Planned Unit Development (P-U-D).
Ward Number: Three
Tax Parcel Number(s): 01-012-002-006; 01-013-001-001, 002, 003, 004, 005 and 006; 01-013-002-001, 002, 003, 004, 005, 006, 007, 007A, 008, 009 and 010
Request: 214 Multi-family apartments
Additional information is available from the Community and Economic Development Department, Planning Division, by calling 770-531-6570.
99163 6/23

PUBLIC NOTICE
CITY OF OAKWOOD, GEORGIA
Be advised pursuant to the City of Oakwood Code, Chapter 54 "Zoning", a public hearing has been scheduled before the Oakwood City Council on the 12th day of July 2021 at 7:00 p.m., at the Oakwood City Hall, 4035 Walnut Circle, Oakwood, Georgia for the application of:
• Cajun-Dawn Land Holdings, LLC has made application to annex and rezone a total of +/- 0.62 acres with the zoning from Hall County R-I "Residential" to Oakwood R-1 "Residential" on Tax Parcel No. 15044H000125 and further identified as 4292 Falcon Crest Drive according to the current
further identified as 3761, 3765, 3769, 3775, and 3783 Mundy Mill Drive according to the current numbering system of Hall County, Georgia.
• Scotty Dowis has made application request for a variance to reduce the rear setback from 20' to 13.5' on Tax Parcel No. 08054 004011 and further identified as 4949 Fawnwood Drive according to the current numbering system of Hall County, Georgia.
• Scotty Dowis has made application request for a variance to reduce the rear setback from 20' to 7.5' on Tax Parcel No. 08054 004012 and further identified as 4953 Fawnwood Drive according to the current numbering system of Hall County, Georgia.
• Scotty Dowis has made application request for a variance to reduce the rear setback from 20' to 12.5' on Tax Parcel No. 08054 004017 and further identified as 4973 Fawnwood Drive according to the current numbering system of Hall County, Georgia.
• Scotty Dowis has made application request for a variance to reduce the rear setback from 20' to 7.5' on Tax Parcel No. 08054 004018 and further identified as 4977 Fawnwood Drive according to the current numbering system of Hall County, Georgia.
• Scotty Dowis has made application request for a variance to reduce the rear setback from 20' to 9' on Tax Parcel No. 08054 004020 and further identified as 4985 Fawnwood Drive according to the current numbering system of Hall County, Georgia.
• Scotty Dowis has made application request for a variance to reduce the rear setback from 20' to 11' on Tax Parcel No. 08054 004021 and further identified as 4989 Fawnwood Drive according to the current numbering system of Hall County, Georgia.
• Scotty Dowis has made application request for a variance to reduce the rear setback from 20' to 18' on Tax Parcel No. 08054 004023 and further identified as 4997 Fawnwood Drive according to the current numbering system of Hall County, Georgia.
At said public hearing all persons or residents owning property in the City of Oakwood or in the area proposed for

6121 Spout Springs Road, Flowery Branch GA 30542 will sell at public auction the personal property in the below-listed occupants' leased unit(s) to satisfy the owner's lien. The personal property stored therein by the following occupants may include but is not limited to general household, office and personal items, furniture, boxes, clothes, and appliances. The unit(s) will be sold at public auction through online auction services of www.storagetreasures.com with bids opening at 12:00 PM on 07/5/21 and closing at 12:00 PM on 07/12/21. 138- Jennifer Segraves- Misc furniture, misc boxes, bags, totes, fan, armoir, artwork, 2 tables, luggage, vacuum. 019- Patience Thurmond- Misc Boxes, bags, totes, sofa, love seat, matterss, chairs, end table, lamp.
99072 6/23,30

SALE UNDER POWER
Adams Transfer & Storage Co (ATS) is enforcing a lien and will sell, at public silent bid auction, the below described property beginning at 1pm July 8, 2021 at 795 Georgia Ave, Gainesville, GA 30501 (pursuant to GA Code § 11-7-210 (2019) Commerical Warehouseman's Lien Act. Notice is hereby given to: (Name/Lot/Contents)
Robbin Lanning, Reg 778614T / PS07-0967, misc household goods; Valma Sanders, Reg 600446T, misc household goods; Priority One Staffing, LOT 3717 / 53-M, misc office components; Stacey Lee, Reg 775410T / 0301-1, misc household goods. ATS reserves the right to refuse any bid or withdraw any storage lot from sale. Cash only, goods sold "as is" and must be fully removed from the property on day of sale. ATS does not extend moving services to winning bidder.
98927 6/16,23

Probate Notices

CITATION
RE: Martha Carolyn Cole Ward,
Date of publication: June 23, 2021
Docket.# GA-06-022
Charlotte Louis and Roy Cole has filed a petition for resignation as guardian of Martha Carolyn Cole , ward, this is, therefore, to cite any and all concerned to file objection in Hall County Probate Court within 30 days from the date of publication, to show

Court on or before July 6th 2021
BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections arc filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.
Patty Walters Laine
Judge of the Probate Court
By: S. Carley
Clerk of the Probate Court
116 Spring Street First Floor Gainesville, Georgia 30501
770-531-6923
98774 6/23

IN THE PROBATE COURT OF HALL COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF ILMA JANE KIMBERL, DECEASED
ESTATE NO. E-20-495
NOTICE
[For discharge from office and all liability]
IN RE: Petition for Discharge of Personal Representative
TO: Whom it may concern:
This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before 10:00 a.m. July 6, 202.1.
BE NOTIFIED .FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.
Patty Walters Laine Judge of the Probate Court
Denise Garc1a
Clerk of the Probate Court
116 Spring Street First Floor Gainesvile, Georgia 30501
770-531-6925
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IN THE PROBATE COURT

powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before July 9th, 2021.
BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.
Patty Walters Laine Judge of the Probate Court
By: Riley Norris
Clerk of the Probate Court
116 Spring Street First Floor Gainesville. Georgia 30501
770-533-7828
98766 6/9,16,23,30

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE: ESTATE OF MILLARD GARRETT SMITH, DECEASED
ESTATE NO.. E-19-076
NOTICE
[For discharge from office and all liability]
IN RE: Petition for Discharge of Personal Representative
TO: to whom it may concern:
This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before July 6 2021.
BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.

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GAINESVILLE PLANNING and APPEALS BOARD
RECOMMENDATION

Applicant and Property Owner..... City of Gainesville

Location..... 312 Jesse Jewell Parkway, SW; 315 and 323 Broad Street, SW; 0 and 320 Maple Street, SW

Request..... Rezone from G-B to C-B, with a special use

Size ..... 1.716± acres

Ward..... Four

Proposed Use..... Restaurant and special event center

Planning Division Staff Recommendation ..... **Approval, with conditions**

Planning & Appeals Board Recommendation..... **Approval, with conditions**

Date..... July 13, 2021

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

The City of Gainesville is proposing to rezone the subject property from General Business (G-B) to Central Business (C-B) in order to match the zoning of most of the properties within the downtown central business district. As part of the request, a special use is proposed to allow for a special event center. Upon rezoning the property, B Entertainment intends to develop the property for a Bourbon Brothers restaurant and entertainment venue that will include a 15,000 square foot concert/special event venue, 9,000 square foot restaurant and an 8,000 square foot outdoor patio area. Approximately 100 to 120 ticketed shows and an additional 100 events such as weddings, conventions, proms, sporting events, church and corporate events are planned per year. The architectural approach of the buildings will include red brick to align with pre-1936 Gainesville historical architecture of the downtown square. At full capacity it is anticipated there will be 80 to 90 employees.

Access is planned from Maple Street. Parking will be provided with approximately 88 on-site spaces and an additional 34 off-site spaces are planned as part of the redesign of the adjacent Poultry Park. As well, the nearby public parking deck and on-street parking are available.

The property consists of five lots which are located within the heart of downtown which are partially located within the Midtown Overlay Buffer Zone. The property currently contains a parking lot with 86 parking spaces and the Gainesville Midland Train Park which will be relocated further south to the new Midland Train Park under construction at the railroad wye.

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

Location	Use	Zoning
North	The Arts Council; Office	Central Business (C-B)
South	Mule Camp Springs; Wild Wing Café; City Church; United Community Bank	General Business (G-B)
East	Carroll Daniel Construction	Central Business (C-B)

West	Poultry Park; Purple House Gallery & Framing; IHOP Restaurant	General Business (G-B).

- ***Other Departmental Comments***

The developer will need to coordinate with Georgia Department of Transportation (GDOT) since this development will impact the State Route System.

- ***Zoning History***

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

2020- A request by the City of Gainesville to rezone 39.0± acres consisting of 25 parcels within the Midtown Overlay Zone from Heavy Industrial (H-I), Light Industrial (L-I), General Business (G-B) and Residential-II (R-II) to Office and Institutional (O-I) was approved with no proposed change in use.

2020- A request by Davis Pine, LLC to rezone a 0.47± acre tract located at 890, 892 and 898 Wills Street SW from General Business (G-B) to Residential-II (R-II) for seven multi-family apartments was approved with conditions.

2020- A request by the Gainesville Non-Profit Development Foundation to rezone a 1.07± acres tract located at 623, 635, 641 and 645 Davis Street, SW from General Business (G-B) and Heavy Industrial (H-I) to Residential-II (R-II) for four single-family homes was approved with conditions.

2020- A request by the City of Gainesville to rezone a 6.84± acres tract located at 110 and 120 Jesse Jewell Parkway, SE; 525 Bradford Street, SE; 111 College Avenue, SE from Planned Unit Development (P-U-D) and General Business (G-B) to Planned Unit Development (P-U-D) was approved with conditions for a mixed-use development.

2020- A request by the City of Gainesville to rezone a 4.1± acres tract located at 610 and 622 Main Street, SW; 605 Grove Street, SW from Light Industrial (L-I) to Planned Unit Development (P-U-D) was approved with conditions for a mixed-use development.

2019- A request by Christopher Wimberly to rezone a 0.31± acre tract located at 315 Summit Street, SE from Residential-II (R-II) to General Business (G-B) was approved with conditions for a funeral home.

2018- A request by KRM 2016, LLC for a special use on a 0.82± acre tract located at 520 Washington Street within Neighborhood Business (N-B) was approved with conditions for five duplex apartments.

2016- A request by the Gainesville Housing Authority to rezone 11.671± acres located at 233, 240, 315, and 323 Atlanta Street; 207, 209, 221, 223 and 229 Summit Street from Residential-II (R-II), Neighborhood Business (N-B) and General Business (G-B) to Planned Unit Development (P-U-D) was approved with conditions for multi-family apartments.

2014- A request by Pap Datta to rezone 1.04± acres with a special use located at 510, 514 and 520 Maple Street from General Business (G-B) to Light Industrial (L-I) was approved with conditions for a micro-brewery.

- ***Staff Analysis***

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

The adjacent and nearby properties are zoned Central Business (C-B) and General Business (G-B) and the uses are nonresidential. Some of the uses include Carroll Daniels Construction, Arts Council Depot, Poultry Park, Wild Wings Café, City Church, 37 Main restaurant/bar and Truist Bank. The proposal appears suitable based on the surrounding use and zoning.

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

The proposed zoning of C-B is consistent with other adjacent properties within the central business district. As well, a proposed restaurant and special event center should complement the existing uses downtown by providing further enhancing the aesthetics of the property while attracting local and regional visitors.

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

The Gainesville Future Development Map for the City of Gainesville places the majority of the property within the *Mixed-Use Downtown* land use category and a portion of the property within *Park/Recreation/Conservation* land use category where the current Midland Train park is located. Land uses allowed in the *Mixed-Use Downtown* category include mixed-use, retail, office and residential. The *Park/Recreation/Conservation* land use category includes areas containing or planned for parks and recreation facilities, permanently designated open space, and conservation areas, including buffers along water ways and other environmental features.

According to the Character Area map for the City of Gainesville, the subject property is located within the *Central Core* Character Area specifically within the *Downtown/Midtown* subarea. The vision for this area is to continue to evolve as the symbolic heart of the city and should strive for a more sustainable mixture of uses. Recent and ongoing public improvements to Midtown and Downtown have begun a long-term transition to more diverse land uses to include office / conference / hospitality extension of Downtown across Jesse Jewell Parkway. In addition, mixed-income high quality multi-family housing development should be targeted to take advantage of the open space investment made in the Midtown Greenway and related parks. Land uses supported in the Midtown subarea include mixed-use, multi-family residential, commercial, public / institutional, and transportation / communications / utilities.

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

The property currently serves as a public parking lot and is the site of the Gainesville Midland Train park and could remain as such. Similar with most of the properties within the heart of downtown, the proposed zoning of Central Business (C-B) provides for more flexibility of setbacks, parking and landscaping requirements for consistency and to maximize the property. Under the current zoning of General Business (G-B), it is unlikely the proposed use could be accomplished without varying these same requirements due to the property having four road frontages.

(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 proposal should not cause an excessive or burdensome use of public facilities or services. The development proposes to utilize City water and sewer services and capacity is sufficient.

Existing public safety services already respond to the adjacent and nearby properties. Gainesville Fire Station #1 is located under one mile from the property.

The property borders Jesse Jewell Parkway, Maple Street, Broad Street and West Academy Street. The development proposes a single access from Maple Street which was recently improved with sidewalks. The proposal will increase vehicular trips and turning movements to/from the property.

According to the Institute of Transportation Engineers (ITE) Trip Generation Handbook (9th Edition), a proposed 9,000 sf restaurant could generate 895± new trips per weekday (50% entering, 50% exiting), 81± P.M. peak hour trips. A 15,000 sf event center could generate approximately 800± weekday trips (50% entering, 50% exiting). It is anticipated that visitors may attend both the restaurant and event center.

The proposed development is nonresidential and should have no impact on the Gainesville City Schools.

(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 and nearby properties have experienced recent public and private investment which have helped bolster development downtown. Due to limited real estate, many of the existing spaces have been repurposed to better serve downtown patrons such as the proposed use. It is anticipated this will continue under the current market conditions in the form of both commercial and residential development.

(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 Comprehensive Plan and the adjacent mixture of uses, it appears the proposal reflects a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property, with the proposed zoning conditions.

<u>Additional Criteria</u>

(1) The type of street providing access to the subject property is adequate to serve the proposed Special Use.

Preliminary access is proposed access is from Maple Street. The property also fronts Jesse Jewell Parkway, Broad Street and West Academy Street which are adequate to serve the proposed use.

(2) Access into and out of the property adequately provides for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles.

It appears the existing road network and sidewalks adequately address future traffic, pedestrian safety and emergency vehicles. There is a full access median break at the intersection of Jesse Jewell Parkway and Maple Street, and a signalized intersection of Jesse Jewell Parkway and West Academy Street.

(3) Public facilities such as schools, water or sewer utilities, and police or fire protection are adequate to serve the Special Use.

Existing public facilities are adequate to serve the proposed use. Police and Fire facilities are located within one mile of the property.

(4) Refuse, service, parking and loading areas on the property are located and screened to protect other properties in the area from such adverse effects as noise, light, glare or odor.

All proposed loading and service areas will be required to be properly enclosed or screened to minimize impact along Jesse Jewell Parkway and adjacent properties. As well, the Unified Land Development Code does not allow for lighting that causes glare. Odor or noise produced from a restaurant and event facility should be contained mostly within the proposed buildings. It is important to note that there are no adjacent residential uses.

(5) The hours and manner of operation of the Special Use have no adverse effects on other properties in the area.

The anticipated hours may change but anticipated to be from for the restaurant are Monday thru Saturday from 11:00 a.m. to 9:00 p.m. and Sunday from 9 a.m. to 9:00 p.m. The anticipated hours for the event center are Thursday from 6 a.m. and 10:30 p.m., Friday/Saturday from 5 a.m. to 10 p.m. and Sunday from 11 a.m. to 3 p.m. and 5 p.m. to 9 p.m.

(6) The height, size and location of the buildings or other structures proposed on the property are compatible with the height, size or location of buildings or other structures on neighboring properties.

A specific architectural design of the building has not been finalized at this point but the approach will include red brick to align with pre-1936 Gainesville historical architecture of the downtown square. It is anticipated that each building will be one story in height. The height and size of the proposed structures will be consistent with other buildings within the downtown area which range from one to seven stories in height.

- ***Staff Recommendation***

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

Conditions

1. **A proposed site plan and architectural plan shall be subject to the Community & Economic Development Director approval.**

2. **The proposed number, location, type, size and lighting requirements of all signage for the development shall be subject to the Community & Economic Development Director approval.**
3. **All access point design for the subject property shall require review and approval by the Gainesville Public Works Director and the Georgia Department of Transportation. All required access/traffic/sidewalk improvements associated with the proposed development shall be constructed at the full expense of the property owner/developer.**

Excerpts from the July 13, 2021 PAB Meeting Minutes

Applicant Presentation: Bob Mudd, 1247 Lakestone Court, developer for the venue stated he has been involved in this project for a number of years including building the restaurant in northern Colorado Springs. He shared information about the existing project in Colorado Springs with the fundamental business and culture being the same but the architectural will change to fit the downtown sector of Gainesville. He said the site plan consists of two businesses, one being a 9,000 square foot restaurant, 1,500 square foot bar with a rooftop patio on the second floor that will be adjoined to a 15,000 square foot venue capable of hosting music acts, corporate events and other type of engagements. Mr. Mudd explained Bourbon Brothers has been open in Colorado Springs since 2014 and has a southern style kitchen with fireplaces, serving Saturday and Sunday brunch, lunch and dinner each day. He stated it has expertly crafted cocktails with a bourbon theme and the intention is to replicate a lot of the elements here but not the exact architecture. Mr. Mudd stated the restaurant has maintained a 4-Star Yelp rating and been awarded the Six Star Diamond Award. He said the photos of the building shown in the presentation will not have the same exterior in Gainesville. He then mentioned well known performers to play at the Colorado Springs location and believes with the proximity to areas nearby the Gainesville venue such as Atlanta, Nashville, Charlotte, and Birmingham, the location is important for acts that otherwise wouldn't be able to book. Mr. Mudd said it is typically seated in tables of eight, 80 percent of the ticketed shows and on average two ticketed shows per week and accommodates about 500 people but can also house general admission, a recent general admission event housed 1,400 people. He said the objective is to keep the same interior design consistency but the outside will look much different. He explained the Colorado Springs location is the primary host for Fed-Ex offices which is a state-of-the-art facility, simulcast and pay-per-view capacity with nearly 2 million worth of AV inside. Mr. Mudd stated the architecture on the outside is very important and wants to be an asset to Gainesville and a partnership. He said there is a lot of work to be done and are comfortable with the recommendations from the City as related to the conditions of the rezoning. They feel it is best to orient the venue toward the back side of the property, anticipates needing to use valet parking to move vehicles into the parking garage a block over. He stated the buildings are adjoined and desire is to put the rooftop patio area at the corner of Maple Street and Broad Street on the back side of the building. The concept is to design the outside like the 1930's with red brick consistent with the downtown square. He stated they will likely use a local general contractor and architects as well. He said they plan to see 100 to 120 ticketed shows per year and at full capacity expect to hire 80 to 90 people. He stated at the other location the surrounding restaurant and hotels see an increase on the same day of the shows of nearly 20 percent and expect 20 percent of the ticket sales to come from outside of Hall County.

Brian Rochester, 425 Oak Street, Rochester & Associates, said he had the opportunity to visit the facility in Colorado Springs while visiting his daughter. He had heard many things

about the venue such as being a honkytonk but he attended a concert with approximately 500 in attendance. Mr. Rochester said the atmosphere was amazing and they had a fantastic family time and the food was great. He said there has been concern about noise but he actually went outside onto the patio for a phone call during the concert and had no problem hearing and having a conversation. At the end of the show, he went outside to watch people leaving the venue and thought it was well designed with the amount of people leaving and operated very well. He stated it was a clean facility, including the bathrooms which had no waiting during the show. He said the entire atmosphere is something the community would be proud of and a tremendous asset for years to come. He said it would be good for all age groups to attend and would ask the Board to vote to affirm this moving forward.

OPPOSE: Attorney Matt Reeves, Anderson, Tate & Carr Law Firm, One Sugarloaf Center, 1960 Satellite Boulevard, Duluth, stated he wants to present some concerns and requests on behalf of The Arts Council, not to oppose the rezoning but to ask for a deeper level of depth and study on the application. He stated three years ago the City purchased 0.4 acre of the 1.7 acres from The Arts Council under threat of eminent domain to alleviate parking problems that existed in the area. He stated there is a parking agreement on file with the City from 2018 that provided for 0.4 acre of the property to be a parking lot open to the public 12 times a year with 40 spaces reserved for the Arts Council for their outdoor venue. He said many board members and supporters are present at the meeting and asked them to stand up. He stated they have a different view for Bourbon Brothers and don't believe that Gainesville is a desert for entertainment and Gainesville has done a great job over the last five, ten, twenty years in attracting high quality development and having high standards. He said The Arts Council has been a part of the effort to improve downtown Gainesville. He stated a lot of cities spend taxpayer money in developing the town green but The Arts Council spent years and well over a million dollars from supporters in the community to build the outdoor performing arts center next to the Bourbon Brothers property which hosts concerts. He then passed out the Summer Concert Series schedule and stated there are a number of high quality events to attract visitors, shoppers and diners in the area. He stated the event facility named after the CEO and director Gladys Wyant is an outdoor facility and faces Bourbon Brothers property on Broad Street and is asking for conditions to be placed on the zoning that would re-orient the buildings, as well as the outdoor patio and outdoor bar to face away from the Arts Council's open air outdoor facility. He said it could be done like Carroll Daniel with the back of the building facing Broad Street and the rooftop patio facing the next street over or build a wall at ground level to block sound or music as well as a wall on the rooftop bar to shield sound and amplified music which could interfere with The Arts Council's operations. He said it's possible to impose zoning classifications or zoning conditions to protect existing private property owners from a new development in order to keep an existing property owner from being harmed. Mr. Reeves said that is what they are requesting in this case to prevent conflicts and adjacent land uses based on the work The Arts Council has done in downtown Gainesville. He stated Bourbon Brothers proposed outdoor operations and consumption of the parking area, threatened to harm The Arts Council presently but could be stopped. He said in discussions recently Bourbon Brothers did offer to devote 40 parking spaces, twelve times a year next to The Arts Council for their use just like the City promised in 2018 but has not been imposed by way of zoning conditions yet and asked the board to enter that condition. He stated if Bourbon Brothers would face the outdoor patio/rooftop bar toward Jesse Jewell or toward Maple Street rather than Broad Street it would make the new development more consistent with the City's comprehensive plan in addition to protecting The Arts Council outdoor event facility. He stated this is a big proposed development that could be very positive if done correctly but not if done in a rush. Mr. Reeves stated The Arts Council has asked a lot of questions and begun getting some answers from Bourbon Brothers but a lot of work is needed to be sure this new development does not harm The Arts Council existing operations and parking, and the outdoor noise issues needs more work. Mr. Reeves asked

the Board to table the rezoning request for a month to get unanswered questions that are important or impose conditions on the zoning. He provided the site plan from Bourbon Brothers that shades the 40 parking spaces in yellow, the request to table the issue and some proposed conditions. He stated The Arts Council has operated since 1972 and spent time, effort and resources building the outdoor facility and believes a very deliberate set of conditions to protect them as well as minimize conflicts in the future would be mutually beneficial. Mr. Reeves also passed out a copy of a letter showing the level of work recently and includes the parking agreement from 2018 with the City and the 0.4 acre of the property that was acquired under the threat of eminent domain from The Arts Council just a few years ago. He stated the supporters in attendance have remaining questions to be answered and so are asking for the tabling or the conditions to be imposed. He stated in response to the presentation of the Colorado venue being adjacent to a Bass Pro Shop shopping center and does not have a 6,900 square foot outdoor patio or a 1,500 square foot outdoor bar/patio on the roof in Colorado. He stated those things are not necessary for a good development and said The Arts Council is not opposed to the project being there but requests the buildings be reconfigured or sound walls be installed so outdoor noise is not projecting out onto The Arts Council's outdoor events. He agreed with Bourbon Brothers that a fair amount of work needs to be done on the details and referred to previous zonings of 32,000 square foot properties there is a lot more detail put in, a lot more conditions imposed by the City on private property than in this case where the City is trying to sell the property to Bourbon Brothers. Mr. Reeves stated they are asking for time to be reserved for more detail generated by Bourbon Brothers and to be sure the concerns are addressed. He said while 100 to 120 events per year is exciting, but that level of activity, if not planned correctly through building configuration, sound mitigation, ingress and egress and zoning conditions, could create a real traffic jam, not only for The Arts Council but could harm other private property owners in the immediate area. He is asking for care to be placed on this request due to volume of activity that Bourbon Brothers proposes. He said The Arts Council has many events during the year that are well managed and wants to continue doing that and doesn't want the events from Bourbon Brothers to interfere with their existing events. Mr. Reeves stated he respects Mr. Rochester greatly and believes he does great work, but while he has seen the venue and said some favorable words, his trade is drawing plans and in this case there is a site plan but not a lot of detail on it. He thinks spending the next month at the drawing board, getting buildings laid out, installing sound buffers and important details imposed is the request for Bourbon Brothers to have Mr. Rochester to spend time doing. He asked the board not to leave important questions unanswered which can be done through either tabling or through imposing those 18 conditions requested by The Arts Council which are not a surprise and was presented to Bourbon Brothers. He stated they met with them on June 25th and sent a proposal on July 6th, the Arts Council board convened and responded yesterday to Bourbon Brothers and are important conditions to protect The Arts Council.

Gladys Wyant, 2730 High Vista Point, Executive Director of The Arts Council, stated some events on the stage would be very crucial not to have sound interference. She spoke about songs that would be impacted if there were a lot of noise from across the street such as the volume of people talking at the outdoor patio or bar and wants a sound proof wall or buffering installed. She hopes that the Board would insist on some sort of sound study for outside noise. Mrs. Wyant thought a traffic study should be done if not already, along with a safety study for the roof top bar with railing for it. She noted on the aerial map from 2018 the proximity of both venues. Another concern she had was Broad Street being closed in the future and the rezoning of it. She stated there could be unintended consequences and asked for more time and for the Board to table the request in order to work together with Bourbon Brothers and the City.

REBUTTAL: Robert Mudd stated he believes The Arts Council is a treasure of Gainesville and has had a number of discussions with leadership regarding their concerns. He stated

they will partner with the City of Gainesville regarding the design and benefits so the project will be an asset to the City. They have had discussions since April with The Arts Council and made an offer to address their concerns. He stated the layout was done by Rochester, who considered different dimensions based on feedback from the Arts Council. They are looking for solutions to the parking concerns which they have assigned 40 spaces 12 times a year to address it. The places to sit will be toward the square with fireplaces while waiting for shows. He stated they are open to conversations and have offered at a great expense to put a natural barrier between the venues, and willing to work with their calendar regarding any amplified sound, will meet all requirements for the rooftop patio and wants to partner with The Arts Council and be a great asset to Gainesville.

PLANNING AND APPEALS BOARD COMMENTS: Chairman Carter asked Mr. Tate to comment regarding Broad Street being closed. Deputy Director Tate stated the request is not to close any of the streets and they will remain open. He said the right-of-way was included in the rezoning to clean up the zoning boundary. Vice Chair Fleming asked about the location for the outdoor patio, entrance and exits to the venue and if all concerts were inside. Mr. Mudd stated the patio would be adjacent to the music venue near Broad Street. The rooftop bar would be located at the corner of Maple and Broad Street, with the main entrance at the corner of Broad and Maple but exit both sides of Jesse Jewell and Broad Street with an adjoining valet service so the public can go in and out efficiently. He said all concerts will be inside with possibly amplified music on the dining patio at times but will work with sound ordinances for the City.

There was a motion to recommend conditional approval to rezone the subject property from General Business (G-B) to Central Business (C-B), with a special use, with the following conditions:

<u>Conditions</u>

1. **A proposed site plan and architectural plan shall be subject to the Community & Economic Development Director approval.**
2. **The proposed number, location, type, size and lighting requirements of all signage for the development shall be subject to the Community & Economic Development Director approval.**
3. **All access point design for the subject property shall require review and approval by the Gainesville Public Works Director and the Georgia Department of Transportation. All required access/traffic/sidewalk improvements associated with the proposed development shall be constructed at the full expense of the property owner/developer.**

Motion made by Board Member White
Motion seconded by Board Member Martin
Vote – 6 favor, 1 absent (Simmons)

Passed: _____

AN ORDINANCE

No. 2021-21

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A 1.716± ACRES TRACT LOCATED BETWEEN JESSE JEWELL PARKWAY, WEST ACADEMY STREET, BROAD STREET AND MAPLE STREET (A/K/A 312 JESSE JEWELL PARKWAY, SW; 315 AND 323 BROAD STREET, SW; 0 AND 320 MAPLE STREET, SW) FROM GENERAL BUSINESS (G-B) TO CENTRAL BUSINESS, WITH CONDITIONS (C-B-c); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; 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

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 **Central Business, with conditions (C-B-c).**

Conditions

1. **A proposed site plan and architectural plan shall be subject to the Community & Economic Development Director approval.**
2. **The proposed number, location, type, size and lighting requirements of all signage for the development shall be subject to the Community & Economic Development Director approval.**
3. **All access point design for the subject property shall require review and approval by the Gainesville Public Works Director and the Georgia Department of Transportation. All required access/traffic/sidewalk improvements associated with the proposed development shall be constructed at the full expense of the property owner/developer.**

Legal Description

All that tract or parcel of land lying and being in the Land Lot 154, 9th land district, City of Gainesville, Hall County, Georgia as shown on a survey and plat prepared by Patton Land Surveying, LLC. for the City of Gainesville, dated May 22, 2019 and being more particularly described as follows:

Commencing at a P.K. Nail Set at the Southerly Right-of-way Intersections of Broad Street and Maple Street, Thence along the Westerly R/W of Maple Street South 31degrees 03

minutes 47 seconds East for a distance of 241.24 feet to a ½" rebar pin set being located at the Westerly R/W intersections of Maple Street and Jesse Jewell Parkway;

Thence along said Jesse Jewell Parkway the following courses;

Thence South 24 degrees 00 minutes 31 seconds West for a distance of 19.98 feet to a ½" rebar pin set; Thence South 61 degrees 39 minutes 56 seconds West for a distance of 265.03 feet to a ½" rebar pin set being the R/W intersections of Jesse Jewell Parkway and Easterly R/W of West Academy Street; Thence along said Easterly R/W of West Academy Street the following courses; Thence North 62 degrees 34 minutes 50 seconds West for a distance of 50.17 feet to a P.K. Nail Set; Thence North 37 degrees 56 minutes 39 seconds West for a distance of 149.67 feet to a ½" rebar bar pin set being the R/W intersections of West Academy Street and Southerly R/W of Broad Street; Thence continuing along said Southerly R/W of Broad Street the following courses; Thence North 11 degrees 28 minutes 09 seconds West for a distance of 20.01 feet to a ½" rebar bar pin set; Thence North 21 degrees 39 minutes 25 seconds East for a distance of 20.00 feet to a X mark in concrete sidewalk; Thence North 49 degrees 39 minutes 30 seconds East for a distance of 31.26 feet to a ½" rebar pin found; Thence North 54 degrees 41minutes 18 seconds East for a distance of 99.93 feet to a ½" rebar pin found; Thence North 57 degrees 10 minutes 32 seconds East for a distance of 172.22 feet to a point said point being the POINT OF BEGINNING.

Said property contains 1.716 Acres more or less. Together with and subject to covenants, easements, and restrictions of record.

The rezoning is to include all that portion of right-of-way known as Broad Street from West Academy Street to Maple Street; and Maple Street from Broad Street to Jesse Jewell Parkway.

SECTION II

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

SECTION III

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

SECTION IV

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

SECTION V

The effective date of this Ordinance shall be upon approval by the governing 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

RESOLUTION ZR-2021-02

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

WHEREAS, under **Chapter 9-6-5 G-B General Business District** of the Unified Land Development Code of the City of Gainesville, Georgia; **Section 9-6-5-2 Permitted and Special Uses** allows for a *special event center to accommodate 100 patrons or more* subject to City Council approval after review and recommendation by the Gainesville Planning and Appeals Board; and

WHEREAS, an application has been received from **City of Gainesville** to allow for a *special event facility to accommodate 100 patrons or more* within a Central Business (C-B) zoning district identified as follows:

01-012-004-001; 01-006-004-002, 004, 005 and 006
312 Jesse Jewell Parkway, SW; 315 & 323 Broad Street, SW; 0 & 320 Maple Street, SW
Ward Four

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

WHEREAS, the **Gainesville Planning and Appeals Board,** held a public hearing regarding this matter on **July 13, 2021**, reviewed the application and recommended **conditional approval** of said request with the following conditions:

Conditions

1. **A proposed site plan and architectural plan shall be subject to the Community & Economic Development Director approval.**
2. **The proposed number, location, type, size and lighting requirements of all signage for the development shall be subject to the Community & Economic Development Director approval.**
3. **All access point design for the subject property shall require review and approval by the Gainesville Public Works Director and the Georgia Department of Transportation. All required access/traffic/sidewalk improvements associated with the proposed development shall be constructed at the full expense of the property owner/developer.**

.

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

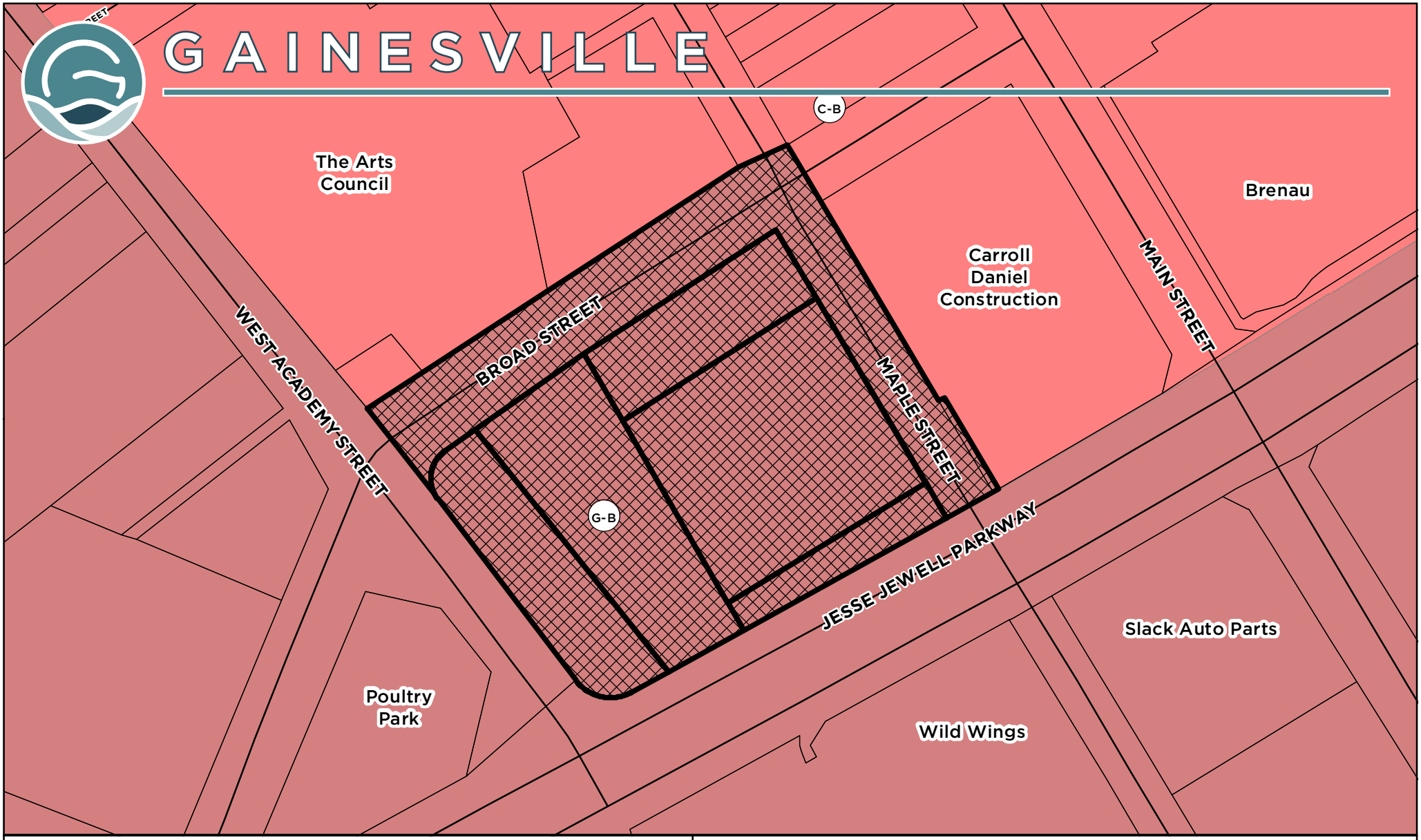
Adopted this _____ day of _____, 2021.

C. Danny Dunagan, Jr., Mayor

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

ATTEST:

Denise O. Jordan, City Clerk



Applicant: CITY OF GAINESVILLE

REZONING REQUEST WITH SPECIAL USE

Request:

Rezone a 1.716+/- acres tract from General Business (G-B) to Central Business (C-B) with a special use for a restaurant & special event center

Subject Property Address:
312 Jesse Jewell Parkway, SW;
315 & 323 Broad Street, SW;
0 & 320 Maple Street, SW

Tax Parcel:
01-012-004-001;
01-006-004-002, 004, 005 & 006

Subject Property

Meeting Date: 07/13/2021

Map Prepared: 05/11/2021

0 50 100 150 200 Feet

SCALE: 1 " = 100 '

N W E S

Applicant: CITY OF GAINESVILLE

REZONING REQUEST WITH SPECIAL USE

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Tax Parcel:
01-012-004-001;
01-006-004-002, 004, 005 & 006

Subject Property

Aerial from 2018

Meeting Date: 07/13/2021

Map Prepared: 05/11/2021

0 50 100 150 200 Feet

SCALE: 1 " = 100 '

N W E S

BOURBON BROTHERS

ENTERTAINMENT

Leadership

JW Roth has more than 35 years of experience as an entrepreneur and business executive. Most of Mr. Roth's experience is in the food and hospitality industries having successfully founded and sold or taken public more than 6 different companies. Mr. Roth has raised more than $500 million in debt and equity capital to fund his successful business ventures and has been featured on CNBC, Fox Business, and the Wall Street Journal. Mr. Roth is the CEO of Roth Industries and the Founder of B Entertainment.

Mitchell Roth is the President and COO of Roth Industries, a state-of-the-art food manufacturing company located in Colorado Springs. In his role, he directly the manages the sales, marketing, plant operations, and logistics functions of the company which produces freshly prepared poultry, meat, and ready meals for more than 8,000 supermarkets nationwide Additionally, Mr. Mitchell Roth is the co-founder of B Entertainment. He is a graduate of Liberty University with bachelor's degrees in Finance and Economics.

Robert Mudd has over 30 years of business and ministry management experience and has served in a number of executive roles, ranging from COO, CFO to CEO. His first 15 years were spent in the technology and telecommunications industry. He has served most recently as President of Adventures in Missions and CEO of Bourbon Brothers Holding Company. He holds six patents in the technology and telecommunications industry and led business units with over $300 million in full P&L responsibility. He has a bachelor's degree in Education from the University of Louisville.

Frank Simpson is the owner/broker of The Simpson Company of Georgia, Inc. in Gainesville, GA. Having founded the company in 1993, Mr. Simpson has been an instrumental figure in the commercial real estate community throughout greater Atlanta advising clients on notable transactions. Simpson currently serves on the Board of Directors of the Hall County YMCA, the Past President of the CCIM Institute, 2017 President of the Georgia Chapter of SIOR, and member of the 2021 Economic Development Council of the Greater Hall Chamber of Commerce.

About Us

B Entertainment is Colorado's premier hospitality and entertainment company.

- Colorado campus founded in 2013
- More than a century of combined restaurant and music industry experience among the team.
- Our restaurants have maintained a 4-Star Yelp rating since inception, placing them in the top 25% of restaurants nationally.
- Awarded the prestigious Six Star Diamond Award by the American Academy of Hospitality Sciences in NYC.
- Boot Barn Hall is an AEG partner venue, allowing it access to some of the most highly sought-after tours in the business.

AEG PRESENTS

City Partnership

- Architectural aesthetic approach to align with pre-1936 Gainesville historical architecture
- Matching city architecture to red brick, with tasteful details featuring local sponsors
- Work with local sponsors, specifically for the naming rights, as well as Green Room sponsorship, patio sponsorship, and presenting show sponsorship
- Work in coordination with the City's economic development infrastructure to attract regional conferences and conventions, further benefiting local restaurants, hotels, and other small businesses on the square and throughout downtown
- Work in conjunction with the City to highlight unique concerts and events happening at the music venue to make the Gainesville square the entertainment destination for all of Hall/Gwinnett MSA
- Coordinate with the city on an acceptable relocation of the the infrastructure in Poultry Park to elevate the prominence and visibility of the chicken statue, while also working to create additional parking for the venue.
- Partner with City Planning to find acceptable Ingress/Egress solutions for property access as well as utilization of Broad St. during event nights
- Leverage TAD opportunities to maximize integration with local architecture and patio/other exterior places to best

Project Highlights

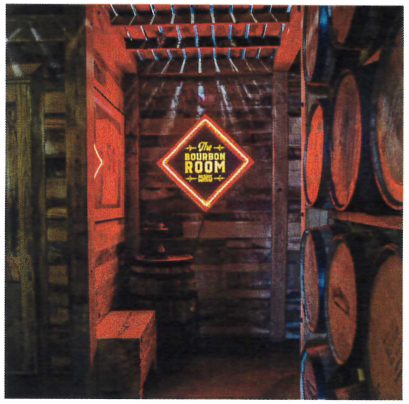
Desire to be ready for business by January 1, 2022

- Timeline – LOI in March. Contract, re-zoning, closing completed by April 1. Break ground June 1. Open January 1.
- Plan to work with local architects and the City of Gainesville to adapt our exterior to fully integrate with the historical downtown square architecture
- This campus will serve as a magnet for the downtown region and vibrancy catalyst to spur additional growth in the downtown region
- Hosting 100 – 120 Ticketed shows per year
- Hosting an additional ~100 conventions, weddings, proms, sporting events, church and corporate events per year
- At full capacity hiring 80-90 people
- Resulting in 20% increase in same store sales for adjacent restaurants and hotels on event nights
- Attracting estimated 20% of the clientele from outside of the Hall/Gwinnett MSA
- Significantly expands the visitors attracted to downtown supporting local retailers, restaurants and hotels
- Broad based opportunity for the tax base of the city

Bourbon Brothers

Bourbon Brothers Smokehouse and Tavern opened in April 2014 in the Bass Pro Shop-anchored Polaris Pointe development.

- Expertly crafted American classics and Southern staples out of a scratch kitchen
- World class selection of over 130 rare bourbons, ryes, and whiskies, and local craft beers.
- The ambiance of the restaurant replicates that of an old Southern farmhouse, where comfort food and expertly crafted bourbon are staples.
- Seats up to 300 customers at any one time, across its two bars, primary dining areas, Sunroom, and "Library."
- Maintained a prestigious 4-star rating on Yelp since inception and was awarded the Six Star Diamond Award



Maker's Mark

BOURBON
BROTHERS

BOURBON
BROTHERS

Boot Barn Hall

Boot Barn Hall ("BBH"), is a state-of-the-art event center, dedicated to bringing A-list musical acts from the worlds of Country Music, Rock & Roll, bluegrass and other genres to Colorado Springs.

- Up to 1,400 concert goers for a general admission concert featuring an A-list national-touring artist
- Comfortably seats 500 guests in a fully seated configuration to present intimate concerts, dueling pianos, or comedians.
- Has hosted current stars like Easton Corbin as well as the greatest sounds of the past, including Blackhawk, John Elefante from Kansas and Randall Hall of Lynyrd Skynyrd.
- BBH is an AEG (Anschutz Entertainment Group) partner venue, positioning it as the premier live event venue in Colorado Springs and the surrounding 50 miles.
- BBH has become the premier venue to host corporate events and small conventions for local business and multinational corporations, like FedEx, given its unique layout and full-service food and beverage.

EASTON
CORBIN

BOOT BARN Hall
AT BOURBON BROTHERS

COMBINATION SURVEY FOR:
THE CITY OF GAINESVILLE
"GREATER SOUTH LOT PROJECT"

THIS BLOCK IS RESERVED FOR THE CLERK OF THE SUPERIOR COURT

SURVEYOR'S NOTES:

1. THIS PROPERTY IS NOT LOCATED WITHIN A FLOOD HAZARD AREA AS PER FIRM FLOOD INSURANCE RATE MAP OF HALL COUNTY, GA. COMMUNITY PANEL NO. 130263 0187 F, EFFECTIVE DATE: SEPTEMBER 29TH, 2006. THIS OPINION IS NOT A CERTIFICATION OF FLOOD HAZARD STATUS, BUT IS AN INTERPRETATION OF THE REFERENCED MAP AND PUBLIC DATA. IF THE EXACT LOCATION OR ELEVATIONS OF THE FLOOD HAZARD BOUNDARIES ARE NECESSARY, A MORE DETAILED STUDY MAY BE NEEDED. THIS FIRM ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE ACCURACY OF THE REFERENCED MAP OR PUBLIC DATA.

2. THIS PROPERTY IS NOT AFFECTED BY THE HALL COUNTY FUTURE FLOOD AREA AS SHOWN ON HALL COUNTY GIS WEB SITE LOCATED AT: http://gis.hallcounty.org/Public/WebPages/Map/FundyViewer.aspx

3. IF THIS PROPERTY CONTAINS FEMA AND/OR LOCAL FLOOD HAZARD AREAS. BOTH FEDERAL AND LOCAL RESTRICTIONS MAY APPLY.

4. THIS SURVEY WAS PREPARED ON THE GEORGIA STATE PLANE COORDINATE SYSTEM, TRANSVERSE MERCATOR PROJECTION, WEST ZONE, NORTH AMERICAN DATUM OF 1983\2007 ADJUSTMENT. THE SCALE FACTOR FOR THIS SITE IS: 0.999912041. (GRID DISTANCE\SCALE FACTOR=GROUND DISTANCE). ALL COORDINATES SHOWN HEREON ARE GRID COORDINATES UNLESS OTHERWISE STATED.

5. THIS SURVEY COMPLIES WITH BOTH THE RULES OF THE GEORGIA BOARD OF REGULATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE OFFICIAL CODE OF GEORGIA ANNOTATED (OCGA) 15-6-67 AS AMENDED BY HB76 (2017).

6. CONVENTIONAL EQUIPMENT USED FOR MEASUREMENT WAS A TOPCON PS 103. GPS EQUIPMENT USED FOR MEASUREMENT WAS A CHAMPION TKO GNSS RECEIVER USING REALTIME KINEMATIC OBSERVATIONS PROCESSED THROUGH THE EGPS NETWORK.

7. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 22,136 FEET AND AN ANGULAR CLOSURE OF 00°00'04" PER ANGLE POINT, AND WAS ADJUSTED USING LEAST SQUARES RULE. FIELD PARTY J.J. & W.H.

8. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 1,677,550 FEET.

9. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF TITLE REVIEW AND IS SUBJECT TO ANY RESERVATIONS, RESTRICTIONS, RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

10. THIS PLAT OF SURVEY IS FOR THE EXCLUSIVE USE OF THE PARTIES LISTED UNDER THE CAPTION "SURVEY FOR" ANY THIRD PARTY USE TO BE AT THEIR OWN RISK.

11. THIS PROPERTY DOES NOT CONTAIN STATE WATERS REQUIRING AN UNDISTURBED NATURAL BUFFER. LOCAL ORDINANCES MAY ALSO REQUIRE ADDITIONAL BUFFERS FOR THESE AREAS.

12. IF THE PROPERTY IS LOCATED IN THE NORTH OCONEE WATERSHED DISTRICT, THEN ADDITIONAL STREAM BUFFERS AND IMPERVIOUS SETBACKS MAY BE REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE § 17.225.040).

13. THE FIELD SURVEY WAS CONDUCTED ON MAY 14TH, 2019..

14. THE UNDERGROUND UTILITIES SHOWN HEREON WERE LOCATED BASED ON SURFACE EVIDENCE AND FROM INFORMATION TAKEN FROM G.I.S./UTILITY WEB SITES AND PREVIOUS PROJECT PREPARED FOR THE CITY OF GAINESVILLE. THIS SURVEY ALSO UTILIZED CAD FILE INFORMATION PROVIDED BY THE CITY OF GAINESVILLE FOR SUBSURFACE WATER AND COMMUNICATION LINES. THERE MAY BE OTHER SUBSURFACE UTILITIES THAT SERVICE THE PROPERTY THAT ARE NOT SHOWN ON THIS SURVEY.

VICINITY MAP
(NOT TO SCALE)

PROJECT LOCATION

NORTH

SURVEYOR'S CERTIFICATION:

AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR. THIS PLAT HAS BEEN APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS THAT REQUIRE PRIOR APPROVAL FOR RECORDING THIS TYPE OF PLAT OR ONE OR MORE OF THE APPLICABLE LOCAL JURISDICTIONS DO NOT REQUIRE APPROVAL OF THIS TYPE OF PLAT. FOR ANY APPLICABLE LOCAL JURISDICTION THAT REQUIRES APPROVAL OF THIS TYPE OF PLAT, THE NAMES OF THE INDIVIDUALS SIGNING OR APPROVING THIS PLAT, THE AGENCY OR OFFICE OF THAT INDIVIDUAL, AND THE DATE OF APPROVAL ARE LISTED IN THE APPROVAL TABLE SHOWN HEREON. FOR ANY APPLICABLE LOCAL JURISDICTION THAT DOES NOT REQUIRE APPROVAL OF THIS TYPE OF PLAT, THE NAME OF SUCH LOCAL JURISDICTION AND THE NUMBER OF THE APPLICABLE ORDINANCE OR RESOLUTION PROVIDING THAT NO SUCH APPROVAL IS REQUIRED ARE LISTED IN THE APPROVAL TABLE SHOWN HEREON.

THE FOLLOWING GOVERNMENTAL BODIES HAVE APPROVED THIS MAP, PLAT OR PLAN FOR FILING:

CITY OF GAINESVILLE COMMUNITY DEVELOPMENT DEPARTMENT DATE:

SUCH APPROVALS, AFFIRMATIONS, OR ORDINANCE OR RESOLUTION NUMBERS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

05/22/2019
CHRIS M. PATTON, GA. R.L.S. #2647 DATE:

GEORGIA REGISTERED PROFESSIONAL No. 2647 LAND SURVEYOR CHRIS M. PATTON

HALL COUNTY SURVEYOR

SURVEYOR'S CERTIFICATE

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown thereon actually exist. The field data upon which this plat is based has a closure precision of one foot in 22,136 feet, and an angular error of 00°00'03" per angle point, and was adjusted using Crandalls rule. This plat has been calculated for closure and is found to be accurate within one foot in 1,677,550 feet.

By: CHRIS M. PATTON
Registered Georgia Land Surveyor No. 2647

Patton Land Surveying
P.O. Box 256 Gainesville, GA. 30503
Phone: (770) 532-6492
Fax: (770) 532-1995
E-Mail: cpatton@pattonsurveying.com
Date: MAY 22ND, 2019

OWNER'S CERTIFICATE:

State of Georgia
City of Gainesville, County of Hall

The undersigned certifies that he or she is the owner and subdivider of the land shown on this plat and that the plat and the public and private improvements contained therein or associated therewith meet all applicable requirements and standards of the Gainesville Unified Land Development Code. The owner further acknowledges this plat and allotment to be his free act and deed, and dedicates to the Public forever all areas shown or indicated on this plat as public streets, easements or other public use areas, and all water system, sewerage and other public improvements (hereinafter "facilities"). However, the City of Gainesville will not take ownership and maintenance of these facilities until such time as the undersigned petitions for and the Governing Body of the City of Gainesville accepts the dedication and acceptance of the facilities as provided in section 9-13-14-12 of the Gainesville Unified Land Development Code and provided a maintenance bond as required in sections 9-13-13-9 and 10.

Owner's name:

Owner's address:

(Owner's signature)

Date

REFERENCES:

1. DEED BOOK 8054, PAGES 509-511
2. DEED BOOK 6184, PAGES 548 & 549
3. DEED BOOK 6602, PAGES 656 & 657
4. DEED BOOK 1717, PAGES 134-138
5. DEED BOOK 7736, PAGE 440-443
6. DEED BOOK 8009, PAGE 124-126
7. DEED BOOK 8048, PAGE 546-550
8. DEED BOOK 2294, PAGES 56 & 57
9. PLAT SLIDE 411, PAGE 196A
10. PLAT BOOK 3, PAGE 144
11. SURVEY PREPARED FOR THE CSX REAL PROPERTY, INC. BY RILEY, PARK, HAYDEN & ASSOCIATES, INC., JOB NUMBER E-91-2898, DATED NOVEMBER 1ST, 1991, REVISED FEBRUARY 12TH, 1992.
12. GEORGIA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY PLAN FOR CHURCH STREET EXTENSION, GDOT P.I. NO. 160014, LAST REVISED MARCH 25TH, 1976.
13. SURVEY FOR THE CITY OF GAINESVILLE FOR THE GAINESVILLE MIDLAND ENGINE #209 PROJECT, BY FARLEY-COLLINS ASSOCIATES, LAST REVISED JUNE 26TH, 1981.
14. SURVEY PREPARED FOR MULE CAMP SPRINGS, LLC BY PATTON LAND SURVEYING, JOB NUMBER 11-081, DATED APRIL 25, 2011.
15. SURVEY PREPARED FOR THE CITY OF GAINESVILLE, BY FARLEY-COLLINS-ASSOCIATES, JOB# C3160, LAST REVISED AUGUST 11TH, 2009.
16. SURVEY PREPARED FOR THE CITY OF GAINESVILLE BY FARLEY-COLLINS-WHIDDEN ASSOCIATES, JOB# C3160, DATED JULY 28TH, 2009.
17. SURVEY FOR THE GAINESVILLE MIDLAND R.R. COMPANY, BY NEWTON-NEWTON & ASSOCIATES, DATED AUGUST 29TH, 1958
18. PLAT OF W. BROAD STREET BETWEEN MAPLE & GROVE STREET, BY NEWTON-NEWTON & ASSOCIATES, DATED NOVEMBER 18TH, 1958
19. TOPOGRAPHIC SURVEY FOR HUNT TOWER PREPARED BY PATTON-BOYER, INC., PROJECT NUMBER 03-018, DATED MARCH 4TH, 2003.
20. TOPOGRAPHIC SURVEY PREPARED FOR THE CITY OF GAINESVILLE "DOWNTOWN UTILITIES REHABILITATION PROJECT", BY PATTON LAND SURVEYING, PROJECT #17-209, DATED NOVERMBER 11TH, 2017.
21. SURVEY PREPARED FOR THE CITY OF GAINESVILLE BY PATTON LAND SURVEYING, PROJECT NUMBER 17-206, DATED SEPTEMBER 18TH, 2017.
22. AUTOCAD BASE-MAP PREPARED FOR THE CITY OF GAINESVILLE "JESSE JEWELL INTERSECTION IMPROVEMENTS, PROJECT NUMBER 18-092, COMPLETED JULY 2018.

AREA: 1.716 ACRES

WATER SERVICE BY:
CITY OF GAINESVILLE

SEWER SERVICE BY:
CITY OF GAINESVILLE

LEGEND:

A.I.F. - ANGLE IRON FOUND
A.F. - AXLE FOUND
C.M.F. - CONCRETE MONUMENT FOUND
A.M.F. - ALUMINUM MONUMENT FOUND
C.T.F. - CRIMP TOP PIN FOUND
R.B.F. - REBAR FOUND (SEE DRAWING FOR SIZE)
O.T.F. - OPEN TOP FOUND (SEE DRAWING FOR SIZE)
I.P.F. - IRON PIN FOUND
P.K.N.F. - PARKER KALON NAIL FOUND
F.X. - X-CUT FOUND
N.F. - NAIL FOUND
R.F. - ROCK FOUND
R.R.F. - RAILROAD SPIKE FOUND
T.F. - TACK FOUND
P.K.N.S. - PARKER KALON NAIL SET
R.B.S. - 1/2" REBAR SET & CAP STAMPED "LSF 1029"
C.M.S. - CONCRETE MONUMENT SET
N.S. - NAIL SET
C.P. - CALCULATED POINT
D.I. - DROP INLET
J.B. - JUNCTION BOX
W.I. - WIER INLET
Y.I. - YARD INLET
C.V. - CABLE TV VAULT
C.R. - CABLE RISER
T.R. - TELEPHONE RISER
T.V. - TELEPHONE VAULT
T.P. - TELEPHONE POLE
T.M.H. - TELEPHONE MANHOLE
U.T.B. - UNDERGROUND TELEPHONE BOX
A.C. - AIR CONDITIONER
P.B. - POWER TRANSFORMER BOX
E.P.B. - ELECTRIC PULL BOX
P.M. - POWER METER
P.P. - POWER POLE
F.L. - FLOOD LIGHT
S.P. - SERVICE POLE
L.P. - LIGHT POLE
G.W. - GUY WIRE
G.P. - GUY ANCHOR POLE
E.S. - ELECTRIC SERVICE
W.M. - WATER METER
W.V. - WATER VALVE
F.H. - FIRE HYDRANT
F.D.C. - FIRE DEPARTMENT CONNECTION
I.C.V. - IRRIGATION CONTROL VALVE
W.P. - WELL POINT
S.P.G. - WATER SPIGOT
B.O. - WATER BLOW OFF
B.F.P. - WATER BACKFLOW PREVENTER
C.O. - SANITARY CLEANOUT
S.S.M.H. - SANITARY SEWER MANHOLE
G.V. - SANITARY GATE VALVE
G.T. - GREASE TRAP
OAK - OAK TREE
P.T. - PINE TREE
POP. - POPLAR TREE
SG. - SWEETGUM TREE
W.O. - WHITE OAK TREE
R.O. - RED OAK
HIC. - HICKORY TREE
MAP. - MAPLE TREE
W.O. - WATER OAK TREE
ELM - ELM TREE
M.T. - MISCELLANEOUS TYPE TREE
B.E. - BEECH TREE
S.T. - SYCAMORE TREE
D.W. - DOGWOOD TREE
U.M. - UNKNOWN TYPE MANHOLE
GAS - GAS VALVE
G.M. - GAS METER
P.R. - PROPANE TANK
F.P. - FLAG POLE
T.S.P. - TRAFFIC SIGNAL POLE
T.S.B. - TRAFFIC SIGNAL BOX
M.W. - MONITORING WELL
S.H. - SPRING HEAD
B.P. - BOLLARD POST
S.N.L. - TRAFFIC SIGN
H.C.P. - HANDICAP PARKING
B.M. - BENCHMARK
H.C.R. - HANDICAP RAMP
A.H. - ACCESS HATCH
R.L. - ROOF LINE
E.P. - EDGE OF PAVEMENT
B.C. - BACK OF CURB
S.W.C.B. - SINGLE WING CATCH BASIN
D.W.C.B. - DOUBLE WING CATCH BASIN
I.E. - INVERT ELEVATION
EL. - ELEVATION
C.M.P. - CORRUGATED METAL PIPE
R.C.P. - REINFORCED CONCRETE PIPE
B.C.C.M.P. - BITUMINOUS COATED CORRUGATED PIPE
H.D.P.E. - HIGH DENSITY POLYETHYLENE PIPE
P.V.C. - POLYVINYL CHLORIDE PIPE
D.I.P. - DUCTILE IRON PIPE
R.W. - RETAINING WALL
—T— - BURIED TELEPHONE LINE
—\— - OVERHEAD TELEPHONE LINE
—W— - BURIED WATER MAIN
—SS— - BURIED SEWER LINE
—G— - BURIED GAS LINE
—E— - BURIED ELECTRIC LINE
—TV— - BURIED CABLE TV
—o— - CHAIN LINK FENCE
—□— - WOOD FENCE
—x— - WIRE FENCE
—◇— - WROUGHT IRON FENCE
—OHP— - OVERHEAD POWER LINES
- TRAFFIC SIGNAL LINE
- FENCE GATE
P/L - PROPERTY LINE
R/W - RIGHT-OF-WAY
N/F - NOW OR FORMERLY
℄ - CENTERLINE
INTX - INTERSECTION
R - CURVE RADIUS
L - CURVE ARC LENGTH
Δ - CURVE CENTRAL ANGLE
C BRG - CHORD BEARING
C DIST - CHORD DISTANCE
L.L. - LAND LOT
N - NORTHING COORDINATE
E - EASTING COORDINATE
S/B - SETBACK
P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCEMENT
SQ. FT. - SQUARE FEET
G.D.O.T. - GEORGIA DEPARTMENT OF TRANSPORTATION
- CONTINUOUS OWNERSHIP
- BUILDING HEIGHT LOCATION
25.5' - BUILDING HEIGHT (FROM GROUND TO ROOF PEAK)
x 25.52 - SPOT ELEVATION
- CONCRETE
- WOOD DECKING
- GRAVEL
- ASPHALT
- PAVERBRICK

REGISTERED PROFESSIONAL LAND SURVEYORS

P.O. BOX 256
GAINESVILLE, GA. 30503
PHONE: (770) 532-6492
FAX: (770) 532-1995
www.pattonsurveying.com

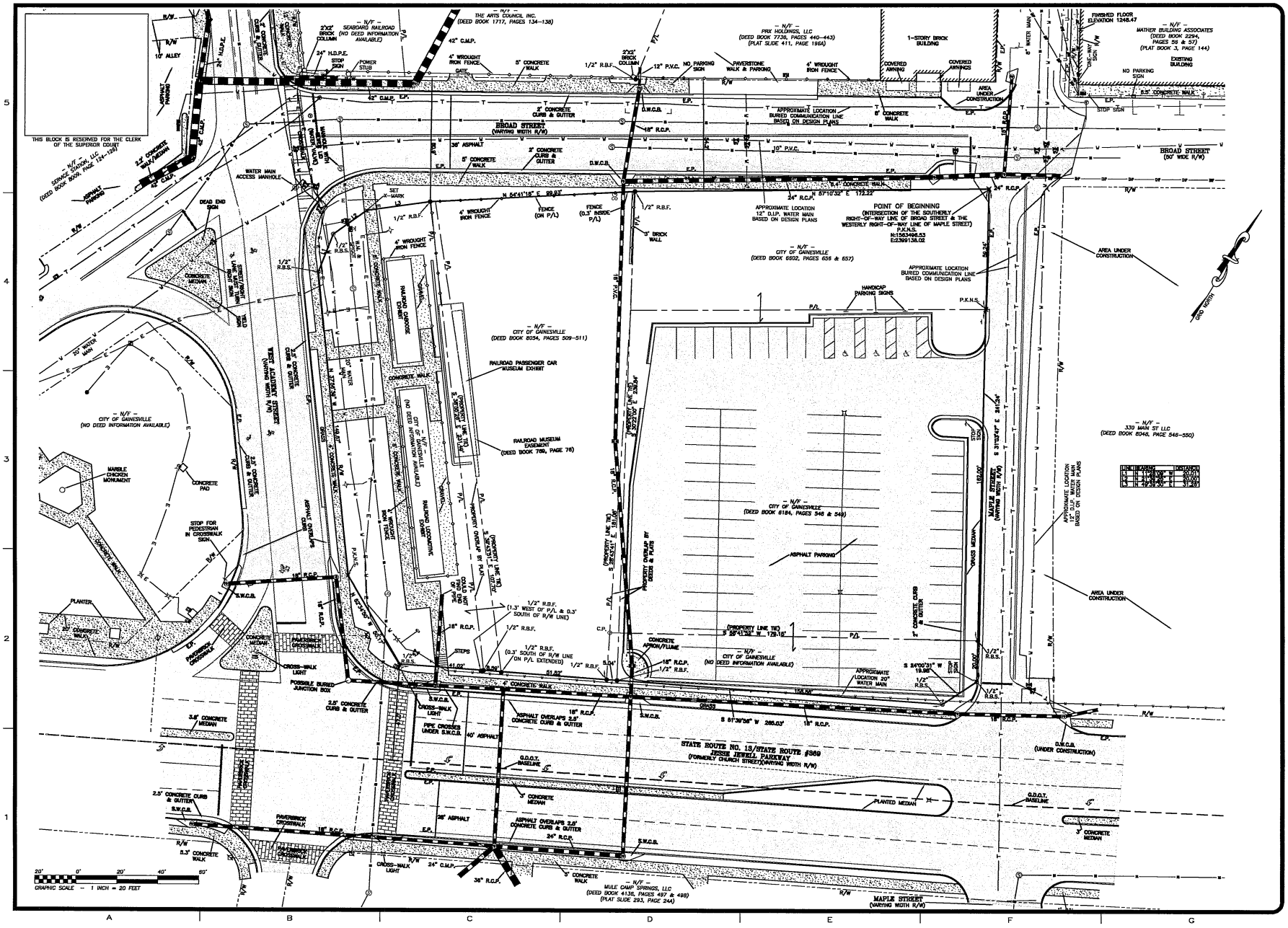
PATTON
LAND SURVEYING, LLC

COMBINATION SURVEY FOR:
CITY OF GAINESVILLE
(GREATER SOUTH LOT PROJECT)
- LOCATED IN -
LAND LOT 154
9TH LAND DISTRICT
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA

REVISIONS

No.	DATE	DESCRIPTION

SHEET NUMBER:
1 of 2
SCALE: N/A
SURVEY DATE: 05/14/2019
PLAT DATE: 05/22/2019
17-209.02.dwg
JN. 17-209



LINE	BEARING	DISTANCE
L1	N 14°43'00" W	20.01'
L2	N 14°43'00" W	20.01'
L3	N 14°43'00" W	20.01'
L4	N 49°53'00" E	31.28'

REGISTERED PROFESSIONAL LAND SURVEYORS

P.O. BOX 256
GAINESVILLE, GA. 30503
PHONE: (770) 532-0492
FAX: (770) 532-1995
www.pattonsurveying.com

PATTON LAND SURVEYING, LLC

GEORGIA REGISTERED PROFESSIONAL No. 2347 LAND SURVEYOR
CHARLES M. PATTON
HALL COUNTY SURVEYOR

COMBINATION SURVEY FOR:
CITY OF GAINESVILLE
(GREATER SOUTH LOT PROJECT)
- L O C A T E D I N -
LAND LOT 154
9TH LAND DISTRICT
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA

REVISIONS

No.	DATE	DESCRIPTION

SHEET NUMBER:
2 of 2
SCALE: 1" = 20'
SURVEY DATE: 05/14/2019
PLAT DATE: 05/22/2019
17-209.02.dwg
JN. 17-209

Proposed Project

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 7/22/2021

Presenter: Abb Hayes

Item of Business: Request from **McNeal Development, LLC** to rezone a 4.86± acres tract located between Queen City Parkway, Banks Street and Gordon Avenue, having road frontage on Saint Thomas Drive and Longstreet Avenue (a/k/a **504, 512, 514, 520 and 528 Banks Street, SW; 510 East Avenue, SW; 535, 548, 549, 604, 608, 620 and 628 Gordon Avenue, SW; 0, 602, 611 and 612 Longstreet Avenue, SW; 436 and 442 Parker Street, SW; 627 and 635 Queen City Parkway; 507 and 513 Saint Thomas Drive**) from Residential-II (R-II), Office and Institutional (O-I), General Business (G-B) and Heavy Industrial (H-I) to Planned Unit Development (P-U-D). **Ward Number: Three**. Tax Parcel Number(s): 01-012-002-006; 01-013-001-001, 002, 003, 004, 005 and 006; 01-013-002-001, 002, 003, 004, 005, 006, 007, 007A, 008, 009 and 010. **Request: 214 Multi-family apartments**.

- Proposed Rezoning Ordinance 2021-22

Meeting Date: 8/3/2021

Purpose of Request:

To conduct a public hearing regarding the following zoning request as presented at the July 13, 2021 Planning and Appeals Board Meeting:

The applicant is proposing to rezone the subject property for 214 multi-family market rate apartments. The subject property is an assemblage of 18 parcels and all of Longstreet Avenue which are located within the Midtown Overlay Zone. The development includes three, 4 to 5 story apartment buildings consisting of studio, 1 and 2 bedroom units ranging from 638 to 1,165 square feet in size. Amenities include a rooftop clubroom, business center, coffee bar, fitness center, resort style pool, pet spa, bike storage, indoor mail and package storage room, dry cleaning lockers and direct connection to the Midtown Greenway. Access is proposed from Banks Street, Gordon Avenue, East Avenue and Saint Thomas Drive. Parking will be provided within the property, as well as, offset parking along Banks Street, East Avenue, Gordon Avenue Parker Street and Saint Thomas Drive. Adjacent uses include the Gainesville Public Safety Complex, The Guest Lodge motel, Potra Law Firm, QT gas station, United Community Bank and the Midtown Greenway.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Staff and PAB recommended approval with seven conditions. See the PAB Recommendation report for details and excerpts from the meeting minutes.

SAMPLE MOTIONS

Approval of Ordinance 2021-22:
I move to approve the ordinance to rezone the subject property from Residential-II (R-II), Office and Institutional (O-I), General Business (G-B) and Heavy Industrial (H-I) to Planned Unit Development (P-U-D) with seven 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 Newspaper Article	Legal Ad
PAB Recommendation Report	Report
Proposed Rezoning Ordinance 2021-22	Ordinance
Location Maps	Backup Material
Narrative	Backup Material
Survey	Backup Material
Site Plan	Backup Material
Architectural Renderings	Backup Material
Elevations	Backup Material

7/2021
,23,30

ERIOR COURT
OUNTY STATE

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LIEHISHAD,

CV1034B
PETITION TO
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30 days of
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PARKER,

DALY, LLC
I. RICHARDS
r Petitioner
No. 940357
3,30,7/7,14

RIOR COURT
UNTY STATE

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KOUROSH
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CV1035A
PETITION TO
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7 day of June

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KOUROSH
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PARKER,

DALY, LLC

Minor Child
CIVIL ACTION
FILE NO.2021CV1036J
NOTICE OF PETITION TO CHANGE NAME
You are Hereby notified that on the 17 day of June 2021, Elaheh Daryaeisarabi and Arash Moslehishad filed a Petition in the Superior Court of Hall County, Georgia, Case No 2021CV1036J to change the name of minor child LYDIA ANNELIESE MOSLEHISHAD which, if granted, will be known as LYDIA ELLIE SHAD. Notice is hereby given pursuant to law to any interested or affected party to appear in said Court and to file objections to such name changes. Objections must be filed with said Court within 30 days of the filing of said Petition.
Respectfully subn1itted,
DEMING, PARKER, HOFFMAN,
CAMPBELL & DALY, LLC
JANELLE N. RICHARDS
Attorney for Petitioners
Georgia Bar No. 940357
99159 6/23,30,7/7,14

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA
In re the Name Change of:
Mark Anthony Reder Yera,
Petitioner,
CiviL Action File No 2021-CV-905C
NOTICE OF PETITION TO CHANGE NAME OF ADULT
Petitioner, Mark Anthony Reder Yera, by Counsel, Rebecca McLaws has filed a petition in the
Superior Court of Hall County on 5/27/2021 to change his/her name from
Mark Anthony Reder Yera to Mark Anthony Vaden. Any interested party has the right to appear in this case and file objections within 30 days after the Petition filed.
Dated 5/27/2021
/s/ Mark Anthony Reder Yera
98935 6/16,23,30,7/7

IN THE SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA
INRE:
JANE KING OGLETREE
DATE OF BIRTH: 07/02/1950 FILE No. 2021CV993B
NOTICE OF PETITION TO CHANGE NAME OF ADULT
JANE KING OGLETREE filed a petition in the Hall County, Georgia Superior Court on 10th day of June,
/s/ Ana Liliana Parker
Petitioner Pro se
98997 6/16, 23, 30, 7/7

SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA
In re the Name Change of Daisy Mariana Munoz Ogazon
Petitioner
Civil Action Case Number 21CV630W
NOTICE OF PETITION TO CHANGE NAME OF ADULT
Daisy Mariana Munoz Ogazon filed a petition in the Superior Court of Hall County on May 2021 to change the name from Daisy Mariana Munoz Ogazon to Daisy Mariana Munoz-Ogazon Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed.
Dated May 19,2021
/s/Daisy Mariana Munoz Ogazon
98599 6/2,9,16,23

SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA
In re the Name Change of Sonam Seely
Petitioner
Civil Action Case Number 2021CV875C
NOTICE OF PETITION TO CHANGE NAME OF ADULT
Sonam Seely filed a petition in the Superior Court of Hall County on 5/24/2021 to change the name from Sonam Seely to Sonam Shah. Any interested party has the right to appear in this case and file objections withing 30 days after the Petition was filed.
Dated 5/24/2021
/s/Sonam Seely
Petitioner Pro se
98706 6/2,9,16,23

Public Hearings

CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
FOR REZONING
NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A.§ 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request from JPC Design and Construction, LLC. to rezone a 2.08 +/- acre tract of land identified as 5512 McEver Road, tax parcel number 08099 000009, from NS (Neighborhood Shopping) to HB (Highway Business).
NOTICE IS HEREBY GIVEN shall conduct a public hearing at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia, at 5:15 p.m. on Monday, July 6, 2021 to consider the following:
1. Previously tabled application of Michael Andrea for a right side yard setback variance from 10 feet to 3 feet on a 0.82± acre tract located on the south side of Aarons Way approximately 135 feet from its terminus; a.k.a. 6411 Aarons Way; Zoned R-I; Tax Parcel 15048E000150. Proposed Use: construct a detached garage. * Commission District 1.
2. Application of Louise G. Butler front yard setback variance from 40 feet to 22 feet on a 2.164± acre tract located on the south side of Ellison Farm Road approximately 540 feet from its intersection with Cottonwood Drive; a.k.a. 4176 Ellison Farm Road; Zoned AR-IV; Tax Parcel 15028 000252. Proposed Use: bring property into compliance. * Commission District 1.
3. Application of Louise G. Butler rear yard setback variance from 25 feet to 15 feet on a 1.521± acre tract located on the south side of Ellison Farm Road approximately 590 feet from its intersection with Cottonwood Drive; a.k.a. 4178 Ellison Farm Road; Zoned AR-IV; Tax Parcel 15028 000253. Proposed Use: bring property into compliance. * Commission District 1.
4. Application of Gail W. Chapman for a Use Subject to County Commission approval on 3.43± acres located on the northwest side of Atlanta Highway approximately 170 feet from its intersection with Wallis Road; a.k.a. 3536 and 3546 Atlanta Highway; Zoned H-B; Tax Parcels 08047 001004 and 001003. Proposed Use: outdoor storage within Gateway Corridors Overlay District (GCOD). ** Commission District 2.
5. Application of Jody Satterfield for a Use Subject to County Commission approval on a 51.90± acre tract located on the east side of Whiporwill Road approximately 985 feet from its intersection with Winder Highway, approximately 1390 feet from its intersection with Raceway Drive; a.k.a. 5295 Winder Highway (pt.); Zoned PCD; Tax Parcel 15028B000001E (pt.). Proposed Use: mixed use commercial development. ** Commission District 1.
12. Application of MP Partners Development, LLC to amend conditions of a Planned Commercial Development on a 60.91± acre tract located on the north side of Winder Highway approximately 510 feet from its intersection with BBS Way; a.k.a. 5301 Winder Highway; Zoned PCD; Tax Parcel 15028B000001. Proposed Use: mixed use commercial development. ** Commission District 1.
13. Application of MP Partners Development, LLC to amend conditions of a Planned Commercial Development on a 19.82± acre tract located on the north side of Winder Highway at intersection with Benefield Road; a.k.a. 5385 Winder Highway; Zoned PCD; Tax Parcel 15028B000015. Proposed Use: mixed use commercial development. ** Commission District 1.
14. Application of MP Partners Development, LLC to rezone from Agricultural Residential-IV (AR-IV) to Planned Commercial Development (PCD) on 54. 05± acres located on the south side of Benefield Road approximately 900 feet from its intersection with Village South Drive; a.k.a. 4370 and 4420 Benefield Road; Zoned AR-IV; Tax Parcels 15028 000070 and 000090. Proposed Use: mixed use commercial development. ** Commission District 1.
15. Application of FIDES Development to rezone from Agricultural Residential-III (AR-III) and Vacation Cottage (V-C) to Planned Residential Development (PRD) on a 16.28 acre tract located at the terminus of North Waterworks Road, Seymour Circle, and Seymour Drive; a.k.a. 3450 North Waterworks Road; Zoned AR-III and V-C; Tax Parcel 08167 005002. Proposed Use: mixed use residential development. ** Commission District 1.
16. Application of Longstreet Property Group, LLC, Gainesville, Georgia.
99053 6/23

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, July 13, 2021 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 the City of Gainesville to rezone a 1.716± acres tract located between Jesse Jewell Parkway, West Academy Street, Broad Street and Maple Street (a/k/a 312 Jesse Jewell Parkway, SW; 315 and 323 Broad Street, SW; 0 and 320 Maple Street, SW) from General Business (G-B) to Central Business (C-B) with a special use.
Ward Number:Four
Tax Parcel Number(s):
01-012-004-001; 01-006-004-002, 004, 005 and 006
Request: Restaurant and special event center
2) Request from Optum Development to annex a 7.77± acres tract located on the northeast side of Limestone Parkway, across from the intersection of Tapawingo Drive and Riverwood Drive (a/k/a 1744 Cleveland Highway) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number:Two
Tax Parcel Number(s):
09-126-000-024 (Part)
Request: 36 residential townhomes
3) Request from Carl Volle to annex a 1.69± acres tract located on the south and west side of Meadowlark Lane, east of the intersection of Cleveland Highway and Meadowlark Lane (a/k/a 1646 Meadowlark Lane) and to establish zoning as Residential-II (R-II).
Ward Number:Two
Tax Parcel Number(s):
00-084-006-001 (Part)
Request: Six single-family homes
4) Request from McNeal Development, LLC to rezone a 4.86± acres tract located between Queen City Parkway, Banks Street and Gordon Avenue, having road frontage on Saint Thomas Drive and Longstreet Avenue (a/k/a

504, 512, 514, 520 and 528 Banks Street, SW; 510 East Avenue, SW; 535, 548, 549, 604, 608, 620 and 628 Gordon Avenue, SW; 0, 602, 611 and 612 Longstreet Avenue, SW; 436 and 442 Parker Street, SW; 627 and 635 Queen City Parkway; 507 and 513 Saint Thomas Drive) from Residential-II (R-II), Office and Institutional (O-I), General Business (G-B) and Heavy Industrial (H-I) to Planned Unit Development (P-U-D).
Ward Number:Three
Tax Parcel Number(s):
01-012-002-006; 01-013-001-001, 002, 003, 004, 005 and 006; 01-013-002-001, 002, 003, 004, 005, 006, 007, 007A, 008, 009 and 010
Request: 214 Multi-family apartments
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, August 3, 2021 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 the City of Gainesville to rezone a 1.716± acres tract located between Jesse Jewell Parkway, West Academy Street, Broad Street and Maple Street (a/k/a 312 Jesse Jewell Parkway, SW; 315 and 323 Broad Street, SW; 0 and 320 Maple Street, SW) from General Business (G-B) to Central Business (C-B) with a special use.
Ward Number:Four
Tax Parcel Number(s):
01-012-004-001; 01-006-004-002, 004, 005 and 006
Request: Restaurant and special event center
2) Request from Optum Development to annex a 7.77± acres tract located on the northeast side of Limestone Parkway, across from the intersection of Tapawingo Drive and Riverwood Drive (a/k/a 1744 Cleveland Highway) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number:Two
Tax Parcel Number(s):
09-126-000-024 (Part)
Request: 36 residential townhomes
3) Request from Carl Volle to annex a 1.69± acres tract located on the application to annex and rezone a total of +/- 0.85 acres with the zoning from Hall County R-I "Residential" to Oakwood R-1 "Residential" on Tax Parcel No. 15044H000095 and further identified as 4291 Falcon Crest Drive according to the current street numbering system of Hall County, Georgia.
• Cajun-Dawn Land Holdings, LLC has made application to annex and rezone a total of +/- 24.23 acres with the zoning from Hall County PRD "Planned Residential Development" to Oakwood PRD "Planned Residential Development" on Tax Parcel No. 15044 000028 and further identified as 4465 Martin Rd. according to the current street numbering system of Hall County, Georgia.
• Comprehensive Plan Amendment from residential use to industrial use on Tax Parcel No. 08068 000001C and further identified as 4144 W White Rd. according to the current street numbering system of Hall County, Georgia.
• Richard Senter has made application to rezone a total of +/- 5.02 acres with the zoning from Oakwood A-1"Agricultural" and M-1 "Light Industrial" to Oakwood M-2 "Heavy Industrial" on Tax Parcel No. 08068 000001C and further identified as 4144 W White Rd. according to the current street numbering system of Hall County, Georgia.
• GA Oz. Fund, LLC. has made application request for a variance to Chapter 54 "Zoning" to reduce the landscape buffer along Mundy Mill Drive from 15 feet to 5 feet on Tax Parcel No. 08045 003004; 08045 003005; 08045 003006; 08045 003007; and 08045 003008 and further identified as 3761, 3765, 3769, 3775, and 3783 Mundy Mill Drive according to the current numbering system of Hall County, Georgia.
• GA Oz. Fund, LLC. has made application request for a variance to The Downtown Overlay District Design Standards; Section 2. Parking – Inter-Parcel Access on Tax Parcel No. 08045 003004; 08045 003005; 08045 003006; 08045 003007; and 08045 003008and further identified as 3761, 3765, 3769, 3775, and 3783 Mundy Mill Drive

Oakwood, 4035 Walnut Circle, Oakwood, Georgia.
Peggy Funderburk
Permit Clerk
99058 6/23

The City of Buford Planning and Zoning Board will meet on Tuesday, June 8, 2021 at 7:00 p.m. at Buford City Hall, 2300 Buford Highway and the Buford City Commission will meet on Monday, July 19, 2021 at 7:00 p.m. at Buford City Arena, 2795 Sawnee Avenue, Buford, Georgia 30518 to consider a special use permit at 4995 B. U. Bowman Drive for Auto Tires, LLC (Alec NG). The special use permit requested is to allow installation of tires.
98427 5/19, 26, 6/2, 9, 16, 23, 30

Public Sales/Auctions

FLOWERY BRANCH MINI STORAGE -FLOWERY BRANCH, GA:
UNIT B10 – DARRELL MCCLURE – HOUSEHOLD ITEMS, UNIT C-43-SCOTT CURTIS-HOUSEHOLD ITEMS. CONTENTS WILL BE AUCTIONED ON JULY 1, 2021 AT 2PM ON WWW. STORAGEAUCTIONS.COM.
98981 6/16,23

Notice of Public Auction
Boardwalk Storage-Murrayville Will be holding a public auction online at Lockerfox.com on Date: July 7 2021@ Time: 11:OOam
This is a cash only sale - Please bring a money order. All sales are final and the units must be cleaned out completely in 48 hours. A 100.00 cash cleaning deposit is required and will be refunded upon unit inspection.
We currently have 1 unit(s)
Unit# 1423 Wellborn R= floral chair, girls tee pee and toys,chest of drawers, antique sewing box,deco bird cage,plastic totes, chairs and table, bicycle, some christmas decor, rocking horse, wooden furniture
678-989-1999
5162 Thompson Bridge Rd
Murrayville Ga 30564
99073 6/23,30

Pursuant to the Georgia Self-Service Storage Facility Act, notice is hereby given that SS Flowery Branch, LLC d/b/a Simply Self Storage at 6121 Spout Springs Road, Flowery Branch GA 30542 will sell at public auction

This 11thday of June, 2021.
Denise Garcia Clerk, Probate Court of Hall County
99077 6/23

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE: ESTATE OF JOHNNY HOYT NIX SR, DECEASED
ESTATE NO.• E-20-038
NOTICE
[For discharge from office and all liability]
IN RE: Petition for Discharge of Personal Representative
TO: to whom it may concern:
This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before July 6th 2021
BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.
Patty Walters Laine Judge of the Probate Court
By: Riley Norris
Clerk of the Probate Court
116 Spring Street First Floor Gainesville, Georgia 30501
770-533-7828
98776 6/23

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE: ESTATE OF EDITH H. GRIFFIN, DECEASED
ESTATE NO.. E-17-825
NOTICE
[For discharge from office and all liability}
IN RE: Petition for Discharge of Personal Representative
TO: to whom it may concern:
This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before July 6th 2021
BE NOTIFIED FURTHER: All

ANN JAY DICKMAN, DECEASED
ESTATE NO. E-21-293
NOTICE OF PETITION TO FILE FOR YEAR'S SUPPORT
The petition of Donald Wayne Payton, for a Year's Support from the estate of, deceased, for decedent's surviving spouse, having been duly filed, all interested persons are hereby notified to show cause, if any they have, on or before July 9th, 2021, why said petition should not be granted.
All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed on or before the time stated in the preceding sentence. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with yow- objections, unless you qualify to :file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections arc filed, a hearing will be, scheduled at a later date. If no objections are filed the petition may be granted without a hearing.
Patty Walters Laine
Judge of the Probate Court
By: S. Carley
Clerk of the Probate Court
116 Spring Street First Floor
Gainesville, Georgia 30501
770-53-6923
98493 6/9,16,23,30

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE: ESTATE OF RUBY LOIS MCDANIEL, DECEASED
ESTATE NO.. E-21-049
PETITION FOR LETTERS OF ADMINISTRATION
NOTICE
[Note: Strike the sentence in parenthesis below if not applicable.]
TO: whom it may concern:
Michael Shane Daniel has petitioned for (Letters of Administration) to be appointed administrator of the estate of RUBY LOIS MCDANIEL. deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § [illegible] interested persons are

By: Riley
Clerk of
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3) Request from Carl Volle to annex a 1.69± acres tract located on the south and west side of Meadowlark Lane, east of the intersection of Cleveland Highway and Meadowlark Lane (a/k/a 1646 Meadowlark Lane) and to establish zoning as Residential-II (R-II).
Ward Number: Two
Tax Parcel Number(s): 00-084-006-001 (Part)
Request: Six single-family homes
4) Request from McNeal Development, LLC to rezone a 4.86± acres tract located between Queen City Parkway, Banks Street and Gordon Avenue, having road frontage on Saint Thomas Drive and Longstreet Avenue (a/k/a 504, 512, 514, 520 and 528 Banks Street, SW; 510 East Avenue, SW; 535, 548, 549, 604, 608, 620 and 628 Gordon Avenue, SW; 0, 602, 611 and 612 Longstreet Avenue, SW; 436 and 442 Parker Street, SW; 627 and 635 Queen City Parkway; 507 and 513 Saint Thomas Drive) from Residential-II (R-II), Office and Institutional (O-I), General Business (G-B) and Heavy Industrial (H-I) to Planned Unit Development (P-U-D).
Ward Number: Three
Tax Parcel Number(s): 01-012-002-006; 01-013-001-001, 002, 003, 004, 005 and 006; 01-013-002-001, 002, 003, 004, 005, 006, 007, 007A, 008, 009 and 010
Request: 214 Multi-family apartments
Additional information is available from the Community and Economic Development Department, Planning Division, by calling 770-531-6570.
99163 6/23

PUBLIC NOTICE
CITY OF OAKWOOD, GEORGIA
Be advised pursuant to the City of Oakwood Code, Chapter 54 "Zoning", a public hearing has been scheduled before the Oakwood City Council on the 12th day of July 2021 at 7:00 p.m., at the Oakwood City Hall, 4035 Walnut Circle, Oakwood, Georgia for the application of:
• Cajun-Dawn Land Holdings, LLC has made application to annex and rezone a total of +/- 0.62 acres with the zoning from Hall County R-I "Residential" to Oakwood R-1 "Residential" on Tax Parcel No. 15044H000125 and further identified as 4292 Falcon Crest Drive according to the current
further identified as 3761, 3765, 3769, 3775, and 3783 Mundy Mill Drive according to the current numbering system of Hall County, Georgia.
• Scotty Dowis has made application request for a variance to reduce the rear setback from 20' to 13.5' on Tax Parcel No. 08054 004011 and further identified as 4949 Fawnwood Drive according to the current numbering system of Hall County, Georgia.
• Scotty Dowis has made application request for a variance to reduce the rear setback from 20' to 7.5' on Tax Parcel No. 08054 004012 and further identified as 4953 Fawnwood Drive according to the current numbering system of Hall County, Georgia.
• Scotty Dowis has made application request for a variance to reduce the rear setback from 20' to 12.5' on Tax Parcel No. 08054 004017 and further identified as 4973 Fawnwood Drive according to the current numbering system of Hall County, Georgia.
• Scotty Dowis has made application request for a variance to reduce the rear setback from 20' to 7.5' on Tax Parcel No. 08054 004018 and further identified as 4977 Fawnwood Drive according to the current numbering system of Hall County, Georgia.
• Scotty Dowis has made application request for a variance to reduce the rear setback from 20' to 9' on Tax Parcel No. 08054 004020 and further identified as 4985 Fawnwood Drive according to the current numbering system of Hall County, Georgia.
• Scotty Dowis has made application request for a variance to reduce the rear setback from 20' to 11' on Tax Parcel No. 08054 004021 and further identified as 4989 Fawnwood Drive according to the current numbering system of Hall County, Georgia.
• Scotty Dowis has made application request for a variance to reduce the rear setback from 20' to 18' on Tax Parcel No. 08054 004023 and further identified as 4997 Fawnwood Drive according to the current numbering system of Hall County, Georgia.
At said public hearing all persons or residents owning property in the City of Oakwood or in the area proposed for

6121 Spout Springs Road, Flowery Branch GA 30542 will sell at public auction the personal property in the below-listed occupants' leased unit(s) to satisfy the owner's lien. The personal property stored therein by the following occupants may include but is not limited to general household, office and personal items, furniture, boxes, clothes, and appliances. The unit(s) will be sold at public auction through online auction services of www.storagetreasures.com with bids opening at 12:00 PM on 07/5/21 and closing at 12:00 PM on 07/12/21. 138- Jennifer Segraves- Misc furniture, misc boxes, bags, totes, fan, armoir, artwork, 2 tables, luggage, vacuum. 019- Patience Thurmond- Misc Boxes, bags, totes, sofa, love seat, matterss, chairs, end table, lamp.
99072 6/23,30

SALE UNDER POWER
Adams Transfer & Storage Co (ATS) is enforcing a lien and will sell, at public silent bid auction, the below described property beginning at 1pm July 8, 2021 at 795 Georgia Ave, Gainesville, GA 30501 (pursuant to GA Code § 11-7-210 (2019) Commerical Warehouseman's Lien Act. Notice is hereby given to: (Name/Lot/Contents)
Robbin Lanning, Reg 778614T / PS07-0967, misc household goods; Valma Sanders, Reg 600446T, misc household goods; Priority One Staffing, LOT 3717 / 53-M, misc office components; Stacey Lee, Reg 775410T / 0301-1, misc household goods. ATS reserves the right to refuse any bid or withdraw any storage lot from sale. Cash only, goods sold "as is" and must be fully removed from the property on day of sale. ATS does not extend moving services to winning bidder.
98927 6/16,23

Probate Notices

CITATION
RE: Martha Carolyn Cole Ward,
Date of publication: June 23, 2021
Docket.# GA-06-022
Charlotte Louis and Roy Cole has filed a petition for resignation as guardian of Martha Carolyn Cole , ward, this is, therefore, to cite any and all concerned to file objection in Hall County Probate Court within 30 days from the date of publication, to show

Court on or before July 6th 2021
BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections arc filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.
Patty Walters Laine
Judge of the Probate Court
By: S. Carley
Clerk of the Probate Court
116 Spring Street First Floor Gainesville, Georgia 30501
770-531-6923
98774 6/23

IN THE PROBATE COURT OF HALL COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF ILMA JANE KIMBERL, DECEASED
ESTATE NO. E-20-495
NOTICE
[For discharge from office and all liability]
IN RE: Petition for Discharge of Personal Representative
TO: Whom it may concern:
This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before 10:00 a.m. July 6, 202.1.
BE NOTIFIED .FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.
Patty Walters Laine Judge of the Probate Court
Denise Garc1a
Clerk of the Probate Court
116 Spring Street First Floor Gainesvile, Georgia 30501
770-531-6925
98775 6/23

IN THE PROBATE COURT

powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before July 9th, 2021.
BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.
Patty Walters Laine Judge of the Probate Court
By: Riley Norris
Clerk of the Probate Court
116 Spring Street First Floor Gainesville. Georgia 30501
770-533-7828
98766 6/9,16,23,30

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE: ESTATE OF MILLARD GARRETT SMITH, DECEASED
ESTATE NO.. E-19-076
NOTICE
[For discharge from office and all liability]
IN RE: Petition for Discharge of Personal Representative
TO: to whom it may concern:
This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before July 6 2021.
BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.

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GAINESVILLE PLANNING and APPEALS BOARD
RECOMMENDATION

Applicant	McNeal Development, LLC
Property Owners	Pierce Family, LP; David Pierce Family, LP; Stanley D. and Christy Pierce; Charles D. Pierce; Hubert Daniel Gibson; Robson Crossing, LLC
Location	504, 512, 514, 520 and 528 Banks Street, SW; 510 East Avenue, SW; 535, 548, 549, 604, 608, 620 and 628 Gordon Avenue, SW; 0, 602, 611 and 612 Longstreet Avenue, SW; 436 and 442 Parker Street, SW; 627 and 635 Queen City Parkway; 507 and 513 Saint Thomas Drive
Request	Rezone from R-II, O-I, G-B and H-I to P-U-D
Total Acres	4.86± acres
Ward	Three
Proposed Use	214 multi-family apartments
Planning Division Staff Recommendation	**Approval, with conditions**
Planning & Appeals Board Recommendation	**Approval, with conditions**
Date	July 13, 2021

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

The applicant is proposing to rezone the subject property for 214 multi-family market rate apartments. The subject property includes an assemblage of 18 parcels and all of Longstreet Avenue which are located within the Midtown Overlay Zone. The properties contain significant hardwood trees, one residential structure and three nonresidential structures of which are planned to be removed as part of the development.

The proposed development includes three apartment buildings consisting of a mix of studio, 1- and 2-bedroom units ranging from 638 to 1,165 square feet in size. Amenities include a rooftop clubroom, business center, coffee bar, fitness center, resort style pool, pet spa, bike storage, indoor mail and package storage room, and dry-cleaning lockers. The property will be professionally managed by an experienced multi-family residential operator specializing in Class-A apartment communities. The property management company will be responsible for leasing, amenities and maintenance of the complex.

Access is proposed from Banks Street, Gordon Avenue, East Avenue and Saint Thomas Drive. Parking will be provided within the property as well as on-street parking that will be offset along Banks Street, East Avenue, Gordon Avenue, Parker Street and Saint Thomas Drive so that existing traffic flow will not be impeded. Pedestrian access to the Midland Greenway portion of the Highlands to Islands trail network will be provided. The property will utilize water and sewer and private garbage pickup will be provided.

Some of the additional development standards are listed below.

Proposed Density	44.03 du/ac
Building Height Max	60 to 65 feet (4 to 5 story)
Building Setbacks	Zero feet (0') against all property lines
Building Separation	20 feet
Building Size	Building 1000 - 15,930 sf Building 2000 - 23,257 sf Building 3000 - 20,316 sf
Parking Ratio	1.39 parking spaces per unit (297± parking spaces)
Access	24-foot wide driveway widths / 26-foot wide Access lanes
Signage	One monument sign located at each entrance not to exceed 6-feet in height along Banks Street, Park Avenue and Gordon Avenue. Up to three building signs (blade signs) on the buildings facing Gordon Avenue and Queen City Parkway. Internal or external lighting.

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

Location	Use	Zoning
North	Potra Law Firm; United Community Bank	General Business (G-B)
South	Gainesville Public Safety Complex	Office and Institutional (O-I)
East	Midland (Midtown) Greenway	Office and Institutional (O-I)
West	The Guest Lodge; QuikTrip	General Business (G-B)

- ***Traffic Summary***

A Traffic Generation Memo was provided for the proposed development on July 6, 2021 for the AM and PM Peak Hours for the following intersections:

The proposed Gainesville Midland Development will consist of 214 dwelling units in three different buildings. On a standard weekday, the site is anticipated to generate 1,165 trips. In the A.M. Peak and P.M. Peak periods, the site will generate 72 trips and 92 trips, respectively. Due to the location of the proposed development, infill development reductions were applied. The revised trip generation with infill development reduction applied, are: 950 trips on weekdays, 61 trips during the A.M. Peak, and 72 trips during the P.M. Peak. Looking at the City of Gainesville Unified Land Development Code, there are two thresholds for potentially needing a traffic impact analysis – 1,000 vehicle trip ends during a single day and/or more than 100 vehicle trips during the A.M. or P.M. Peak periods. With the infill development trip reductions applied, neither of those thresholds are met. Therefore, it is requested that the City of Gainesville waive the need for a full Traffic Impact Analysis for the proposed development.

- ***Other Departmental Comments***

Coordination will be required with the Georgia Department of Transportation for the proposed request.

There were no other departmental comments for this request.

- ***Zoning History***

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

2020- A request by the City of Gainesville to rezone 39.0± acres consisting of 25 properties located within Midtown Gainesville from Heavy Industrial (H-I), Light Industrial (L-I), General Business (G-B), Residential-II (R-II) to Office and Institutional (O-I) for existing uses was approved.

2020- A request by Davis Pine, LLC to rezone a 0.47± acre tract located at 890, 892 and 898 Wills Street, SW from General Business (G-B) to Residential-II (R-II) for seven multi-family apartments was approved with conditions.

2020- A request by the Gainesville Non-Profit Development Foundation to rezone a 1.07± acres tract located at 623, 635, 641 and 645 Davis Street, SW from General Business (G-B) and Heavy Industrial (H-I) to Residential-II (R-II) for four single-family homes was approved with conditions.

2020- A request by the City of Gainesville to rezone a 6.84± acres tract located at 110 and 120 Jesse Jewell Parkway, SE; 525 Bradford Street, SE; 111 College Avenue, SE from Planned Unit Development (P-U-D) and General Business (G-B) to Planned Unit Development (P-U-D) was approved with conditions for a mixed-use development.

2020- A request by the City of Gainesville to rezone a 4.1± acres tract located at 610 and 622 Main Street, SW; 605 Grove Street, SW from Light Industrial (L-I) to Planned Unit Development (P-U-D) was approved with conditions for a mixed-use development.

2019- A request by Christopher Wimberly to rezone 0.31± acres located at 315 Summit Street, SE from Residential-II (R-II) to General Business (G-B) was approved with conditions for a funeral home.

2016- A request by the Gainesville Housing Authority to rezone 11.671± acres located at 233, 240, 315, and 323 Atlanta Street; 207, 209, 221, 223 and 229 Summit Street from Residential-II (R-II), Neighborhood Business (N-B) and General Business (G-B) to Planned Unit Development (P-U-D) was approved with conditions for multi-family apartments.

2014- A request by Pap Datta to rezone 1.04± acres with a special use located at 510, 514 and 520 Maple Street from General Business (G-B) to Light Industrial (L-I) was approved with conditions for a micro-brewery.

2014- A request by Mercy Housing to rezone a 2.2± acres tract located at 620 and 628 Gordon Avenue, SW; 0, 602 and 612 Longstreet Avenue, SW; 627 Queen City Parkway, SW; 504, 512, 514, 520 and 528 Banks Street, SW from Residential-II (R-II), Office and Institutional (O-I), General Business (G-B) and Heavy Industrial (H-I) to Planned Unit Development (P-U-D) was given a recommendation of approval with conditions by Planning Staff and the Planning and Appeals Board conditions for 90 multi-family low-income housing units but the request was withdrawn at City Council second reading. *(This included a portion of the subject property.)*

- ***Staff Analysis***

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

The adjacent and nearby properties include a mix of residential, office, commercial, and public uses primarily zoned for office and commercial purposes. Over the past fifteen years as many

as 32 older rental residential homes and 11 nonresidential structures within the immediate vicinity have been demolished to enhance the area for strategic public investments including the Public Safety Complex, Midland (Midtown) Greenway, stormwater improvements, and demolition of the old County jail. These improvements including the establishment of the Midtown Tax Allocation District and Midtown Opportunity Zone have helped foster private investment within the Midtown area.

The proposed multi-family development will increase the number and quality of housing units within Midtown-Gainesville which has been identified as a need by the Comprehensive Plan. While the proposed development is a higher density than what has been traditionally developed in Gainesville, the vertical design of the project is more conducive to allow for more units on a smaller property which is typical of urban properties where land is less abundant. The proposed project is similar to the nearby Solis Gainesville mixed-use development located east of the subject property which was previously approved for a residential density of 32 dwelling units per acre within phase 1 and 43.9 dwelling units per acre within phase 2.

The proposed use appears suitable in view of the zoning and development of adjacent and nearby properties.

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

The proposed apartments will transform the subject property into more of an urban scale property. The proposed four/five story buildings are designed to frame portions of Queen City Parkway, Banks Street, Gordon Avenue, Parker Street and East Avenue while providing walkability to nearby shopping, services, public transit, public facilities and the Midland (Midtown) Greenway. The increase of residential units will add to the vehicular and pedestrian traffic to the surrounding road network.

The Planning Division staff recognizes the need for variety of high quality, housing within the Downtown/Midtown area. However, it is critical that the proposed apartment development provide for consistent onsite management. This will help ensure the occupancy limitations of the apartment units are not exceeded to avoid any potential parking problems. While housing may be acceptable for the subject property, it may be less desirable within other areas of Downtown/Midtown as to not over saturate the community and over burden the roads.

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

The Gainesville Future Development Map places the subject property within the *Mixed-Use Midtown* land use category which includes areas to be developed in accordance with the Midtown Redevelopment Plan which promotes a mixture of land uses including office, neighborhood retail, and residential. Residential uses are strongly encouraged and should be the dominant land use wherever possible.

As well, the Character Area Map for the City of Gainesville places the property within the *Central Core* Character Area specifically within the *Downtown/Midtown subarea*. The vision for this area should strive for additional office and housing to provide a more sustainable mix of uses. Public improvements to Midtown including the Greenway, Gainesville Public Safety Complex, stormwater facilities and the Jesse Jewell pedestrian bridge have begun a long-term transition to more diverse land uses including a mixed-use core along Main and Bradford streets; flanking multifamily (ideally mixed-income) housing. In addition, mixed-income high quality multi-family housing development should be targeted to take advantage of the open space investment made in the Midtown Greenway and related parks. Land uses supported in the Midtown subarea include mixed-use, multifamily residential, commercial, public / institutional, and transportation / communications / utilities.

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

The property consists of 18 parcels with zonings of Heavy Industrial (H-I), General Business (G-B), Office and Institutional (O-I) and Residential-II (R-II). The proposed rezoning will bring all of the parcels under one uniform zoning. The proposed zoning of Planned Unit Development (P-U-D) is considered a site-specific zoning intended to provide for the maximum flexibility of land uses that should include unique and innovative development of the land through a unified site design in order to meet the objectives of the comprehensive plan.

(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 subject property is located near the heart of Gainesville and already utilizes various City services including police and fire protection and water utilities. Other existing services that are expected to be utilized include the nearby greenway and public transit.

Gainesville Fire Station #1 is located less than 1,000 feet from the property. The Gainesville Police Station is located adjacent to the subject property within the Public Safety Complex.

There is sufficient water and sewer to serve the development and utilities are available on site.

It is unknown at this time how many children will be living within the development to know what the impact will be to the school system. However, the proposed apartments do not include 3-bedroom units with amenities that are designed for working professionals.

According to the "Trip Generation Manual" as published by the Institute of Transportation Engineers, the proposed use would generate approximately 1,165± new trips per day (582 entering and 583 exiting), 72 A.M. peak hour trips (19 entering and 53 exiting) and 92 P.M. peak hour trips (56 entering and 36 exiting.) However, according to the applicants Trip Generation Memo, there is an 18% reduction in weekday trips, 15% reduction in A.M. peak hour trips and a 22% reduction in P.M. peak hour trips due to the property being an infill site and located within an urban area with alternate means of transportation such as walking, bicycling and nearby public transit.

(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?

As previously depicted, the Comprehensive Plan supports the proposed multi-family housing development within Downtown-Midtown Gainesville. Midtown Gainesville is experiencing an increased demand of private investment in part due to recent strategic public investment such as the Public Utilities facility, Public Safety Complex and the Midtown Greenway.

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

The proposed rezoning request will bring needed quality, residential development to Downtown-Midtown Gainesville. With the conditions suggested by staff, the proposed rezoning request 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.

- ***Staff Recommendation***

The Planning Division staff is recommending **conditional approval** of this rezoning request from General Business (G-B) to Planned Unit Development (P-U-D) based on the Comprehensive Plan and the adjacent mixture of uses.

Conditions

1. **The proposed development shall not exceed 214 residential apartment units.**
2. **The development shall be consistent with the concept plan and architectural renderings provided with this rezoning application.**
3. **The proposed number, location, type and size of all signage for the development shall be subject to the Community & Economic Development Director approval.**
4. **The proposed on-street parking spaces along Banks Street, Gordon Avenue, Parker Street, East Avenue and Saint Thomas Drive shall be required to maintain two, 12-foot wide lanes and adhere to other State and Local requirements subject to the approval of the Gainesville Public Works Director. Any required road and striping improvements shall be at the expense of the developer.**
5. **Prior to a permit being issued for the subject property, a Traffic Impact Study shall be required if determined necessary by the Gainesville Public Works Department Director and the Georgia Department of Transportation (GDOT).**
6. **All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director and the Georgia Department of Transportation. The approval of said design shall be required prior to issuance of a land development permit. All required access/traffic/sidewalk improvements associated with the proposed development or any additional improvements identified within the Traffic Impact Study, if determined necessary, shall be at the full expense of the developer/property owner.**
7. **An updated as-built survey/plat of the subject property, indicating existing conditions and all improvements shall be recorded prior to obtaining a Certificate of Occupancy for the last occupied residential unit.**

Excerpts from the July 13, 2021 PAB Meeting Minutes

Applicant Presentation: William Norris, McNeal Development, 2739 Old Mill Trail, Marietta, spoke of experience in other areas such as Atlantic Beach, Jacksonville Beach, Charlotte, Raleigh, Nashville and renovation project in Atlanta. He stated he is proposing to build a class "A" luxury apartment community, four stories with some basement units fronting the park area. He said they are conditioned corridor, elevator service, mostly surface park but garages included in the site plan. He said the strong economic growth in Gainesville is what brought him here and as a community seen a lot of manufacturing come to Hall County and Gainesville including the upcoming healthcare expansion with the new tower coming to the hospital. The project referenced in Raleigh next to Rex Hospital and Dean Davis was the architect that designed the project and a lot of the fundamentals that drove that project success exists in Gainesville. He said the Midtown Greenway, the city has done a great job investing in that park infrastructure and knows the residents of this property will see that as an asset. One of the desires is to allow the ground floor units that fronts the public right-of-way to have a direct park access to build stoops to engage the streets in a way you see in a lot of urban environments. He commented that the residents

will get home, walk out their front door to enjoy the park and have easy access to downtown Gainesville.

OPPOSE: None

There was a motion to recommend conditional approval to rezone the subject property from Residential-II (R-II), Office and Institutional (O-I), General Business (G-B) and Heavy Industrial (H-I) to Planned Unit Development (P-U-D) with the following conditions:

<u>Conditions</u>

1. **The proposed development shall not exceed 214 residential apartment units.**
2. **The development shall be consistent with the concept plan and architectural renderings provided with this rezoning application.**
3. **The proposed number, location, type and size of all signage for the development shall be subject to the Community & Economic Development Director approval.**
4. **The proposed on-street parking spaces along Banks Street, Gordon Avenue, Parker Street, East Avenue and Saint Thomas Drive shall be required to maintain two, 12-foot wide lanes and adhere to other State and Local requirements subject to the approval of the Gainesville Public Works Director. Any required road and striping improvements shall be at the expense of the developer.**
5. **Prior to a permit being issued for the subject property, a Traffic Impact Study shall be required if determined necessary by the Gainesville Public Works Department Director and the Georgia Department of Transportation (GDOT).**
6. **All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director and the Georgia Department of Transportation. The approval of said design shall be required prior to issuance of a land development permit. All required access/traffic/sidewalk improvements associated with the proposed development or any additional improvements identified within the Traffic Impact Study, if determined necessary, shall be at the full expense of the developer/property owner.**
7. **An updated as-built survey/plat of the subject property, indicating existing conditions and all improvements shall be recorded prior to obtaining a Certificate of Occupancy for the last occupied residential unit.**

Motion made by Board Member Martin
Motion seconded by Board Member White
Vote – 6 favor, 1 absent (Simmons)

Passed: _____

AN ORDINANCE

No. 2021-22

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A 4.86± ACRES TRACT LOCATED BETWEEN QUEEN CITY PARKWAY, BANKS STREET AND GORDON AVENUE, HAVING ROAD FRONTAGE ON SAINT THOMAS DRIVE AND LONGSTREET AVENUE (A/K/A 504, 512, 514, 520 AND 528 BANKS STREET, SW; 510 EAST AVENUE, SW; 535, 548, 549, 604, 608, 620 AND 628 GORDON AVENUE, SW; 0, 602, 611 AND 612 LONGSTREET AVENUE, SW; 436 AND 442 PARKER STREET, SW; 627 AND 635 QUEEN CITY PARKWAY; 507 AND 513 SAINT THOMAS DRIVE) FROM RESIDENTIAL-II (R-II), OFFICE AND INSTITUTIONAL (O-I), GENERAL BUSINESS (G-B) AND HEAVY INDUSTRIAL (H-I) TO PLANNED UNIT DEVELOPMENT, WITH CONDITIONS (P-U-D-c); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; 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

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 **Planned Unit Development, with conditions (P-U-D-c).**

Conditions

1. **The proposed development shall not exceed 214 residential apartment units.**
2. **The development shall be consistent with the concept plan and architectural renderings provided with this rezoning application.**
3. **The proposed number, location, type and size of all signage for the development shall be subject to the Community & Economic Development Director approval.**
4. **The proposed on-street parking spaces along Banks Street, Gordon Avenue, Parker Street, East Avenue and Saint Thomas Drive shall be required to maintain two, 12-foot wide lanes and adhere to other State and Local requirements subject to the approval of the Gainesville Public Works Director. Any required road and striping improvements shall be at the expense of the developer.**
5. **Prior to a permit being issued for the subject property, a Traffic Impact Study shall be required if determined necessary by the Gainesville Public Works Department Director and the Georgia Department of Transportation (GDOT).**

6. **All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director and the Georgia Department of Transportation. The approval of said design shall be required prior to issuance of a land development permit. All required access/traffic/sidewalk improvements associated with the proposed development or any additional improvements identified within the Traffic Impact Study, if determined necessary, shall be at the full expense of the developer/property owner.**
7. **An updated as-built survey/plat of the subject property, indicating existing conditions and all improvements shall be recorded prior to obtaining a Certificate of Occupancy for the last occupied residential unit.**

Legal Description

Longstreet Avenue

All that tract or parcel of land lying and being in land lot 153, 9th district, Hall County, Georgia, being more particularly described as follows:

Beginning at an iron pin found (1/2" rebar) at the intersection of the southern right-of-way of Gordon Avenue (40' r/w) with the eastern right-of-way of Longstreet Avenue (20' r/w); thence along said eastern right-of-way and the western property line of the properties now or formerly of Charles Duane Pierce and Pierce Family, L.P., south 24°29'19" west, a distance of 199.95 feet to a point on the southern right-of-way of Longstreet Avenue (37.26' r/w); thence along said southern right-of-way and the northern property line of the properties now or formerly of Pierce Family, L.P. and David Pierce Family, L.P., north 66°47'55" west, a distance of 210.99 feet to a point on the eastern right-of-way of Saint Thomas Drive (37.26' r/w); thence along said eastern right-of-way, north 20°25'18" west, a distance of 37.57 feet to a point on the northern right-of-way of said Longstreet Avenue (37.26' r/w); thence along said northern right-of-way and the southern property lines of the properties now or formerly of Robson Crossing, LLC., south 66°47'55" east, a distance of 191.03 feet to a point on the western right-of-way of said Longstreet Avenue (20' r/w); thence along said western right-of-way and the eastern property lines of the properties now or formerly of Robson Crossing, LLC. and Hubert Daniel Gibson, north 24°29'19" east, a distance of 162.51 feet to an iron pin found on the southern right-of-way of said Gordon Avenue; thence along said southern right-of-way, south 66°31'35" east, a distance of 20.00 feet to the **Point of Beginning.**
Said tract contains 0.255 acre or 11,117 square feet.

Robson Crossing Tract 1

All that tract or parcel of land lying and being in land lot 153, 9th district, Hall County, Georgia and being more particularly described as follows:

Beginning at the intersection of the northern right-of-way of Gordon Avenue (40' r/w) with the western right-of-way of Parker Street (40' r/w); thence along said northern right-of-way, north 66°31'51" west, a distance of 211.35 feet to a point; thence leaving said right-of-way and along the eastern property line of the property now or formerly of Quicktrip Corporation and of Linda McClure Peck, north 23°30'16" east, a distance of 187.51 feet to a point; thence along the property now or formerly of Georgia First Bank the following courses and distances: north 54°36'52" east, a distance of 12.94 feet to an iron pin found (1/2" rebar); thence south 57°29'56" east, a distance of 42.72 feet to an iron pin found (2" square metal base); thence north 24°04'42" east, a distance of 148.25 feet to a point on the southern right-of-way of east

avenue (40' r/w); thence along said southern right-of-way the following courses and distances: south 54°37'56" east, a distance of 276.76 feet to a point; thence south 29°21'15" west, a distance of 4.40 feet to a point on the western right-of-way of said Parker Street; thence along said western right-of-way the following courses and distances: south 59°49'34" west, a distance of 97.75 feet to a point; thence 81.40 feet along the arc of a curve to the left, having a radius of 171.88 feet and a chord bearing and distance of south 46°15'31" west, 80.64 feet to a point; thence south 32°41'29" west, a distance of 127.27 feet to the **Point of Beginning**.
Said tract contains 1.692 acres.

Robson Crossing Tract 2

All that tract or parcel of land lying and being in land lot 153, 9th district, Hall County, Georgia and being more particularly described as follows:

Beginning at an iron pin found (1/2" rebar) at the intersection of the southern right-of-way of Gordon Avenue (40' r/w) with the western right-of-way of Longstreet Avenue (20' r/w); thence along said western right-of-way, south 24°29'19" west, a distance of 162.51 feet to a point on the northern right-of-way of Longstreet Avenue (37.26' r/w); thence along said northern right-of-way, north 66°47'55" west, a distance of 191.03 feet to a point on the eastern right-of-way of Saint Thomas Drive (37.26' r/w); thence along said eastern right-of-way the following courses and distances: north 20°25'18" east, a distance of 40.57 feet to a point; thence north 21°06'19" east, a distance of 122.99 feet to a point on the southern right-of-way of said Gordon Avenue; thence along said southern right-of-way, south 66°31'35" east, a distance of 201.15 feet to the **Point of Beginning.**

Said tract contains 0.734 acre or 31,973 square feet.

Pierce Tract 3

All that tract or parcel of land lying and being in land lot 153, 9th district, Hall County, Georgia and being more particularly described as follows:

Beginning at an iron pin found (1/2" rebar) at the intersection of the southern right-of-way of Gordon Avenue (40' r/w) with the eastern right-of-way of Longstreet Avenue (20' r/w); thence along the southern and western right-of-way of said Gordon Avenue the following courses and distances: south 66°31'35" east, a distance of 43.52 feet to a point; thence 57.88 feet along the arc of a curve to the right, having a radius of 85.00 feet and a chord bearing and distance of south 47°01'11" east, 56.77 feet to a point; thence south 27°30'48" east, a distance of 190.37 feet to a point on northern right-of-way of Banks Street (40' r/w); thence along said northern right-of-way the following courses and distances: south 58°46'22" west, a distance of 350.53 feet to a point; thence north 83°14'36" west, a distance of 40.03 feet to the eastern right-of-way of Queen City Parkway (88' r/w); thence along said eastern right-of-way the following courses and distances: north 25°59'15" west, a distance of 185.15 feet to a point; thence 117.91 feet along the arc of a curve to the left, having a radius of 616.92 feet and a chord bearing and distance of north 31°27'46" west, 117.73 feet to an iron pin found (1/2" rebar); thence leaving said right-of-way and along the property now or formerly of BCLAP Secure Legacy, LLC., north 23°07'05" east, a distance of 48.35 feet to a point on the southern right-of-way of Saint Thomas Drive (37.26' r/w); thence along said southern right-of-way, south 63°55'27" east, a distance of 18.80 feet to an iron pin found (1" open top pipe); thence continue along said southern right-of-way and the southern right-of-way of Longstreet Avenue (37.26' r/w); south 66°47'55" east, a distance of 210.99 feet to a point on the eastern right-of-way of said Longstreet Avenue (20'

r/w); thence along said eastern right-of-way, north 24°29'19" east, a distance of 199.95 feet to the **Point of Beginning.**

Said tract contains 2.185 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 upon approval by the governing body of the City of Gainesville, Georgia.

_____

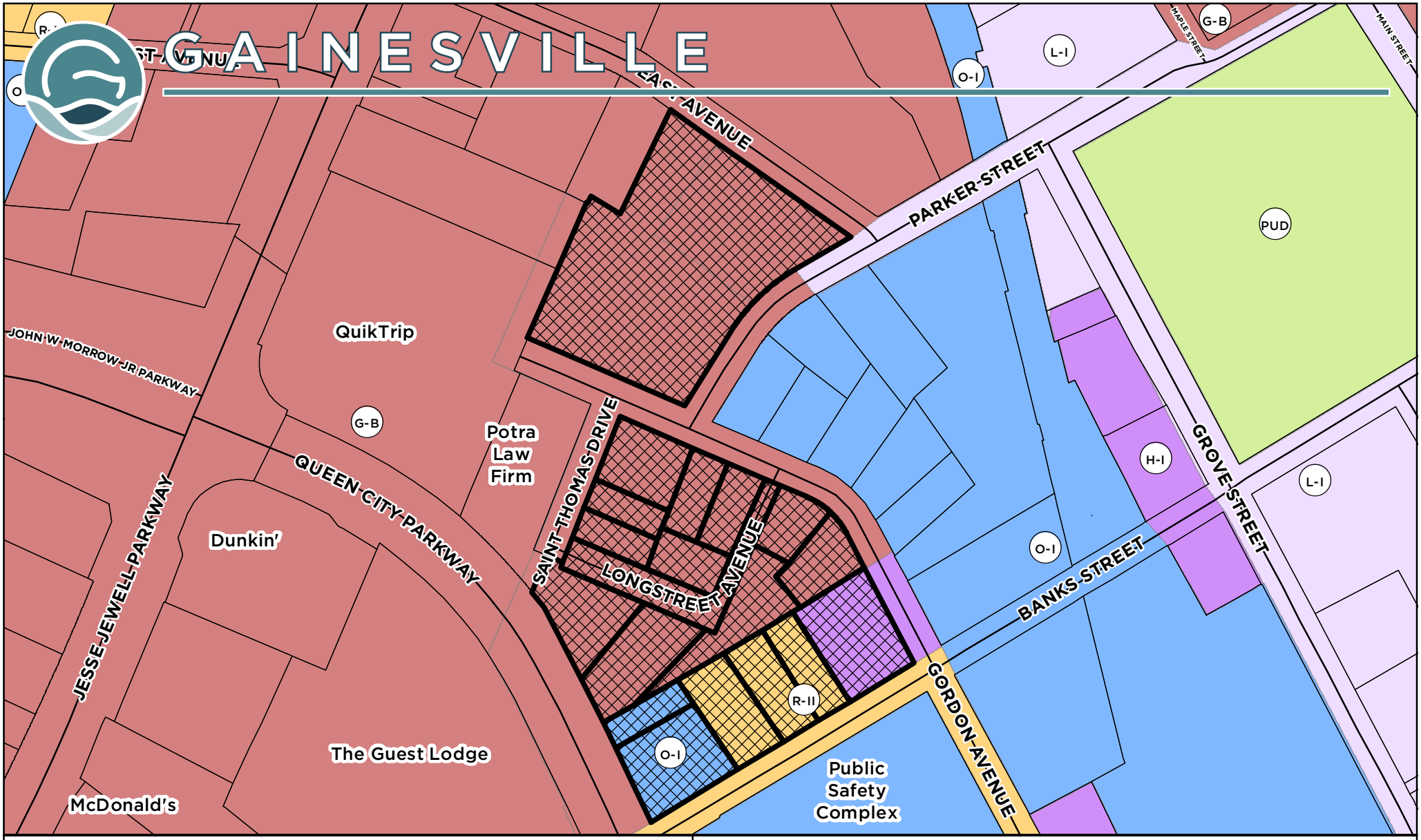
C. Danny Dunagan, Jr., Mayor

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: **MCNEAL DEVELOPMENT, LLC**

REZONING REQUEST

Request:
Rezone a 4.86+/- acres tract from Residential-II (R-II), Office & Institutional (O-I), General Business (G-B) & Heavy Industrial (H-I) to Planned Unit Development (P-U-D) for 214 multi-family apartments

Subject Property Address:
504, 512, 514, 520 & 528 Banks St; 510 East Ave; 535, 548, 549, 604, 608, 620 & 628 Gordon Ave; 0, 602, 611 & 612 Longstreet Ave; 436 & 442 Parker St; 627 & 635 Queen City Pkwy; 507 & 513 Saint Thomas Dr

Tax Parcel:
01-012-002-006; 01-013-001-001, 002, 003, 004, 005 & 006; 01-013-002-001, 002, 003, 004, 005, 006, 007, 007A, 008, 009 & 010

Subject Property

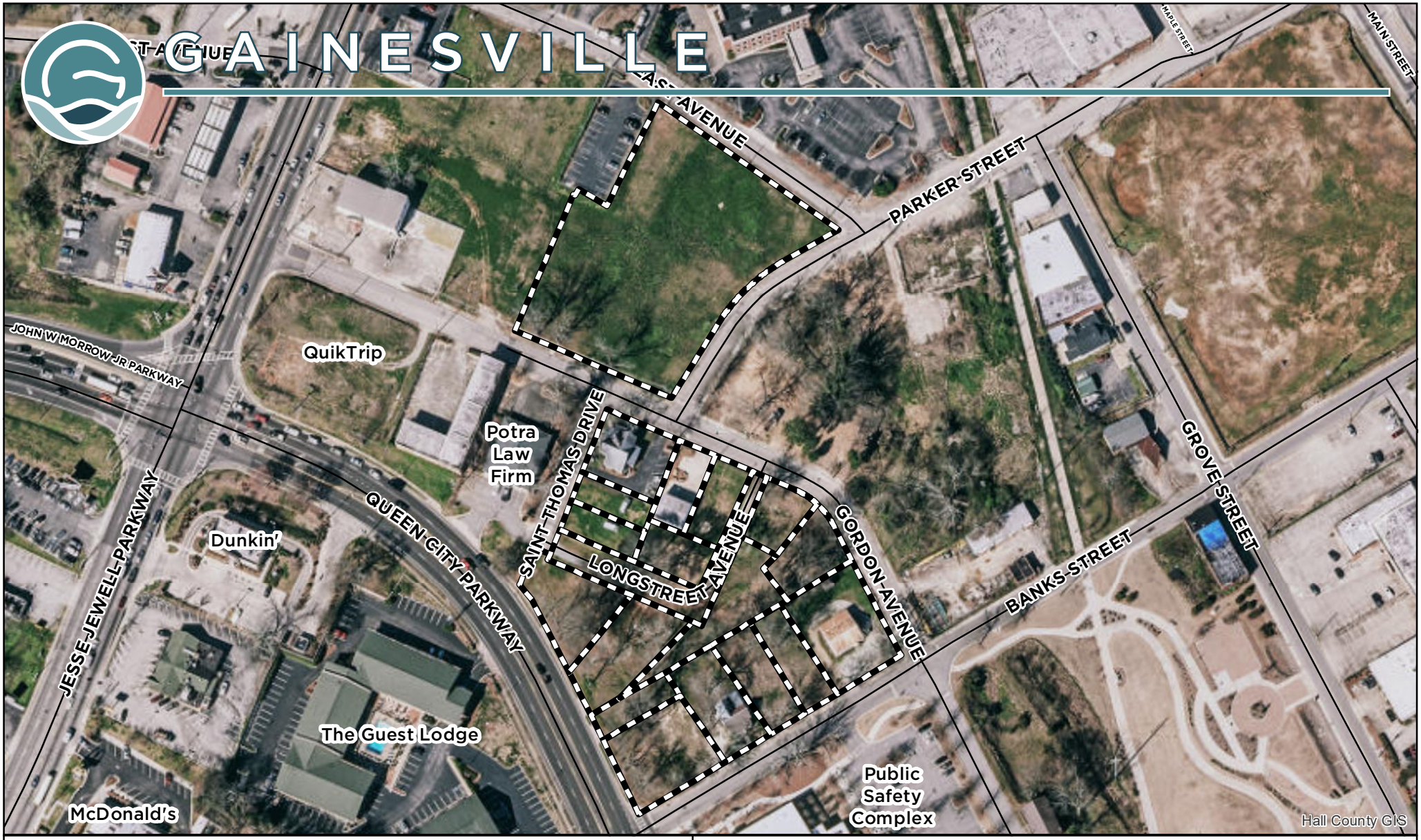
Meeting Date: 07/13/2021

Map Prepared: 06/03/2021

0 90 180 Feet

SCALE: 1 " = 167 '

N W E S



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Tax Parcel:
01-012-002-006; 01-013-001-001, 002, 003, 004, 005 & 006; 01-013-002-001, 002, 003, 004, 005, 006, 007, 007A, 008, 009 & 010

Subject Property

Aerial from 2018

Meeting Date: 07/13/2021

Map Prepared: 06/03/2021

0 90 180 360 Feet

SCALE: 1 " = 167 '

N W E S

Zoning Narrative

Gainesville Midland

THE CITY OF GAINESVILLE, GEORGIA

A PLANNED UNIT DEVELOPMENT

May 28, 2021

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EXECUTIVE SUMMARY

Gainesville Midland is a Planned Unit Development located at 528 Banks Street (a 40' public right-of-way) and the intersection of Queen City Parkway (SR 53) within the limits of the City of Gainesville, Georgia. The property is located within the Central Core Character Area and the Midtown Special District of the City and in walking distance of Downtown's historic central square.

The property is an assemblage of seventeen individual parcels with an aggregated parcel totaling 4.86 +/- acres. The property is non-contiguous and separated by Gordon Avenue (a 40' public right-of-way).

The current zoning of the property includes:
GB – General Business
RII - Residential
O-I – Office & Institutional
H-I – Heavy Industrial

Currently, the site is mostly vacant with the exception of four existing buildings that are planned for demolition. There are no streams or wetlands on the site and no known historical sites. The property overlooks the Midland Greenway Park and is in close proximity to many retail uses.

The development concept is an innovative urban Planned Unit Development incorporating three separate residential buildings in four story configurations. Two of the three residential buildings have partial basement units. Residential units will consist of studio, 1- and 2-bedroom units for a total unit count of 214. Parking will be provided at a ratio of 1.39 spaces per unit. Unit sizes will range from 638 SF to 1,165 SF. All units will lease at market rates and none of the units will be subsidized.

The property will have easy vehicular and pedestrian access to downtown Gainesville and is strategically located for quick access to I-985 via Queen City Parkway. Pedestrian access to the Midland Greenway Park & trail will enhance the site's desirability as an ideal spot to live, work and play.

COMPREHENSIVE PLAN CONSISTENCY

The MIDLAND GAINESVILLE Planned Unit Development is consistent with the City of Gainesville's vision for future land use in Urban Redevelopment Areas.

The intent of a Planned Unit Development (PUD) is to:

- Provide for maximum flexibility in the mixture and arrangement of land uses and unique and innovative land planning via planned unit developments, at appropriate locations, and with appropriate sizes and scales.

- Redevelopment and infill opportunities of underutilized and re-purposed sites are one of Gainesville's greatest challenges as their redevelopment can help further transform these areas for more desirable uses. Development of these infill sites can reduce the need to travel further to shop or work, preserve lands further out, and provide better utilization of existing infrastructure.

With proper planning, well designed architectural themes and an emphasis on livability, the goal of the GAINESVILLE MIDLAND Planned Unit Development is to provide a high level of compatibility with City of Gainesville's 2040 Comprehensive Plan Goals for the Downtown/Midtown Core as follows:

1. Provide for urban-scale housing, especially in the Midtown, redevelopment areas.
2. Provide for a vibrant, human-scaled and pedestrian friendly community.

This new community will integrate seamlessly within the City's urban fabric; greatly contributing to the evolving Midtown development node. The efforts of the City to revitalize this area will be benefited by another high quality project on the northern end of Midtown and along the Queen City Parkway Gateway Corridor.

Midland Gainesville will set the example as a well-conceived infill redevelopment by not only meeting the Comprehensive Plan goal s but also by transforming neglected and underutilized resources into a livable enclave that will create new living opportunities for Gainesville's growing urban population.

DEVELOPMENT SUMMARY

Property Address:	528 Banks Street, Lot 153, 9th District, Gainesville, Georgia
Site Area:	4.86 AC +/-
Existing Zoning:	GB – General Business, R-II – Residential, O-I – Office & Institutional, H-I – Heavy Industrial
Existing Conditions:	Three existing commercial structures and one residential structure
Proposed Uses:	A multi-family, urban planned unit development incorporating vibrant, human-scaled living spaces and a pedestrian friendly location.
Proposed Density:	44.03 DU/AC
Site Development:	Maximum Residential Units: 214 <u>Property Setbacks</u> Front: 0' Side: 0' Rear: 0' Building Separation: 20'
Max. Structure Height:	60', measured from the average grade plane to the top of the roof (not including parapet heights). Parapet heights shall not exceed 65', measured from the average grade plane to the top of the parapet.
Open Space:	As exhibited in the Concept Plan, community Open Space will be provided in the amenity area. Additionally, the Midtown Greenway Park is located immediately adjacent to the site.
Parking:	1.39 parking spaces per residential unit will be located throughout the development via garages, on street parking, and surface lots.
Flexibility:	As the Developer progresses with design and approval of the project, it is understood that minor revisions may occur to the Concept Plan and that staff level approval will be granted as long as overall design intent and proposed density are not be exceeded.

DRAWINGS AND SPECIFICATIONS ARE PROPRIETARY AND PROPERTY OF MCNEAL DEVELOPMENT, LLC. NO USAGE ON ANY OTHER PROJECT OR DESIGN PERMITTED. VIOLATIONS SUBJECT TO FULL PROSECUTION UNDER LAW. USAGE FOR ANY REASON OUTSIDE OF THIS SPECIFIC PROJECT MUST HAVE WRITTEN PERMISSION FROM MCNEAL DEVELOPMENT, LLC.

GENERAL GUIDELINES

A. PARKING

Parking is being proposed as 1.39 parking spaces per residential unit with spaces located throughout the development via garage, on-street, and surface lot spaces:

- Standard parking & driveway space: 9' x 18' with vehicle overhang
- Parallel parking space: 8' x 22'
- Garage space 8'-6' x 18'

B. RESIDENTIAL UNITS

The multi-family units will consist of a mix of studio, 1- and 2-bedroom units.

C. BUILDING HEIGHTS & MASSING

Structure heights are permitted to a maximum sixty feet (60'), measured from the average grade plane to the top of the roof (not including parapet heights). Parapet heights shall not exceed 65', measured from the average grade plane to the top of the parapet.

D. PROFESSIONAL MANAGEMENT

The property will be professionally managed by an experienced multifamily residential operator specializing in Class-A apartment communities. The property management company will be responsible for maintenance of the complex as well as leasing and amenities.

E. UTILITIES

The City of Gainesville will provide water and sewer services via existing adjacent infrastructure. Power and natural gas will be provided by Georgia Power. Garbage collection will be provided by the City of Gainesville. Storm water management is proposed through modification to the existing regional detention facility located in the Midtown Greenway Park.

F. SIGNAGE

Upon to three entry signage monuments, at a height maximum of six feet (6') each, identifying the project will be placed in future locations, to be determined, at complex's entry along Banks Street, Parker Avenue, and Gordon Street. The monuments will be illuminated with decorative lighting for wayfinding purposes. Up to three additional blade signs will be located on the buildings facing Gordon Ave and Queen City Parkway.

Entry monuments, supporting decorative landscape and infrastructure (such as landscape lighting & irrigation) shall occur outside of the public Rights-of-Way and therefore will be exempt from City & State encroachment requirements.

G. LANDSCAPE

Decorative and supplemental landscaping may be provided throughout the development, adjacent to the Public Right-of-Way, and internal to the complex. Decorative landscape and infrastructure (such as landscape lighting & irrigation) shall occur at key focal points within the property.

H. LIGHTING

The Developer will prepare a lighting plan for street lights (in conjunction with Georgia Power) and may also provide decorative building, landscape, site & tree lighting throughout the

development and adjacent to the public streets surrounding the property. Buildings and entry signage may be illuminated for the purposes of safety and wayfinding.

I. STREETS & SIDEWALKS

The Developer will construct interior driveways to serve access to the complex. The minimum driveway width will be twenty-four (24'), with fire lanes being a minimum of twenty-six (26'). Access to and from the complex will occur over public Rights-of-Way from existing streets.

On-street parking will be added along the St. James Right-of-Way and the Developer will provide maintenance for the portion of the Right-of-Way utilized for parking.

Concrete sidewalks will be constructed throughout the complex with interconnectivity to the amenities and other public sidewalks systems including the Midtown Greenway.

Developer plans to provide stoops at ground floor units that front the Midtown Greenway Park to provide an engaging streetscape for the community. These stoops will enhance the public street by activating the first-floor units to mimic the pattern of an urban environment

J. TREES

Street trees will be planted along the Public Right-of-Way where adequate width is available. Other shade and decorative trees will be planted throughout the complex with the intent of creating a well landscaped environment that is both functional and aesthetically pleasing.

K. CITY BENEFIT

Gainesville Midland will provide The City of Gainesville with an innovative urban Planned Unit Development incorporating superior architecture and lifestyle amenities for an active residential living opportunity in the rapidly developing Midtown development node.

The development will bring additional residents to downtown Gainesville to support existing and future businesses. Residents will be within walking distance to these businesses, which will allow them to not use their car to access downtown amenities and in turn reduce traffic congestion.

L. COMMUNITY AMENITIES

- Located in Downtown Gainesville where residents will be able to walk to local restaurants, shops, and event venues.
- Direct connection to the Midtown Greenway that ties into the Highland to Island Trail.
- Rooftop Clubroom featuring Indoor and Outdoor gathering spaces.
- Business Center offering Co-working Space adjacent to the Rooftop Clubroom.
- High-speed Wi-Fi for resident use in all amenity spaces.
- Leasing Office will include Coffee Bar for current and potential residents.
- Fitness Center with high-end Fitness Equipment and Yoga Room with Fitness on Demand classes overlooking the resort-style pool.
- Resort-style saltwater pool with sundeck and outdoor pavilion with gas grilling station.
- Pet Spa with washing and drying stations.
- Bike Storage with repair stations.
- Indoor Mail and Package Storage Room, plus Package Concierge provider Fetch that allows residents to schedule package delivery to their apartment.

- Dry Cleaning Lockers.
- Access control to the conditioned corridor buildings.

M. Apartment Features

- Expansive Studio, One-, and Two-Bedroom Floorplans with 9 Foot Ceilings Throughout.
- Gourmet kitchens with stainless steel appliances.
- Granite and quartz countertops (depending on unit type) and luxury cabinets with tile backsplash plus under cabinet lighting.
- Energy efficient LED light fixtures throughout the home.
- Wood-style Flooring throughout Kitchen, Living Room, Bathroom, and Bedroom (depending on unit type).
- Ceiling Fans in Bedrooms.
- Oversized Closets with Ample Storage.
- Full Size Washer and Dryer in unit.
- Private Balcony or Patio in Unit.
- Select ground floor units will have direct access stoops, allowing residents to enter their unit from the street.
- Smarthome thermostats and integrated USB ports in Kitchens.
- High-speed Fiber Internet Service to each unit.

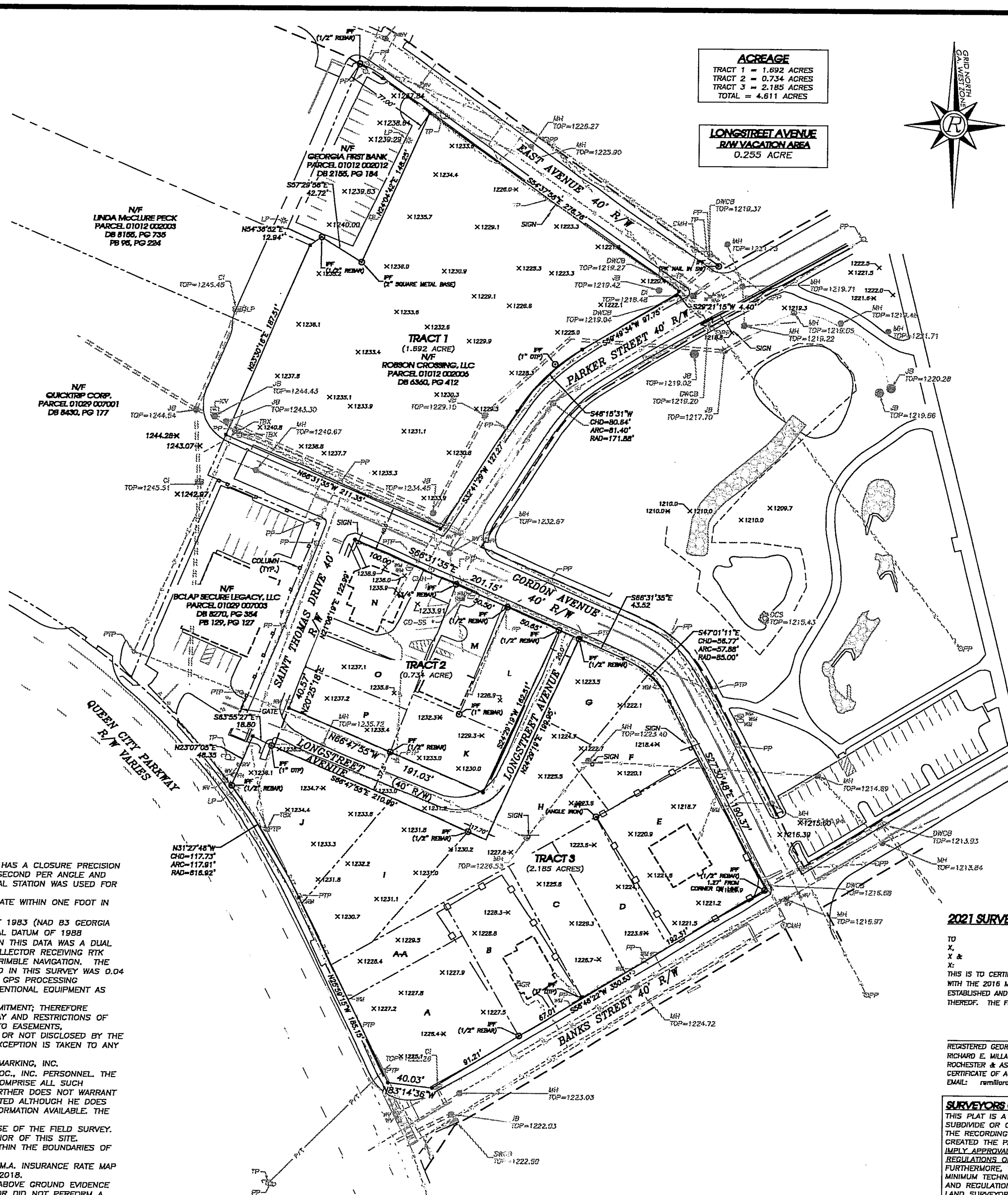
THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

LEGEND

AC	ACRES	N/F	NOW OR FORMERLY
AE	ACCESS EASEMENT	OCS	OUTLET CONTROL STRUCTURE
AIF	ANGLE IRON FOUND	PBX	POWER BOX
AKA	ALSO KNOWN AS	PIV	POST INDICATOR VALVE
BC	BACK OF CURB	PL	PROPERTY LINE
BWF	BARB WIRE FENCE	PM	POWER METER
CO	CLEAN OUT	POB	POINT OF BEGINNING
CLF	CHAIN LINK FENCE	POL	POINT ON LINE
C&G	CURB & GUTTER	PP	POWER POLE
CI	CURB INLET	PB, PG	PLAT BOOK, PAGE
CL	CENTERLINE	-P-	POWER LINE
CLF	CHAIN LINK FENCE	PTP	POWER & TELEPHONE POLE
CMF	CONCRETE MONUMENT FOUND	P/T	POWER/TELEPHONE LINE
CMP	CORRIGATED METAL PIPE	RCP	REINFORCED CONCRETE PIPE
CTP	CRIMP TOP PIPE	R/W	RIGHT OF WAY
DB, PG	DEED BOOK, PAGE	SD	STORM DRAIN
DE	DRAINAGE EASEMENT	SF	SQUARE FOOT
DI	DROP INLET	-SS-	SANITARY SEWER LINE
DIP	DUCTILE IRON PIPE	SSE	SANITARY SEWER EASEMENT
DWCB	DOUBLE-WING CATCH BASIN	SWCB	SINGLE-WING CATCH BASIN
EA	EDGE OF ASPHALT	TBM	TEMPORARY BENCHMARK
EX.	EXISTING	TBX	TELEPHONE BOX
FES	FLARED END SECTION	TP	TELEPHONE POLE
FH	FIRE HYDRANT	TPOB	TRUE POINT OF BEGINNING
-G-	UNDERGROUND GAS	TSB	TRAFFIC SIGNAL BOX
GP	GUY POLE	TSP	TRAFFIC SIGNAL POLE
GV	GAS VALVE	TNZ	TRANSFORMER
GW	GUY WIRE	-T-	TELEPHONE LINE
HW	HEADWALL	-UT-	UNDERGROUND TELEPHONE
IPF	IRON PIN FOUND	UTM	UNDERGROUND TELEPHONE MANHOLE
IPS	IRON PIN SET (1/2" R/B) WITH A YELLOW PLASTIC CAP STAMPED ROCHESTER LSF000484	-W-	WATER LINE
		WI	WEIR INLET
JB	JUNCTION BOX	WF	WOOD FENCE
LLL	LAND LOT LINE	WM	WATER METER
LP	LIGHT POLE	WV	WATER VALVE
LS	LANDSCAPE STRIP	WVT	WATER VAULT
MH	MANHOLE		

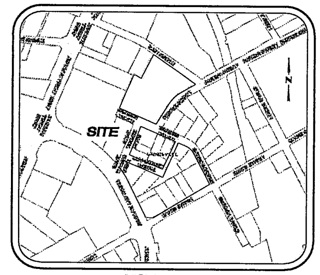
NOW OR FORMERLY PROPERTIES

A = PIERCE FAMILY, L.P.; PARCEL 01013 002005; DB 6677, PG 583
A-A = PIERCE FAMILY, L.P.; PARCEL 01013 002004; DB 6677, PG 583
B = STANLEY D. PIERCE AND CHRISTY PIERCE; PARCEL 01013 002006; DB 6677, PG 580
C = DAVID PIERCE FAMILY, LP; PARCEL 01013 002007; DB 6735, 521; PB 6, PG 67
D = DAVID PIERCE FAMILY, LP; PARCEL 01013 002007A; DB 6735, PG 521; PB 6, PG 67
E = DAVID PIERCE FAMILY, LP; PARCEL 01013 002008; DB 6677, PG 589
F = CHARLES DUANE PIERCE; PARCEL 01013 002009; DB 6677, PG 586
G = CHARLES DUANE PIERCE; PARCEL 01013, PG 002010; DB 6677, PG 588
H = PIERCE FAMILY, L.P.; PARCEL 01013 002001; DB 6931, PG 423
I = PIERCE FAMILY, L.P.; PARCEL 01013 002002; DB 6677, PG 583
J = DAVID PIERCE FAMILY, LP; PARCEL 01013, 002003; DB 6735, PG 515; PB 860, PG 82
K = ROBSON CROSSING, LLC; PARCEL 01013 001003; DB 7113, PG 147; PS 274, PG 82A
L = HUBERT DANIEL GIBSON; PARCEL 01013 001004; DB 5526, PG 225; PS 274, PG 82A
M = ROBSON CROSSING, LLC; PARCEL 01013 001005; DB 6933, PG 725; PS 274, PG 82A
N = ROBSON CROSSING, LLC; PARCEL 01013 001001; DB 6260, PG 146
O = ROBSON CROSSING, LLC; PARCEL 01013 001006; DB 6357, PG 277
P = ROBSON CROSSING, LLC; PARCEL 01013 001002; DB 6357, PG 277

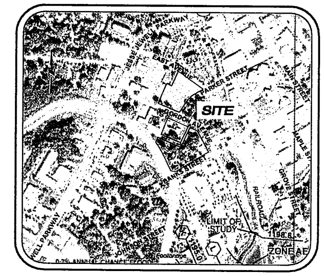


ACREAGE
TRACT 1 = 1.692 ACRES
TRACT 2 = 0.734 ACRES
TRACT 3 = 2.185 ACRES
TOTAL = 4.611 ACRES

LONGSTREET AVENUE R/W VACATION AREA
0.255 ACRE



VICINITY MAP
SCALE: NTS



FLOOD MAP
SCALE: NTS

CURRENT ADDRESS
535 SW GORDON AVENUE
LONGSTREET AVENUE
BANKS STREET
QUEEN CITY PARKWAY
SW SAINT THOMAS DRIVE

FOR REVIEW PURPOSES ONLY

SURVEY NOTES

1. THE FIELD DATA DATED 5/5/21 & 5/7/21 UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 45,809 FEET AND AN ANGULAR ERROR OF LESS THAN ONE SECOND PER ANGLE AND WAS ADJUSTED USING THE COMPASS RULE. A TRIMBLE S-SERIES ROBOTIC TOTAL STATION WAS USED FOR ANGULAR AND LINEAR MEASUREMENTS.
2. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN ###,### FEET.
3. THE HORIZONTAL DATUM FOR THIS SURVEY IS THE NORTH AMERICAN DATUM OF 1983 (NAD 83 GEORGIA WEST ZONE) AND THE VERTICAL DATUM USED IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) AS DETERMINED BY UTILIZING GPS. THE EQUIPMENT USED TO OBTAIN THIS DATA WAS A DUAL FREQUENCY TRIMBLE R10 GNSS GPS RECEIVER WITH A TRIMBLE TSC3 DATA COLLECTOR RECEIVING RTK CORRECTIONS VIA A WIRELESS NETWORK FROM BASE STATIONS OPERATED BY TRIMBLE NAVIGATION. THE AVERAGE RELATIVE POSITIONAL ACCURACY OBTAINED ON THE POSITIONS UTILIZED IN THIS SURVEY WAS 0.04 FT. HORIZONTAL AND 0.07 FT. VERTICAL. THESE VALUES WERE DERIVED FROM GPS PROCESSING SOFTWARE. THE REMAINDER OF THE FIELD WORK WAS PERFORMED WITH CONVENTIONAL EQUIPMENT AS DESCRIBED ABOVE.
4. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT; THEREFORE EXCEPTION IS MADE HEREIN TO ANY EASEMENTS, RESERVATIONS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD, WHICH MAY EXIST. FURTHERMORE, THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, RESERVATIONS, RIGHTS OF WAY, OR RESTRICTIONS, WHICH ARE NOT RECORDED OR NOT DISCLOSED BY THE TITLE COMMITMENT OR OTHERWISE UNKNOWN TO THE SURVEYOR; THEREFORE EXCEPTION IS TAKEN TO ANY SUCH ITEMS.
5. THE UNDERGROUND UTILITIES SHOWN HEREON HAVE BEEN MARKED BY UTILITY MARKING, INC. (678-357-1946), DATED 4/30/21 AND FIELD LOCATED BY ROCHESTER & ASSOC., INC. PERSONNEL. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
6. NO IDENTIFIED AND DELINEATED WETLANDS WERE OBSERVED DURING THE COURSE OF THE FIELD SURVEY. HOWEVER THIS SURVEYOR DID NOT DO A THOROUGH INSPECTION OF THE INTERIOR OF THIS SITE. THEREFORE EXCEPTION IS MADE HEREIN TO ANY WETLANDS THAT MAY EXIST WITHIN THE BOUNDARIES OF THIS SITE.
7. NO PORTION OF THIS SURVEY IS LOCATED IN A FLOOD HAZARD ZONE PER F.E.M.A. INSURANCE RATE MAP OF HALL COUNTY, GEORGIA. MAP NO. 13139C0187G, REVISED DATE APRIL 4, 2018.
8. DURING THE FIELD SURVEY PERFORMED ON THIS SITE THERE WAS NO VISIBLE ABOVE GROUND EVIDENCE OF A HUMAN BURIAL AREA OR CEMETERY OBSERVED. HOWEVER, THIS SURVEYOR DID NOT PERFORM A THOROUGH INSPECTION OF THE INTERIOR OF THIS SITE. THEREFORE EXCEPTION IS MADE HEREIN TO ANY HUMAN AREAS OR CEMETERIES THAT MAY EXIST WITHIN THE BOUNDARIES OF THIS SITE.
9. ALL PROPERTY CORNERS REFERENCED AS "IPS" INDICATES A 1/2" REBAR PLACED WITH A YELLOW PLASTIC CAP STAMPED "ROCHESTER-LSF000484", UNLESS OTHERWISE NOTED.
10. THIS PLAT IS FOR THE EXCLUSIVE USE OF THE ENTITIES SHOWN HEREON; ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.
11. ALL DISTANCES AS SHOWN ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET (39.37 INCHES = 1 METER).

2021 SURVEYORS ALTA CERTIFICATION

TO
X,
X &
X:
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR THE ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1,2,3,4,6(a),7(a)(1),8,11,13,16 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON 4/16/21.

DRAFT

REGISTERED GEORGIA LAND SURVEYOR — DATE
RICHARD E. MILLARD, GA PLS #3044
ROCHESTER & ASSOCIATES, INC.
CERTIFICATE OF AUTHORIZATION NO. – LSF-000484
EMAIL: remillard@rochester-assoc.com

SURVEYORS CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. <u>RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND.</u> FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

DRAFT

REGISTERED GEORGIA LAND SURVEYOR — DATE
RICHARD E. MILLARD, GA PLS #3044
ROCHESTER & ASSOCIATES, INC.
CERTIFICATE OF AUTHORIZATION NO. – LSF-000484
EMAIL: remillard@rochester-assoc.com

Rochester & Associates, Inc.
425 Oak Street N.W. • Gainesville, Georgia 30501
(770)718.0600 (770)718.9090 Fax • www.rochester-assoc.com

ALTA/NSPS LAND TITLE SURVEY FOR
McNeal Development, LLC
LOCATED IN LAND LOT 153, 9th DISTRICT CITY OF GAINESVILLE, HALL COUNTY, GEORGIA

NO.	DATE	DESCRIPTION

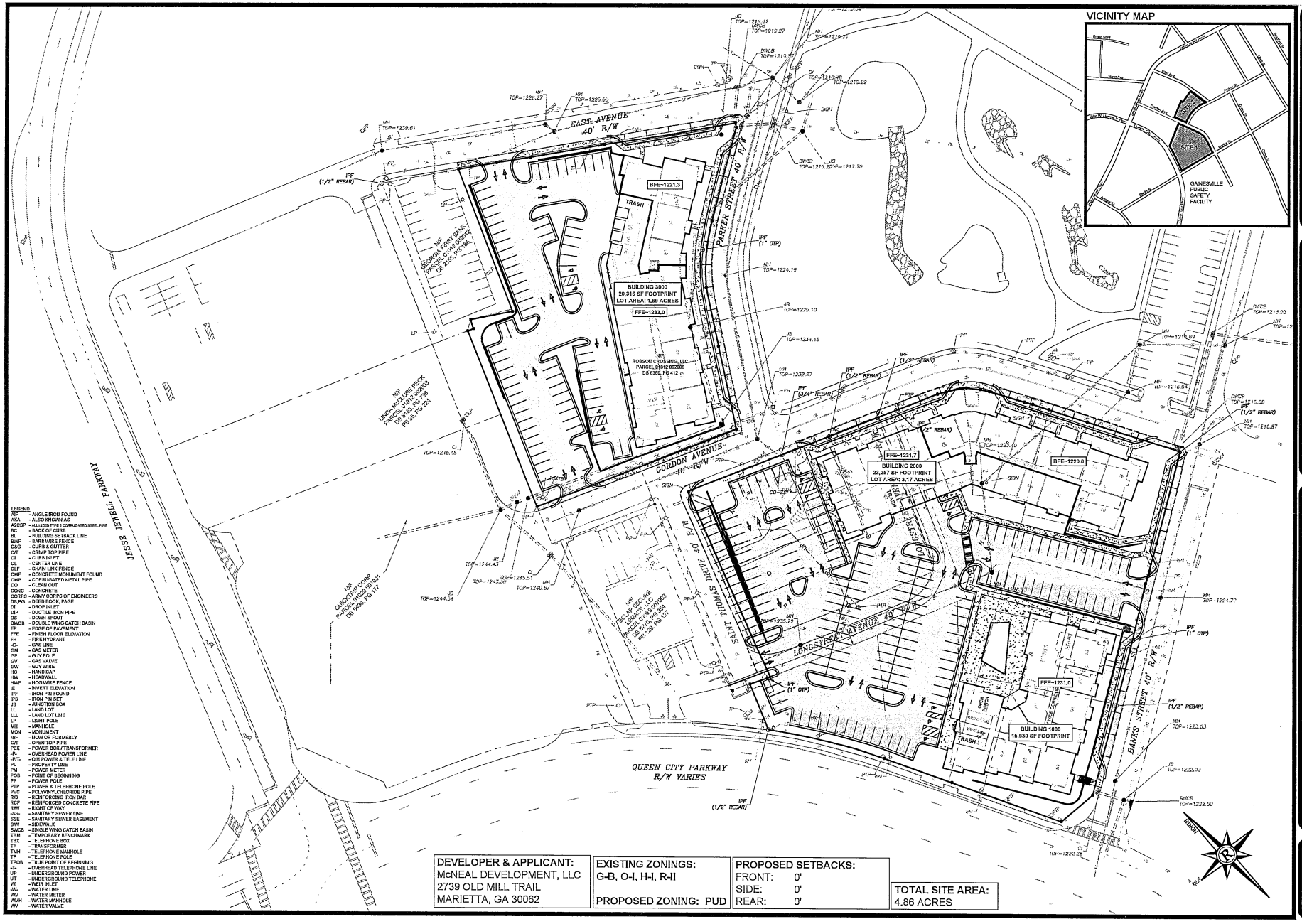
REVISIONS

GRAPHIC SCALE 0' 25' 50' 100' 150'

GEORGIA REGISTERED DRAFT LAND SURVEYOR RICHARD E. MILLARD

SHEET 1 OF 1

DATE 5/11/21
SCALE 1"=50'
JOB NO. G221068
DRAWN BY: LJG
DWG NO. MID.ALTA



Rochester & Associates, Inc.
425 Oak Street N.W. • Gainesville, Georgia 30501
(770)718.0600 (770)718.9030 Fax • www.rochester-assoc.com

REZONING SITE PLAN
FOR:
GAINESVILLE MIDLAND APARTMENTS
LAND LOT 153, 9TH DISTRICT
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA

NO.	DATE	DESCRIPTION
		REVISIONS

ANY CHANGES OR ALTERATIONS MADE TO THIS DOCUMENT WITHOUT THE PRIOR WRITTEN APPROVAL OF ROCHESTER & ASSOCIATES, INC. WILL RENDER THE HEREIN AND ANY LIABILITY ASSOCIATED WITH THE SAME NULL AND VOID. A COPY WILL BE KEPT ON FILE FOR VERIFICATION OF ANY CHANGES.

GRAPHIC SCALE
20' 0' 20' 40' 80'

5/11/2021

SHEET 1 OF 1

DATE: 5/21/2021
SCALE: 1"=40'
JOB NO. 022018.MID
DWG NO. SITE.dwg
DRAWN BY: JRM

McNEAL DEVELOPMENT

GAINESVILLE MIDLAND

GAINESVILLE, GA

RENDERING • 06-10-2021

MCN2021-01

DYNAMIK DESIGN

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McNEAL DEVELOPMENT

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GAINESVILLE, GA

RENDERING • 06-10-2021

MCN2021-01

DYNAMIK DESIGN

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BLDG 1000 - RIGHT ELEVATION

BLDG 1000 - FRONT ELEVATION

McNEAL DEVELOPMENT

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GAINESVILLE, GA
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MCN2021-01

DYNAMIK DESIGN

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BLDG 1000 - LEFT ELEVATION

BLDG 1000 - REAR ELEVATION

McNEAL DEVELOPMENT

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GAINESVILLE, GA
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MCN2021-01

DYNAMIK DESIGN

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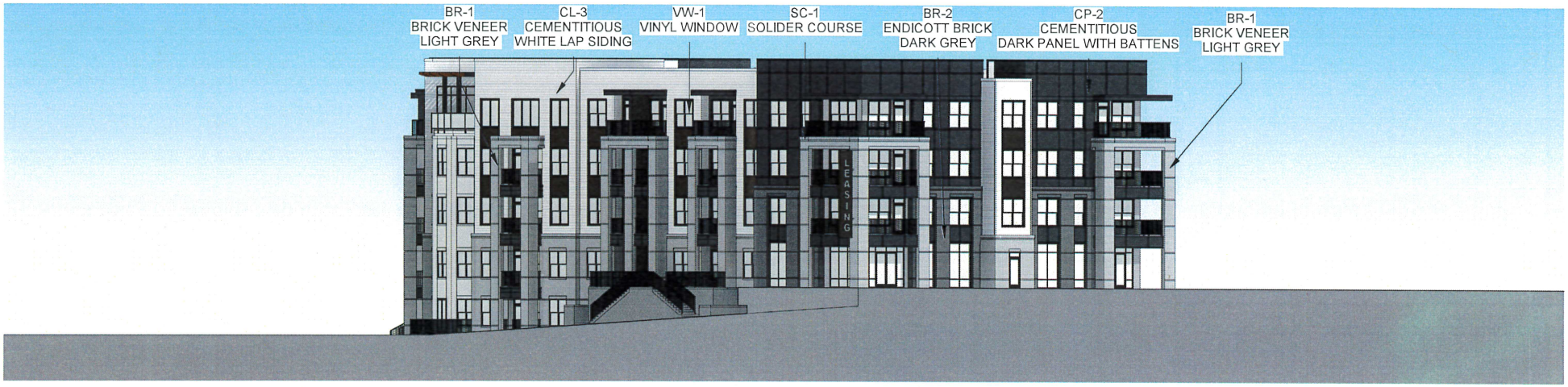

BLDG 2000 - RIGHT ELEVATION

BLDG 2000 - FRONT ELEVATION

McNEAL DEVELOPMENT

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BLDG 2000 - LEFT ELEVATION

BLDG 2000 - REAR ELEVATION

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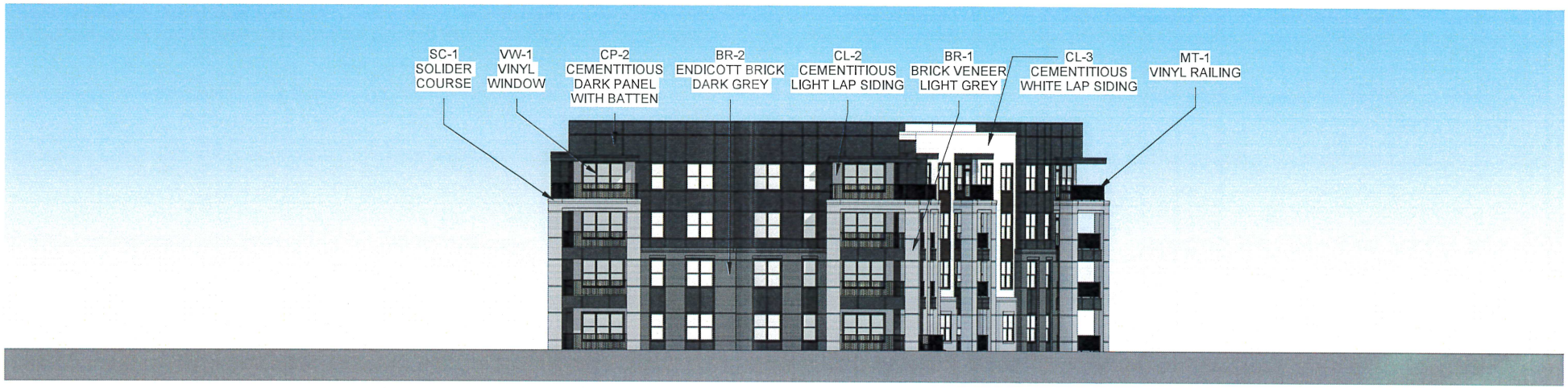

BLDG 3000 - LEFT ELEVATION

BLDG 3000 - REAR ELEVATION

McNEAL DEVELOPMENT

GAINESVILLE MIDLAND

GAINESVILLE, GA
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MCN2021-01

DYNAMIK DESIGN

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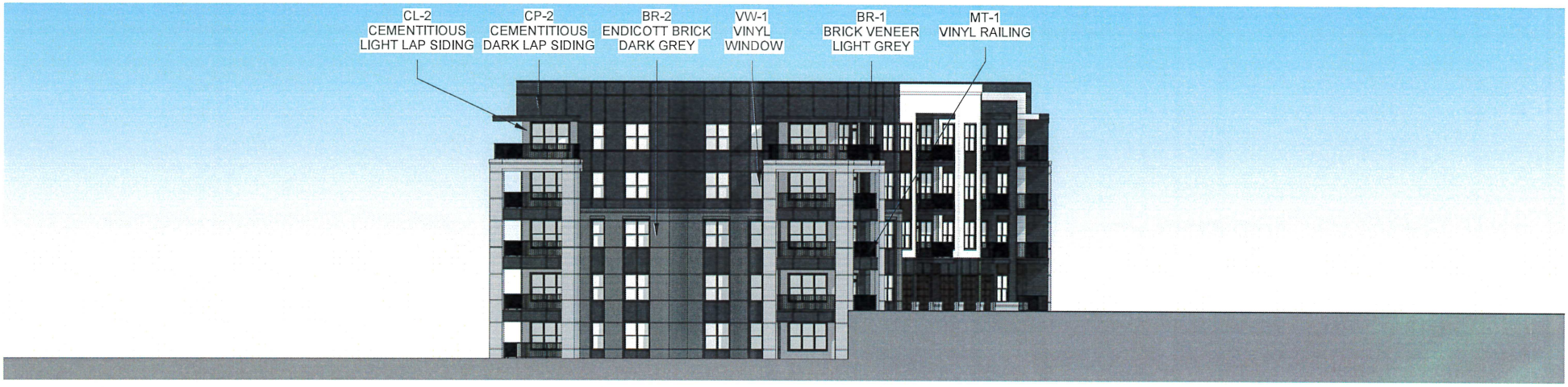

BLDG 3000 - RIGHT ELEVATION

BLDG 3000 - FRONT ELEVATION

McNEAL DEVELOPMENT

GAINESVILLE MIDLAND

GAINESVILLE, GA
CONCEPTUAL DESIGN • 06/10/2021
MCN2021-01

DYNAMIK DESIGN

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CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 7/22/2021

Presenter: Abb Hayes

Item of Business: Request from **Carl Volle** to annex a 1.69± acres tract located on the south and west side of Meadowlark Lane, east of the intersection of Cleveland Highway and Meadowlark Lane (a/k/a **1646 Meadowlark Lane**) and to establish zoning as Residential-II (R-II). **Ward Number: Two**. Tax Parcel Number(s): 00-084-006-001 (Part). **Request: Six single-family homes**.

- Proposed Annexation Ordinance 2021-23
- Proposed Zoning Ordinance 2021-24

Meeting Date: 8/3/2021

Purpose of Request:

To conduct a public hearing regarding the following annexation and zoning request as presented at the July 13, 2021 Planning and Appeals Board Meeting:

The applicant is proposing to annex the subject property with a zoning of Residential-II (R-II) for sewer in order to construct six single-family homes. The property is currently zoned Agricultural Residential-III (AR-III) within unincorporated Hall County and is adjacent to the city limits to the north, south and east across Meadowlark Lane. The proposed lots will range from 9,580 to 22,215 square feet in size. The proposed homes will be a minimum of 1,200 square feet of heated living area (3 bed/2 baths) and will include a one car carport. The property is located within the Limestone Overlay Zone and the adjacent uses include single-family homes, apartments, condominiums and a mobile home park.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Staff and PAB recommended approval with three conditions. See the PAB Recommendation report for details and excerpts from the meeting minutes.

SAMPLE MOTIONS

Approval of Ordinance 2021-23:
I move to approve the ordinance to annex the subject property for six single-family homes as presented.

Approval of Ordinance 2021-24
I move to approve the ordinance to establish zoning as Residential-II (R-II) with three 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 Newspaper Article	Legal Ad
PAB Recommendation Report	Report
Proposed Annexation Ordinance 2021-23	Ordinance
Proposed Zoning Ordinance 2021-24	Ordinance
Location Maps	Backup Material
Narrative	Backup Material
Survey	Backup Material
Site Plan	Backup Material
Photos	Backup Material

7/2021
,23,30

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PETITION TO
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DALY, LLC
I. RICHARDS
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CV1035A
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PARKER,

DALY, LLC

Minor Child
CIVIL ACTION
FILE NO.2021CV1036J
NOTICE OF PETITION TO CHANGE NAME
You are Hereby notified that on the 17 day of June 2021, Elaheh Daryaeisarabi and Arash Moslehishad filed a Petition in the Superior Court of Hall County, Georgia, Case No 2021CV1036J to change the name of minor child LYDIA ANNELIESE MOSLEHISHAD which, if granted, will be known as LYDIA ELLIE SHAD. Notice is hereby given pursuant to law to any interested or affected party to appear in said Court and to file objections to such name changes. Objections must be filed with said Court within 30 days of the filing of said Petition.
Respectfully subn1itted,
DEMING, PARKER, HOFFMAN,
CAMPBELL & DALY, LLC
JANELLE N. RICHARDS
Attorney for Petitioners
Georgia Bar No. 940357
99159 6/23,30,7/7,14

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA
In re the Name Change of:
Mark Anthony Reder Yera,
Petitioner,
CiviL Action File No 2021-CV-905C
NOTICE OF PETITION TO CHANGE NAME OF ADULT
Petitioner, Mark Anthony Reder Yera, by Counsel, Rebecca McLaws has filed a petition in the Superior Court of Hall County on 5/27/2021 to change his/her name from Mark Anthony Reder Yera to Mark Anthony Vaden. Any interested party has the right to appear in this case and file objections within 30 days after the Petition filed.
Dated 5/27/2021
/s/ Mark Anthony Reder Yera
98935 6/16,23,30,7/7

IN THE SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA
INRE:
JANE KING OGLETREE
DATE OF BIRTH: 07/02/1950 FILE No. 2021CV993B
NOTICE OF PETITION TO CHANGE NAME OF ADULT
JANE KING OGLETREE filed a petition in the Hall County, Georgia Superior Court on 10th day of June,
/s/ Ana Liliana Parker
Petitioner Pro se
98997 6/16, 23, 30, 7/7

SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA
In re the Name Change of Daisy Mariana Munoz Ogazon
Petitioner
Civil Action Case Number 21CV630W
NOTICE OF PETITION TO CHANGE NAME OF ADULT
Daisy Mariana Munoz Ogazon filed a petition in the Superior Court of Hall County on May 2021 to change the name from Daisy Mariana Munoz Ogazon to Daisy Mariana Munoz-Ogazon Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed.
Dated May 19,2021
/s/Daisy Mariana Munoz Ogazon
98599 6/2,9,16,23

SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA
In re the Name Change of Sonam Seely
Petitioner
Civil Action Case Number 2021CV875C
NOTICE OF PETITION TO CHANGE NAME OF ADULT
Sonam Seely filed a petition in the Superior Court of Hall County on 5/24/2021 to change the name from Sonam Seely to Sonam Shah. Any interested party has the right to appear in this case and file objections withing 30 days after the Petition was filed.
Dated 5/24/2021
/s/Sonam Seely
Petitioner Pro se
98706 6/2,9,16,23

Public Hearings

CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
FOR REZONING
NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A.§ 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request from JPC Design and Construction, LLC. to rezone a 2.08 +/- acre tract of land identified as 5512 McEver Road, tax parcel number 08099 000009, from NS (Neighborhood Shopping) to HB (Highway Business).
NOTICE IS HEREBY GIVEN shall conduct a public hearing at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia, at 5:15 p.m. on Monday, July 6, 2021 to consider the following:
1. Previously tabled application of Michael Andrea for a right side yard setback variance from 10 feet to 3 feet on a 0.82± acre tract located on the south side of Aarons Way approximately 135 feet from its terminus; a.k.a. 6411 Aarons Way; Zoned R-I; Tax Parcel 15048E000150. Proposed Use: construct a detached garage. * Commission District 1.
2. Application of Louise G. Butler front yard setback variance from 40 feet to 22 feet on a 2.164± acre tract located on the south side of Ellison Farm Road approximately 540 feet from its intersection with Cottonwood Drive; a.k.a. 4176 Ellison Farm Road; Zoned AR-IV; Tax Parcel 15028 000252. Proposed Use: bring property into compliance. * Commission District 1.
3. Application of Louise G. Butler rear yard setback variance from 25 feet to 15 feet on a 1.521± acre tract located on the south side of Ellison Farm Road approximately 590 feet from its intersection with Cottonwood Drive; a.k.a. 4178 Ellison Farm Road; Zoned AR-IV; Tax Parcel 15028 000253. Proposed Use: bring property into compliance. * Commission District 1.
4. Application of Gail W. Chapman for a Use Subject to County Commission approval on 3.43± acres located on the northwest side of Atlanta Highway approximately 170 feet from its intersection with Wallis Road; a.k.a. 3536 and 3546 Atlanta Highway; Zoned H-B; Tax Parcels 08047 001004 and 001003. Proposed Use: outdoor storage within Gateway Corridors Overlay District (GCOD). ** Commission District 2.
5. Application of Jody Satterfield for a Use Subject to County Commission approval on a 51.90± acre tract located on the east side of Whiporwill Road approximately 985 feet from its intersection with Winder Highway, approximately 1390 feet from its intersection with Raceway Drive; a.k.a. 5295 Winder Highway (pt.); Zoned PCD; Tax Parcel 15028B000001E (pt.). Proposed Use: mixed use commercial development. ** Commission District 1.
12. Application of MP Partners Development, LLC to amend conditions of a Planned Commercial Development on a 60.91± acre tract located on the north side of Winder Highway approximately 510 feet from its intersection with BBS Way; a.k.a. 5301 Winder Highway; Zoned PCD; Tax Parcel 15028B000001. Proposed Use: mixed use commercial development. ** Commission District 1.
13. Application of MP Partners Development, LLC to amend conditions of a Planned Commercial Development on a 19.82± acre tract located on the north side of Winder Highway at intersection with Benefield Road; a.k.a. 5385 Winder Highway; Zoned PCD; Tax Parcel 15028B000015. Proposed Use: mixed use commercial development. ** Commission District 1.
14. Application of MP Partners Development, LLC to rezone from Agricultural Residential-IV (AR-IV) to Planned Commercial Development (PCD) on 54. 05± acres located on the south side of Benefield Road approximately 900 feet from its intersection with Village South Drive; a.k.a. 4370 and 4420 Benefield Road; Zoned AR-IV; Tax Parcels 15028 000070 and 000090. Proposed Use: mixed use commercial development. ** Commission District 1.
15. Application of FIDES Development to rezone from Agricultural Residential-III (AR-III) and Vacation Cottage (V-C) to Planned Residential Development (PRD) on a 16.28 acre tract located at the terminus of North Waterworks Road, Seymour Circle, and Seymour Drive; a.k.a. 3450 North Waterworks Road; Zoned AR-III and V-C; Tax Parcel 08167 005002. Proposed Use: mixed use residential development. ** Commission District 1.
16. Application of Longstreet Property Group, Inc. to amend conditions of a Planned Commercial Development on a 3.00± acre tract located on the south side of Dawsonville Highway approximately 1000 feet from its intersection with Chicago Road, Gainesville, Georgia.
99053 6/23

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, July 13, 2021 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 the City of Gainesville to rezone a 1.716± acres tract located between Jesse Jewell Parkway, West Academy Street, Broad Street and Maple Street (a/k/a 312 Jesse Jewell Parkway, SW; 315 and 323 Broad Street, SW; 0 and 320 Maple Street, SW) from General Business (G-B) to Central Business (C-B) with a special use.
Ward Number:Four
Tax Parcel Number(s): 01-012-004-001; 01-006-004-002, 004, 005 and 006
Request: Restaurant and special event center
2) Request from Optum Development to annex a 7.77± acres tract located on the northeast side of Limestone Parkway, across from the intersection of Tapawingo Drive and Riverwood Drive (a/k/a 1744 Cleveland Highway) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number:Two
Tax Parcel Number(s): 09-126-000-024 (Part)
Request: 36 residential townhomes
3) Request from Carl Volle to annex a 1.69± acres tract located on the south and west side of Meadowlark Lane, east of the intersection of Cleveland Highway and Meadowlark Lane (a/k/a 1646 Meadowlark Lane) and to establish zoning as Residential-II (R-II).
Ward Number:Two
Tax Parcel Number(s): 00-084-006-001 (Part)
Request: Six single-family homes
4) Request from McNeal Development, LLC to rezone a 4.86± acres tract located between Queen City Parkway, Banks Street and Gordon Avenue, having road frontage on Saint Thomas Drive and Longstreet Avenue (a/k/a

504, 512, 514, 520 and 528 Banks Street, SW; 510 East Avenue, SW; 535, 548, 549, 604, 608, 620 and 628 Gordon Avenue, SW; 0, 602, 611 and 612 Longstreet Avenue, SW; 436 and 442 Parker Street, SW; 627 and 635 Queen City Parkway; 507 and 513 Saint Thomas Drive) from Residential-II (R-II), Office and Institutional (O-I), General Business (G-B) and Heavy Industrial (H-I) to Planned Unit Development (P-U-D).
Ward Number:Three
Tax Parcel Number(s):
01-012-002-006; 01-013-001-001, 002, 003, 004, 005 and 006; 01-013-002-001, 002, 003, 004, 005, 006, 007, 007A, 008, 009 and 010
Request: 214 Multi-family apartments
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, August 3, 2021 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 the City of Gainesville to rezone a 1.716± acres tract located between Jesse Jewell Parkway, West Academy Street, Broad Street and Maple Street (a/k/a 312 Jesse Jewell Parkway, SW; 315 and 323 Broad Street, SW; 0 and 320 Maple Street, SW) from General Business (G-B) to Central Business (C-B) with a special use.
Ward Number:Four
Tax Parcel Number(s):
01-012-004-001; 01-006-004-002, 004, 005 and 006
Request: Restaurant and special event center
2) Request from Optum Development to annex a 7.77± acres tract located on the northeast side of Limestone Parkway, across from the intersection of Tapawingo Drive and Riverwood Drive (a/k/a 1744 Cleveland Highway) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number:Two
Tax Parcel Number(s):
09-126-000-024 (Part)
Request: 36 residential townhomes
3) Request from Carl Volle to annex a 1.69± acres tract located on the application to annex and rezone a total of +/- 0.85 acres with the zoning from Hall County R-I "Residential" to Oakwood R-1 "Residential" on Tax Parcel No. 15044H000095 and further identified as 4291 Falcon Crest Drive according to the current street numbering system of Hall County, Georgia.
• Cajun-Dawn Land Holdings, LLC has made application to annex and rezone a total of +/- 24.23 acres with the zoning from Hall County PRD "Planned Residential Development" to Oakwood PRD "Planned Residential Development" on Tax Parcel No. 15044 000028 and further identified as 4465 Martin Rd. according to the current street numbering system of Hall County, Georgia.
• Comprehensive Plan Amendment from residential use to industrial use on Tax Parcel No. 08068 000001C and further identified as 4144 W White Rd. according to the current street numbering system of Hall County, Georgia.
• Richard Senter has made application to rezone a total of +/- 5.02 acres with the zoning from Oakwood A-1"Agricultural" and M-1 "Light Industrial" to Oakwood M-2 "Heavy Industrial" on Tax Parcel No. 08068 000001C and further identified as 4144 W White Rd. according to the current street numbering system of Hall County, Georgia.
• GA Oz. Fund, LLC. has made application request for a variance to Chapter 54 "Zoning" to reduce the landscape buffer along Mundy Mill Drive from 15 feet to 5 feet on Tax Parcel No. 08045 003004; 08045 003005; 08045 003006; 08045 003007; and 08045 003008 and further identified as 3761, 3765, 3769, 3775, and 3783 Mundy Mill Drive according to the current numbering system of Hall County, Georgia.
• GA Oz. Fund, LLC. has made application request for a variance to The Downtown Overlay District Design Standards; Section 2. Parking – Inter-Parcel Access on Tax Parcel No. 08045 003004; 08045 003005; 08045 003006; 08045 003007; and 08045 003008and further identified as 3761, 3765, 3769, 3775, and 3783 Mundy Mill Drive

Oakwood, 4035 Walnut Circle, Oakwood, Georgia.
Peggy Funderburk
Permit Clerk
99058 6/23

The City of Buford Planning and Zoning Board will meet on Tuesday, June 8, 2021 at 7:00 p.m. at Buford City Hall, 2300 Buford Highway and the Buford City Commission will meet on Monday, July 19, 2021 at 7:00 p.m. at Buford City Arena, 2795 Sawnee Avenue, Buford, Georgia 30518 to consider a special use permit at 4995 B. U. Bowman Drive for Auto Tires, LLC (Alec NG). The special use permit requested is to allow installation of tires.
98427 5/19, 26, 6/2, 9, 16, 23, 30

Public Sales/Auctions

FLOWERY BRANCH MINI STORAGE -FLOWERY BRANCH, GA:
UNIT B10 – DARRELL MCCLURE – HOUSEHOLD ITEMS, UNIT C-43-SCOTT CURTIS-HOUSEHOLD ITEMS. CONTENTS WILL BE AUCTIONED ON JULY 1, 2021 AT 2PM ON WWW. STORAGEAUCTIONS.COM.
98981 6/16,23

Notice of Public Auction
Boardwalk Storage-Murrayville Will be holding a public auction online at Lockerfox.com on Date: July 7 2021@ Time: 11:OOam
This is a cash only sale - Please bring a money order. All sales are final and the units must be cleaned out completely in 48 hours. A 100.00 cash cleaning deposit is required and will be refunded upon unit inspection.
We currently have 1 unit(s)
Unit# 1423 Wellborn R= floral chair, girls tee pee and toys,chest of drawers, antique sewing box,deco bird cage,plastic totes, chairs and table, bicycle, some christmas decor, rocking horse, wooden furniture
678-989-1999
5162 Thompson Bridge Rd
Murrayville Ga 30564
99073 6/23,30

Pursuant to the Georgia Self-Service Storage Facility Act, notice is hereby given that SS Flowery Branch, LLC d/b/a Simply Self Storage at 6121 Spout Springs Road, Flowery Branch GA 30542 will sell at public auction

This 11thday of June, 2021.
Denise Garcia Clerk, Probate Court of Hall County
99077 6/23

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE: ESTATE OF JOHNNY HOYT NIX SR, DECEASED
ESTATE NO.• E-20-038
NOTICE
[For discharge from office and all liability]
IN RE: Petition for Discharge of Personal Representative
TO: to whom it may concern:
This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before July 6th 2021
BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.
Patty Walters Laine Judge of the Probate Court
By: Riley Norris
Clerk of the Probate Court
116 Spring Street First Floor Gainesville, Georgia 30501
770-533-7828
98776 6/23

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE: ESTATE OF EDITH H. GRIFFIN, DECEASED
ESTATE NO.. E-17-825
NOTICE
[For discharge from office and all liability}
IN RE: Petition for Discharge of Personal Representative
TO: to whom it may concern:
This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before July 6th 2021
BE NOTIFIED FURTHER: All

ANN JAY DICKMAN, DECEASED
ESTATE NO. E-21-293
NOTICE OF PETITION TO FILE FOR YEAR'S SUPPORT
The petition of Donald Wayne Payton, for a Year's Support from the estate of, deceased, for decedent's surviving spouse, having been duly filed, all interested persons are hereby notified to show cause, if any they have, on or before July 9th, 2021, why said petition should not be granted.
All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed on or before the time stated in the preceding sentence. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with yow- objections, unless you qualify to :file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections arc filed, a hearing will be, scheduled at a later date. If no objections are filed the petition may be granted without a hearing.
Patty Walters Laine
Judge of the Probate Court
By: S. Carley
Clerk of the Probate Court
116 Spring Street First Floor
Gainesville, Georgia 30501
770-53-6923
98493 6/9,16,23,30

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE: ESTATE OF RUBY LOIS MCDANIEL, DECEASED
ESTATE NO.. E-21-049
PETITION FOR LETTERS OF ADMINISTRATION
NOTICE
[Note: Strike the sentence in parenthesis below if not applicable.]
TO: whom it may concern:
Michael Shane Daniel has petitioned for (Letters of Administration) to be appointed administrator of the estate of RUBY LOIS MCDANIEL. deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § [illegible] All interested persons are

By: Riley
Clerk of
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3) Request from Carl Volle to annex a 1.69± acres tract located on the south and west side of Meadowlark Lane, east of the intersection of Cleveland Highway and Meadowlark Lane (a/k/a 1646 Meadowlark Lane) and to establish zoning as Residential-II (R-II).
Ward Number: Two
Tax Parcel Number(s): 00-084-006-001 (Part)
Request: Six single-family homes
4) Request from McNeal Development, LLC to rezone a 4.86± acres tract located between Queen City Parkway, Banks Street and Gordon Avenue, having road frontage on Saint Thomas Drive and Longstreet Avenue (a/k/a 504, 512, 514, 520 and 528 Banks Street, SW; 510 East Avenue, SW; 535, 548, 549, 604, 608, 620 and 628 Gordon Avenue, SW; 0, 602, 611 and 612 Longstreet Avenue, SW; 436 and 442 Parker Street, SW; 627 and 635 Queen City Parkway; 507 and 513 Saint Thomas Drive) from Residential-II (R-II), Office and Institutional (O-I), General Business (G-B) and Heavy Industrial (H-I) to Planned Unit Development (P-U-D).
Ward Number: Three
Tax Parcel Number(s): 01-012-002-006; 01-013-001-001, 002, 003, 004, 005 and 006; 01-013-002-001, 002, 003, 004, 005, 006, 007, 007A, 008, 009 and 010
Request: 214 Multi-family apartments
Additional information is available from the Community and Economic Development Department, Planning Division, by calling 770-531-6570.
99163 6/23

PUBLIC NOTICE
CITY OF OAKWOOD, GEORGIA
Be advised pursuant to the City of Oakwood Code, Chapter 54 "Zoning", a public hearing has been scheduled before the Oakwood City Council on the 12th day of July 2021 at 7:00 p.m., at the Oakwood City Hall, 4035 Walnut Circle, Oakwood, Georgia for the application of:
• Cajun-Dawn Land Holdings, LLC has made application to annex and rezone a total of +/- 0.62 acres with the zoning from Hall County R-I "Residential" to Oakwood R-1 "Residential" on Tax Parcel No. 15044H000125 and further identified as 4292 Falcon Crest Drive according to the current
further identified as 3761, 3765, 3769, 3775, and 3783 Mundy Mill Drive according to the current numbering system of Hall County, Georgia.
• Scotty Dowis has made application request for a variance to reduce the rear setback from 20' to 13.5' on Tax Parcel No. 08054 004011 and further identified as 4949 Fawnwood Drive according to the current numbering system of Hall County, Georgia.
• Scotty Dowis has made application request for a variance to reduce the rear setback from 20' to 7.5' on Tax Parcel No. 08054 004012 and further identified as 4953 Fawnwood Drive according to the current numbering system of Hall County, Georgia.
• Scotty Dowis has made application request for a variance to reduce the rear setback from 20' to 12.5' on Tax Parcel No. 08054 004017 and further identified as 4973 Fawnwood Drive according to the current numbering system of Hall County, Georgia.
• Scotty Dowis has made application request for a variance to reduce the rear setback from 20' to 7.5' on Tax Parcel No. 08054 004018 and further identified as 4977 Fawnwood Drive according to the current numbering system of Hall County, Georgia.
• Scotty Dowis has made application request for a variance to reduce the rear setback from 20' to 9' on Tax Parcel No. 08054 004020 and further identified as 4985 Fawnwood Drive according to the current numbering system of Hall County, Georgia.
• Scotty Dowis has made application request for a variance to reduce the rear setback from 20' to 11' on Tax Parcel No. 08054 004021 and further identified as 4989 Fawnwood Drive according to the current numbering system of Hall County, Georgia.
• Scotty Dowis has made application request for a variance to reduce the rear setback from 20' to 18' on Tax Parcel No. 08054 004023 and further identified as 4997 Fawnwood Drive according to the current numbering system of Hall County, Georgia.
At said public hearing all persons or residents owning property in the City of Oakwood or in the area proposed for

6121 Spout Springs Road, Flowery Branch GA 30542 will sell at public auction the personal property in the below-listed occupants' leased unit(s) to satisfy the owner's lien. The personal property stored therein by the following occupants may include but is not limited to general household, office and personal items, furniture, boxes, clothes, and appliances. The unit(s) will be sold at public auction through online auction services of www.storagetreasures.com with bids opening at 12:00 PM on 07/5/21 and closing at 12:00 PM on 07/12/21. 138- Jennifer Segraves- Misc furniture, misc boxes, bags, totes, fan, armoir, artwork, 2 tables, luggage, vacuum. 019- Patience Thurmond- Misc Boxes, bags, totes, sofa, love seat, matterss, chairs, end table, lamp.
99072 6/23,30

SALE UNDER POWER
Adams Transfer & Storage Co (ATS) is enforcing a lien and will sell, at public silent bid auction, the below described property beginning at 1pm July 8, 2021 at 795 Georgia Ave, Gainesville, GA 30501 (pursuant to GA Code § 11-7-210 (2019) Commerical Warehouseman's Lien Act. Notice is hereby given to: (Name/Lot/Contents)
Robbin Lanning, Reg 778614T / PS07-0967, misc household goods; Valma Sanders, Reg 600446T, misc household goods; Priority One Staffing, LOT 3717 / 53-M, misc office components; Stacey Lee, Reg 775410T / 0301-1, misc household goods. ATS reserves the right to refuse any bid or withdraw any storage lot from sale. Cash only, goods sold "as is" and must be fully removed from the property on day of sale. ATS does not extend moving services to winning bidder.
98927 6/16,23

Probate Notices

CITATION
RE: Martha Carolyn Cole Ward,
Date of publication: June 23, 2021
Docket.# GA-06-022
Charlotte Louis and Roy Cole has filed a petition for resignation as guardian of Martha Carolyn Cole , ward, this is, therefore, to cite any and all concerned to file objection in Hall County Probate Court within 30 days from the date of publication, to show

Court on or before July 6th 2021
BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections arc filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.
Patty Walters Laine
Judge of the Probate Court
By: S. Carley
Clerk of the Probate Court
116 Spring Street First Floor Gainesville, Georgia 30501
770-531-6923
98774 6/23

IN THE PROBATE COURT OF HALL COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF ILMA JANE KIMBERL, DECEASED
ESTATE NO. E-20-495
NOTICE
[For discharge from office and all liability]
IN RE: Petition for Discharge of Personal Representative
TO: Whom it may concern:
This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before 10:00 a.m. July 6, 202.1.
BE NOTIFIED .FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.
Patty Walters Laine Judge of the Probate Court
Denise Garc1a
Clerk of the Probate Court
116 Spring Street First Floor Gainesvile, Georgia 30501
770-531-6925
98775 6/23

IN THE PROBATE COURT

powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before July 9th, 2021.
BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.
Patty Walters Laine Judge of the Probate Court
By: Riley Norris
Clerk of the Probate Court
116 Spring Street First Floor Gainesville. Georgia 30501
770-533-7828
98766 6/9,16,23,30

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE: ESTATE OF MILLARD GARRETT SMITH, DECEASED
ESTATE NO.. E-19-076
NOTICE
[For discharge from office and all liability]
IN RE: Petition for Discharge of Personal Representative
TO: to whom it may concern:
This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before July 6 2021.
BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.

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GAINESVILLE PLANNING and APPEALS BOARD
RECOMMENDATION

Applicant and Property Owner..... Carl Volle
Location..... 1646 Meadowlark Lane
Request..... Annex, with R-II zoning
Total Acres ..... 1.69± acres
Ward..... Two
Proposed Use..... Six single-family homes
Planning Division Staff Recommendation ..... **Approval, with conditions**
Planning & Appeals Board Recommendation..... **Approval, with conditions**
Date..... July 13, 2021

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

The applicant is proposing to annex the subject property with a zoning of Residential-II (R-II) for sewer in order to construct six single-family homes. According to the applicant the homes will be for sale. The property is currently undeveloped and is currently zoned Agricultural Residential-III (AR-III) within unincorporated Hall County. The city limits are adjacent to the north, south and east across Meadowlark Lane. The proposed lots will range from 9,580 to 22,215 square feet in size. Residential-II (R-II) zoning in the City allows for a minimum lot size of 7,500 square feet. The minimum size of the homes will be 1,200 square feet of heated living area (3 bed / 2 baths) and will include a one car carport.

The property is located within the Limestone Overlay Zone and the adjacent uses include single-family homes, apartments, condominiums and a mobile home park.

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

Location	Use	Zoning
North	Single-family homes	Agricultural Residential-III (AR-III) -County, Residential-I (R-I) & Residential-II (R-II) -City
South	Mobile homes Apartments	Agricultural Residential-III (AR-III) -County Planned Unit Development (P-U-D) -City
East	Condominiums	Residential-II (R-II) -City
West	Single-family home	Agricultural Residential-III (AR-III) -County

Other surrounding uses include ALPHA mini storage facility, Oaks at Limestone Nursing Home located to the east/south-east in the city and a mini-warehouse facility to the west in the county.

- ***Other Departmental Comments***

There were no departmental comments for this request.

- ***Zoning History***

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

2019 – A request by Cindy Ford to annex a 0.62± acre tract with a zoning of Residential-I (R-I) located at 1659 Meadowlark Lane was approved for sewer for an existing single-family home.

2018 – A request by Limestone Greenway, LLC to annex a 75.12± acres tract with a zoning of Planned Unit Development (P-U-D) located at 0 and 2065 Limestone Parkway was conditionally approved for a mixed-use development.

2014 – A request by Waffle House Inc. to amend a condition of zoning on a 3.21± acres tract located at 2551 Limestone Parkway zoned General Business, with conditions (G-B-c) was approved for a Waffle House restaurant.

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.

- ***Staff Analysis***

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

The surrounding uses include property within the city and county which includes a mixture of housing types such as single-family homes, mobile homes, apartments and condominiums. The purpose of the request is to connect to water and sewer services which are located within and adjacent to the subject property.

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

The proposed single-family homes are comparable in size and will function similarly as the adjacent single-family homes. The proposed lots are similar to other lots within the city limits served by public water and sewer.

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

It is staff's opinion that the proposal is consistent with the Comprehensive Plan. The Future Development Map for the City of Gainesville places the subject property within the *Low-Medium 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 with only limited light office use allowed, such as a home office. The proposed residential density for the subject property is 3.55 dwelling units per acre.

According to the Character Area map for the City of Gainesville, the subject property is located within the *Limestone Medical Corridor* Character Area. The Limestone Parkway corridor is envisioned as an employment corridor and is not anticipated to expand Gainesville's traditional neighborhood fabric. However, most types of housing can be accommodated although land use priority is health related employment. Land uses allowed within this area include public / institutional, low-density residential, medium-density residential, multi-family residential, mixed-use, commercial, and parks / recreation / conservation.

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

The property could remain in the County under its current zoning of Agricultural Residential-III (AR-III) and developed for a site built home or mobile home. Annexing the property for water and

sewer services will allow for six residential homes which are in density range with the comprehensive plan and will provide for additional affordable housing.

(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.

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 Gainesville Fire Station #2 is approximately 0.5 mile from the subject property. The single-family residential homes should have minimal impact on existing roads. However, Meadowlark Lane has a right-of-way width of 40-feet, with only a 14-foot wide road bed.

The proposal will increase ingress and egress traffic movements along Limestone Parkway. According to the traffic study, the development on average could generate 57± new trips per weekday, 6± A.M. and P.M. peak hour trips.

Given the scale of the request (6 homes), 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?

It is staff's opinion the residential use appears to be consistent with existing and expected uses of the Future Land Use Map. Some of the surrounding use consist of older commercial properties, distressed housing and vacant parcels. The proposal is an in-fill opportunity designed to provide for quality, affordable, single-family housing.

(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 city limits and other residential properties, the proposed annexation request with the recommended zoning conditions 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.

- ***Staff Recommendation***

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

Conditions

1. **The development shall be limited to single-family homes.**

2. **The development shall be generally consistent with the site plan and pictures provided with this annexation application. In addition, all roofs shall be constructed with architectural shingles and the front and sides of the homes shall be constructed with a minimum 3-foot tall watermark of brick or stone material.**

3. **The front and side yards of all of the homes shall be sodded with grass.**

Excerpts from the July 13, 2021 PAB Meeting Minutes

Applicant Presentation: Carl Volle, 4529 Montclair Circle, stated there will be six single-family homes and will supply a large need in Gainesville which is affordable housing. He did a search for houses in 30501 zip code in the 200,000 to 300,000 range and there were only three that were built in 1950's and probably in need of work. The reason for the R-II development is needed to connect to the city sewer. He believes it will be the best use for the property without affecting too many people with traffic and such.

OPPOSE: None

There was a motion to recommend conditional approval of the annexation request and establish zoning as Residential-II (R-II) with the following conditions:

Conditions

1. **The development shall be limited to single-family homes.**
2. **The development shall be generally consistent with the site plan and pictures provided with this annexation application. In addition, all roofs shall be constructed with architectural shingles and the front and sides of the homes shall be constructed with a minimum 3-foot tall watermark of brick or stone material.**
3. **The front and side yards of all of the homes shall be sodded with grass.**

Motion made by Board Member Martin
Motion seconded by Board Member Thompson
Vote – 6 favor, 1 absent (Simmons)

Passed: _____

AN ORDINANCE

No. 2021-23

AN ORDINANCE ANNEXING A 1.69± ACRES TRACT LOCATED ON THE SOUTH AND WEST SIDE OF MEADOWLARK LANE, EAST OF THE INTERSECTION OF CLEVELAND HIGHWAY AND MEADOWLARK LANE (A/K/A 1646 MEADOWLARK LANE); ADJACENT TO BUT NOT NOW WITHIN THE CORPORATE LIMITS OF THE CITY OF GAINESVILLE, GEORGIA; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; 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

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 the Gainesville District of Hall County, Georgia, and being Lot 29 in the Partain Subdivision, according to plat thereof made by G. L. Veal and recorded in Plat Book 2, page 2, of the office of the Clerk of Superior Court of Hall County, Georgia, and described as follows:

BEGINNING at an iron pin in the center of a new road leading east from the Gainesville-Cleveland Highway across the road from Riverbend Church (said point being 275 feet east of said Gainesville-Cleveland Highway); thence southerly along the rear of lots number 12, 11, 10 and 9 of said subdivision 280 feet to an iron pin; thence easterly 494 feet to an iron pin; thence northerly 276 feet to an iron pin; thence westerly 497 feet to the beginning corner. Said property is part of the property described in deed Miss Annie Goforth to O. T. Nix and recorded in Book 115, page 508, Hall County, Georgia deed records.

This being the same property conveyed to Thomas Gordon Davis by Warranty Deed dated July 24, 1961, from Clarence H. Emmett, recorded at Deed Book 235, pages 627-628, Hall County records.

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

SECTION II

The Community and Economic Development Department 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. 2021-24

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA BY ESTABLISHING THE ZONING ON A 1.69± ACRES TRACT LOCATED ON THE SOUTH AND WEST SIDE OF MEADOWLARK LANE, EAST OF THE INTERSECTION OF CLEVELAND HIGHWAY AND MEADOWLARK LANE (A/K/A 1646 MEADOWLARK LANE) AT THE TIME OF ANNEXATION AS RESIDENTIAL-II, WITH CONDITIONS (R-II-c); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; 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

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-II, with conditions (R-II-c)**.

Conditions

1. **The development shall be limited to single-family homes.**
2. **The development shall be generally consistent with the site plan and pictures provided with this annexation application. In addition, all roofs shall be constructed with architectural shingles and the front and sides of the homes shall be constructed with a minimum 3-foot tall watermark of brick or stone material.**
3. **The front and side yards of all of the homes shall be sodded with grass.**

Legal Description

All that tract or parcel of land lying and being in the Gainesville District of Hall County, Georgia, and being Lot 29 in the Partain Subdivision, according to plat thereof made by G. L. Veal and recorded in Plat Book 2, page 2, of the office of the Clerk of Superior Court of Hall County, Georgia, and described as follows:

BEGINNING at an iron pin in the center of a new road leading east from the Gainesville-Cleveland Highway across the road from Riverbend Church (said point being 275 feet east of said Gainesville-Cleveland Highway); thence southerly along the rear of lots number 12, 11, 10 and 9 of said subdivision 280 feet to an iron pin; thence easterly 494 feet to an iron pin; thence northerly 276 feet to an iron pin; thence westerly 497 feet to the beginning

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This being the same property conveyed to Thomas Gordon Davis by Warranty Deed dated July 24, 1961, from Clarence H. Emmett, recorded at Deed Book 235, pages 627-628, Hall County records.

The annexation is to include all that portion of right-of-way known as Meadowlark Lane 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.

SECTION IV

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.

_____

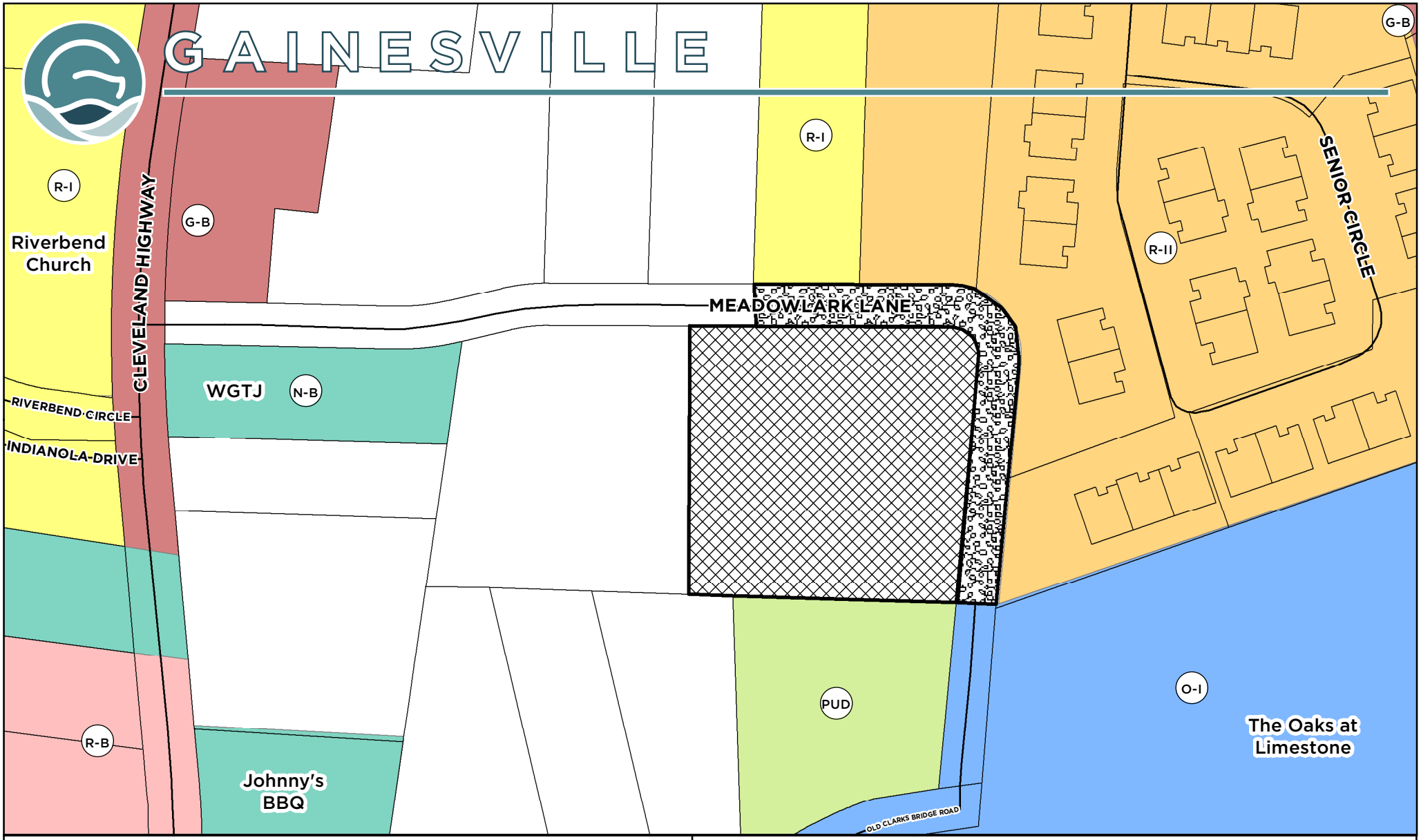
C. Danny Dunagan, Jr., Mayor

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: CARL VOLLE

ANNEXATION REQUEST

Request:
Annex 1.69+/- acres tract and establish zoning as Residential-II (R-II) for six single-family homes

Subject Property Address:
1646 Meadowlark Lane

Tax Parcel:
00-084-006-001 (Part)

Subject Property

Right-of-way to be annexed

Meeting Date: 07/13/2021

Map Prepared: 06/02/2021

0 70 140 210 Feet

SCALE: 1 " = 125 '

N W E S

Applicant: CARL VOLLE

ANNEXATION REQUEST

Request:
Annex 1.69+/- acres tract and establish zoning as Residential-II (R-II) for six single-family homes

Subject Property Address:
1646 Meadowlark Lane

Tax Parcel:
00-084-006-001 (Part)

Subject Property and Right-of-way to be annexed

Aerial from 2018

Meeting Date: 07/13/2021

Map Prepared: 06/02/2021

0 70 140 210 Feet

SCALE: 1 " = 125 '

N W E S

Narrative

I am proposing to annex and rezone 1.69± acres from the county to the city with a R-II zoning for the purpose of constructing 6 residential single family homes. The smallest lots will be 0.22 acre in size. The largest lot will be 0.51 acre in size. The proposed properties will be connected to city sewer which is available to the property. The houses will be a minimum of 1,200 sf heated living area with architectural shingle roofs, Hardiplank siding, 1 car attached carports, and will contain 3 bedrooms & 2 baths. These will be 1-story ranch style homes either on a crawl space or slab.

eFiled and eRecorded
DATE: 05/20/2021
TIME: 7:33 PM
PLAT BOOK: 880
PAGE: 247 - 247
FILING FEES: $10.00
PART ID: 8062908767
RECORDED BY: CH
Charles Baker, C.S.C
THE CLERK OF SUPERIOR COURT
Hall County, GA

NOTE:
STATE PLANE COORDINATE BASED UPON GPS OBSERVATIONS USING A CARLSON BRX6 PLUS DUAL FREQUENCY RECEIVER RUNNING CARLSON SURVCE SOFTWARE. RTK NETWORK UTILIZING THE TRIMBLE VRS NOW NETWORK.

FLOOD NOTE:
THIS PROPERTY IS NOT IN A FLOOD HAZARD AREA AS PER FEMA FLOOD INSURANCE RATE MAP OF HALL COUNTY, GEORGIA

COMMUNITY PANEL NUMBER: 130466 0183 G
EFFECTIVE DATE: APRIL 4, 2018
REVISION DATE: APRIL 4, 2018

A LEICA TS 06 PLUS TOTAL STATION WAS 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 40,817 FEET AND AN ANGULAR ERROR OF 02" PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE METHOD.

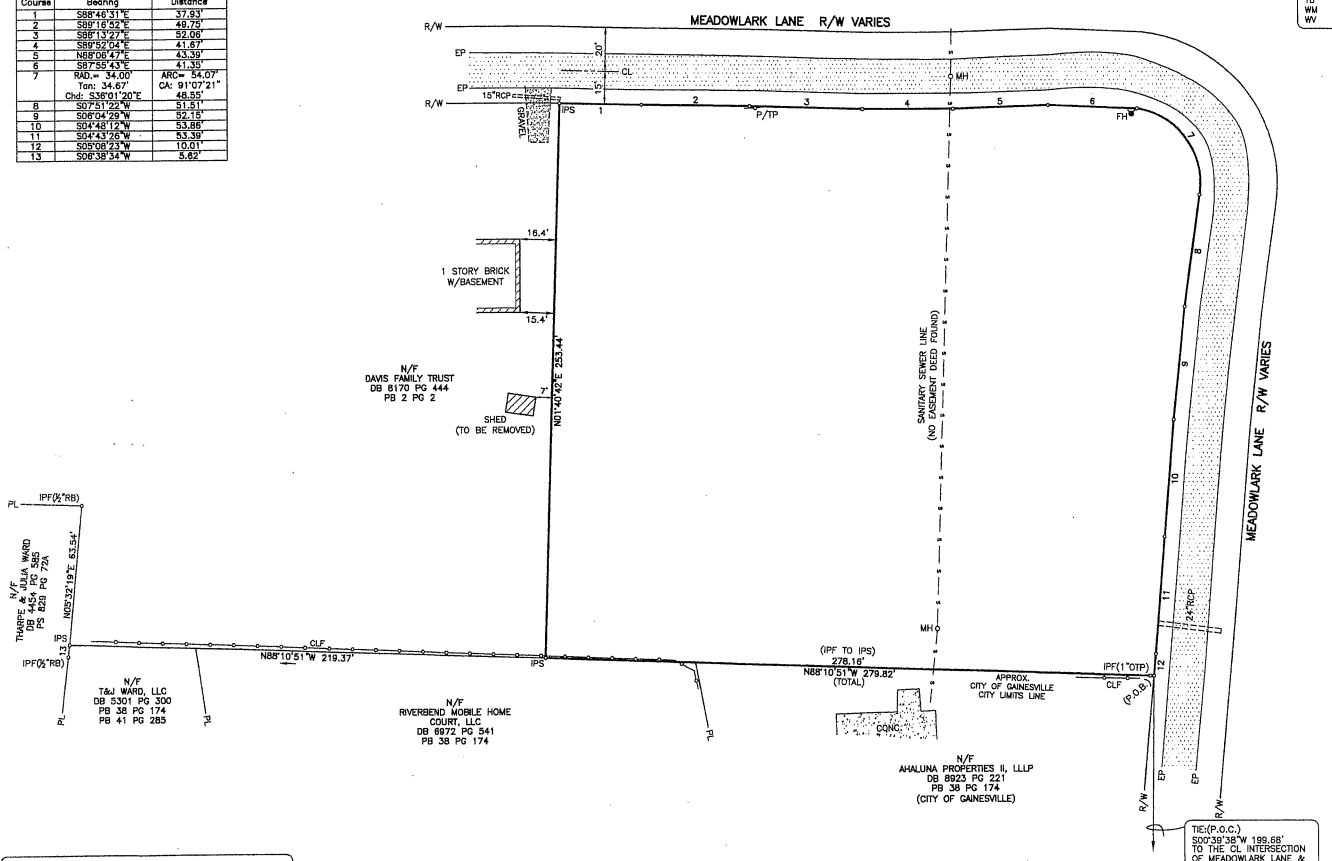
THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 156,274 FEET.

LEGEND:

AI	ANGLE IRON
ASP	ASPHALT
BL	BUILDING LINE
BWF	BARB WIRE FENCE
CL	CENTERLINE
CLF	CHAIN LINK FENCE
CMF	CONCRETE MONUMENT FOUND
CMP	CORRUGATED METAL PIPE
CONC	CONCRETE
CTP	CRIMPED TOP PIPE
DI	DROP INLET
EP	EDGE OF PAVEMENT
FH	FIRE HYDRANT
GW	GUY WIRE
HWF	HOG WIRE FENCE
IPF	IRON PIN FOUND
IPS	IRON PIN SET (1/2"REBAR)
LL	LAND LOT
LLL	LAND LOT LINE
MH	MANHOLE
MR	METAL ROD
N/F	NOW OR FORMERLY
OTP	OPEN TOP PIPE
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PL	PROPERTY LINE
P/TP	POWER & TELEPHONE POLE
RB	REBAR
RCP	REINFORCED CONCRETE PIPE
R/W	RIGHT OF WAY
SP	SERVICE POLE
TB	TELEPHONE BOX
WM	WATER METER
WV	WATER VALVE

GENERAL NOTES:
1) ANY STREAM OR STATE WATER LOCATED ON THIS PROPERTY MAY BE SUBJECT TO A 50 FEET UNDISTURBED NATURAL VEGETATIVE BUFFER AND A 75 FEET IMPERVIOUS SURFACE SETBACK. (HALL COUNTY CODE 8.170.070).
2) IF PROPERTY IS LOCATED IN THE NORTH OCONEE WATERSHED DISTRICT, THEN ADDITIONAL STREAM BUFFERS AND IMPERVIOUS SETBACKS MAY BE REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE 17.225.040).
3) THIS PROPERTY IS NOT LOCATED IN THE HALL COUNTY FUTURE FLOOD ZONE PER HALL COUNTY GIS.
4) IF RESIDENTIAL PROPERTY IS SUBDIVIDED INTO SEVEN LOTS OR MORE WITH ALL LOTS ACCESSING EXISTING HALL COUNTY, GEORGIA ROADS, THEN STORMWATER MANAGEMENT IS REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE 8.180.120 AND 8.180.130).

Course	Bearing	Distance
1	S88°46'31"E	37.93'
2	S89°16'52"E	49.75'
3	S89°13'27"E	52.06'
4	S89°52'04"E	41.67'
5	N88°06'47"E	43.39'
6	S87°55'43"E	41.35'
7	RAD.= 34.00' Tan: 34.67' Chd: S36°01'20"E	ARC= 54.07' CA: 91°07'21" 48.55'
8	S07°51'22"W	51.51'
9	S06°04'29"W	52.15'
10	S04°48'12"W	53.86'
11	S04°43'26"W	53.39'
12	S05°08'23"W	10.01'
13	S06°39'34"W	5.62'



TIE:(P.O.C.)
S00°39'38"W 199.68'
TO THE CL INTERSECTION OF MEADOWLARK LANE & OLD CLARKS BRIDGE ROAD.
(NAIL SET)

SURVEYOR'S CERTIFICATE:

AS REQUIRED BY SUBSECTION (d) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FUTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

A. Darin Cain 04/23/2021
A. DARIN CAIN, RLS 2716 DATE

RECORDING PERMIT 5/3/21
BY Katie Barnes
Hall County Planning Commission

TOTAL AREA = 1.69 ACRES

DEED REFERENCE:(CURRENT OWNER)
DEED FOR DAVIS FAMILY TRUST
DATED SEPTEMBER 26, 2018
DEED BOOK 8170 PAGES 444-445.

PLAT REFERENCES:
1) SURVEY FOR A.G. & B.F. PARTAIN PREPARED BY G.L. VEAL PLAT BOOK 2 PAGE 2.
2) SURVEY FOR JAMES DANIEL SYFAN PREPARED BY OWEN PATTON DATED JULY 1, 1988.

LONDON LAND SURVEYING & ASSOCIATES, INC.
187 EAST JARRARD STREET
CLEVELAND, GEORGIA 30528
(706) 865-0749
LICENSE No. LSF 522

GEORGIA REGISTERED NO. 2716 PROFESSIONAL LAND SURVEYOR A. DARIN CAIN

COUNTY ENGINEER APPROVED HALL COUNTY, GEORGIA

FIELD WORK DATES:
APRIL 2/21, 2021

DIVISION FROM A PARENT TRACT SURVEY FOR
JERRY FREEMAN
LOCATED IN
LAND LOT 131 9th DISTRICT
HALL COUNTY, GEORGIA
SCALE: 1"= 30' APRIL 23, 2021
GRAPHIC SCALE
0 30 60 90 120
SCALE IN FEET JOB# 210.38.02

NOTE:
STATE PLANE COORDINATE BASED UPON GPS OBSERVATIONS USING A CARLSON BRX6 PLUS DUAL FREQUENCY RECEIVER RUNNING CARLSON SURVCE SOFTWARE. RTK NETWORK UTILIZING THE TRIMBLE VRS NOW NETWORK.

LEGEND:

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CLF	CHAIN LINK FENCE
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CMP	CORRUGATED METAL PIPE
CONC	CONCRETE
CTP	CRIMPED TOP PIPE
DI	DROP INLET
EP	EDGE OF PAVEMENT
FH	FIRE HYDRANT
GW	GUY WIRE
HWF	HOG WIRE FENCE
IPF	IRON PIN FOUND
IPS	IRON PIN SET (1/2"REBAR)
LL	LAND LOT
LLL	LAND LOT LINE
MH	MANHOLE
MR	METAL ROD
N/F	NOW OR FORMERLY
OTP	OPEN TOP PIPE
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PL	PROPERTY LINE
P/TP	POWER & TELEPHONE POLE
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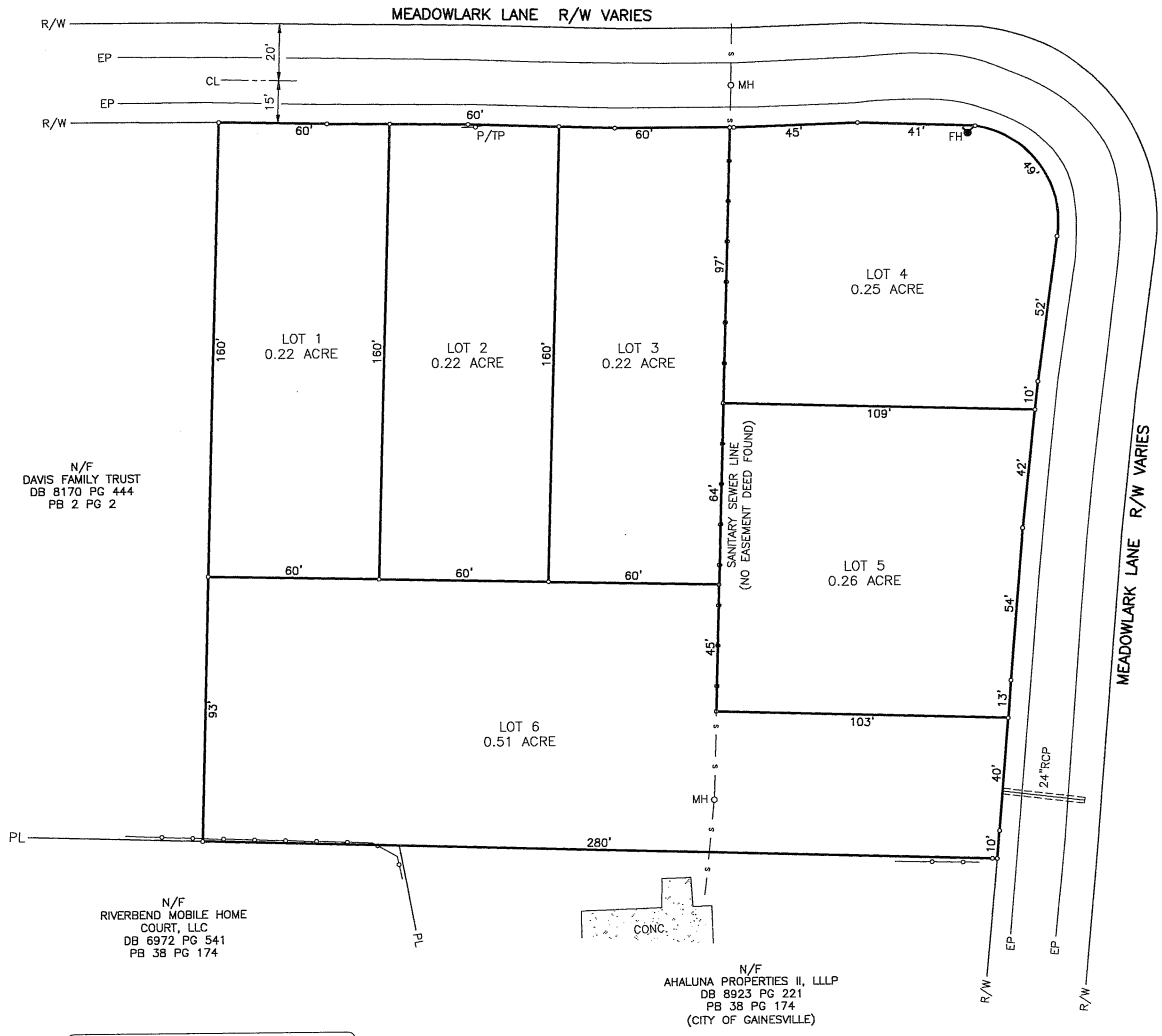
R/W	RIGHT OF WAY
SP	SERVICE POLE
TB	TELEPHONE BOX
WM	WATER METER
WV	WATER VALVE



TOTAL AREA = 1.69 ACRES

GEORGIA REGISTERED NO. 2716 PROFESSIONAL LAND SURVEYOR A. DARIN CAIN

LONDON LAND SURVEYING
& ASSOCIATES, INC.
167 EAST JARRARD STREET
CLEVELAND, GEORGIA 30528
(706) 865-0749
LICENSE No. LSF 522

NOTE:
THE SURVEYOR'S CERTIFICATE EXTENDS ONLY TO THE PRELIMINARY SUBDIVISION ASPECTS SHOWN THERON, AND THE PRELIMINARY SUBDIVISION SURVEY DOES NOT CONSTITUTE A BOUNDARY SURVEY AND IS NOT TO BE RECORDED OR USED TO CONVEY TITLE OR INTEREST IN THE PROPERTY.

PRELIMINARY SKETCH PLAN FOR
V & F CONSTRUCTION, INC
LOCATED IN
LAND LOT 131 9th DISTRICT
HALL COUNTY, GEORGIA
SCALE: 1"= 30' MAY 21, 2021
GRAPHIC SCALE
0 30 60 90 120
SCALE IN FEET JOB# 21039.03

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 7/27/2021

Presenter: Abb Hayes

Item of Business: **Item Tabled to the August 10, 2021 PAB Meeting**
Request from **Optum Development** to annex a 7.77± acres tract located on the northeast side of Limestone Parkway, across from the intersection of Tapawingo Drive and Riverwood Drive (a/k/a **1744 Cleveland Highway**) and to establish zoning as Planned Unit Development (P-U-D). **Ward Number: Two**. Tax Parcel Number(s): 09-126-000-024 (Part). **Request: 36 residential townhomes**.

Meeting Date: 8/3/2021

Purpose of Request:

Item tabled during the July 13, 2021 Planning and Appeals Board Meeting:

The applicant is proposing to annex the subject property with a zoning of Planned Unit Development (P-U-D) for sewer for 36 residential townhomes. The property is currently zoned Residential-I (R-I) and Vacation Cottage (V-C) within unincorporated Hall County and is adjacent to the city limits to the west across Limestone Parkway. The proposed townhomes will range from 2,241 to 2,549 square feet of heated floor space. The units include three stories of living space, two car garages and a roof top deck. Amenities include a pool, clubhouse and walking trails. Access is proposed from Limestone Parkway. The property is located within the Limestone Parkway Overlay Zone and borders a creek and Lake Lanier. The adjacent uses include single-family homes within the county and the Liberty Utilities facility.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

No action needed as this item was tabled at the July 13, 2021 PAB meeting and will be on the August 10, 2021 PAB meeting agenda.

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 Newspaper Article	Legal Ad
Location Maps	Backup Material
Letter of Intent	Backup Material
Site Plan Renderings	Backup Material
Color Renderings	Backup Material

7/2021
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DALY, LLC
I. RICHARDS
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No. 940357
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RIOR COURT
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DALY, LLC

Minor Child
CIVIL ACTION
FILE NO.2021CV1036J
NOTICE OF PETITION TO CHANGE NAME
You are Hereby notified that on the 17 day of June 2021, Elaheh Daryaeisarabi and Arash Moslehishad filed a Petition in the Superior Court of Hall County, Georgia, Case No 2021CV1036J to change the name of minor child LYDIA ANNELIESE MOSLEHISHAD which, if granted, will be known as LYDIA ELLIE SHAD. Notice is hereby given pursuant to law to any interested or affected party to appear in said Court and to file objections to such name changes. Objections must be filed with said Court within 30 days of the filing of said Petition.
Respectfully subn1itted,
DEMING, PARKER, HOFFMAN,
CAMPBELL & DALY, LLC
JANELLE N. RICHARDS
Attorney for Petitioners
Georgia Bar No. 940357
99159 6/23,30,7/7,14

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA
In re the Name Change of:
Mark Anthony Reder Yera,
Petitioner,
CiviL Action File No 2021-CV-905C
NOTICE OF PETITION TO CHANGE NAME OF ADULT
Petitioner, Mark Anthony Reder Yera, by Counsel, Rebecca McLaws has filed a petition in the
Superior Court of Hall County on 5/27/2021 to change his/her name from
Mark Anthony Reder Yera to Mark Anthony Vaden. Any interested party has the right to appear in this case and file objections within 30 days after the Petition filed.
Dated 5/27/2021
/s/ Mark Anthony Reder Yera
98935 6/16,23,30,7/7

IN THE SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA
INRE:
JANE KING OGLETREE
DATE OF BIRTH: 07/02/1950 FILE No. 2021CV993B
NOTICE OF PETITION TO CHANGE NAME OF ADULT
JANE KING OGLETREE filed a petition in the Hall County, Georgia Superior Court on 10th day of June,
/s/ Ana Liliana Parker
Petitioner Pro se
98997 6/16, 23, 30, 7/7

SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA
In re the Name Change of Daisy Mariana Munoz Ogazon
Petitioner
Civil Action Case Number 21CV630W
NOTICE OF PETITION TO CHANGE NAME OF ADULT
Daisy Mariana Munoz Ogazon filed a petition in the Superior Court of Hall County on May 2021 to change the name from Daisy Mariana Munoz Ogazon to Daisy Mariana Munoz-Ogazon Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed.
Dated May 19,2021
/s/Daisy Mariana Munoz Ogazon
98599 6/2,9,16,23

SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA
In re the Name Change of Sonam Seely
Petitioner
Civil Action Case Number 2021CV875C
NOTICE OF PETITION TO CHANGE NAME OF ADULT
Sonam Seely filed a petition in the Superior Court of Hall County on 5/24/2021 to change the name from Sonam Seely to Sonam Shah. Any interested party has the right to appear in this case and file objections withing 30 days after the Petition was filed.
Dated 5/24/2021
/s/Sonam Seely
Petitioner Pro se
98706 6/2,9,16,23

Public Hearings

CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
FOR REZONING
NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A.§ 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request from JPC Design and Construction, LLC. to rezone a 2.08 +/- acre tract of land identified as 5512 McEver Road, tax parcel number 08099 000009, from NS (Neighborhood Shopping) to HB (Highway Business).
NOTICE IS HEREBY GIVEN shall conduct a public hearing at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia, at 5:15 p.m. on Monday, July 6, 2021 to consider the following:
1. Previously tabled application of Michael Andrea for a right side yard setback variance from 10 feet to 3 feet on a 0.82± acre tract located on the south side of Aarons Way approximately 135 feet from its terminus; a.k.a. 6411 Aarons Way; Zoned R-I; Tax Parcel 15048E000150. Proposed Use: construct a detached garage. * Commission District 1.
2. Application of Louise G. Butler front yard setback variance from 40 feet to 22 feet on a 2.164± acre tract located on the south side of Ellison Farm Road approximately 540 feet from its intersection with Cottonwood Drive; a.k.a. 4176 Ellison Farm Road; Zoned AR-IV; Tax Parcel 15028 000252. Proposed Use: bring property into compliance. * Commission District 1.
3. Application of Louise G. Butler rear yard setback variance from 25 feet to 15 feet on a 1.521± acre tract located on the south side of Ellison Farm Road approximately 590 feet from its intersection with Cottonwood Drive; a.k.a. 4178 Ellison Farm Road; Zoned AR-IV; Tax Parcel 15028 000253. Proposed Use: bring property into compliance. * Commission District 1.
4. Application of Gail W. Chapman for a Use Subject to County Commission approval on 3.43± acres located on the northwest side of Atlanta Highway approximately 170 feet from its intersection with Wallis Road; a.k.a. 3536 and 3546 Atlanta Highway; Zoned H-B; Tax Parcels 08047 001004 and 001003. Proposed Use: outdoor storage within Gateway Corridors Overlay District (GCOD). ** Commission District 2.
5. Application of Jody Satterfield for a Use Subject to County Commission approval on a 51.90± acre tract located on the east side of Whiporwill Road approximately 985 feet from its intersection with Winder Highway, approximately 1390 feet from its intersection with Raceway Drive; a.k.a. 5295 Winder Highway (pt.); Zoned PCD; Tax Parcel 15028B000001E (pt.). Proposed Use: mixed use commercial development. ** Commission District 1.
12. Application of MP Partners Development, LLC to amend conditions of a Planned Commercial Development on a 60.91± acre tract located on the north side of Winder Highway approximately 510 feet from its intersection with BBS Way; a.k.a. 5301 Winder Highway; Zoned PCD; Tax Parcel 15028B000001. Proposed Use: mixed use commercial development. ** Commission District 1.
13. Application of MP Partners Development, LLC to amend conditions of a Planned Commercial Development on a 19.82± acre tract located on the north side of Winder Highway at intersection with Benefield Road; a.k.a. 5385 Winder Highway; Zoned PCD; Tax Parcel 15028B000015. Proposed Use: mixed use commercial development. ** Commission District 1.
14. Application of MP Partners Development, LLC to rezone from Agricultural Residential-IV (AR-IV) to Planned Commercial Development (PCD) on 54. 05± acres located on the south side of Benefield Road approximately 900 feet from its intersection with Village South Drive; a.k.a. 4370 and 4420 Benefield Road; Zoned AR-IV; Tax Parcels 15028 000070 and 000090. Proposed Use: mixed use commercial development. ** Commission District 1.
15. Application of FIDES Development to rezone from Agricultural Residential-III (AR-III) and Vacation Cottage (V-C) to Planned Residential Development (PRD) on a 16.28 acre tract located at the terminus of North Waterworks Road, Seymour Circle, and Seymour Drive; a.k.a. 3450 North Waterworks Road; Zoned AR-III and V-C; Tax Parcel 08167 005002. Proposed Use: mixed use residential development. ** Commission District 1.
16. Application of Longstreet Property Group, Winder Highway, Gainesville, Georgia.
99053 6/23

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, July 13, 2021 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 the City of Gainesville to rezone a 1.716± acres tract located between Jesse Jewell Parkway, West Academy Street, Broad Street and Maple Street (a/k/a 312 Jesse Jewell Parkway, SW; 315 and 323 Broad Street, SW; 0 and 320 Maple Street, SW) from General Business (G-B) to Central Business (C-B) with a special use.
Ward Number:Four
Tax Parcel Number(s): 01-012-004-001; 01-006-004-002, 004, 005 and 006
Request: Restaurant and special event center
2) Request from Optum Development to annex a 7.77± acres tract located on the northeast side of Limestone Parkway, across from the intersection of Tapawingo Drive and Riverwood Drive (a/k/a 1744 Cleveland Highway) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number:Two
Tax Parcel Number(s): 09-126-000-024 (Part)
Request: 36 residential townhomes
3) Request from Carl Volle to annex a 1.69± acres tract located on the south and west side of Meadowlark Lane, east of the intersection of Cleveland Highway and Meadowlark Lane (a/k/a 1646 Meadowlark Lane) and to establish zoning as Residential-II (R-II).
Ward Number:Two
Tax Parcel Number(s): 00-084-006-001 (Part)
Request: Six single-family homes
4) Request from McNeal Development, LLC to rezone a 4.86± acres tract located between Queen City Parkway, Banks Street and Gordon Avenue, having road frontage on Saint Thomas Drive and Longstreet Avenue (a/k/a

504, 512, 514, 520 and 528 Banks Street, SW; 510 East Avenue, SW; 535, 548, 549, 604, 608, 620 and 628 Gordon Avenue, SW; 0, 602, 611 and 612 Longstreet Avenue, SW; 436 and 442 Parker Street, SW; 627 and 635 Queen City Parkway; 507 and 513 Saint Thomas Drive) from Residential-II (R-II), Office and Institutional (O-I), General Business (G-B) and Heavy Industrial (H-I) to Planned Unit Development (P-U-D).
Ward Number:Three
Tax Parcel Number(s):
01-012-002-006; 01-013-001-001, 002, 003, 004, 005 and 006; 01-013-002-001, 002, 003, 004, 005, 006, 007, 007A, 008, 009 and 010
Request: 214 Multi-family apartments
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, August 3, 2021 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 the City of Gainesville to rezone a 1.716± acres tract located between Jesse Jewell Parkway, West Academy Street, Broad Street and Maple Street (a/k/a 312 Jesse Jewell Parkway, SW; 315 and 323 Broad Street, SW; 0 and 320 Maple Street, SW) from General Business (G-B) to Central Business (C-B) with a special use.
Ward Number:Four
Tax Parcel Number(s):
01-012-004-001; 01-006-004-002, 004, 005 and 006
Request: Restaurant and special event center
2) Request from Optum Development to annex a 7.77± acres tract located on the northeast side of Limestone Parkway, across from the intersection of Tapawingo Drive and Riverwood Drive (a/k/a 1744 Cleveland Highway) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number:Two
Tax Parcel Number(s):
09-126-000-024 (Part)
Request: 36 residential townhomes
3) Request from Carl Volle to annex a 1.69± acres tract located on the application to annex and rezone a total of +/- 0.85 acres with the zoning from Hall County R-I "Residential" to Oakwood R-1 "Residential" on Tax Parcel No. 15044H000095 and further identified as 4291 Falcon Crest Drive according to the current street numbering system of Hall County, Georgia.
• Cajun-Dawn Land Holdings, LLC has made application to annex and rezone a total of +/- 24.23 acres with the zoning from Hall County PRD "Planned Residential Development" to Oakwood PRD "Planned Residential Development" on Tax Parcel No. 15044 000028 and further identified as 4465 Martin Rd. according to the current street numbering system of Hall County, Georgia.
• Comprehensive Plan Amendment from residential use to industrial use on Tax Parcel No. 08068 000001C and further identified as 4144 W White Rd. according to the current street numbering system of Hall County, Georgia.
• Richard Senter has made application to rezone a total of +/- 5.02 acres with the zoning from Oakwood A-1"Agricultural" and M-1 "Light Industrial" to Oakwood M-2 "Heavy Industrial" on Tax Parcel No. 08068 000001C and further identified as 4144 W White Rd. according to the current street numbering system of Hall County, Georgia.
• GA Oz. Fund, LLC. has made application request for a variance to Chapter 54 "Zoning" to reduce the landscape buffer along Mundy Mill Drive from 15 feet to 5 feet on Tax Parcel No. 08045 003004; 08045 003005; 08045 003006; 08045 003007; and 08045 003008 and further identified as 3761, 3765, 3769, 3775, and 3783 Mundy Mill Drive according to the current numbering system of Hall County, Georgia.
• GA Oz. Fund, LLC. has made application request for a variance to The Downtown Overlay District Design Standards; Section 2. Parking – Inter-Parcel Access on Tax Parcel No. 08045 003004; 08045 003005; 08045 003006; 08045 003007; and 08045 003008and further identified as 3761, 3765, 3769, 3775, and 3783 Mundy Mill Drive

Oakwood, 4035 Walnut Circle, Oakwood, Georgia.
Peggy Funderburk
Permit Clerk
99058 6/23

The City of Buford Planning and Zoning Board will meet on Tuesday, June 8, 2021 at 7:00 p.m. at Buford City Hall, 2300 Buford Highway and the Buford City Commission will meet on Monday, July 19, 2021 at 7:00 p.m. at Buford City Arena, 2795 Sawnee Avenue, Buford, Georgia 30518 to consider a special use permit at 4995 B. U. Bowman Drive for Auto Tires, LLC (Alec NG). The special use permit requested is to allow installation of tires.
98427 5/19, 26, 6/2, 9, 16, 23, 30

Public Sales/Auctions

FLOWERY BRANCH MINI STORAGE -FLOWERY BRANCH, GA:
UNIT B10 – DARRELL MCCLURE – HOUSEHOLD ITEMS, UNIT C-43-SCOTT CURTIS-HOUSEHOLD ITEMS. CONTENTS WILL BE AUCTIONED ON JULY 1, 2021 AT 2PM ON WWW. STORAGEAUCTIONS.COM.
98981 6/16,23

Notice of Public Auction
Boardwalk Storage-Murrayville Will be holding a public auction online at Lockerfox.com on Date: July 7 2021@ Time: 11:OOam
This is a cash only sale - Please bring a money order. All sales are final and the units must be cleaned out completely in 48 hours. A 100.00 cash cleaning deposit is required and will be refunded upon unit inspection.
We currently have 1 unit(s)
Unit# 1423 Wellborn R= floral chair, girls tee pee and toys,chest of drawers, antique sewing box,deco bird cage,plastic totes, chairs and table, bicycle, some christmas decor, rocking horse, wooden furniture
678-989-1999
5162 Thompson Bridge Rd
Murrayville Ga 30564
99073 6/23,30

Pursuant to the Georgia Self-Service Storage Facility Act, notice is hereby given that SS Flowery Branch, LLC d/b/a Simply Self Storage at 6121 Spout Springs Road, Flowery Branch GA 30542 will sell at public auction

This 11thday of June, 2021.
Denise Garcia Clerk, Probate Court of Hall County
99077 6/23

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE: ESTATE OF JOHNNY HOYT NIX SR, DECEASED
ESTATE NO.• E-20-038
NOTICE
[For discharge from office and all liability]
IN RE: Petition for Discharge of Personal Representative
TO: to whom it may concern:
This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before July 6th 2021
BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.
Patty Walters Laine Judge of the Probate Court
By: Riley Norris
Clerk of the Probate Court
116 Spring Street First Floor Gainesville, Georgia 30501
770-533-7828
98776 6/23

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE: ESTATE OF EDITH H. GRIFFIN, DECEASED
ESTATE NO.. E-17-825
NOTICE
[For discharge from office and all liability}
IN RE: Petition for Discharge of Personal Representative
TO: to whom it may concern:
This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before July 6th 2021
BE NOTIFIED FURTHER: All

ANN JAY DICKMAN, DECEASED
ESTATE NO. E-21-293
NOTICE OF PETITION TO FILE FOR YEAR'S SUPPORT
The petition of Donald Wayne Payton, for a Year's Support from the estate of, deceased, for decedent's surviving spouse, having been duly filed, all interested persons are hereby notified to show cause, if any they have, on or before July 9th, 2021, why said petition should not be granted.
All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed on or before the time stated in the preceding sentence. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with yow- objections, unless you qualify to :file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections arc filed, a hearing will be, scheduled at a later date. If no objections are filed the petition may be granted without a hearing.
Patty Walters Laine
Judge of the Probate Court
By: S. Carley
Clerk of the Probate Court
116 Spring Street First Floor
Gainesville, Georgia 30501
770-53-6923
98493 6/9,16,23,30

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE: ESTATE OF RUBY LOIS MCDANIEL, DECEASED
ESTATE NO.. E-21-049
PETITION FOR LETTERS OF ADMINISTRATION
NOTICE
[Note: Strike the sentence in parenthesis below if not applicable.]
TO: whom it may concern:
Michael Shane Daniel has petitioned for (Letters of Administration) to be appointed administrator of the estate of RUBY LOIS MCDANIEL. deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § [illegible] interested persons are

By: Riley
Clerk of
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3) Request from Carl Volle to annex a 1.69± acres tract located on the south and west side of Meadowlark Lane, east of the intersection of Cleveland Highway and Meadowlark Lane (a/k/a 1646 Meadowlark Lane) and to establish zoning as Residential-II (R-II).
Ward Number: Two
Tax Parcel Number(s): 00-084-006-001 (Part)
Request: Six single-family homes
4) Request from McNeal Development, LLC to rezone a 4.86± acres tract located between Queen City Parkway, Banks Street and Gordon Avenue, having road frontage on Saint Thomas Drive and Longstreet Avenue (a/k/a 504, 512, 514, 520 and 528 Banks Street, SW; 510 East Avenue, SW; 535, 548, 549, 604, 608, 620 and 628 Gordon Avenue, SW; 0, 602, 611 and 612 Longstreet Avenue, SW; 436 and 442 Parker Street, SW; 627 and 635 Queen City Parkway; 507 and 513 Saint Thomas Drive) from Residential-II (R-II), Office and Institutional (O-I), General Business (G-B) and Heavy Industrial (H-I) to Planned Unit Development (P-U-D).
Ward Number: Three
Tax Parcel Number(s): 01-012-002-006; 01-013-001-001, 002, 003, 004, 005 and 006; 01-013-002-001, 002, 003, 004, 005, 006, 007, 007A, 008, 009 and 010
Request: 214 Multi-family apartments
Additional information is available from the Community and Economic Development Department, Planning Division, by calling 770-531-6570.
99163 6/23

PUBLIC NOTICE
CITY OF OAKWOOD, GEORGIA
Be advised pursuant to the City of Oakwood Code, Chapter 54 "Zoning", a public hearing has been scheduled before the Oakwood City Council on the 12th day of July 2021 at 7:00 p.m., at the Oakwood City Hall, 4035 Walnut Circle, Oakwood, Georgia for the application of:
• Cajun-Dawn Land Holdings, LLC has made application to annex and rezone a total of +/- 0.62 acres with the zoning from Hall County R-I "Residential" to Oakwood R-1 "Residential" on Tax Parcel No. 15044H000125 and further identified as 4292 Falcon Crest Drive according to the current
further identified as 3761, 3765, 3769, 3775, and 3783 Mundy Mill Drive according to the current numbering system of Hall County, Georgia.
• Scotty Dowis has made application request for a variance to reduce the rear setback from 20' to 13.5' on Tax Parcel No. 08054 004011 and further identified as 4949 Fawnwood Drive according to the current numbering system of Hall County, Georgia.
• Scotty Dowis has made application request for a variance to reduce the rear setback from 20' to 7.5' on Tax Parcel No. 08054 004012 and further identified as 4953 Fawnwood Drive according to the current numbering system of Hall County, Georgia.
• Scotty Dowis has made application request for a variance to reduce the rear setback from 20' to 12.5' on Tax Parcel No. 08054 004017 and further identified as 4973 Fawnwood Drive according to the current numbering system of Hall County, Georgia.
• Scotty Dowis has made application request for a variance to reduce the rear setback from 20' to 7.5' on Tax Parcel No. 08054 004018 and further identified as 4977 Fawnwood Drive according to the current numbering system of Hall County, Georgia.
• Scotty Dowis has made application request for a variance to reduce the rear setback from 20' to 9' on Tax Parcel No. 08054 004020 and further identified as 4985 Fawnwood Drive according to the current numbering system of Hall County, Georgia.
• Scotty Dowis has made application request for a variance to reduce the rear setback from 20' to 11' on Tax Parcel No. 08054 004021 and further identified as 4989 Fawnwood Drive according to the current numbering system of Hall County, Georgia.
• Scotty Dowis has made application request for a variance to reduce the rear setback from 20' to 18' on Tax Parcel No. 08054 004023 and further identified as 4997 Fawnwood Drive according to the current numbering system of Hall County, Georgia.
At said public hearing all persons or residents owning property in the City of Oakwood or in the area proposed for

6121 Spout Springs Road, Flowery Branch GA 30542 will sell at public auction the personal property in the below-listed occupants' leased unit(s) to satisfy the owner's lien. The personal property stored therein by the following occupants may include but is not limited to general household, office and personal items, furniture, boxes, clothes, and appliances. The unit(s) will be sold at public auction through online auction services of www.storagetreasures.com with bids opening at 12:00 PM on 07/5/21 and closing at 12:00 PM on 07/12/21. 138- Jennifer Segraves- Misc furniture, misc boxes, bags, totes, fan, armoir, artwork, 2 tables, luggage, vacuum. 019- Patience Thurmond- Misc Boxes, bags, totes, sofa, love seat, matterss, chairs, end table, lamp.
99072 6/23,30

SALE UNDER POWER
Adams Transfer & Storage Co (ATS) is enforcing a lien and will sell, at public silent bid auction, the below described property beginning at 1pm July 8, 2021 at 795 Georgia Ave, Gainesville, GA 30501 (pursuant to GA Code § 11-7-210 (2019) Commerical Warehouseman's Lien Act. Notice is hereby given to: (Name/Lot/Contents)
Robbin Lanning, Reg 778614T / PS07-0967, misc household goods; Valma Sanders, Reg 600446T, misc household goods; Priority One Staffing, LOT 3717 / 53-M, misc office components; Stacey Lee, Reg 775410T / 0301-1, misc household goods. ATS reserves the right to refuse any bid or withdraw any storage lot from sale. Cash only, goods sold "as is" and must be fully removed from the property on day of sale. ATS does not extend moving services to winning bidder.
98927 6/16,23

Probate Notices

CITATION
RE: Martha Carolyn Cole Ward,
Date of publication: June 23, 2021
Docket.# GA-06-022
Charlotte Louis and Roy Cole has filed a petition for resignation as guardian of Martha Carolyn Cole , ward, this is, therefore, to cite any and all concerned to file objection in Hall County Probate Court within 30 days from the date of publication, to show

Court on or before July 6th 2021
BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections arc filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.
Patty Walters Laine
Judge of the Probate Court
By: S. Carley
Clerk of the Probate Court
116 Spring Street First Floor Gainesville, Georgia 30501
770-531-6923
98774 6/23

IN THE PROBATE COURT OF HALL COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF ILMA JANE KIMBERL, DECEASED
ESTATE NO. E-20-495
NOTICE
[For discharge from office and all liability]
IN RE: Petition for Discharge of Personal Representative
TO: Whom it may concern:
This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before 10:00 a.m. July 6, 202.1.
BE NOTIFIED .FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.
Patty Walters Laine Judge of the Probate Court
Denise Garc1a
Clerk of the Probate Court
116 Spring Street First Floor Gainesvile, Georgia 30501
770-531-6925
98775 6/23

IN THE PROBATE COURT

powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before July 9th, 2021.
BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.
Patty Walters Laine Judge of the Probate Court
By: Riley Norris
Clerk of the Probate Court
116 Spring Street First Floor Gainesville. Georgia 30501
770-533-7828
98766 6/9,16,23,30

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE: ESTATE OF MILLARD GARRETT SMITH, DECEASED
ESTATE NO.. E-19-076
NOTICE
[For discharge from office and all liability]
IN RE: Petition for Discharge of Personal Representative
TO: to whom it may concern:
This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before July 6 2021.
BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.

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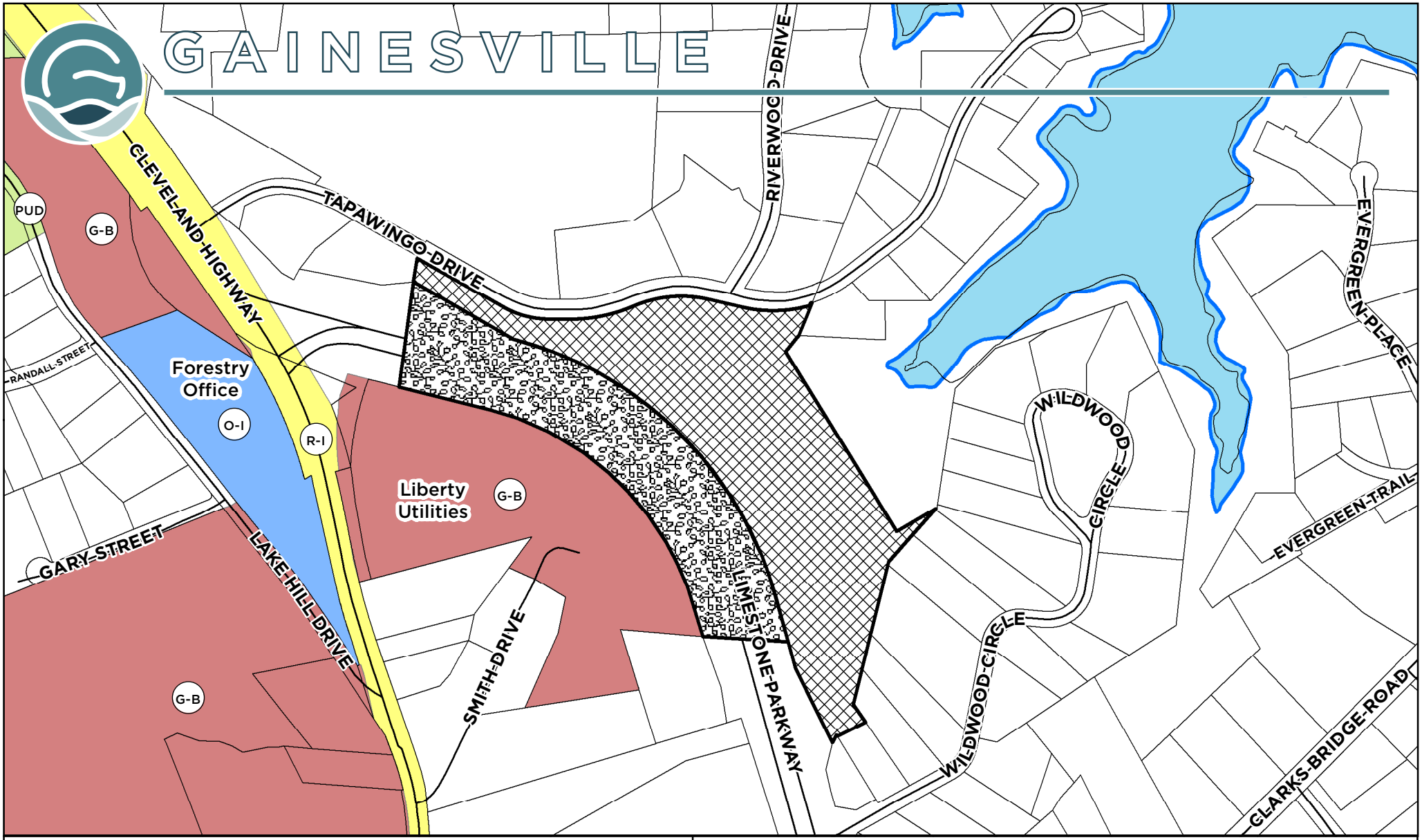


Applicant: OPTUM DEVELOPMENT

ANNEXATION REQUEST

Request:
Annex 7.77+/- acres tract and establish zoning as Planned Unit Development (P-U-D) for 36 residential townhomes

Subject Property Address:
1744 Cleveland Highway

Tax Parcel:
09-126-000-024 (Part)

Subject Property

Right-of-way to be annexed

Meeting Date: 07/13/2021

Map Prepared: 06/02/2021

0 190 380 760 Feet

SCALE: 1 " = 333 '

N W E S

Applicant: OPTUM DEVELOPMENT

ANNEXATION REQUEST

Request:
Annex 7.77+/- acres tract and establish zoning as Planned Unit Development (P-U-D) for 36 residential townhomes

Subject Property Address:
1744 Cleveland Highway

Tax Parcel:
09-126-000-024 (Part)

Subject Property and Right-of-way to be annexed

Aerial from 2018

Meeting Date: 07/13/2021

Map Prepared: 06/02/2021

0 190 380 760 Feet

SCALE: 1 " = 333 '

N W E S

foothills
land
design

LETTER OF INTENT
REQUEST FOR ANNEXATION AND REZONING
CITY OF GAINESVILLE, GEORGIA

RE: ±7.77 acres located at Limestone Parkway, Parcel ID 09126 000024

Through its engineer and as authorized by the Applicant, Optum Development, LLC (the "Applicant") respectfully submits this Letter of Intent to the Gainesville City Council in support of an application for annexation and rezoning for townhomes with a PUD zoning. The property is currently zoned R-1 and V-C in Hall County. Currently the property is in the Hall County Gateway Corridor Overlay District. If annexed, the property would be in the City's Limestone Overlay District.

The site plan has 36 proposed townhome units with a density of 4.63 units per acre. Due to the regulatory and topographical constraints of the property, this is most likely the maximum number of units using the preferred unit dimensions shown on the site plan. However, the applicant requests an approval of a density range of five (5) to ten (10) dwelling units per acre which is stated in the City of Gainesville ordinance as 'urban residential medium'.

This will be a gated community with a 24' wide private street (back of curb to back of curb), minimum 4' wide sidewalks 2' from the curb. An amenity area with a pool and walking trails are proposed.

A 25' front setback is proposed so that the units can be closer to Limestone Parkway. The R/W is unusually wide in this area. This allows for less disturbed area and less impervious surface. The townhome exterior could be comprised of Hardie siding or stucco, accented by stone and/or brick. Some units will have an option to install an elevator. There will be access to the rooftops with decking. Metal canopies with a copper coloring may be used over balconies and doors.

This proposed development provides an appropriate transition from the commercial and office use on Limestone Parkway with the residential properties around Tapawingo Drive. There are also state waters buffers on both the north and south side of the property, adjacent to residences.

Foothills Land Design, LLC
164 Professional Drive
Baldwin, GA 30511

Ph: 706-778-0067
Fax: 706-778-0069
www.foothillsld.com

A Site plan and the appropriate authorization forms have been included in the application to allow for comprehensive review and approval of the proposed annexation and rezoning.

Sincerely,

James Irvin, PE
Engineer for Applicant
Foothills Land Design, LLC

Foothills Land Design, LLC
164 Professional Drive
Baldwin, GA 30511

Ph: 706-778-0067
Fax: 706-778-0069
www.foothillsld.com

GENERAL NOTES:

1. APPLICANT: OPTUM CONSTRUCTION
   1974 DELTA DRIVE
   GAINESVILLE, GA 30501
2. 24 HOUR CONTACT: EDWIN MAXWELL @ 770-235-2624
3. ENGINEERING CONTACT: JAMES IRVIN @ 706-778-0067
4. SITE AREA 7.77 ACRES
5. EXISTING ZONING : R-I
   PROPOSED ZONING: PUD
6. PROPERTY IS LOCATED WITHIN THE LIMESTONE OVERLAY DISTRICT.

0' 50' 100' 150'
SCALE: 1" = 50'

foothills land design
164 PROFESSIONAL DRIVE
BALDWIN, GA 30511
PHONE: (706) 778-0067
FAX: (706) 778-0069
www.foothillsld.com

DEVELOPER:
OPTUM CONSTRUCTION
1974 DELTA DRIVE
GAINESVILLE, GA 30501

ANNEXATION AND REZONING PLAN
LIMESTONE TOWNHOMES
CITY OF GAINESVILLE
LAND LOT 126, 9th DISTRICT
HALL COUNTY, GA

REVISIONS:

NO.	DESCRIPTION	DATE

DATE: JULY 9, 2021

SCALE: 1" = 50'

SHEET:
1
JOB #21058

Limestone Parkway is on the left.

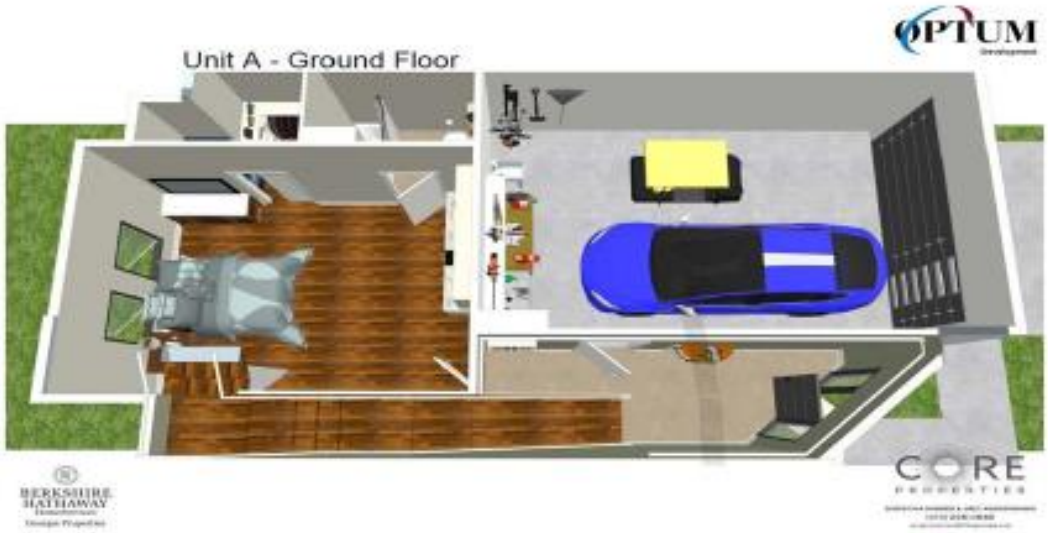
Looking at Limestone Parkway side.

Unit A - First Floor

Unit A - Second Floor

Unit A - First Floor

Rear View
Unit B
Unit D
Unit A
Unit C


Unit A - Ground Floor
OPTUM
CORE
PROPERTIES

Unit A - Roof Deck
OPTUM
CORE
PROPERTIES

Unit A - First Floor
OPTUM
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PROPERTIES