



AGENDA

**Gainesville Work Session
Thursday, May 30, 2019, 9:00 AM
Administration Building, Board Room
300 Henry Ward Way, 3rd Floor
Mayor or Mayor Pro Tem Presides**

DEPARTMENT ISSUES

Police	Resolution: Inmate Boarding Agreement Between Hall County and the City of Gainesville	Jay Parrish
---------------	---	-------------

CITY MANAGER ISSUES

Ordinance: Amend Section 1-7-2 Entitled Prohibited Acts as it Pertains to Recreation and Parks	Angela Sheppard
Fiscal Year 2020 Recommended Budget	Bryan Lackey

MAYOR/COUNCIL ISSUES

Ex-Officio Report(s)

CITY ATTORNEY ISSUES

CITY CLERK ISSUES

EXECUTIVE SESSION

ADJOURNMENT

Final: Tuesday, May 28, 2019, 3:30 PM

CITY OF GAINESVILLE

WORKSESSIONREQUEST

Date Submitted: 5/14/2019

Presenter: Jay Parrish

Item of Business: Resolution: Inmate Boarding Agreement Between Hall County and the City of Gainesville

Meeting Date: 5/30/2019

Purpose of Request:

To continue the annual agreement with Hall County for the housing of municipal inmates.

History/Background:

Agreement for housing of municipal inmates at the Hall County Jail.

Facts & Issues for Consideration:

The proposed Intergovernmental Agreement (IGA) continues the housing of inmates at the Hall County jail and has a July 1, 2019 effective date.

Department Recommendation:

Accept and approve the updated IGA for housing of inmates at the Hall County jail.

Department Director:

Jay Parrish

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

Yes

Amount Requested:

Source of Funds:

General

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ Inmate Boarding Agreement Between Hall County and the City of Gainesville	Resolution
☐ 2019 Inmate Housing Agreement	Contract/Agreement/MOU

RESOLUTION BR-2019 - ____

Inmate Boarding Agreement Between Hall County and the City of Gainesville

WHEREAS, the City of Gainesville desires to continue the annual agreement with Hall County for the housing of municipal inmates; and

WHEREAS, this agreement has been reviewed and recommended for approval by the Gainesville Chief of Police and the Hall County Sherriff and the respective administrative staffs of the city and the county government.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville does hereby approve the City/County Inmate Boarding Agreement and authorizes the Mayor to sign the agreement on behalf of the City of Gainesville.

Adopted this ____ day of _____, 2019.

C. Danny Dunagan, Jr., Mayor

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

ATTEST:

Denise O. Jordan, City Clerk

STATE OF GEORGIA

COUNTY OF HALL

**INTERGOVERNMENTAL AGREEMENT
BETWEEN
HALL COUNTY, GEORGIA AND CITY OF GAINESVILLE
REGARDING HOUSING OF CITY INMATES AT THE HALL COUNTY JAIL**

THIS AGREEMENT, made and entered into this 28th day of March, by and between the City of Gainesville, Georgia, a municipal corporation located in Hall County whose official address is 300 Henry Ward Way, Suite 303, Gainesville, Georgia 30501, hereinafter referred to as the "City", and Hall County, a political subdivision of the State of Georgia, by and through the Board of Commissioners of Hall County, hereinafter referred to as the "County", whose official address is 2875 Browns Bridge Road, Gainesville, Georgia 30504, approved by Gerald Couch in his official capacity as the duly elected Sheriff of Hall County, Georgia, hereinafter referred to as the "Sheriff".

WHEREAS, Hall County presently operates a jail for the detention of persons charged with and/or convicted of violations of criminal statutes of the State of Georgia and County ordinances; and

WHEREAS, in order to promote effective and efficient law enforcement in the aforesaid city and county and to avoid duplication of services, the parties hereto have reached the agreement herein specified pursuant to the provisions of Article IX, Section III, paragraph I of the 1983 Constitution of Georgia and O.C.G.A. 15-21-92;

NOW, THEREFORE, in consideration of the mutual promises and benefits accruing to each of the parties, it is agreed as follows:

1. Services and Facilities. The County shall provide to the City services and facilities for the detention of persons charged with or convicted of violations of the municipal ordinances of the City and state offenses within the City limits, as hereinafter described, which services and facilities are to be substantially the same as utilized for the detention of persons charged with or convicted of violations of state statutes and County ordinances. The County shall provide all usual and customary detention services to City inmates housed at the Hall County Jail as if they were County inmates.

These services include, but are not limited to, detention housing, inmate clothing, security and supervision, visitation as allowed by Sheriff's policy, recreation as allowed by Sheriff's policy, and meals.

2. Compensation. The City shall pay a flat rate of \$60.00 per day per inmate. A subsequent additional daily charge of \$60.00 will be incurred by the City for each day an inmate remains in the Hall County Jail. A day is considered a calendar day running from midnight to midnight.

3. Medical/Dental Care of Prisoners. The County shall provide on-site medical care including the provision of standard prescriptions or other basic required medicines. The determination of what medical/dental care is necessary and what prescription or other medicines are required will be determined by the contracted health care provider at the Hall County Jail.

If the Hall County Jail contract health care provider determines that a City Inmate requires medical/dental treatment outside of the Hall County Jail or treatment that is not customarily provided in the Hall County Jail then the Sheriff, or his designee, shall notify the City Chief of Police, or his designee, immediately.

The City shall then transport the City inmate to the appropriate medical/dental care facility and the City shall then be responsible for the detention of said inmate until such time as the inmate is returned to the Hall County Jail. The cost of any medical/dental care provided to a City inmate at a location other than the Hall County Jail or care provided at the Hall County Jail that is customarily not performed at the Jail (i.e. for which the contracted health care provider would charge an additional fee above their contract rate) shall be borne by the City.

4. Mental Health Treatment. If the Hall County Jail contract health care provider or medical personnel at a medical facility determine that a City Inmate requires mental health treatment at a mental health facility outside of Hall County, then the Sheriff, or his designee, shall notify the City Chief of Police, or his designee. The Hall County Sheriff shall transport the inmate to the appropriate mental health facility outside of Hall County. In the event mental health facilities exist within Hall County appropriate in the determination of the Hall County Jail contract health care provider or medical personnel at a medical facility, the City shall then transport the City inmate to the appropriate medical care facility within Hall County. The cost of any mental health care

provided to a City inmate at a location other than the Hall County Jail that is customarily not performed at the Jail (i.e. for which the contracted health care provider would charge an additional fee above their contract rate) shall be borne by the City.

5. **Processing of Detainees.** The City shall comply with all procedures and policies of the Hall County Sheriff's Office regarding the processing of persons to be detained in the County Jail. Detention by the County of persons charged with violations of municipal ordinances shall be contingent upon the availability of space in the Hall County Jail, and the County shall be under no obligation to give to the City any preference or priority in the detention of persons in the County Jail. If the Jail reaches capacity levels, the Sheriff shall have the authority to issue a release on recognizance to any person detained/sentenced by the City upon notification to the City. In lieu of such release, the City law enforcement agency shall retrieve such person within eight (8) hours of notification by the Sheriff or his designated representative.

6. **Bonding.** All City detainees will be transported by the City to the County Jail. In order to avoid duplication of services by the City and County, the County shall continue to oversee the bonding of City detainees as it does for the County and State detainees. Only bonding agents approved by the Hall County Sheriff's Office may write bonds for detainees once they have been transported to the Hall County Jail. The bonding agents shall write bonds for City detainees in the same conditions as they do for other detainees.

7. **Transportation.** The City will be responsible for transporting all persons arrested and/or sentenced for a municipal offense to and from the County Jail. The City will be responsible for scheduling pre-trial detainees for court. Notice must be given to the County not less than four (4) hours prior to pick-up time. In an emergency medical situation, the County agrees to transport the detainee to and from the appropriate facility.

8. **Early Release.** Specifically qualified Inmates housed at the Hall County Jail have the opportunity, but no guarantee, to receive early release. All City inmates housed at the Jail will have the same availability for early release unless otherwise ordered by the Municipal Court Judge.

9. **Procedure.** Upon transportation of an inmate/detainee to the County Jail, the City shall submit a signed order from the City's Municipal Court Judge or defendants copy of the citation,

stating the name of the inmate/detainee, the charge and sentence (if applicable). Upon the presentation of such order or citation, the County shall accept the inmate/detainee at the Jail.

10. Forms. City and County shall establish standard forms to be used to implement the provisions of this agreement.

11. Communication. Notification of release, verification of sentences, fines paid or other action affecting the release or status of the detainee will be transmitted by secure electronic mail or facsimile by City or County.

12. Scope of Agreement. The provisions contained in this agreement are applicable to municipal offenses and state offenses committed within the jurisdiction of the City.

13. Contract Term. This agreement will be effective as of July 1, 2019 and shall run through July 1, 2020. This agreement will automatically be renewed for a one year term beginning July 1, 2020 and for one year terms thereafter unless either party delivers written notice of non-renewal to the other party at least ninety (90) days prior to the expiration of the then-existing term, in which event this agreement will terminate upon the expiration of the then-existing term.

14. Amendments. Any term of this contract may be amended by the written consent of both parties to this agreement.

15. Severability. Any provision hereof which is prohibited or unenforceable shall be ineffective to the extent of such prohibition or enforceability without invalidating the remaining provisions hereof.

16. Entire Agreement. This agreement and any exhibits, schedules and addenda delivered herewith represent the entire Agreement and understanding of the parties, and supersede all prior agreements, communications, understandings, negotiations, and discussions, whether oral or written, by and among the parties hereto, with respect to the County's housing of inmates/detainees and City's payment for the housing of inmates/detainees.

17. **Non-waiver.** No delay or failure on the part of either party in exercising any right hereunder, and no partial or single exercise thereof, will constitute a waiver of such right or of any other right hereunder.

In witness whereof, the parties hereto have caused this Agreement to be executed under seal by their duly authorized representative as of the day and year first above written.

Date: March 28, 2019

Attest: Lisa A. Ritchie
Clerk

Hall County, Georgia

By: [Signature]
Richard Higgins, Chairman
Board of Commissioners

Date: _____

Attest: _____
Clerk

By: _____
City Attorney

City of Gainesville, Georgia

By: _____
Mayor

Approved by the Sheriff of Hall County,
Georgia

This _____ day of _____,
2019

Approved as to form: _____
County Attorney

CITY OF GAINESVILLE

WORKSESSIONREQUEST

Date Submitted: 5/14/2019

Presenter: Angela Sheppard

Item of Business: Ordinance: Amend Section 1-7-2 Entitled Prohibited Acts as it Pertains to Recreation and Parks

Meeting Date: 5/30/2019

Purpose of Request:

To amend certain provisions outlined in Section 1-7-2 and 1-7-3 due to the annexation of the Lake Lanier Olympic Park. The amendment also allows for future lighting of the Highlands to Islands trail.

History/Background:

The original ordinance only allowed alcohol in city parks after approval by the parks and recreation board. The proposed amendment would allow alcohol in city parks with the approval of a special event permit, as outlined in Chapter 6-7, and if the event is organized by the City. The amendment also addresses beaches and hours to be in a City park. These changes are to reflect future circumstances.

Facts & Issues for Consideration:

This ordinance amendment has been presented to the Executive Committee of the Parks and Recreation Board and they are supportive of the amendment.

The Lake Lanier Olympic Park will come under the direction and management of the Gainesville Parks and Recreation Department on July 1, 2019.

Department Recommendation:

Approval of the proposed ordinance.

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
☐ Ordinance to Amend Section 1-7-2 entitled Prohibited Acts as it Pertains to Recreation and Parks	Ordinance

Passed: _____

AN ORDINANCE

No. 2019-

AN ORDINANCE TO AMEND SUBSECTIONS (5) AND (12) OF SECTION 1-7-2, ENTITLED "PROHIBITED ACTS," OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE BY ELIMINATING THEM IN THEIR ENTIRETY AND SUBSTITUTING IN THEIR PLACE THE LANGUAGE SET FORTH BELOW; TO AMEND SECTION 1-7-3, ENTITLED "HOURS OF USE OF CITY PARKS," OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

SECTION I.

Subsections (5) and (12) of Section 1-7-2 of the Code of Ordinances of the City of Gainesville, Georgia are hereby amended to read as follows:

Sec. 1-7-2. – Prohibited acts.

It shall be unlawful for any person while in a city park to:

(5) Sell, possess or consume alcoholic beverages on park property that is not otherwise licensed for the sale of alcoholic beverages with the exception of special events that are permitted in accordance with Chapter 6-7 of this Code or for events that are organized by the City.

(12) Swim in lakefront parks unless in designated swim areas or unless done at individuals' own risk.

SECTION II.

Section 1-7-3 of the Code of Ordinances of the City of Gainesville, Georgia is hereby amended to read as follows:

Sec. 1-7-3. – Hours of use of city parks.

- (a) It shall be unlawful for any person, except authorized parks and recreation agency personnel or an authorized agent thereof, to enter, remain within, drive a vehicle in or attempt to park or park a vehicle on any of the streets or parking areas or at any location

ORDINANCE NO. 2019-

within the following city neighborhood and community parks from one (1) hour after sunset to 7:00 a.m. daily:

- (1) Allen Creek Soccer Complex;
- (2) Chicopee Woods Nature Park;
- (3) Lake Lanier Olympic Park a/k/a Clarks Bridge Park;
- (4) City Park;
- (5) Civic Center;
- (6) Desota Park;
- (7) Engine 209 Park;
- (8) Fair Street Neighborhood Center;
- (9) Frances Meadows Aquatic & Community Center;
- (10) Holly Park;
- (11) Ivey Terrace Park;
- (12) Kenwood Park;
- (13) Lanier Point Park;
- (14) Linwood Nature Preserve;
- (15) Longwood Park;
- (16) Midtown Greenway Park;
- (17) Myrtle Street Park;
- (18) Poultry Park;
- (19) Riverside Park;
- (20) Rock Creek Park;
- (21) Roper Park;
- (22) Wessell Park;
- (23) Wilshire Trails Park.

(b) Exceptions.

- (1) All lighted city tennis courts shall close at 11:00 p.m. daily.
- (2) All City of Gainesville operated launching ramp use will be permitted on a 24-hour basis for the express purpose of launching or loading a boat.
- (3) Walkers, runners, and bikers utilizing the Highlands to Islands Trail if and when said Trail is lighted.

(c) Other than the exceptions noted above, no person shall occupy the parks or facilities listed in subsection (a) for recreation or any other purpose from one (1) hour after sunset to 7:00 a.m. daily unless for approved scheduled events or permission has been granted in advance by the parks and recreation agency with prior notification to the police department.

(d) Any person violating this section, other than as provided in subsection [1-7-2\(17\)](#), shall be punished as described in [section 1-1-7](#).

ORDINANCE NO. 2019-

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 ordinance is enacted as an amendment to Chapter 1-7 of the Code of Ordinances of the City of Gainesville, Georgia.

SECTION VI.

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

C. Danny Dunagan, Jr., Mayor

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

ATTEST:

Denise O. Jordan, City Clerk

CITY OF GAINESVILLE

WORKSESSIONREQUEST

Date Submitted: 5/28/2019
Presenter: Bryan Lackey
Item of Business: Fiscal Year 2020 Recommended Budget
Meeting Date: 5/30/2019

Purpose of Request:

Presentation of the FY2020 Budget to be considered for adoption.

History/Background:

Historically, the City Manager presents the proposed budget for all funds to be considered by the governing body.

Facts & Issues for Consideration:

Department Recommendation:

Department Director:

Bryan Lackey

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:
