CITY OF
GAINESVILLE

**Work Session Agenda**
**Thursday, July 15, 2021, 9:00 AM**
**Administration Building, Boardroom (3rd Floor)**
**300 Henry Ward Way, Gainesville, GA 30501**
**Mayor or Mayor Pro Tem Presides**

## DEPARTMENT ISSUES

| | | |
|---|---|---|
| **Finance** | Resolution: Third Quarter Budget Adjustment for Fiscal Year 2021 | Kevin Hutcheson |
| **Administrative Services** | Resolution: Adoption of Revised Gainesville/Hall Area Transit Drug & Alcohol Policy | Janeann Allison |
| **Water Resources** | Resolution: Williams Brothers Development Annexation Waiver | Nick Swafford |
| **Public Works** | Resolution: Authorization to Accept Georgia Department of Transportation Contract for Coronavirus Response and Relief Supplemental Appropriation Act Funding | Lisa Poole |
| **Community & Economic Development** | **Public Hearing Item: July 20, 2021 Council Meeting** Request from **Parth S. Patel** for a special use on a 1.41± acres tract located on the northwest side of the intersection of Dawsonville Highway and Ahaluna Drive, having road frontage on the southside of Skyview Drive (a/k/a **1310 Dawsonville Highway, Suite B**), having a zoning of General Business (G-B). **Ward Number: One.** Tax Parcel Number(s): 01-115-004-009. **Request: Retail sales of alternative nicotine products.** | Abb Hayes |

## CITY MANAGER ISSUES

## MAYOR/COUNCIL ISSUES

| | | |
|---|---|---|
| | Ex-Officio Report(s) | |
| | Appointment(s): Airport Advisory Committee | Danny Dunagan |
| | Appointment(s): Gainesville Redevelopment Authority | Danny Dunagan |

## CITY ATTORNEY ISSUES

## CITY CLERK ISSUES

## EXECUTIVE SESSION

## ADJOURNMENT

Final: Tuesday, July 13, 2021, 10:25 AM

# CITY OF GAINESVILLE

## WORKSESSIONREQUEST

**Date Submitted**: 7/7/2021

**Presenter**: Kevin Hutcheson

**Item of Business**: Resolution: Third Quarter Budget Adjustment for Fiscal Year 2021

**Meeting Date**: 7/15/2021

**Purpose of Request**:
This request is to approve the budget adjustments associated with the third quarter of fiscal year 2021.

**History/Background**:
The City of Gainesville Code states in part:
Sec. 2-3-87 - Budget amendments
(a) General amendment. The council may amend the budget as deemed necessary or advantageous during the fiscal year, provided additional revenues or funding sources are identified for any net increase in expenditure. Following the end of each fiscal year quarter, any approved adjustments, including budgets for any projects authorized during the quarter shall be enacted through a budget adjustment resolution upon favorable vote of the city council. The supplemental budget resolutions shall be balanced for each and every fund that is amended.

**Facts & Issues for Consideration**:

**Department Recommendation**:
Financial Services recommends the approval of the third quarter budget adjustment for fiscal year 2021.

**Department Director**:
Jeremy Perry

**If funding is involved, are funds approved within the current budget?**
N/A

**Amount Requested**:

**Source of Funds**:

**Finance Comments**:

**Administrative Comments:**

ATTACHMENTS:

| Description | Type |
|---|---|
| Budget Adjustment Resolution Q3 FY2021 | Resolution |
| Attachment A - Charts for 3rd Quarter Budget Adjustments for FY2021 | Attachments/Exhibits |
| Attachment B-Descriptions for 3rd Qtr BA for FY2021 | Attachments/Exhibits |

**RESOLUTION AR-2021 - ___**

**REGARDING THIRD QUARTER BUDGET ADJUSTMENT FOR FISCAL YEAR 2021**

**WHEREAS**, the City Council approved a budget for fiscal year 2021 for the City of Gainesville on June 16, 2020; and

**WHEREAS**, the budget is a dynamic rather than static revenue and spending plan which requires adjustment from time to time as circumstances change; and

**WHEREAS**, these adjustments maintain a balanced budget for all funds.

**NOW, THEREFORE, BE IT RESOLVED THAT** the governing body for the City of Gainesville hereby adopts the adjustments to the budget listed on "Attachment A" and "Attachment B", attached hereto and made a part of the Resolution.

**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.

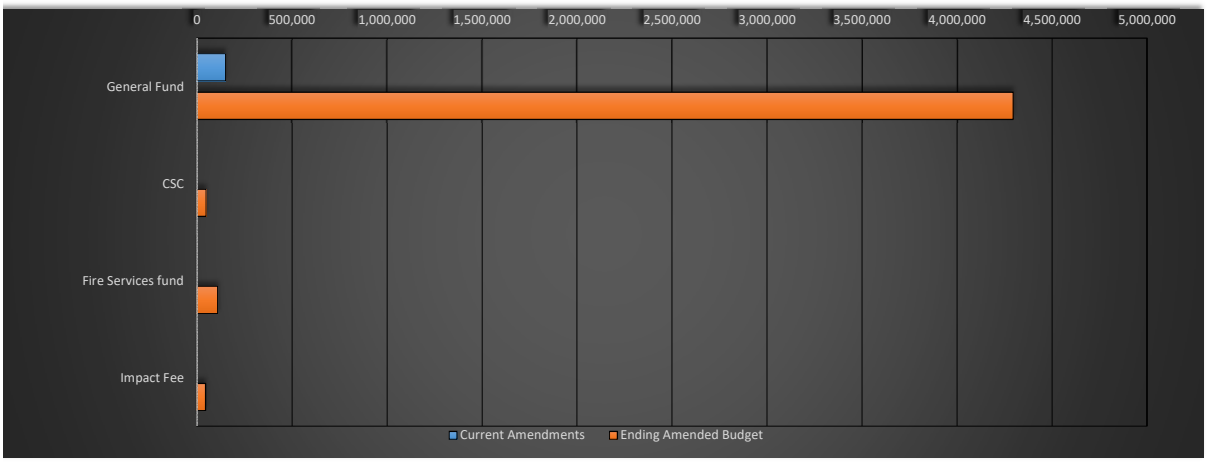
**ATTEST:**

**Denise O. Jordan, City Clerk**

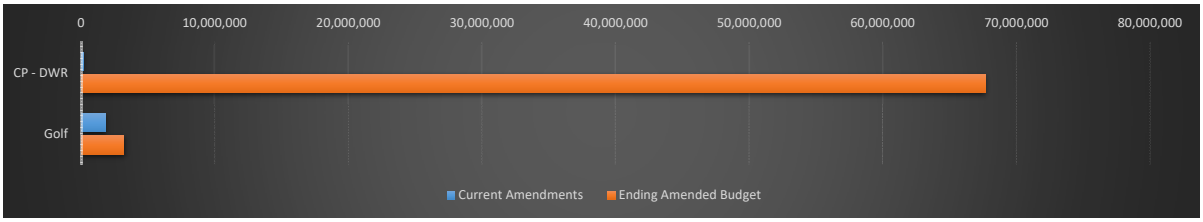
**ATTACHMENT A**

| General Fund | | | |
|---|---|---|---|
| **Fund** | **Beginning Amended Budget** | **Current Amendments** | **Ending Amended Budget** |
| General Fund | 30,497,765 | 1,271,132 | 31,768,897 |
| **Grand Total** | **30,497,765** | **1,271,132** | **31,768,897** |

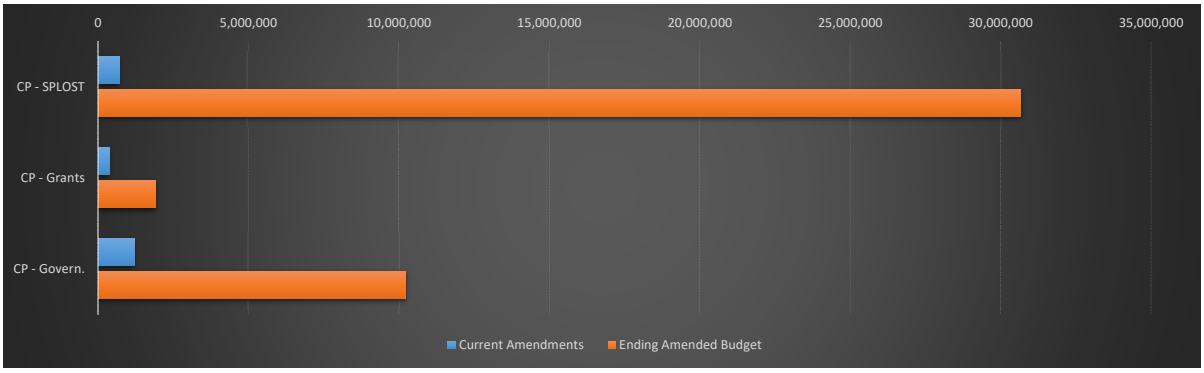
| Special Revenue Funds | | | |
|---|---|---|---|
| **Fund** | **Beginning Amended Budget** | **Current Amendments** | **Ending Amended Budget** |
| CSC | 4,146,219 | 150,000 | 4,296,219 |
| Cemetery Trust | 47,500 | 0 | 47,500 |
| Confiscated Assets | 323,227 | 0 | 323,227 |
| Operating Grants | 31,948 | 0 | 31,948 |
| HUD Grants | 2,206,549 | 0 | 2,206,549 |
| HUD Rev. Loan | 0 | 0 | 0 |
| Fire Services fund | 9,105,403 | 21,000 | 9,126,403 |
| Econ. Dev. | 108,000 | 0 | 108,000 |
| Land Bank Authority | 75,000 | 0 | 75,000 |
| TAD | 648,282 | 0 | 648,282 |
| H/M Tax Fund | 886,585 | 0 | 886,585 |
| Impact Fee | 1,286,321 | 1,118 | 1,287,439 |
| Info. Tech. Fund | 44,700 | 0 | 44,700 |
| **Grand Total** | **18,909,734** | **172,118** | **19,081,852** |



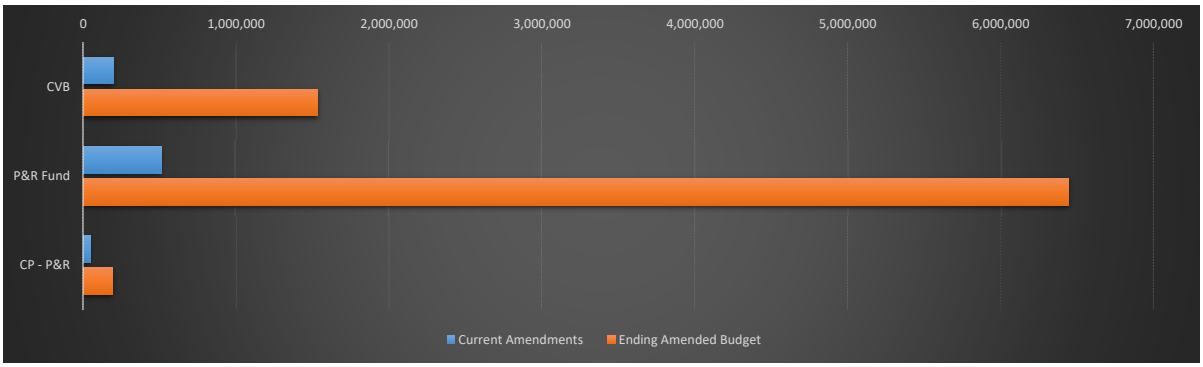
| Enterprise Funds | | | |
|---|---|---|---|
| **Fund** | **Beginning Amended Budget** | **Current Amendments** | **Ending Amended Budget** |
| DWR | 73,942,102 | 0 | 73,942,102 |
| CP - DWR | 67,456,403 | 209,158 | 67,665,561 |
| Solid Waste | 3,400,904 | 0 | 3,400,904 |
| Airport | 1,988,293 | 0 | 1,988,293 |
| Golf | 1,397,086 | 1,815,605 | 3,212,691 |
| **Grand Total** | **148,184,788** | **2,024,763** | **150,209,551** |




| Capital and Debt Funds | | | |
|---|---|---|---|
| **Fund** | **Beginning Amended Budget** | **Current Amendments** | **Ending Amended Budget** |
| CP - SPLOST | 29,957,753 | 713,951 | 30,671,704 |
| CP - Grants | 1,539,451 | 372,833 | 1,912,284 |
| CP - Govern. | 8,998,450 | 1,215,441 | 10,213,891 |
| Debt. Serv. | 3,053,830 | 0 | 3,053,830 |
| **Grand Total** | **43,549,484** | **2,302,225** | **45,851,709** |



| Component Unit | | | |
|---|---|---|---|
| **Fund** | **Beginning Amended Budget** | **Current Amendments** | **Ending Amended Budget** |
| CVB | 1,333,721 | 200,000 | 1,533,721 |
| P&R Fund | 5,931,569 | 512,350 | 6,443,919 |
| CP - P&R | 141,820 | 48,174 | 189,994 |
| **Grand Total** | **7,407,110** | **712,350** | **8,167,634** |




| Non-Profit | | | |
|---|---|---|---|
| **Fund** | **Beginning Amended Budget** | **Current Amendments** | **Ending Amended Budget** |
| Non-Profit | 24,367 | 0 | 24,367 |
| **Grand Total** | **24,367** | **0** | **24,367** |

| Internal Service Fund | | | |
|---|---|---|---|
| **Fund** | **Beginning Amended Budget** | **Current Amendments** | **Ending Amended Budget** |
| Gen. Insurance | 2,024,396 | 0 | 2,024,396 |
| Employee Ben. | 10,300,535 | 0 | 10,300,535 |
| Veh. Serv. | 2,600,244 | 0 | 2,600,244 |
| **Grand Total** | **14,925,175** | **0** | **14,925,175** |

**ATTACHMENT B**
**QUARTERLY BUDGET ADJUSTMENT RESOLUTION**
**3rd QTR BA for FY2021 ADJUSTMENT DESCRIPTIONS**

## GENERAL FUND

### *GENERAL FUND*

The General fund recognized a total increase of $1,271,132 during the third quarter of fiscal year 2021. The adjustments associated with this increase are as follows:

- Increase in Budgeted Fund Balance in the amount of $300,000 to transfer to Parks and Recreation for COVID revenue shortfalls.
- Increase in Budgeted Fund Balance in the amount of $7,350 for transfer to Parks and Recreation Tree Fund.
- Increase in Budgeted Fund Balance in the amount of $804,624 for transfer to Projects 93153-Park Hill Drive Improvements and 91050-City Campus Improvements.
- Increase in Budgeted Fund Balance in the amount of $159,158 for transfer to Project 96017-Accela Software.

## SPECIAL REVENUE FUNDS

### *COMMUNITY SERVICE CENTER FUND*

The Community Service Center fund recognized a total increase of $150,000 during the third quarter of fiscal year 2021. The adjustment associated with this increase is as follows:

- FY2021 Reappropriations in the amount of $150,000.

### *FIRE SERVICES FUND*

The Fire Services fund recognized a total increase of $21,000 during the third quarter of fiscal year 2021. The adjustment associated with this increase is as follows:

- Recognize the sale of assets in the amount of $21,000.

### *IMPACT FEE FUND*

The Impact Fee fund recognized a total increase of $1,118 during the third quarter of fiscal year 2021. The adjustments associated with this increase is as follows:

- Increase in Budgeted Fund Balance for the legal costs associated with project 92077-Police Precinct in the amount of $1,118.

**ATTACHMENT B**
**QUARTERLY BUDGET ADJUSTMENT RESOLUTION**
**3rd QTR BA for FY2021 ADJUSTMENT DESCRIPTIONS**
**CAPITAL AND DEBT FUNDS**

***SPLOST CAPITAL PROJECTS FUND***

The SPLOST Project fund recognized a total increase of $713,951 during the third quarter of fiscal year 2021. The adjustments associated with this increase are as follows:

- Adjustment to recognize additional LMIG revenues received in the amount of $372,833.
- Establish budget of $50,000 for Fire Station #5.
- Transfer from the Impact Fee Fund in the amount of $1,118 for the legal costs of project 92077-Police Precinct.
- Transfer from Parks and Recreation fund for the Civic Center Renovation costs in the amount of $70,000.
- Transfer from the Convention Visitors Bureau in the amount of $200,000 for project 70064-Lake Lanier Olympic Park Improvements project.
- Transfer from General Governments Capital Projects fund in the amount of $20,000 for project 93187-Elachee Bridge.

***GRANTS CAPITAL PROJECTS FUND***

The Grants Capital Project fund recognized a total increase of $372,833 during the third quarter of fiscal year 2021. The adjustment associated with this increase is as follows:

- Set up project 93177-LMIG Grant in the amount of $372,833.

***GENERAL GOVERNMENT CAPITAL PROJECTS FUND***

The General Government Capital Project fund recognized a total decrease of $1,215,441 during the third quarter of fiscal year 2021. The adjustments associated with this increase are as follows:

- Transfer from the General Fund in the amount of $804,624 to Projects 93153-Park Hill Drive Improvements and 91050-City Campus Improvements.
- Transfer from Fire Services Fund in the amount of $36,998 for the sale of assets.
- Transfer from the General Fund in the amount of $318,316 to Project 96017-Accela Software.
- Increase in Budgeted Fund Balance in the amount of $55,503 for project budgets.

**ATTACHMENT B**
**QUARTERLY BUDGET ADJUSTMENT RESOLUTION**
**3rd QTR BA for FY2021 ADJUSTMENT DESCRIPTIONS**

***DWR CAPITAL PROJECTS FUND***

The DWR Capital Projects fund recognized a total increase of $209,158 during the third quarter of fiscal year 2021. The adjustment associated with this increase are as follows:

- Increase in Budgeted Fund Balance in the amount of $159,158 for project 96017-Accela Software.
- Transfer from SPLOST Capital Projects Fund in the amount of $50,000 for the Public Works allocation for project 25007-Midtown Greenway.

**ENTERPRISE FUNDS**

***CHATTAHOOCHEE GOLF COURSE FUND***

The Chattahoochee Golf Course fund recognized a total increase of $1,815,605 during the third quarter of fiscal year 2021. The adjustments associated with this increase are as follows:

- Increase in Budgeted Fund Balance in the amount of $1,710,980 to recognize property sales.
- Increase in Budgeted Fund Balance in the amount of $85,525 to establish project 30003-CGC Mowers.
- Increase in Budgeted Fund Balance in the amount of $19,100 for project 30002-Golf Course Renovation to cover the costs of the irrigation system.

**COMPONENT UNIT FUNDS**

***PARKS AND RECREATION FUND***

The Parks and Recreation fund recognized a total increase of $512,350 during the third quarter of fiscal year 2021. The adjustments associated with this increase are as follows:

- Transfer from the General Fund in the amount $300,000 for COVID revenue shortfalls.
- Transfer from the General Fund in the amount of $7,350 for transfer to Parks and Recreation Tree Fund.
- Increase in Budgeted Fund Balance to correct Budget Adjustment 2021-6202 in the amount of $70,000.
- Increase in Budgeted Fund Balance in the amount of $135,000 for AR21-02 and AR-21-03-Park Development.

**ATTACHMENT B**
**QUARTERLY BUDGET ADJUSTMENT RESOLUTION**
**3rd QTR BA for FY2021 ADJUSTMENT DESCRIPTIONS**

***PARKS AND RECREATION CAPITAL PROJECT FUND***

The Parks and Recreation Capital Project fund recognized a total increase of $48,174 during the third quarter of fiscal year 2021. The adjustments associated with this increase is as follows:

- Increase in Budgeted Fund Balance in the amount of $48,174 for FY2020 project closeouts.

***CONVENTION VISITORS BUREAU FUND***

The Convention Visitors Bureau fund recognized a total increase of $200,000 during the third quarter of fiscal year 2021. The adjustments associated with this increase is as follows:

- Increase in Budgeted Fund Balance in the amount of $200,000 to correct Budget Adjustment 2021-6290 for Project 70064-Lake Lanier Olympic Park Improvements.

# CITY OF GAINESVILLE

## WORKSESSIONREQUEST

**Date Submitted**: 7/6/2021

**Presenter**: Janeann Allison

**Item of Business**: Resolution: Adoption of Revised Gainesville/Hall Area Transit Drug & Alcohol Policy

**Meeting Date**: 7/15/2021

**Purpose of Request**:
To seek approval of a resolution to adopt the new revised Gainesville/Hall Area Transit Drug & Alcohol Policy.

**History/Background**:
Funding for the Gainesville/Hall Area Transit is provided by the Federal Transit Administration (FTA) and the Georgia Department of Transportation.

The amended policy contains mandated changes from the USDOT-FTA included in 49 CFR Part 40.

**Facts & Issues for Consideration**:
The FTA mandates a drug and alcohol policy for covered employees. The existing policy has been updated to reflect the requirements of USDOT-FTA 49 CFR Part 40.

We now seek City Council adoption prior to implementation of the new policy.

**Department Recommendation**:
Approval of the resolution.

**Department Director**:
Janeann Allison

**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 |
|---|---|
| Adoption of Revised Gainesville/Hall Area Transit | Resolution |
| Gainesville/Hall Area Transit Drug & Alcohol Policy June 2021 | Policy |

**RESOLUTION BR-2021 - ___**

**Adoption of Revised Gainesville/Hall Area Transit Drug & Alcohol Policy**

**WHEREAS,** the Hall Area Transit is a public transportation service for the City of Gainesville and Hall County; and

**WHEREAS,** funding is provided by the Federal Transit Administration and the Georgia Department of Transportation in addition to Hall County, the City of Gainesville and passenger fares; and

**WHEREAS,** the Federal Transportation Administration mandates that recipients of federal and state funding issue a drug and alcohol policy which defines areas such as covered employees, prohibited substances, reason for testing, testing methods, test refusal, consequences, and designees; and

**WHEREAS,** Gainesville is the recipient of Section 5307 funds and Hall County is the recipient of Section 5311 Funds, however, the City of Gainesville administers both programs as well as hires all employees; and

**WHEREAS,** from time to time revisions are mandated by the Federal Transit Administration and the Georgia Department of Transportation; and

**WHEREAS,** the City of Gainesville has recently been notified that our policy needs to incorporate the most current revisions.

**NOW, THEREFORE BE IT RESOLVED THAT** the governing body for the City of Gainesville authorizes the Gainesville/Hall Area Transit Drug and Alcohol Revised Policy be adopted and affirmed for covered City of Gainesville employees.

**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**

## Purpose

Gainesville/Hall Area Transit is dedicated to providing safe, dependable, and economical transportation services to its patrons. Gainesville/Hall Area Transit employees are a valuable resource and it is also our goal to provide a safe, healthy and satisfying working environment for our employees. In meeting these goals, it is our policy to:

- Assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner;
- Create a workplace environment free from the adverse effects of drug abuse and/or alcohol misuse;
- Prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances;
- Encourage employees to seek professional assistance when substance abuse adversely affects their ability to perform their assigned duties.

This Substance Abuse Policy implements a drug and alcohol testing program for all safety-sensitive employees. Each employee shall be provided a signed copy of the adopted policy. Policy items implemented under the authority of Gainesville/Hall Area Transit are underlined throughout this policy. All other policy items are implemented under the authority of the US DOT and/or the Federal Transit Administration.

**Per Gainesville/Hall Area Transit authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.**

This policy is approved by the governing body for the City of Gainesville.

Signature: _____ Date: _____

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

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11. **Pre-employment Testing**
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30. **Proper Application of the Policy**
31. **Information Disclosure**
32. **System Contacts and Substance Abuse Assistance Resources**

## 1. Background

Pursuant to the Omnibus Transportation Employee Testing Act of 1991, the Federal Transit Administration (FTA) published regulations prohibiting drug use and alcohol misuse by transit employees and required transit agencies to test for prohibited drug use and alcohol misuse.
49 Code of Federal Regulations Part 655, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations" mandates urine drug testing and breath alcohol testing for all employees in safety-sensitive positions. These regulations prohibit the performance of safety-sensitive functions when there is a positive drug or positive alcohol test result or an employee refuses to submit to DOT required drug or alcohol testing.

In addition, the U.S. Department of Transportation (DOT) has issued 49 CFR Part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs" to provide uniform procedures and standards for conducting drug and alcohol testing programs. The drug and alcohol testing program of Gainesville/Hall Area Transit will be conducted in accordance with 49 CFR Parts 40 and 655, as amended. Employees may request copies of the applicable regulations by contacting Gainesville/Hall Area Transit designated employer representative listed in Section 32 of this policy.

## 2. Purpose

This policy is established to comply with FTA drug and alcohol testing requirements to ensure employee fitness for duty, and to protect our employees, passengers, and the general public from the risks posed by the use of alcohol and prohibited drugs. This policy is also intended to comply with and incorporate 49 CFR Part 29, The Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA, including the reporting of employees convicted of criminal drug offenses that occur in the workplace.

## 3. Covered Employees

This policy applies to all safety-sensitive public transit system employees as identified and described herein. Paid part-time employees and contractors, when performing safety-sensitive duties, are also covered by this policy when performing any Gainesville/Hall Area Transit related business. <u>This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work</u>. Additionally, this policy applies to volunteers who perform safety-sensitive duties who are required to hold a Commercial Driver's License, or who receive remuneration in excess of his or her actual expenses incurred while engaging in the volunteer activity. This written policy shall be distributed to all employees and applicable volunteers in safety-sensitive positions. Adherence to this policy and its provisions are a condition of employment in a safety sensitive position; per 49 CFR Part 655.

Safety-Sensitive Employees and Applicants for Safety-Sensitive Positions covered by this Policy include those who:

1. Operate a revenue service vehicle, including when not in revenue service.
2. Operate a non-revenue service vehicle when such is required to be operated by a holder of a commercial driver's license.
3. Control the movement/dispatch of a revenue service vehicle.
4. Perform maintenance on a revenue service vehicle or equipment used in revenue service.
5. Carry a firearm for security purposes.
6. May perform any of the above safety-sensitive functions in a supervisory or training role.

Any provisions set forth in this policy that are included under the sole authority of the Gainesville/Hall Area Transit and <u>are not</u> provided under the authority of the above named Federal regulations are underlined.

A list of safety-sensitive positions which perform one or more of the above mentioned duties is provided in Attachment A. Gainesville/Hall Area Transit employees who do not perform safety-sensitive functions may also be covered under this policy under the sole authority of the Gainesville/Hall Area Transit. Tests conducted under the sole authority of Gainesville/Hall Area Transit will be performed on non-federal forms and will be separated from USDOT testing in all respects.

## 4. Prohibited Substances

Prohibited substances addressed by this policy include the following.

Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1308.11 through 1308.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines (including methamphetamine and ecstasy), opioids (including codeine, morphine, heroin, hydrocodone, hydromorphone, oxycodone, oxymorphone), phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. It is important to note that the use of marijuana in any circumstances remains completely prohibited for any safety-sensitive employee subject to drug testing under USDOT regulations. The use of marijuana in any circumstance (including under state recreational and/or medical marijuana laws) by a safety-sensitive employee is a violation of this policy and a violation of the USDOT regulation 49 CFR Part 40, as amended.

Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all covered employees be tested for marijuana, cocaine, amphetamines (including methamphetamine and ecstasy), opioids (including codeine, morphine, heroin, hydrocodone, hydromorphone, oxycodone, oxymorphone), and phencyclidine. Illegal use of these drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty. Employees covered under Gainesville/Hall Area Transit authority will also be tested for these substances.

Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited. A random, reasonable suspicion, or follow-up alcohol test can only be performed on a covered employee under 49 CFR Part 655 just before, during, or just after the performance of safety-sensitive job functions.

## 5. Prescription and Over the Counter Medications

A legally prescribed drug means that an individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment.

The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. Any drug or substance, whether prescribed or not, that contains any amount of alcohol may not be consumed while performing City work unless approved prior to beginning work by the department director or designee. It is, however, the employee's responsibility to inform his/her physician of the assigned job duties and determine from the physician, or other health care professional, whether or not a prescribed drug may impair the employee's job performance or mental or motor function. It is the responsibility of the employee to remove himself/herself from service if he/she is unfit for duty.

Employees are required to report the use of medically authorized drugs or other substances that may create a direct threat by impairing job performance of safety-sensitive functions to his/her

supervisor and provide proper written medical authorization to work from a physician. Failure to report the use of such drugs or failure to provide proper evidence of medical authorization may result in disciplinary action.

## 6. Prohibited Conduct

1) Illegal use of the drugs listed in this policy and as defined in 49 CFR Part 40, as amended is prohibited at all times. All covered employees are prohibited from reporting for duty or remaining on duty if they have used a prohibited drug as defined in 49 CFR Part 40, as amended.

2) Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline for not fulfilling his/her on-call responsibilities.

3) The Gainesville/Hall Area Transit shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol.

4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater regardless of when the alcohol was consumed.

5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.

6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

7) Gainesville/Hall Area Transit, under its own authority, also prohibits the consumption of alcohol at all times the employee is on duty, or anytime the employee is in uniform.

8) Consistent with the Drug-free Workplace Act of 1988, all Gainesville/Hall Area Transit employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including transit system premises and transit vehicles.

## 7. Employee Protections

The procedures that will be used to test for the presence of prohibited substances or misuse of alcohol shall be such that they protect the employee's privacy, the validity of the testing process and the confidentiality of the test results.

All urine drug testing and breath alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended. All urine specimen collections, analysis and reporting of results shall to be in accordance with 49 CFR Part 40, as amended.

Drug and alcohol testing shall be conducted in a manner that will ensure the highest degree of accuracy and reliability using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (HHS). A drug test can be performed any time a covered employee is on duty. A random, reasonable suspicion, or follow-up alcohol test may only be performed just before, during, or just after the performance of a safety-sensitive job function.

All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment with Gainesville/Hall Area Transit. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and terminated.

Alcohol initial screening tests will be conducted using a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing Device (EBT) or non-evidential alcohol screening device that has been approved by NHTSA. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. Confirmatory tests for alcohol concentration will be conducted utilizing a NHTSA approved EBT. The confirmatory test will be conducted at least fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained Breath Alcohol Technician (BAT). The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.

After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Chain of Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) or Liquid Chromatography/Mass Spectrometry (LC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS or LC/MS test are at or above the minimum thresholds established in 49 CFR Part 40, as amended.

The test results from the HHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to Gainesville/Hall Area Transit. If a legitimate explanation is found, the MRO will report the test result.

If the test is invalid without a medical explanation, a retest will be conducted under direct observation.

Except as required by law or expressly authorized in this section, Gainesville/Hall Area Transit shall not release employee information that is contained in records maintained per 49 CFR Section 655.73, as amended.

**8. Employee Responsibility to Notify for Drug and/or Alcohol Related Arrest**

Any employee who is arrested for a drug and/or alcohol related offense must notify his/her

department director of the arrest before the end of his/her next shift. The City will make a determination at that time whether the arrest causes temporary or permanent disqualification from remaining in the current position or constitutes grounds for disciplinary action.

**9. Employee Training**

Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.

All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

**10. Pre-employment Drug and Alcohol Background Checks**

In compliance with 49 CFR Part 40.25, Gainesville/Hall Area Transit must make a good faith effort to obtain drug and alcohol testing records from prior DOT covered employer(s) for the previous two years for all applicants seeking safety-sensitive positions and all current employees transferring into a safety-sensitive position. Gainesville/Hall Area Transit will require each applicant/transferee to a safety-sensitive position to complete a written consent that allows the release of drug and alcohol testing information from previous DOT covered employers to Gainesville/Hall Area Transit in the previous two years. An applicant/transferee who refuses to provide written consent will not be permitted to perform safety-sensitive functions for Gainesville/Hall Area Transit.

All safety-sensitive applicants who have previously failed a DOT pre-employment test must provide proof that they have completed a Substance Abuse Professional's evaluation, treatment and return to duty process in addition to a pre-employment drug test with negative results, prior to their employment into a safety-sensitive job function. The credentials, training and education of the Substance Abuse Professional must meet the requirements of 49 CFR Part 40 Subpart O.

**11. Pre-Employment Testing**

All safety-sensitive position applicants shall undergo a urine drug test prior to placement in a safety-sensitive position. All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. Gainesville/Hall Area Transit must be in receipt of a verified negative urine drug test result prior to the applicant's performance of any safety-sensitive function. Any employee transferring from a non-safety-sensitive position shall also be required to undergo pre-employment drug testing and Gainesville/Hall Area Transit must be in receipt of a verified negative urine drug test result prior to the transferee's performance of any safety-sensitive function. A cancelled test result will require an applicant to undergo a subsequent pre-employment urine drug test, until a negative test result can be obtained.

If an applicant's pre-employment urine drug test result is verified as **positive**, the conditional offer of employment will be rescinded. The applicant may reapply after one year.

An employee who had not performed a safety-sensitive function for a period of 90 consecutive days or more, and whose name was removed from the random testing selection pool during that time, will be subject to a pre-employment urine drug test. Gainesville/Hall Area Transit must be in receipt of a negative drug test result prior to the employee being reinstated to safety-sensitive duty.

All applicants/transferees are required to provide a written release allowing Gainesville/Hall Area Transit to request from prior USDOT-regulated employers information regarding the applicant's drug and alcohol testing results over the previous two years. Failure to do so will result in the employment offer being rescinded. If the applicant has tested positive or refused to test on a pre-employment test for a DOT covered employer, the applicant must provide Gainesville/Hall Area Transit proof of having successfully completed a referral evaluation and treatment plan as described in Section 655.62 of subpart G.

**12. Random Testing**

Employees in safety-sensitive positions shall be subject to random, unannounced testing. The minimum annual percentage rate for random alcohol testing shall meet the requirements as defined in 49 CFR Part 655, as amended.

The administering of random testing shall be spread reasonably throughout the calendar year and throughout all times of day when safety-sensitive functions are performed. Each covered employee who is notified of selection for random alcohol or drug testing shall immediately proceed to the testing site.

Random alcohol testing may only be conducted while an employee is performing a safety-sensitive function or just before the employee is to perform a safety-sensitive function or just after the employee has performed a safety-sensitive function.

Random urine drug testing may be conducted anytime while an employee is on duty or on call to perform safety-sensitive functions.

The selection of employees for random alcohol and drug testing shall be made by a scientifically valid method. The selection process shall provide each covered employee an equal chance of being tested each time selections are made. A computer based random number generator that is fair and equitable for the covered employees shall derive the list.

**13. Reasonable Suspicion Testing**

All Gainesville/Hall Area Transit covered employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test may only be conducted just before, during, or just after the performance of a safety-sensitive job function. A reasonable suspicion drug test can be performed any time the covered employee is on duty. Non-DOT reasonable suspicion testing can be performed at any time the employee is on duty.

Gainesville/Hall Area Transit shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall be terminated.

A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation. This written record shall be submitted to the Drug and Alcohol Program Manager of Gainesville/Hall Area Transit.

## 14. Post-Accident Testing

**Fatal Accident**: A safety-sensitive employee shall be required to undergo urine drug and breath alcohol testing if involved in an accident that results in a fatality (regardless of whether the vehicle is in revenue service). As soon as practical following an accident involving the loss of human life, surviving covered employees shall undergo drug and breath alcohol testing. Any other employee(s), i.e., maintenance personnel, dispatchers, controllers, whose performance could have contributed to the accident, shall also be tested.

**Non-Fatal Accident**: A post-accident test of the operator shall be conducted if an accident results in injuries requiring immediate medical treatment away from the scene, *OR* if one or more vehicles incurs disabling damage that requires towing from a site; unless Gainesville/Hall Area Transit determines, using the best information available at the time of the decision, that the employee's performance can be completely discounted as a contributing factor to the accident. Any other safety-sensitive employee whose performance could have contributed to the accident shall be tested. The decision regarding whether the employee's performance could have contributed to the accident will be made in the sole discretion of Gainesville/Hall Area Transit using the best information available at the time of the decision.

Following an accident, the employee must be "readily available" for testing. Post accident tests will be done as soon as possible, all reasonable efforts shall be made to test the safety-sensitive employee(s) within (2) two hours of the accident. If a post-accident alcohol test has not been performed within two hours of the accident, Gainesville/Hall Area Transit must prepare and maintain on file, a record stating the reason for the delay. A post-accident test may not be performed after eight (8) hours for alcohol testing and thirty two (32) hours for drug testing. If a drug or alcohol test required by this section is not administered within the required time period following the accident, Gainesville/Hall Area Transit shall prepare and maintain on file, a record stating the reasons the testing was not promptly administered and efforts to conduct testing shall cease.

Any safety-sensitive employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until the employee undergoes a post-accident alcohol test. Any safety-sensitive employee, who leaves the scene of the accident without a justifiable reason or explanation prior to submitting to drug and alcohol testing, shall be considered to have refused the test.

The post-accident testing requirements shall not delay necessary medical attention for injured persons, nor will they prohibit an employee who was performing a safety-sensitive function from leaving the scene of an accident to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

In the rare event that an employee is unable to submit to a post-accident test within the required time period (i.e., 8 hours for alcohol and 32 hours for drugs) due to circumstances beyond the control of Gainesville/Hall Area Transit, the results of a blood, urine or breath alcohol test conducted by a federal, state or local official having independent authority for the test, will be considered to meet the requirements for a post-accident test. The test must conform to the applicable federal, state, or local testing requirements and the results must be obtained by Gainesville/Hall Area Transit. (Per 49 CFR Part 655.44)

## 15. Return-to-Duty Testing

Gainesville/Hall Area Transit will terminate the employment of any employee that tests positive or refuses a test. However, in the rare event an employee is reinstated with court order or other action beyond the control of the transit system, the employee must complete the return-to-duty process prior to the performance of safety-sensitive functions. All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no undue concerns for public safety. The SAP will determine if the Return-To-Duty test will be a drug test, alcohol test, or both.

## 16. Follow-up Testing

Covered employees that have returned to duty following a positive or refused test will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty test. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing. All follow-up testing will be conducted in accordance with 49 CFR Part 655 and Part 40.

## 17. Refusal to Submit to Urine Drug Testing

All safety-sensitive employees will be subject to urine drug testing and breath alcohol testing as described in sections 10-16. Refusal to submit to DOT required testing is a violation of this substance abuse policy.

Per Gainesville/Hall Area Transit authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.

The following actions constitute a "refusal to test" in accordance with 49 CFR Part 40, as amended:

(1) Fail to appear for any test within a reasonable time (except a pre-employment test), as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer.
(2) Fail to remain at the testing site until the testing process is completed. Anyone who leaves the testing site before the test commences for a Pre-Employment test has not refused the test.
(3) Fail to provide a urine specimen for any drug test required by this part or DOT agency regulations. An employee who does not provide a urine specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
(4) In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of your provision of a specimen.
(5) Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
(6) Fail or decline to take an additional test the employer or collector has directed you to take.
(7) Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by Gainesville/Hall Area Transit.
(8) Fail to cooperate with any part of the testing process.
(9) For an observed collection, fail to follow the observer's instructions to raise your clothing above

the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
(10) Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
(11) Admit to the collector or MRO that you adulterated or substituted the specimen.
(12) If the MRO reports that there is a verified adulterated or substituted test result.
(13) A covered employee who leaves the scene of an accident without a legitimate explanation prior to submission to drug/alcohol tests.

Refusals to test will result in employee's immediate removal from safety-sensitive duties and a referral to a Substance Abuse Professional that has knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders, and who meets the qualifications outlined in 49 CFR Part 40.281 Subpart O.

## 18. Observed Urine Drug Collections

Observed collections are required in the following circumstances:

- Anytime the employee is directed to provide another specimen because the temperature on the original specimen was out of the accepted temperature range of 90°F - 100°F;
- Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with;
- Anytime a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
- Anytime the employee is directed to provide another specimen because the laboratory reported to the MRO that the original specimen was invalid and the MRO determined that there was not an adequate medical explanation for the result;
- Anytime the employee is directed to provide another specimen because the MRO determined that the original specimen was positive, adulterated or substituted, but had to be cancelled because the test of the split specimen could not be performed.
- The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen as negative-dilute and that a second collection must take place under direct observation.
- All follow-up tests;
- All return-to-duty tests.

During an observed collection, the employee who is being observed will be required to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show the collector, by turning around, that they do not have a prosthetic device. The collector/observer, a person of the same gender, must witness the employee's urine leave the body and enter the collection cup.

## 19. Specimen Validity Testing

Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. Specimen validity testing is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

**20. Dilute Test Results**

Upon receipt of **negative-dilute** pre-employment and random drug test results, Gainesville/Hall Area Transit will exercise the right to require that applicants/employees submit to a secondary urine collection as provided in 49 CFR Part 40.197. The result of the second urine drug test will be accepted as the final result. Gainesville/Hall Area Transit will exercise this right uniformly for all pre-employment and random tests that produce a negative-dilute test result.

Upon receipt of a **positive-dilute** urine drug test result, Gainesville/Hall Area Transit will immediately remove the employee from safety-sensitive duty and provide the employee with a referral to a DOT qualified Substance Abuse Professional. A positive dilute result is always deemed as a final positive result.

Per Gainesville/Hall Area Transit authority, violation of this substance abuse policy will result in termination of employment.

**21. Medical Review Officer's Role and Responsibilities**

The designated Medical Review Officer (MRO) shall be a licensed physician (doctor of medicine or osteopathy) with knowledge of drug disorders and USDOT Substance Abuse Testing Regulations, 49 CFR Part 40. Gainesville/Hall Area Transit shall use the following MRO:

**David L. Hocker, M.D., M.R.O.**
**1990 Limestone Circle #100**
**Gainesville, Georgia 30501**
**Phone: 770.536.1004 Fax: 770.536.0905**

Additionally, the MRO cannot accept an assertion of consumption of a hemp food product as a basis for verifying a confirmed marijuana (THC) test result as a negative. Consumption of a hemp food product is not to be considered a legitimate medical explanation for a prohibited substance or metabolite in an individual's specimen.

An employee shall be notified by the MRO of a laboratory confirmed positive test and a verification interview will be conducted with the employee, by the MRO in accordance with 49 CFR Parts 40.131, through 40.141

**22. Verified Positive Results**

Any covered employee that has an MRO-verified positive drug or alcohol test or test refusal will result in immediate removal from safety-sensitive duties, informed of educational and rehabilitation programs available, and a referral to a list of at least two (2) USDOT qualified Substance Abuse Professionals (SAPs) for assessment and will be terminated. Per Gainesville/Hall Area Transit authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.

**23. Cancelled/Invalid Test Results**

A drug test that has been declared cancelled by the Medical Review Officer, because the specimen was invalid or for other reasons, shall be considered neither positive nor negative. Additionally, a specimen that has been rejected for testing by the laboratory is reported by the MRO as a cancelled test.

When a negative urine drug test result is required (as is the case with pre-employment, return to duty and follow up test types) the employer must conduct another drug test on the individual. For some categories of cancelled drug tests, the MRO will indicate that a re-collection of a specimen using direct observation specimen collection procedures is required, regardless of test type. Direct observation collection procedures will be in accordance with 49 CFR Part 40.67 as amended. The

MRO may also direct an employee to undergo a medical evaluation to determine whether or not clinical evidence of drug use exists when there are documented medical explanations for an individual producing invalid specimens and a negative result is needed for a pre-employment, return to duty or follow-up test.

For alcohol testing, a test that is deemed to be invalid per 49 CFR Part 40.267, shall be cancelled and therefore considered neither positive nor negative.

**24. Split Specimen Testing**

Split specimen collection procedures will be followed in obtaining specimens. An employee is entitled to request, within 72 hours of learning of a verified positive test result, that the split specimen be tested at a different HHS certified laboratory than that which conducted the test of the primary specimen. If the test result of the split specimen fails to reconfirm the presence of the drug or drug metabolite, the test result shall be ruled "Cancelled". The procedures for cancelled tests, as outlined in 49 CFR Part 40.187, will be followed. If the test result of the split specimen is positive, the test results shall be deemed positive. If the laboratory's test of the primary specimen is positive, adulterated or substituted and the split specimen is unavailable for testing, a recollection under direct observation is required. Direct observation collection procedures will be in accordance with 49 CFR Part 40 as amended.

Split Specimen Testing is not authorized for test results reported by the MRO as "Invalid".

**Payment of Split Specimen Testing:**

When an employee has made a request to the MRO for a test of the split specimen, Gainesville/Hall Area Transit is required to ensure that the cost for the split specimen testing is covered, in order for a timely analysis of the sample. Gainesville/Hall Area Transit will seek reimbursement from the employee for the cost of the completed test, if the results reconfirm the original positive finding.

**25. Alcohol**

Alcohol is a socially acceptable substance that is consumed throughout the world. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant it slows down physical functions and progressively impairs mental functions.

For the purposes of this policy, alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol. Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication containing alcohol. 49 CFR Part 655 authorizes alcohol testing and requires Gainesville/Hall Area Transit to take action on the findings, regardless of whether it was ingested as a beverage alcohol or in a medicinal or other preparation.

**26. Alcohol Use and Breath Alcohol Testing**

No safety-sensitive employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater. If there is actual knowledge that an employee may be impaired by alcohol while performing safety-sensitive functions, the employee shall not be permitted to perform or continue to perform safety-sensitive functions, pending a reasonable suspicion interview, conducted per Section 13 of this policy. No safety-sensitive employee shall use alcohol while performing safety-sensitive functions, within (4) four hours prior to performing a safety-sensitive function, or during the hours that they are on call or standby for duty. No safety-sensitive employee shall use alcohol within eight (8) hours following an accident or until the employee undergoes a post-accident test, whichever occurs first.

Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). Alcohol screening tests may be performed using a non-evidential testing device which is also approved by NHSTA. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted at least fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended.

In accordance with the provisions of 49 CFR Part 40, as amended, the results of both the screening and confirmation of breath alcohol tests, as applicable, shall be displayed to the individual being tested immediately following the test(s).

The results of breath alcohol testing will be transmitted by the breath alcohol technician to Gainesville/Hall Area Transit in a confidential manner, in writing, in person, by telephone or electronic means in accordance with 49 CFR Part 40, as amended. All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40, as amended.

Gainesville/Hall Area Transit affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.

Handling of tests and confidentially shall be in conformance with 49 CFR Part 40 as amended, and as described below:

If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test (no sooner than 15 minutes). A safety-sensitive employee who has a confirmed alcohol concentration of equal to or greater than 0.02 but less than 0.04 will result in removal from his/her position for (8) eight hours unless a retest results in a concentration measure of less an 0.02. Any employee with a confirmed alcohol level of at least .02 but less than .04 will be removed from duty and subject to disciplinary action, up to and including termination.

An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. An employee testing positive for alcohol will be immediately removed from safety-sensitive duty and will be provided with a referral to a DOT qualified Substance Abuse Professional, in accordance with 49 CFR Part 40, as amended.

Per Gainesville/Hall Area Transit authority, violation of this substance abuse policy will result in termination of employment.

**27. Refusal to Submit to Alcohol Testing**

The following actions constitute a refusal to submit to Alcohol Testing:

(1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer;

(2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test;
(3) Fail to provide an adequate amount of saliva or breath for any alcohol test required by this part or DOT agency regulations. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test;
(4) Fail to provide a sufficient breath specimen, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
(5) Fail to sign the certification at Step 2 of the Alcohol Testing Form (ATF); or
(6) Fail to cooperate with any part of the testing process;
(7) Leaving the scene of an accident without a legitimate explanation prior to submission to an alcohol test.

An employee who provides an insufficient breath sample, must be evaluated by a physician acceptable to the employer. The evaluation must take place within 5 days of the initial attempt.

Following a positive or refused alcohol test, a referral to a Substance Abuse Professional that has knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders, and who meets the qualifications outlined in 49 CFR Part 40.281 Subpart O will be provided.

## 28. Policy Violations

Per Gainesville/Hall Area Transit authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.

## 29. Grievance and Appeal

The consequences specified by 49 CFR Part 40.149 (c) for a positive test or test refusal is not subject to arbitration.

## 30. Proper Application of the Policy

Gainesville/Hall Area Transit is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

## 31. Information Disclosure

1) Drug/alcohol testing records shall be maintained by the Gainesville/Hall Area Transit Drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.

2) The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP follow-up testing plans.

3) Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager and Department Director on a need to know basis.

4) Records will be released to a subsequent employer only upon receipt of a written request from the employee.

5) Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding.

6) Records will be released to the National Transportation Safety Board during an accident investigation.

7) Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.

8) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.

9) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over Gainesville/Hall Area Transit or the employee.

10) If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended necessary legal steps to contest the issuance of the order will be taken

11) In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

## 32. System Contacts

**Drug and Alcohol Program Manager or Designated Employer Representative**
Janeann Allison, Director of Human Resources
300 Henry Ward Way, Gainesville, GA 30501
770.535.6887
jallison@gainesvillega.gov

**Alternate**
April Trammell, Human Resources Administrative Specialist
300 Henry Ward Way, Gainesville, GA 30501
770.535.6887
atrammell@gainesvillega.gov

**Substance Abuse Professionals**
Cheran Bodry-Stone, LCSW, CE, TP, SAP
1435 Oglethorpe Ave., Athens, GA 30606

706-549-7755
Christa S. Harris, Director
FVIP, CAMS, CADC-II, ICADC, SAP, DUI Instructor
Georgia Life Center
3235 Satellite Boulevard, Building 400, Suite 300, Duluth, GA 30096
470-395-1397

Robert A. Haynes, SAP
AA Academy of Action Driving School, Inc.
216 Atlanta Road, Suite E, Cumming, GA 30041
770-889-1023

**National Hot-Line Numbers and Help Lines:**

1-800-COCAINE

| | |
|---|---|
| The American Council on Alcoholism Help Line | 1-800-527-5344 |
| The National Institute on Drug Abuse Hot Line | 1-800-662 HELP |
| Alcoholics Anonymous | 1-212-686-1100 |

**Attachment A**

| Job Title | Job Duties | Testing Authority |
|---|---|---|
| Mechanic | Service/Repair Revenue Vehicles | DOT/FTA |
| Shop Foreman/Lead Mechanic | Supervises mechanics, performs difficult skilled work in repair of vehicles | DOT/FTA |
| Transit Administrative Coordinator | Supervises dispatchers May fill in for other safety-sensitive employees | DOT/FTA |
| Transit Operations Coordinator | Oversees the operations of the transit Service. May fill in for other safety-sensitive employees | DOT/FTA |
| Trans. Dispatcher/Vehicle Operator | Dispatching duties and driving | DOT/FTA |
| Vehicle Operator | Drive CDL Revenue Service Vehicles | DOT/FTA |
| Vehicle Operator Trainer | Coordinates employee training | DOT/FTA |

## Attachment B

DEFINITIONS

Accident: An occurrence associated with the operation of a vehicle even when not in revenue service, if as a result:

a. An individual dies;
b. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
c. One or more vehicles incur disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, disabling damage means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn or windshield wipers that makes them inoperative.

Adulterated specimen: A specimen that has been altered, as evidence by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

Alcohol Concentration: Expressed in terms of grams of alcohol per 210 liters of breath indicated by a breath test under 49 CFR Part 40.

Aliquot: A fractional part of a specimen used for testing. It is taken as a sample representing the whole specimen.

Cancelled Test: A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which is cancelled. A cancelled test is neither positive nor negative.

Confirmatory Drug Test: A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or metabolite.

Confirmatory Validity Test: A second test performed on a different aliquot of the original urine specimen to further support a validity test result.

Covered Employee under Company Authority: An employee, applicant or transferee who will not perform a safety-sensitive function, as defined by FTA regulations, but is included in this policy under company authority.

Covered Employee under FTA Authority: An employee who performs a safety-sensitive function, including an applicant or transferee who is being considered for hire into a safety-sensitive function. (See Attachment A for a list of Covered Employees.)

Designated Employer Representative (DER): An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655 as amended.

Department of Transportation (DOT): For the purposes of Drug and Alcohol regulatory oversight, DOT is the department of the federal government which includes the, Federal Transit Administration, Federal Railroad Administration, Federal Aviation Administration, Federal Motor Carriers' Safety Administration, Pipeline & Hazardous Materials Safety Administration, National Highway Traffic Safety Administration, United States Coast Guard, Office of the Secretary of Transportation, and any designee of a DOT Agency.

Dilute Specimen: A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

Disabling Damage: Damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

Evidentiary Breath Testing Device (EBT): A Device for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations. Approved devices are listed on the Office of Drug and Alcohol Policy and Compliance website.

Initial Drug Test: (Screening Drug Test) The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Initial Specimen Validity Test: The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid

Invalid Result: The result reported by an HHS-certified laboratory in accordance with the criteria established by the HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

Laboratory: Any U.S. laboratory certified by HHS under the National Laboratory Certification program as meeting standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

Limit of Detection (LOD): The lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.

Limit of Quantitation: For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.

Medical Review Officer (MRO): A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

Negative Dilute: A drug test result which is negative for the five drug/drug metabolites but has creatinine and specific gravity values that are lower than expected for human urine.

Negative Result: The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and

the specimen is a valid specimen.

Non-negative Test Result: A urine specimen that is reported as adulterated, substituted, invalid, or positive for drug/drug metabolites.

Oxidizing Adulterant: A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or metabolites, or affects the reagents in either the initial or confirmatory drug test.

Performing (a safety-sensitive function): A covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Positive Result: The result reported by an HHS-Certified laboratory when a specimen contains a drug or drug metabolite equal or greater to the cutoff concentrations.

Prohibited Drug: Identified as marijuana, cocaine, opioids, amphetamines, or phencyclidine as specified in 49 CFR Part 40, as amended.

Reconfirmed: The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.

Rejected for Testing: The result reported by an HHS- Certified laboratory when no tests are performed for specimen because of a fatal flaw or a correctable flaw that has not been corrected.

Revenue Service Vehicles: All transit vehicles that are used for passenger transportation service or that require a CDL to operate. Includes all ancillary vehicles used in support of the transit system.

Safety-sensitive functions: Employee duties identified as:
(1) The operation of a transit revenue service vehicle even when the vehicle is not in revenue service.
(2) The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers License (CDL).
(3) Maintaining a revenue service vehicle or equipment used in revenue service.
(4) Controlling the movement of a revenue service vehicle and
(5) Carrying a firearm for security purposes.

Split Specimen Collection: A collection in which the urine collected is divided into two separate bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

Substance Abuse Professional (SAP): A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist, or drug and alcohol counselor certified by an organization listed at https://www.transportation.gov/odapc/sap) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Substituted Specimen: A urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

Test Refusal: The following are considered a refusal to test if the employee:
(1) Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, after being directed to do so by the employer;
(2) Fails to remain at the testing site until the testing process is complete. An employee who leaves the

testing site before the testing process commences for a pre-employment test has not refused to test.;

(3) Fails to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test;

(4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen;

(5) Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;

(6) Fails or declines to take a second test the employer or collector has directed you to take;

(7) Fails to undergo a medical examination or evaluation, as directed by the MRO, or as directed by the DER;

(8) Fails to cooperate with any part of the testing process;

(9) If the MRO reports that there is verified adulterated or substituted test result;

(10) Failure or refusal to sign Step 2 of the alcohol testing form;

(11) Failure to follow the observer's instructions during an observed collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process;

(12) Possess or wear a prosthetic or other device that could be used to interfere with the collection Process; or

(13) Admit to the collector or MRO that you adulterated or substituted the specimen.

(14) Fail to remain readily available following an accident.

Vehicle: A bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A public transit vehicle is a vehicle used for public transportation or for ancillary services.

Verified Negative Test: A drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use at or above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

Verified Positive Test: A drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use at or above the minimum cutoff levels specified in 49 CFR Part 40 as amended.

Validity Testing: The evaluation of the specimen to determine if it is consistent with normal human urine. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

**Employee Acknowledgement of Receipt**
**Of Gainesville/Hall Area Transit Drug and Alcohol Policy**
*Zero Tolerance*

I have received a legible copy of Gainesville/Hall Area Transit Drug and Alcohol Policy. I understand that my employment is conditioned upon full adherence to this policy.

**Employee Name:** _____

**Employee Signature:** _____

**Date:** _____

**Supervisor Name:** _____

**Supervisor Signature:** _____

**Date:** _____

# CITY OF GAINESVILLE

## WORKSESSIONREQUEST

**Date Submitted**: 7/6/2021

**Presenter**: Nick Swafford

**Item of Business**: Resolution: Williams Brothers Development Annexation Waiver

**Meeting Date**: 7/15/2021

**Purpose of Request**:
Williams Brothers Development, LLC, has formally requested the annexation requirement for sanitary sewer service be waived for a proposed residential development located on five tracts with the following addresses: 2256 and 2288 White Sulphur Road and 2311, 2312 and 2350 Waters 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?**
N/A

**Amount Requested**:

**Source of Funds**:

**Finance Comments**:

**Administrative Comments:**

ATTACHMENTS:

| Description | Type |
|---|---|
| Williams Brothers Development Annexation Waiver | Resolution |
| Location Map | Backup Material |
| Annexation Waiver Request | Backup Material |

**RESOLUTION BR-2021 - ___**

**WILLIAMS BROTHERS 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, Williams Brothers Development, LLC, proposes a residential development encompassing the properties located at 2256 and 2288 White Sulphur Road and 2311, 2312 and 2350 Waters 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.

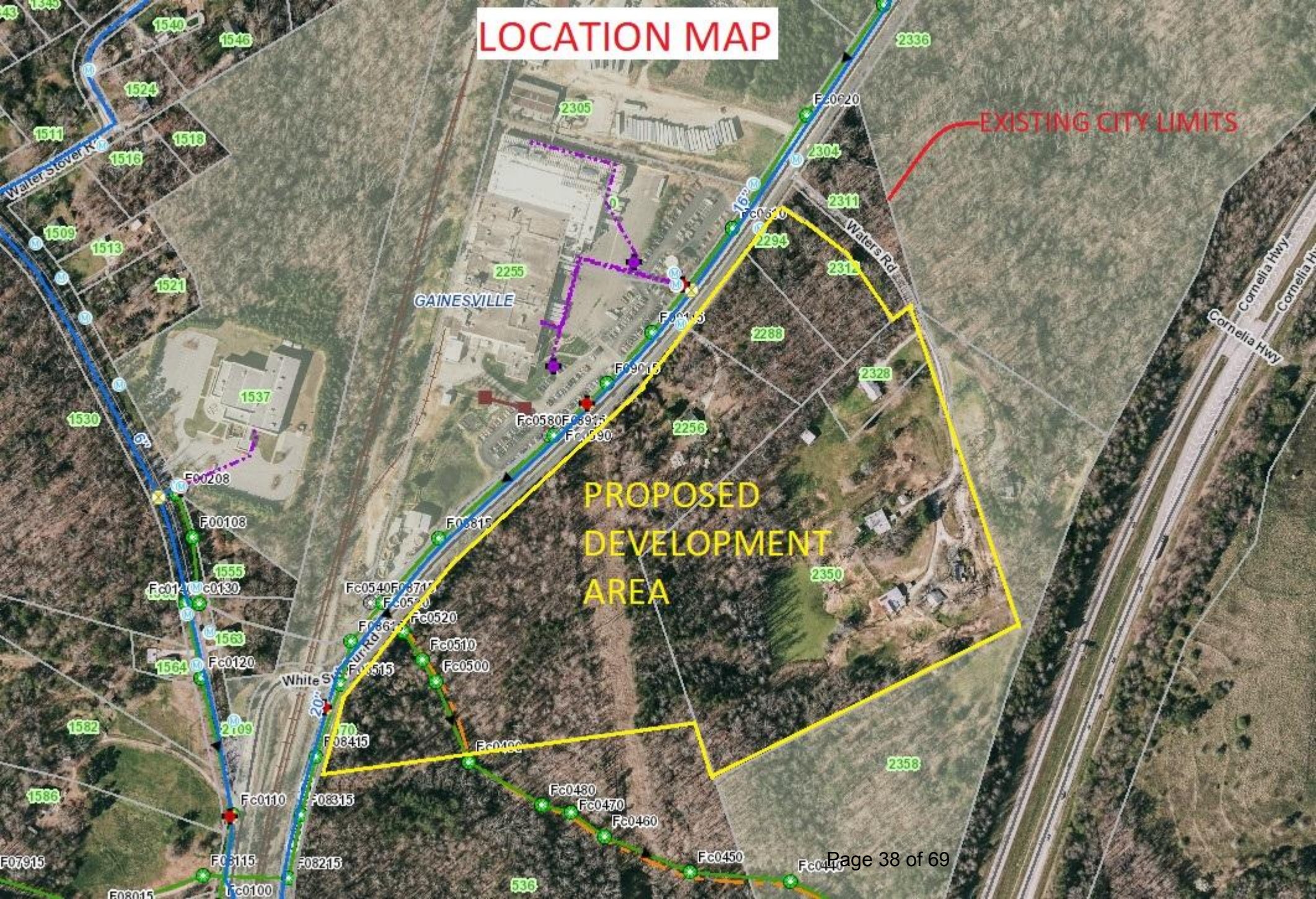
**Adopted this _____ day of _____, 2021.**

**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
EXISTING CITY LIMITS
PROPOSED DEVELOPMENT AREA
GAINESVILLE
Waters Rd
Cornelia Hwy
Walters Stover Rd
White Sulphur Rd
1540
1546
1524
1511
1516
1518
1509
1513
1521
1537
1530
1555
1563
1564
1582
1586
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To Whom it May Concern,

This letter is to request access to the City of Gainesville Water and Sewer for a proposed development along White Sulphur Road in Hall County. The property will be a consolidation of 5 lots, addresses are 2256 White Sulphur Road, 2288 White Sulphur Rd, 2311 Waters Rd, 2312 Waters Rd, and 2350 Waters Rd. Please see plats and Hall County GIS sewer map.

The applicant has spoken to Matt Tate and Nick Swafford at City of Gainesville for consideration to access water and sewer while foregoing annexation into the Gainesville city limits.

Sewer access is currently at the property, along White Sulphur Road.

Thank you,

Cameron Grogan
Williams Brothers Development, LLC
cgrogan@williamsbrothersdev.com
404-548-7128

# CITY OF GAINESVILLE

## WORKSESSIONREQUEST

**Date Submitted**: 7/6/2021

**Presenter**: Lisa Poole

**Item of Business**: Resolution: Authorization to Accept Georgia Department of Transportation Contract for Coronavirus Response and Relief Supplemental Appropriation Act Funding

**Meeting Date**: 7/15/2021

**Purpose of Request**:
To approve and sign contract for CRRSA Act Funding.

**History/Background**:
The Coronavirus Response and Relief Supplemental Appropriation (CRRSA) Act was signed into law December 27, 2020 to be awarded as economic relief to eligible U.S. airports to prevent, prepare, and respond to the coronavirus disease 2019 pandemic.

**Facts & Issues for Consideration**:
The Georgia Department of Transportation provides reimbursement for the noted costs and expenses up to a maximum amount of $23,000.

**Department Recommendation**:
Approval of the resolution.

**Department Director**:
Chris Rotalsky

**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 |
|---|---|
| Authorization to Accept GDOT Contract for CRRSA Act Funding | Resolution |
| Exhibit A | Attachments/Exhibits |

**RESOLUTION BR-2021 - ___**

**Authorization to Accept Georgia Department of Transportation Contract for Coronavirus Response and Relief Supplemental Appropriation Act Funding**

**WHEREAS,** the Coronavirus Response and Relief Supplemental Appropriation (CRRSA) Act (Public Law 116-260) (PDF), signed into law on December 27, 2020, includes nearly $2 billion in funds to be awarded as economic relief to eligible U.S. airports and eligible concessions at those airports to prevent, prepare for, and respond to the coronavirus disease 2019 (COVID-19) pandemic; and

**WHEREAS,** the City of Gainesville has applied through the Georgia Department of Transportation (GDOT) to receive its CRRSA Act formula allocation of funding through the submission of a CRRSA Act Application; and

**WHEREAS,** through the submission of this application, has accepted the terms of the FAA's allocation offer to utilize its funding in a manner that fully complies with the CRRSA Act, other federal laws and regulations, and applicable FAA program requirements; and

**WHEREAS,** the City of Gainesville desires to request reimbursement for costs and operating expenses at the Lee Gilmer Memorial Airport by submitting reasonable and customary documentation for payroll, operational, and debt service costs as shown on Exhibit A; and

**WHEREAS,** the City of Gainesville will receive a contract from the GDOT, contract AP022-90CR-36(139) HALL, to provide reimbursement for the above noted costs and expenses up to a maximum amount of $23,000.00 of which $23,000.00 will be federal funds, $0.00 will be State funds, requiring a local match of $0.00.

**NOW, THEREFORE, BE IT RESOLVED THAT** the governing body for the City of Gainesville hereby authorizes the Mayor, City Manager, and City Attorney to execute such documents that may be necessary to fulfill this request for federal assistance and accept a contract from the GDOT to include federal funds.

**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**

**LEE GILMER MEMORIAL AIRPORT**
**GAINESVILLE, GEORGIA**

**EXHIBIT A**

**AIRPORT OPERATING EXPENSES - BUDGET**

**T007664 AP022-90CR-36(139) HALL**

| ITEM | EXPENSE | UNIT COST | ESTIMATED TOTAL COST/EXPENSE | FEDERAL PARTICIPATION % | FEDERAL FUNDS |
|---|---|---|---|---|---|
| **Federal Funds FY21 - SBGP-040-2021** | | | | | |
| 1 | UTILITIES | $1.00 | $0.00 | 100% | $0.00 |
| 2 | INSURANCE | $1.00 | $0.00 | 100% | $0.00 |
| 3 | GROUNDS REPAIRS & MAINTENANCE | $1.00 | $600.00 | 100% | $600.00 |
| 4 | VEHICLE/EQUIPMENT REPAIRS & MAINTENANCE | $1.00 | $22,400.00 | 100% | $22,400.00 |
| 5 | BUILDING REPAIRS & MAINTENANCE | $1.00 | $0.00 | 100% | $0.00 |
| 6 | COMPUTER/SOFTWARE MAINTENANCE | $1.00 | $0.00 | 100% | $0.00 |
| 7 | SUPPLIES/INVENTORY/MATERIALS | $1.00 | $0.00 | 100% | $0.00 |
| 8 | VEHICLE/EQUIPMENT RENTAL | $1.00 | $0.00 | 100% | $0.00 |
| 9 | AUTO FUEL | $1.00 | $0.00 | 100% | $0.00 |
| 10 | EMPLOYEE SALARY - FT/PT/OT | $1.00 | $0.00 | 100% | $0.00 |
| 11 | EMPLOYEE BENEFITS | $1.00 | $0.00 | 100% | $0.00 |
| 12 | TRAINING/EDUCATION | $1.00 | $0.00 | 100% | $0.00 |
| 13 | COMMUNICATIONS | $1.00 | $0.00 | 100% | $0.00 |
| 14 | TRAVEL | $1.00 | $0.00 | 100% | $0.00 |
| 15 | ACCOUNTING | $1.00 | $0.00 | 100% | $0.00 |
| 16 | LEGAL SERVICES | $1.00 | $0.00 | 100% | $0.00 |
| 17 | AVIATION FUEL | $1.00 | $0.00 | 100% | $0.00 |
| 18 | DUES/FEES/SUBSCRIPTIONS | $1.00 | $0.00 | 100% | $0.00 |
| 19 | LICENSES/CERTIFICATIONS | $1.00 | $0.00 | 100% | $0.00 |
| 20 | OTHER ELIGIBLE EXPENSES | $1.00 | $0.00 | 100% | $0.00 |
| | | | **TOTAL PROJECT** | | **$23,000.00** |

| FAA Federal Grant and FAIN # | Award Date | Amount | Fund Source |
|---|---|---|---|
| **3-13-SBGP-040-2021** | **5/22/2020** | **$23,000.00** | **22159** |
| **Total Maximum Obligation of Federal Funds this Contract:** | | **$23,000.00** | |

# CITY OF GAINESVILLE

## WORKSESSIONREQUEST

**Date Submitted**: 7/2/2021

**Presenter**: Abb Hayes

**Item of Business**: **Public Hearing Item: July 20, 2021 Council Meeting**
Request from **Parth S. Patel** for a special use on a 1.41± acres tract located on the northwest side of the intersection of Dawsonville Highway and Ahaluna Drive, having road frontage on the southside of Skyview Drive (a/k/a **1310 Dawsonville Highway, Suite B**), having a zoning of General Business (G-B). **Ward Number: One.** Tax Parcel Number(s): 01-115-004-009. **Request: Retail sales of alternative nicotine products.**

**Meeting Date**: 7/15/2021

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**Purpose of Request**:
To provide an overview of the following zoning request as presented at the June 8, 2021 Planning and Appeals Board Meeting:

The applicant is proposing a special use request for a retail store that sells tobacco and alternative nicotine products such as premium cigars, vape, CBD, kratoms and accessories. The store is not a lounge and there is no smoking allowed inside. The anticipated hours of operation are from 9:00 A.M. to 9:00 P.M. / 7 days a week. There will be two employees. The applicant desires to occupy a suite which was previously a vape store and most recently a gift store. There are no proposed changes to the exterior of the building except for updating the signs. Access will remain from Dawsonville Highway and Ahaluna Drive. Other uses within the retail center include Tino's Tex-Mex Cantina, Nascarz Diecast Depot, Li Do Massage and Fiesta San Jose Tienda Mexicana grocery. The property is located within the Gateway Corridor Overlay Zone and the surrounding uses include Park Marine, Freddy's Quick Mart, Papa John's Pizza, Gainesville First Church of the Nazarene, and single-family homes.

**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 Resolution ZR-2021- :
I move to approve the resolution to allow retail sales of alternative nicotine products within General Business (G-B) zoning district with three conditions as presented.

Denial of the Request:
I move to deny the request.

**Department Director**:
Rusty Ligon

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**If funding is involved, are funds approved within the current budget?**
N/A

**Amount Requested**:

**Source of Funds**:

**Finance Comments**:

**Administrative Comments:**

ATTACHMENTS:

| Description | Type |
|---|---|
| Legal Ad | Legal Ad |
| PAB Recommendation Report | Report |
| Proposed Resolution | Resolution |
| Location Maps | Backup Material |
| Narrative | Backup Material |
| Plat | Backup Material |
| Overall Plat | Backup Material |
| Pictures | Backup Material |
| Letters of Support | Backup Material |

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Development (POD) on a 119.16± acre tract located on the north side of Friendship Road approximately 1680 feet from its intersection with Old Winder Highway; a.k.a. 1400 & 1515 River Place; Zoned POD & PCD; Tax Parcels 15039 000465 & 000592. Proposed Use: amend parking requirements. ** Commission District 1.

4. Application of Ronald Gay for a rear yard setback variance from 25 feet to 15 feet on a 0.68± acre tract located on the east side of Arthur Miller Road 900± feet from its intersection with Old Cornelia Highway; a.k.a. 4157 Arthur Miller Road; Zoned AR-IV; Tax Parcel 15018 000181. Proposed Use: construct a single-family residence. * Commission District 3.

5. Application of Emiliano Arroyo Calvo a Use Subject to Planning Commission approval on a 0.36± acre tract located on the west side of Browns Bridge Avenue approximately 320 feet from its intersection with Carter Street; a.k.a. 1507 Browns Bridge Road; Zoned O-I; Tax Parcel 00123 007020A. Proposed Use: expansion of a non-conforming use – enclose existing carport for residential purposes. * Commission District 4.

6. Application of Sergio Felix/Conde Properties, LLC a Use Subject to Planning Commission approval on a 0. 47± acre tract located on the east side of Dorsey Circle approximately 445 feet from its intersection with Dorsey Drive; a.k.a. 3623 Dorsey Circle; Zoned AR-III; Tax Parcel 08034 002014. Proposed Use: expansion of a non-conforming use –two residences on one parcel. * Commission District 2.

7. Application of Provident Partners 129, LLC to rezone from Agricultural Residential-IV (AR-IV) to Light Industrial (I-I) B) on a 3.86± acre tract located on the west side of Falcon Parkway approximately 155 feet from its intersection with Chris Avenue; a.k.a. 3818 Falcon Parkway; Zoned AR-III; Tax Parcel 08050 001005. Proposed Use: outdoor storage – boat and RV storage. ** Commission District 2.

12. Application of Lanier Luxe Self Storage to rezone from Residential-I and Agricultural Residential-III (AR-III) to Highway Business (H-B) on a 9.862± acre tract located on the north side of Browns Bridge Road at its intersection with Cherokee Trail; a.k.a. 4152 Browns Bridge Road; Zoned R-I & AR-III; Tax Parcel 08050 003002. Proposed Use: self-storage warehouse. ** Commission District 2.

13. Application of Lanier Luxe Self Storage for a Use Subject to Planning Commission approval on a 9.862± acre tract located on the north side of Browns Bridge Road at its intersection with Cherokee Trail; a.k.a. 4152 Browns Bridge Road; Zoned R-I & AR-III; Tax Parcel 08050 003002. Proposed Use: caretaker or employee residence. * Commission District 2.

14. Application of C. Sam McGee to rezone from Agricultural Residential-III to Planned Commercial Development (PCD) on a combined 6.41± acres located on the west side of Hog Mountain Road approximately 1,760 feet from its intersection with Holland Dam Road; a.k.a. 5092 and 5118 Hog Mountain Road; Zoned AR-III; Tax Parcels 08116 000002 and 000007. Proposed Use: self-storage warehouse. ** Commission District 1.

15. Application of Mark Skelton to rezone from Agricultural Residential-III to Residential-I (R-I) on a 6.41± acre tract located on the north side of L J Martin

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, July 20, 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 request:

1) Request from Parth S. Patel for a special use on a 1.41± acres tract located on the northwest side of the intersection of Dawsonville Highway and Ahaluna Drive, having road frontage on the southside of Skyview Drive (a/k/a 1310 Dawsonville Highway, Suite B), having a zoning of General Business (G-B). Ward Number: One Tax Parcel Number(s): 01-115-004-009 Request: Retail sales of alternative nicotine products

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

NOTE: In accordance with Georgia law, anyone who wishes to express opposition to the proposed zoning action, and has made, within two years immediately preceding the filing of the proposed zoning action, campaign contributions aggregating $250 or more to a local government official who will consider the application, shall file a disclosure of contribution(s) with the Planning Division at least five (5) days prior to the first reading of the proposed zoning action by the City Council. (OCGA § 36-67A-3 3 {c})
99223 6/30

NOTICE OF PUBLIC

with the healthcare operations of NGHS and NGMC. The main campus of "Northeast Georgia Medical Center Gainesville" is located at 743 Spring Street, Gainesville, Georgia 30501 ("NGMC Gainesville"). The main campus of "Northeast Georgia Medical Center Braselton" is located at 1400 River Place, Braselton, Georgia 30517 ("NGMC Braselton"). The Facilities are located on these main campuses or other sites proximate to these main campuses, as well as on other sites that are used by NGHS and NGMC as part of their integrated healthcare operations. Approximately $775,000,000 of the Certificates will relate to Facilities located on the main campus of NGMC Gainesville, and approximately $25,000,000 of the Certificates relate to Facilities located on the main campus of NGMC Braselton.

The initial owner or operator of the facilities financed with the Certificates is the Authority or NGHS or one of its affiliates, including but not limited to NGMC. The proposed Certificates will not be a general obligation of the State of Georgia, Hall County or the City of Gainesville, but will be limited obligations of the Authority payable from payments received pursuant to a loan agreement from NGHS or one of its affiliates.

Any person interested in the proposed issuance of the Certificates or the nature or locations of the Facilities financed or refinanced by the Certificates may appear at the Hearing and be heard.

The Authority will not conduct any performance audit or performance review with respect to the Certificates as such terms are described in Section 36-82-100, Official Code of

he Buford City Commission will hold a public hearing to discuss and pass upon the proposed applications for annexation and rezoning on Monday, August 2, 2021 at 7:00 p.m., Buford City Arena, 2795 Sawnee Avenue, Buford, Gwinnett County, Georgia 30518. Please note that this is a change in location from the regular monthly City Commission meeting.

This 18th day of June, 2021.

CHANDLER, BRITT & JAY, LLC
City Attorneys

EXHIBIT "A"

OWNER/APPLICANT: Christy Pirkle and Grant Pirkle

CURRENTLY ZONED: AR-III

PROPOSED ZONING: R-100

All that tract or parcel of land lying and being in Land Lots 155 and 156 of the 8th Land District, Hall County, Georgia and being more particularly described as follows;

To find the true point of beginning, commence at the intersection of Land Lots 153, 154, 155 and 156; THENCE South 50 Degrees 24 Minutes 59 Seconds West for a distance of 787.15 feet to a point, said point being THE TRUE POINT OF BEGINNING.

THENCE from said point as thus established, traveling South 34 Degrees 53 Minutes 17 Seconds West for a distance of 652.38 feet to a point; THENCE North 57 Degrees 16 Minutes 51 Seconds West for a distance of 627.55 feet to a point on the southeasterly right of way of North Bogan Road (80 foot right of way); THENCE traveling on said right of way North 32 Degrees 43 Minutes 04 Seconds East for a distance of 383.67 feet to a point; THENCE continuing on said right of way North 35 Degrees 18 Minutes 37 Seconds East for a distance of 76.90 feet to a point; THENCE leaving said

**GAINESVILLE PLANNING and APPEALS BOARD**
**RECOMMENDATION**

**Applicant** ..... Parth S. Patel

**Property Owner** ..... Hellen Liang

**Location** ..... 1310 Dawsonville Highway, Suite B

**Request** ..... Special Use within G-B zoning

**Size** ..... 1.41± acres

**Ward** ..... One

**Proposed Use** ..... Retail sales of alternative nicotine products

**Planning Division Staff Recommendation** ..... **Approval, with conditions**

**Planning & Appeals Board Recommendation** ..... **Approval, with conditions**

**Date** ..... June 8, 2021

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

The proposal is for a special use to permit a retail store that sells tobacco and alternative nicotine products such as premium cigars, vape, CBD, kratoms and accessories. The applicant desires to occupy Suite B of the existing shopping center which was previously a vape store and most recently a gift store. The proposed store is 1,400 square feet in size and will not include a smoke lounge. The anticipated hours of operation are from 9:00 A.M. to 9:00 P.M. / 7 days a week with two employees. There are no proposed changes to the exterior of the building except for updating the signs. Access from the shopping center will remain from Dawsonville Highway and Ahaluna Drive.

The property is located within the Gateway Corridor Overlay Zone and other uses within the retail center include Tino's Tex-Mex Cantina, Nascarz Diecast Depot, Li Do Massage and Fiesta San Jose Tienda Mexicana grocery.

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

| Location | Use | Zoning |
|---|---|---|
| North | Single-family homes | Residential-I (R-I) |
| South | Church of Nazarene | General Business (G-B) |
| East | Freddy's Quick Mart, Papa John's Pizza | General Business (G-B) |
| West | Park Marine Boat Sales, Cell Tower | General Business (G-B) |

- ***Other Departmental Comments***

There were no other departmental comments regarding this request.

- ***Zoning History***

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

**2020 –** A request by OHC Lanier North, LLC to amend a 26.16± acres tract zoned Planned Unit Development (P-U-D) located at 0 & 2209 Karen Lane; 2106, 2234 and 2242 Sportsman Club Road; and 2049 Strickland Drive for an active adult community and four residential lots was approved with conditions.

**2018 –** A request by LLJ Development, LLC to rezone a 6.854± acres tract located at 0 and 1010 Dawsonville Highway from Office and Institutional (O-I) to General Business (G-B) zoning for a fitness center, retail center and restaurant was approved with conditions.

**2018 –** A request by REB Land Development, LLC to rezone a 2.744± acres tract located at 621 Lakeshore Drive NW from Residential-I (R-I) to General Business (G-B) zoning for a multi-tenant retail, office and restaurant was withdrawn at the City Council meeting.

**2018 –** A request by John Harris to rezone a 5.73± acres tract located at 1331 Lanier Valley Drive from Residential-II (R-II) and General Business (G-B) to General Business (G-B) zoning for a non-profit residential facility was approved with conditions.

**2018 –** A request by Lake 53, LLC to rezone a 6.227± acres tract located at 1995 Dawsonville Highway from General Business (G-B) to Planned Unit Development (P-U-D) zoning for 79 residential condominiums and office space was conditionally approved.

**2017 –** A request by Lidl US Operations to rezone a 6.854± acres tract (subject property) located at 0 and 1010 Dawsonville Highway from Office and Institutional (O-I) and General Business (G-B) to General Business (G-B) zoning for a grocery store was withdrawn at City Council.

**2017 –** A request by Oak Hall Companies, LLC to rezone a 157.98± acres tract located at 0, 1264 and 1817 Ahaluna Drive; 1876 Dawsonville Highway; 2208 Karen Lane; 0 and 2029 Strickland Drive; 0 and 1489 West Lake Drive from Residential-I-A (R-I-A), Residential-I (R-I), Planned Unit Development (P-U-D) and Regional Business (R-B) to Planned Unit Development (P-U-D) and General Business (G-B) zoning for a mixed-use, age restricted community was approved with conditions.

**2017 –** A request by Oak Hall Companies, LLC to annex a 50.81± acres tract with a zoning of Planned Unit Development (P-U-D) and General Business (G-B) located at 0 and 1758 Ahaluna Drive; 1508, 1550, 1740, 1746, 1758, 1760, 1934 and 1982 Dawsonville Highway; 300 and 301 Skyview Drive; 0, 2008 and 2016 Strickland Drive was conditionally approved for a mixed-use, age restricted community.

**2017 –** A request by Oak Hall Companies, LLC to annex a 26.16 ± acres tract with a zoning of Planned Unit Development (P-U-D) located at 0 and 2209 Karen Lane; 2106, 2234 and 2242 Sportsman Club Road; 2049 Strickland Drive was conditionally approved for an age restricted, active adult community.

**2015 –** A request by West Ahaluna, LLC to annex a 8.74± acres tract with a zoning of Residential-I-A (R-I-A) located at 0 and 1264 Ahaluna Drive was conditionally approved for no proposed use.

**2014 –** A request by West Ahaluna, LLC to annex a 70.23± acres tract with a zoning of Planned Unit Development (P-U-D) located at 0 and 1817 Ahaluna Drive; 1982 Dawsonville Highway; 2208 Karen Lane; 2008, 2016 and 2029 Strickland Drive was approved with conditions. In addition, the same applicant requested to rezone a 31.93± acres tract located at 0 Ahaluna Drive NW and 1489 West Lake Drive NW from Residential-I (R-I) to Planned Unit Development (P-U-D) was also approved with conditions for a 199-lot single-family subdivision.

**2013 –** A request by America's Home Place, Inc. to rezone a 25.11± acres tract located at 0 and 1198 Dawsonville Highway; 1232 Ahaluna Drive and 1162 Lakeshore Circle from Residential-I (R-I), Residential-II (R-II) and Office and Institutional (O-I) to General Business (G-B) zoning for a commercial shopping center was approved with conditions.

**2012 –** A request by America's Home Place, Inc. to rezone a 4.711± acres tract located at 0, 1122, 1138, 1162 and 1198 Dawsonville Highway from Residential-II (R-II), Office and Institutional (O-I) and General Business (G-B) to General Business (G-B) zoning for retail, restaurant and vehicle service uses 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 proposed use appears suitable given it would be located within an existing shopping center and is adjacent to other commercial uses which include Tino's Tex-Mex Cantina, Nascarz Diecast Depot, Li Do Massage and Fiesta San Jose Tienda Mexicana grocery.

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

The proposed use should not adversely impact the existing use or usability of the adjacent property. The retail sales of nicotine products will function similar to previous and existing retail uses within the center. The proposal does not include a smoke or vape lounge or bar.

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

The Gainesville Future Development Map places the property within the *Retail/Commercial* land use category which includes commercial service activities such as grocery stores, banks, restaurants, theatres, hotels, and automotive related businesses. Commercial uses may be located as a single use in one building or grouped together in a shopping center.

The subject property is also located within the *Suburban Commercial* Character Area. This area will continue to grow as a regional retail center for the City and Hall County, but should diversify over time to include multi-family housing and a higher-density mix of retail, office, services and high-quality employment. In addition, expanding premium retail could offer a variety of shopping options that are currently not available elsewhere in the City. The area has become one of the most prominent commercial corridors and gateways into the City, and a thriving economic anchor for the northwest side. When development occurs, adequate buffers should be maintained around development to protect watersheds and sensitive environments. Land uses allowed within the *Suburban Commercial* area include commercial, public / institutional, multi-family residential and mixed use.

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

The property is currently zoned General Business (G-B). The applicant is not proposing to rezone the property but is asking for a special use within G-B zoning. The Unified Land Development Code was previously amended in 2019 which now requires a special use for stores that specialize in the retail sales of alternative nicotine products. If the request were to be denied, the retail suite would still reserve its right to be occupied for other uses permitted within the G-B zoning district.

**(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 2.75± miles from the property.

The additional traffic created by the proposal is expected to be minimal given the shopping center has been in operation for many years. According to the Institute of Transportation Engineers (ITE) Trip Generation Handbook (9th Edition), the proposed use could generate 62± new trips per weekday, 10± A.M. and 10± P.M. peak hour trips.

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 property is expected to remain commercial due to the significant commercial growth along Dawsonville Highway. The 235± acres property to the north and east is planned for a large age restricted community which may include as many as 860 residential units and an additional 56,000 square feet of commercial space. The anticipated start date for the first phase of this development is later this year.

**(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 conditions.

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**Additional Criteria**

**(1) The type of street providing access to the subject property is adequate to serve the proposed Special Use.**

Proposed access is Dawsonville Highway and Ahaluna Drive 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.**

The proposed use should have minimal impact on the existing roads. There are no sidewalks fronting this segment of Dawsonville Highway or Ahaluna Drive. The existing roads appear adequate to serve emergency vehicles. There is a fully signalized intersection at Dawsonville Highway and Ahaluna Drive.

**(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 2.75 miles 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 parking, loading and service areas are currently in place. Parking is sufficient and is located to the front and sides of the shopping center. The service areas and dumpsters are located to the rear of the building and are partially buffered. It is recommended that additional buffer trees be planted to block the view of the service area behind building. The proposed use should not create noise, light or glare or odor beyond what is currently produced within the shopping center. However, the existing lighting that currently outlines the window and door is not permitted.

**(5) The hours and manner of operation of the Special Use have no adverse effects on other properties in the area.**

The applicant states the proposed store hours are seven days a week from 9:00 A.M. to 9:00 P.M. which is typical of other retail stores.

**(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.**

The applicant is proposing to occupy an existing suite. The proposed exterior of the building will remain the same except for replacing the existing wall and monument sign.

- ***Staff Recommendation***

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

**Conditions**

1. **The outline-lighting of windows and doors with any form of lighting shall not be permitted. The existing lighting outlining the widows and door shall be removed.**
2. **The existing sign pole located adjacent to the monument sign shall be removed.**
3. **A mixture of evergreen trees shall be planted at the northeast corner of the property near the intersection of Ahaluna Drive and Skyview Drive in order to screen the rear service area of the building. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.**

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**Excerpts from the June 8, 2021 PAB Meeting Minutes**

**Applicant Presentation: Parth Patel**, 614 Summer Ridge Lane Lawrenceville, stated his plans are for a retail store, a smoke shop. He said his partner has a couple of stores in

Georgia and New Jersey and is supporting him with the business. Mr. Patel said it will be all retail, no lounge and no one allowed to smoke inside the building, buy and go only. He agrees with the conditions and has spoken to the landlord which agreed to take down the old signage pole and will remove the lights from the window. He asked about the type and size of trees to be planted and Chairman Carter stated if the request is approved the staff would work with him on it.

**OPPOSE:** None

**There was a motion to recommend conditional approval of the special use request to allow retail sales of alternative nicotine products within General Business (G-B) zoning as presented with the following conditions:**

**Conditions**

1. **The outline-lighting of windows and doors with any form of lighting shall not be permitted. The existing lighting shall be removed.**
2. **The previous sign pole located adjacent to the monument sign shall be removed.**
3. **A mixture of evergreen trees shall be planted at the northeast corner of the property near the intersection of Ahaluna Drive and Skyview Drive in order to screen the rear service area of the building. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.**

Motion made by Board Member Martin
Motion seconded by Board Member Thompson
**Vote – 6 favor, 1 absent (Delgado)**

**RESOLUTION ZR-2021-___**

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

**WHEREAS**, under **Chapter 9-6-2 G-B General Business District** of the Unified Land Development Code of the City of Gainesville, Georgia; **Section 9-6-2-2 Permitted and Special Uses** allows for *retail sales of alternative nicotine products* subject to City Council approval after review and recommendation by the Gainesville Planning and Appeals Board; and

**WHEREAS**, an application has been received from **Parth S. Patel** to allow *retail sales of alternative nicotine products* within a General Business (G-B) zoning district identified as follows:

**01-115-004-009**
**1310 Dawsonville Highway, Suite B**
**Ward One**

**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 **June 8, 2021.**

**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 with the following conditions:

**Conditions**

1. **The outline-lighting of windows and doors with any form of lighting shall not be permitted. The existing lighting outlining the widows and door shall be removed.**
2. **The existing sign pole located adjacent to the monument sign shall be removed.**
3. **A mixture of evergreen trees shall be planted at the northeast corner of the property near the intersection of Ahaluna Drive and Skyview Drive in order to screen the rear service area of the building. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.**

**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.

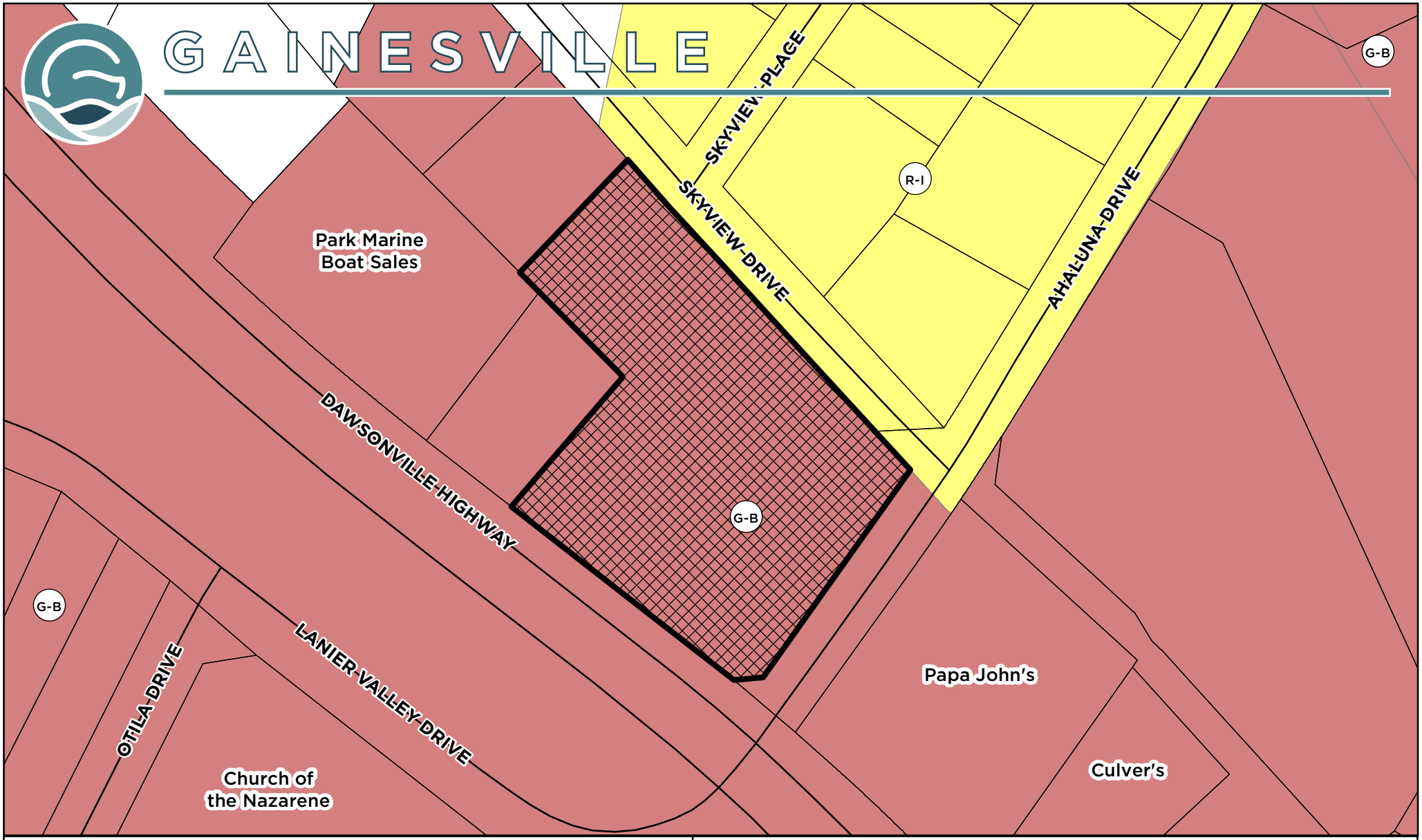
**Adopted this _____ day of _____, 2020.**

**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: PARTH S. PATEL

## SPECIAL USE REQUEST

Request:

Special use on a 1.41+/- acres tract within General Business (G-B) zoning for retail sales of alternative nicotine products

Subject Property Address:

1310 Dawsonville Highway, Suite B

Tax Parcel:

01-115-004-009

Subject Property

Meeting Date: 06/08/2021

Map Prepared: 05/11/2021

0 50 100 150 200 Feet

SCALE: 1 " = 100 '

N W E S

Applicant: PARTH S. PATEL

## SPECIAL USE REQUEST

Request:

Special use on a 1.41+/- acres tract within General Business (G-B) zoning for retail sales of alternative nicotine products

Subject Property Address: 1310 Dawsonville Highway, Suite B

Tax Parcel: 01-115-004-009

Subject Property

Aerial from 2018

Meeting Date: 06/08/2021

Map Prepared: 05/11/2021

0 50 100 150 300 Feet

SCALE: 1 " = 100 '

N W E S

**Parth Patel**
614 Summer Ridge Lane,
Apt 614
Lawrenceville, GA 30044
267-774-0698
parthp8080@gmail.com

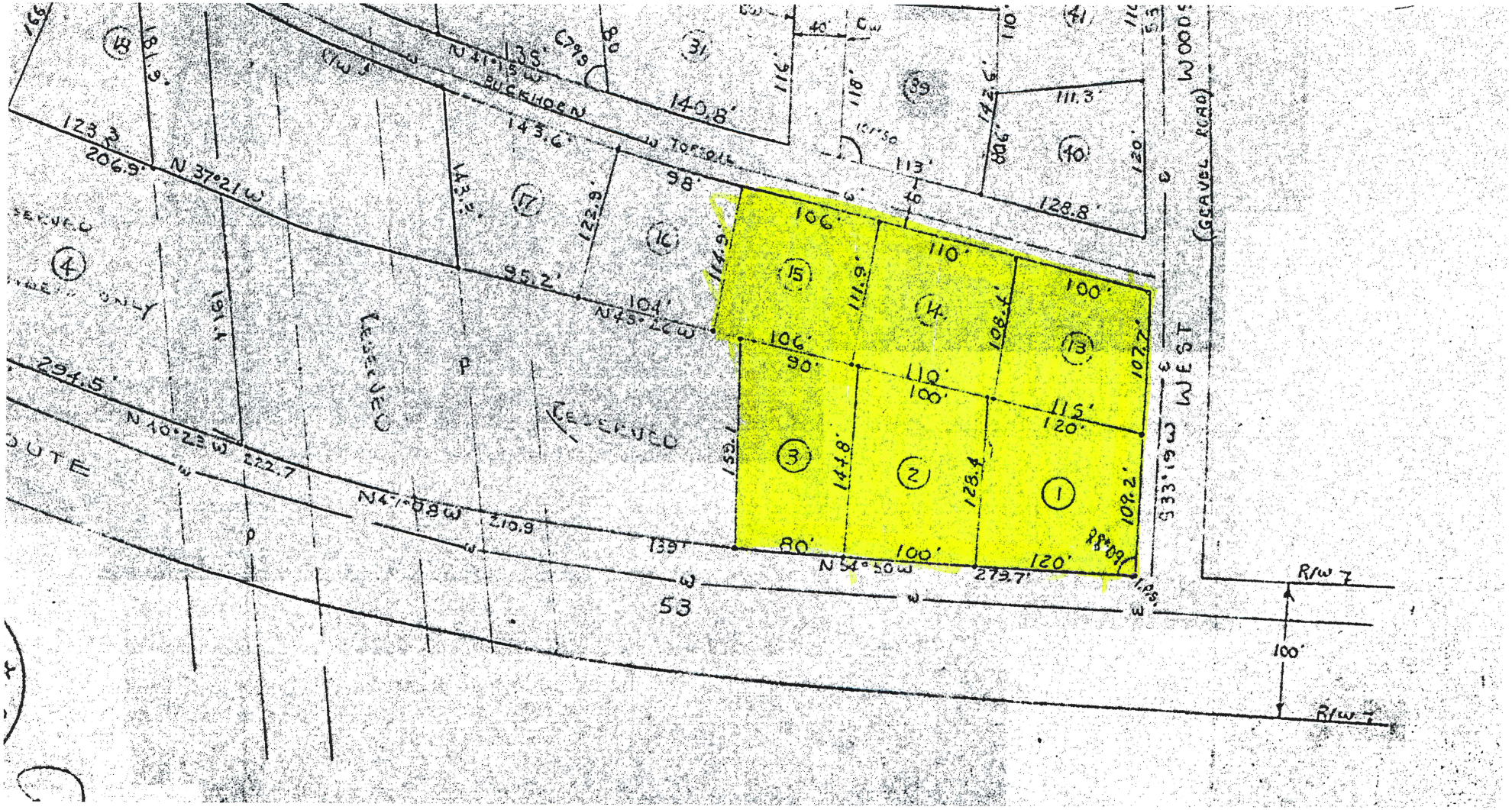
April 20th 2021

Dear Reader,

I am proposing a zoning request for a special use permit. I am planning to open a retail tobacco shop (not a lounge and no one allowed to smoke inside and it's like buy and go ) at 1310 Dawsonville Hwy, Suit B, Gainesville GA 30501. We are planning to sell alternative nicotine products, tobacco products and accessories, premium cigars, vape, CBD, kratoms etc. So our store hours will be 9:00 AM to 9:00 PM for 7 days a week. We are going to have two employees who will be working there mostly.

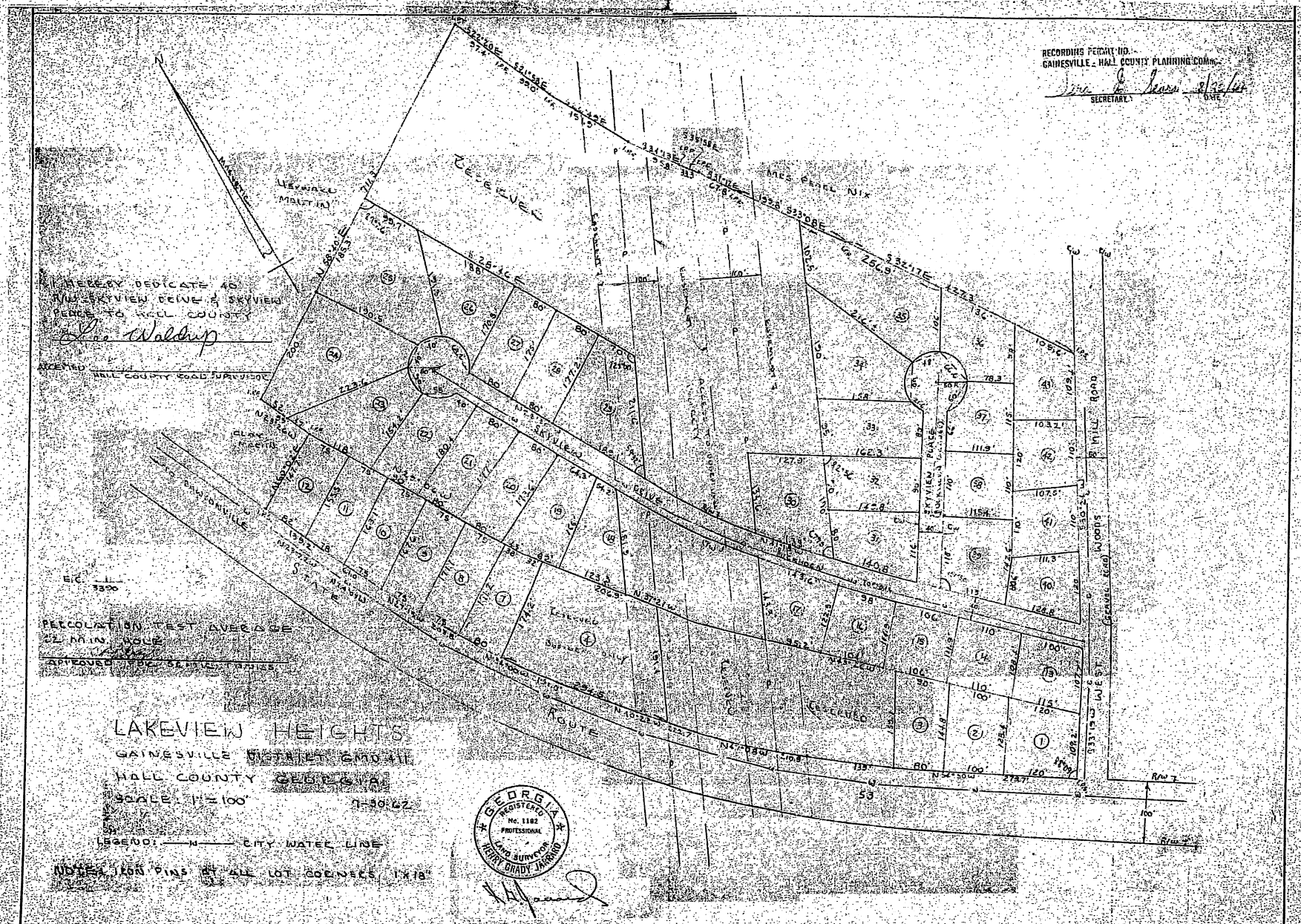
Sincerely,

**Parth Patel**






https://search.gsccca.org/Imaging/HTML5Viewer.aspx?key1=30&key2=128&county=69&countyname=HALL&userid=108728&appid=28




Recorded September 19, 1964 from Plat Book 26 pages 268-269

N. Wesley Watson Clerk



https://search.gsccca.org/Imaging/HTML5Viewer.aspx?key1=30&key2=128&county=69&countyname=HALL&userid=108728&appid=28

21 14:29:17

TINO'S
TEX-MEX
CANTINA
TIENDA MEXICANA

TINO'S TEX-MEX CANTINA

**Parth Patel**
614 Summer Ridge Lane,
Apt 614
Lawrenceville, GA 30044
267-774-0698
parthp8080@gmail.com

April 21th 2021

To whom it may concerns,

My name is Parth Patel. I am living in Lawrenceville, GA, and I am serving in the U.S. Air Force. I am planning to open a retail tobacco shop (not a lounge and no one allowed to smoke inside and it's like buy and go ) at 1310 Dawsonville Hwy, Suit B, Gainesville GA 30501. We are planning to sell alternative nicotine products, tobacco products and accessories, premium cigars, vape, CBD, kratoms etc. So our store hours will be 9:00 AM to 9:00 PM for 7 days a week. We are going to have two employees who will be working there mostly, so I need you to support me.

1310 Dawsonville Hwy, Gainesville GA 30501

1. Tino's Tex-Mex Cantina ( Suite A)

Villanel Garcia

2. Nascarz ( Suite C)

Roland Bagwell

3. Li Do Massage ( Suite D)

Yun Zheng

4. Fiesta San José Tienda Mexicana ( Suite E)

Juan Carlos Vargas

# CITY OF GAINESVILLE

## WORKSESSIONREQUEST

**Date Submitted**: 7/13/2021

**Presenter**: Danny Dunagan

**Item of Business**: Appointment(s): Airport Advisory Committee

**Meeting Date**: 7/15/2021

**Purpose of Request**:
The purpose of this request is to address the upcoming expiring term for the Hall County representative position.

**History/Background**:
The AAC follows the guidelines of the City Charter and the Code of Ordinances as well as the requirements set forth in Business Resolution 2011-43. Members serve three-year terms.

**Facts & Issues for Consideration**:
Nominations were received from Hall County to address the expiring term position. An outstanding debt verification process was completed with no concerns.

**Department Recommendation**:
Consider the nomination as submitted by the Mayor.

**Department Director**:
Danny Dunagan

**If funding is involved, are funds approved within the current budget?**
N/A

**Amount Requested**:

**Source of Funds**:

**Finance Comments**:

**Administrative Comments:**

ATTACHMENTS:

| Description | Type |
|---|---|
| AAC Members | Backup Material |
| Hall County Nomination Letter | Backup Material |
| AAC Attendance Report | Backup Material |

# AIRPORT ADVISORY COMMITTEE

| POST | LAST NAME | FIRST NAME | APPOINTED | REAPPOINTED | EXPIRATION |
|---|---|---|---|---|---|
| Ward 1 | Graybeal | Casey | 5/2/2017 | 8/21/2018 | 9/4/2021 |
| Ward 2 | Smith | Rodney | 9/5/2006 UE | 3/17/2009<br>9/4/2012<br>9/1/2015<br>8/21/2018 | 9/4/2021 |
| Ward 3 | Haynes | John | 3/4/2014 | 5/2/2017<br>6/16/2020 | 6/16/2023 |
| Ward 4 | Nivens | Allen | 5/19/2020 | | 5/19/2023 |
| Ward 5 | Kemp, Jr. | Alvin (Lee) | 1/6/2004 UE | 2/7/2006<br>3/17/2009<br>3/4/2014<br>5/2/2017<br>5/19/2020 | 5/19/2023 |
| Hall County Representative | Wayne | Alan | 12/13/2007 | 6/5/2012<br>8/18/2015<br>8/21/2018 | 8/18/2021 |
| EX-OFFICIO Representative | Brooks | Barbara | 1/19/2021 | | 1/4/2022 |
| EX-OFFICIO Representative | Clay | Juli | 1/19/2021 | | 1/4/2022 |
| Airport Manager Chair | Poole | Lisa | | | |

TERM: Three year terms

NOTE: Council makes all appointments
Hall County makes recommendations to the Council
Public Works Director (or designee) serves as Chair with voting privileges

CONTACT: Lisa Poole, Lee Gilmer Airport Manager

UPDATED: 1/20/21 ag

## Alisa Grayson

**From:** Lisa Ritchie (Administration) <lritchie@hallcounty.org>
**Sent:** Wednesday, June 2, 2021 4:06 PM
**To:** Alisa Grayson
**Subject:** Hall County Board of Commissioners Nominations for the Airport Authority

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Alisa,

At their May 27, 2021 Voting Meeting, the Hall County Board of Commissioners nominated Alex Wayne, Alan Wayne, and Brian Daniel for the Airport Advisory Committee appointment expiring on June 5, 2021.

Please let me know if you need anything further.

Thank You,
Lisa

Hall County Board of Commission Clerk
770-718-5713
Hall County Government
PO Box 1435
Gainesville, Georgia 30503
770-718-5713 (office)
770-531-3972 (fax)
www.hallcounty.org

HALL COUNTY
GEORGIA

## AIRPORT ADVISORY COMMITTEE ATTENDANCE REPORT

| MEETING | | | BOARD MEMBER | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | DATE | TYPE | GRAYBEAL | SMITH | HAYNES | NIVENS | KEMP | WAYNE | CLAY | BROOKS |
| 1 | 8/13/2019 | R | 1 | 1 | 1 | 1 | 1 | 0 | N/A | N/A |
| 2 | 11/12/2019 | R | 0 | 0 | 1 | 1 | | 0 | 0 | 0 |
| 3 | 2/11/2020 | R | 1 | 0 | 1 | 1 | 1 | 1 | 1 | N/A |
| 4 | 5/12/2020 | CANCEL | | | | | | | | |
| 5 | 8/11/2020 | CANCEL | | | | | | | | |
| 6 | 11/10/2020 | R | 1 | 1 | 1 | 1 | 0 | 0 | 1 | 1 |
| 7 | 2/9/2021 | R | 0 | 1 | 1 | 1 | 0 | 1 | 1 | 1 |
| 8 | 5/11/2021 | R | 0 | 1 | 1 | 0 | 0 | 1 | 1 | 1 |
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| | **TOTAL** | **6** | **3** | **4** | **6** | **5** | **2** | **3** | **4** | **3** |
| | **ATTENDANCE %** | | **50%** | **67%** | **100%** | **83%** | **33%** | **50%** | **100%** | **75%** |

**TYPE MEETING:** **R** = Regular Scheduled Meeting **C** = Called Meeting
**ATTENDANCE:** **0** = Absent **1** = Attended

**NOTES:**

**Submitted By:** Lisa Poole **Date:** 6/28/2021 updated
**Recording Secretary**

# CITY OF GAINESVILLE

## WORKSESSIONREQUEST

**Date Submitted**: 7/13/2021

**Presenter**: Danny Dunagan

**Item of Business**: Appointment(s): Gainesville Redevelopment Authority

**Meeting Date**: 7/15/2021

**Purpose of Request**:
The purpose of this request is to address two upcoming expiring terms.

**History/Background**:
The Redevelopment Authority was created by action taken by the 1978 General Assembly of Georgia. Members serve four-year terms and must come off the Authority for at least one year after serving two full four-year terms per HB 651 effective 5/6/2019. The Authority also complies with the requirements of the City Charter and Code of Ordinances as applicable.

**Facts & Issues for Consideration**:
Nominations were received from the Redevelopment Authority as required by the bylaws. Verification of outstanding debt process was completed with no concerns.

**Department Recommendation**:
To consider the nominations as submitted by the Mayor.

**Department Director**:
Danny Dunagan

**If funding is involved, are funds approved within the current budget?**
N/A

**Amount Requested**:

**Source of Funds**:

**Finance Comments**:

**Administrative Comments:**

ATTACHMENTS:

| Description | Type |
|---|---|
| Redevelopment Authority Board Members | Backup Material |
| GRA Nomination Information | Backup Material |
| GRA Attendance Report | Backup Material |

# GAINESVILLE REDEVELOPMENT AUTHORITY

| POST | LAST NAME | FIRST NAME | APPOINTED | REAPPOINTED | EXPIRES |
|---|---|---|---|---|---|
| Post 1<br>By Council | Diaz | Blair | 8/21/2018 | | 7/31/2022 |
| Post 2<br>By Council | Jacobs, III | John W. "Jay" | 8/4/2015 | 10/15/2019 | 7/31/2023 |
| Post 3<br>By Council | Nix<br>Chairman | Matt | 12/6/2016 | 7/21/2020 | 7/31/2024 |
| Post 4<br>By Council | Fowler | Brett | 8/21/2018 | | 7/31/2022 |
| Post 5<br>By Council | Everett | Jason | 10/15/2019 UE | 7/21/2020 | 7/31/2024 |
| Post 6<br>By Council | White | Davis | 10/15/2019 | | 7/31/2023 |
| Post 7<br>By Council | Embry | Cooper | 8/21/2018 | | 7/31/2022 |
| Post 8<br>By Council | Lee | Kelly | 8/21/18 UE | | 7/31/2021 |
| Appointed by Authority | Smith | Tyler | 2/22/2018<br>*( At GRA Mtg)* | | 7/31/2021 |
| Ex-Officio | Dunagan | Danny | 1/10/2017 | 1/9/2018<br>1/8/2019<br>1/7/2020<br>1/19/2021 | 1/4/2022 |

TERM: Four year terms following the initial staggered term appointments. Must come off the Authority for at least one year after serving two full four-year terms per HB 651 effective 5/6/2019.

*A letter dated 3/5/13 to William Bagwell established the precedent of setting terms to expire on July 31 (7/31).

CONTACT: Joseph A. "Joey" Homans
Fox, Chandler, Homans, Hicks & McKinnon, LLP
P. O. Box 477
Dawsonville, GA 30534
706-265-3090

Sabrina Jackson, Paralegal

UPDATED: 8/4/20 ag

RESOLUTION OF THE

GAINESVILLE REDEVELOPMENT AUTHORITY

REGARDING NOMINATIONS FOR MEMBERSHIP

**WHEREAS**, the Gainesville Redevelopment Authority (the "Authority") has been created and is existing pursuant to an Act of the General Assembly (Ga. Laws 1978 p.4440 *et seq.*, as amended by Ga. Laws 1980 p. 2024, *et seq.*, as continued by Ga. Laws 1987 p. 3637 *et seq.* and as further amended by Ga. Laws 1999 p.4697 *et seq.* (the "Act") and has been activated as required by the terms of the Act and is now existing and operating as a public corporation and an instrumentality of the State of Georgia and is now existing and operating as a public body corporate and politic for the purpose of redevelopment, development, and improvement of certain project areas within the City of Gainesville; and

**WHEREAS,** the term of Kelly Lee, who was appointed by Council on August 21, 2018, and the term will expire on July 31, 2021, with the result that Ms. Lee is eligible for reappointment by the Council; and

**WHEREAS,** the term of Tyler Smith, who was appointed by Council on February 22, 2018, and the term will expire on July 31, 2021, with the result that Mr. Smith is eligible for reappointment by Council;

**NOW, THEREFORE, BE IT RESOLVED,** by the members of Gainesville Redevelopment Authority that nominations of Kelly Lee and Tyler Smith are hereby made to the City Council of the City of Gainesville to fill the Council-appointed positions.

**APPROVED AND ADOPTED** this 28TH day of April, 2021.

GAINESVILLE REDEVELOPMENT AUTHORITY

BY: _____

Attest:

_____

Secretary

(SEAL)

GAINESVILLE REDEVELOPMENT AUTHORITY OFFICAL SEAL

SECRETARY'S CERTIFICATE

I, Joseph Homans, DO HEREBY CERTIFY that I am the Secretary of the Gainesville Redevelopment Authority (the "Authority"), and that the foregoing page constitutes a true and correct copy of a resolution adopted by a majority of the members of the Authority at a meeting which was duly called and assembled on the 28th day of April, 2021, which meeting was open to the public and at which a quorum was present and acting throughout, which resolution has not since been amended or rescinded and is in full force and effect on the date of this Certificate.

Witness my hand this 22nd day of June, 2021.

(SEAL)

GAINESVILLE REDEVELOPMENT AUTHORITY
OFFICAL SEAL

Secretary,
Gainesville Redevelopment Authority

## GAINESVILLE REDEVELOPMENT AUTHORITY ATTENDANCE REPORT

| MEETING | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | DATE | TYPE | Davis White | Blair Diaz | Danny Dunagan | Cooper Embry | Brett Fowler | Jay Jacobs | Kelly Lee | Matt Nix | Jason Everett | Tyler Smith |
| 1 | 12/18/2019 | C | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 2 | 2/25/2020 | C | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 3 | 7/9/2020 | C | 0 | 1 | 1 | 0 | 1 | 1 | 1 | 1 | 1 | 1 |
| 4 | 11/18/2020 | C | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 5 | 1/20/2021 | C | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 6 | 4/28/2021 | C | 1 | 1 | 1 | 1 | 1 | 0 | 0 | 1 | 0 | 1 |
| 7 | 6/22/2021 | C | 1 | 1 | 1 | 1 | 1 | 0 | 1 | 1 | 1 | 1 |
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| | **TOTAL** | **7** | **6** | **7** | **7** | **6** | **7** | **5** | **6** | **7** | **6** | **7** |
| | **ATTENDANCE %** | | **86%** | **100%** | **100%** | **86%** | **100%** | **71%** | **86%** | **100%** | **86%** | **100%** |

**TYPE MEETING:** **R** = Regular Scheduled Meeting **C** = Called Meeting

**ATTENDANCE:** **0** = Absent **1** = Attended

**NOTES:**

**Submitted By:** Sabrina Jackson
**Recording Secretary**

**Date:** **7/8/2021**