



DEPARTMENT ISSUES

Police

- Ordinance: Amend Chapter 3-4 Regarding Personal Transportation Vehicles Jay Parrish

Public Works

- Ordinance: Amend Chapter 4-3 Entitled Solid Waste Chris Rotalsky

Community & Economic Development

- **Public Hearing Item: December 6, 2022 Council Meeting** Abb Hayes
Request from **Jim Shorkey Real Estate 12, LLC** to annex a total of 6.76± acres located on the south side of Browns Bridge Road, east of Old Flowery Branch Road, having road frontage on Zander Drive (a/k/a **0 Browns Bridge Road**) and to establish a zoning of Light Industrial (L-I). **Ward Number: Five.** Tax Parcel Number(s): 08-007-003-003. **Request: Expansion of existing auto dealership.**

CITY MANAGER ISSUES

MAYOR/COUNCIL ISSUES

- Ex-Officio Report(s)
- Appointment(s): Cemetery Advisory Committee Sam Couvillon
- Appointment(s): Gainesville Non-Profit Development Foundation Sam Couvillon

CITY ATTORNEY ISSUES

- **Ordinance 2022-24 Annex Victory Street Property** Abb Hayes
(Tabled at the August 2, 2022, October 18, 2022 and November 1, 2022 Council Meetings)
AN ORDINANCE ANNEXING ALL OF VICTORY STREET RIGHT-OF-WAY CONSISTING OF 0.66± ACRE, LOCATED BETWEEN JESSE JEWELL PARKWAY AND SPRING STREET ADJACENT TO BUT NOT NOW WITHIN THE CORPORATE LIMITS OF THE CITY OF GAINESVILLE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- **Ordinance 2022-25 Zone Victory Street Property** Abb Hayes
(Tabled at the August 2, 2022, October 18, 2022 and November 1, 2022 Council Meetings)
AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA BY ESTABLISHING THE ZONING ON ALL OF VICTORY STREET RIGHT-OF-WAY CONSISTING OF 0.66± ACRE, LOCATED BETWEEN JESSE JEWELL PARKWAY AND SPRING STREET AT THE TIME OF ANNEXATION AS PLANNED UNIT DEVELOPMENT, WITH CONDITIONS (P-U-D-c); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

- Home Rule Ordinance: Charter Amendment to Define and Revise Boundary Lines as it Pertains to Mayor and Council Elections

Abb Hayes

CITY CLERK ISSUES

- Resolution: 2023 Work Session/Council Meeting Calendar

Denise Jordan

EXECUTIVE SESSION

ADJOURNMENT

Final: Tuesday, November 29, 2022, 10:25 AM



CITY OF GAINESVILLE

Work Session Agenda Request

Item Created: November 3, 2022
Date Submitted: November 3, 2022
Final Approval Date: November 29, 2022
Presenter: Jay Parrish, Chief of Police
Item of Business: Ordinance: Amend Chapter 3-4 Regarding Personal Transportation Vehicles
Meeting Date: December 1, 2022

Purpose of Request:

To amend Chapter 3-4 of Title 3 of the Code of Ordinances of the City of Gainesville by creating an Article 12 entitled "Personal Transportation Vehicles"

Facts & Issues / History & Background:

Department Recommendation:

Approve the ordinance.

Department Director:

Jay Parrish

If funding is involved, are funds approved within the current budget? No

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. Ordinance: Amend Chapter 3-4 - Personal Transportation Vehicles

Passed: _____

AN ORDINANCE

No. 2022-

AN ORDINANCE TO AMEND CHAPTER 3-4 OF TITLE 3 OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE BY CREATING AN ARTICLE 12 ENTITLED "PERSONAL TRANSPORTATION VEHICLES;" TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

SECTION I.

Chapter 3-4 of Title 3 of the Code of Ordinances of the City of Gainesville, Georgia is hereby amended by adding the following Article to read as follows:

ARTICLE 12. – PERSONAL TRANSPORTATION VEHICLES

Sec. 3-4-209. – Purpose.

O.C.G.A. Section 40-6-330 et seq. allows the City of Gainesville to regulate personal transportation vehicles to ensure the safety of citizens utilizing roadways within the City.

Sec. 3-4-210. – Definitions.

The following words and phrases shall have the following definitions with respect to the use and regulation of Personal Transportation Vehicles as set forth in this Article.

- a. *Authorized Street* is any municipal street or roadway in the City of Gainesville and all such residential roadways that have a posted speed limit of 35 miles per hour or less, are not part of the state highway system, and which have not otherwise been specifically excluded from use by Personal Transportation Vehicles.
- b. *Driver* is a person sixteen years of age or greater holding; (i) a valid Georgia driver's license; (ii) a valid driver's license issued by any of the states within the United States; or (iii) a valid driver's license issued by a foreign government, but only if such Driver also has on his or her person a passport showing that the Driver was lawfully admitted to the United States and whose lawful admittance has not ended.
- c. *Personal Transportation Vehicle ("PTV")* is any motor vehicle:

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- i. With a minimum of four wheels;
- ii. Capable of a maximum level ground speed of less than 20 miles per hour;
- iii. With a maximum gross vehicle unladen or empty weight of 1,375 pounds; and
- iv. Capable of transporting not more than eight persons.

The term PTV does not include mobility aids, including electric personal assistive mobility devices, power wheelchairs, and scooters, that can be used indoors and outdoors for the express purpose of enabling mobility for a person with a disability. The term also does not include any all-terrain vehicle or multipurpose off-highway vehicle.

Sec. 3-4-211. – Authorized use.

(a) A Driver as defined above is authorized to utilize a PTV on Authorized Streets in accordance with all other traffic laws.

(b) Except as specifically authorized under this Article, PTV use on roadways within the City of Gainesville is prohibited.

(c) PTV use is governed by all traffic regulations of the State of Georgia at any time the PTV is being utilized in the City of Gainesville, and other motor vehicles are required to adhere to all traffic regulations when approaching or overtaking a PTV.

(d) PTVs may not be utilized on sidewalks.

(e) While being utilized on Authorized Streets, PTVs are entitled to the full use of the lane in which the PTV is traveling, and no other motorized vehicle shall be driven in such a way so as to deprive a PTV of the full use of such a lane.

(f) PTVs may not engage in passing within a single lane of traffic, whether the vehicle being passed is another PTV or some other motorized vehicle.

(g) All passengers on a PTV must be seated on the seat of the PTV at all times the vehicle is in motion, except that passengers four years of age and under may be seated in the lap of an adult

(h) PTVs may cross streets and highways that are part of the City of Gainesville municipal street system or Hall County road system which are used by other types of motor vehicles only at crossings or intersections designated for that purpose by the City of Gainesville, Georgia. For the purpose of this subsection:

1. A crossing is designated for PTV crossing if the crossing is the intersection of two Authorized Streets; and
2. A crossing is designated for PTV crossing if the crossing is the intersection of an Authorized Street and a street which is not an

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Authorized Street, if the crossing is marked by signs approaching the intersection from all directions of travel which signs notify motorists of PTV crossing.

(i) PTVs may cross streets and highways that are part of the state highway system only at crossings or intersections designated for that purpose, and which are constructed as an active grade crossing in accordance with the Manual on Uniform Traffic Control Devices. State Highway System PTV crossings shall be indicated by warning signs which comply with state law which are clearly visible from all directions of travel.

Sec. 3-4-212. – PTV requirements.

All PTVs used in the City of Gainesville shall at all times be equipped with:

- a. A braking system sufficient for the weight and passenger capacity of the vehicle, including a parking brake;
- b. A reverse warning device functional at all times when the directional control is in the reverse position;
- c. A main power switch. When the switch is in the “off” position, or the key or other device that activates the switch is removed, the motive power circuit shall be inoperative. If the switch uses a key, it shall be removable only in the “off” position;
- d. Head lamps;
- e. Reflex reflectors;
- f. Tail lamps;
- g. A horn;
- h. A rearview mirror;
- i. Safety warning labels; and
- j. Hip restraints and hand holds or a combination thereof.

Sec. 3-4-213. – Violations.

Violations of this Article, in addition to any infractions of state traffic laws, shall subject the violating driver and the owner of the PTV to penalties as set forth in Section 1-1-7 of the Code of Ordinances of the City of Gainesville.

SECTION II.

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

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SECTION III.

If any portion of this ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

SECTION IV.

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

W. Samuel Couvillon, Mayor

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

ATTEST:

Denise O. Jordan, City Clerk



CITY OF GAINESVILLE

Work Session Agenda Request

Item Created: November 21, 2022
Date Submitted: November 28, 2022
Final Approval Date: November 29, 2022
Presenter: Chris Rotalsky, Public Works Director
Item of Business: Ordinance: Amend Chapter 4-3 Entitled Solid Waste
Meeting Date: December 1, 2022

Purpose of Request:

To amend Chapter 4-3 regarding solid waste service and Section 10-1-4 regarding solid waste fee schedule.

Facts & Issues / History & Background:

Department Recommendation:

Approve the ordinance.

Department Director:

Chris Rotalsky

If funding is involved, are funds approved within the current budget? No

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. Ordinance: Amend Chapter 4-3 -Solid Waste
2. Medical Waiver
3. Redlined Version - Ordinance Amendment to Chapter 4-3
4. Redlined Version - Ordinance Amendment to Chapter 10-1
5. SW Presentation - Council Work Session 12.1.22

Passed: _____

AN ORDINANCE

No. 2022-

AN ORDINANCE TO AMEND SECTIONS 4-3-2, 4-3-5, 4-3-6, 4-3-8, AND 10-1-4 OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

SECTION I

Section 4-3-2 of the Code of Ordinances of the City of Gainesville is hereby amended by eliminating it in its entirety and amending it to read as follows:

Sec. 4-3-2. - Definitions.

The following words, term and phrases, when used in this chapter, shall have the following meanings:

Biomedical waste means that term as defined in O.C.G.A. § 12-8-22 on January 1, 2010.

Business means any person, corporation, partnership, or other legal entity which exerts substantial efforts within the city, engages in, causes to be engaged in, and/or represents or holds out to the public to be engaged in any occupation or activity with the object of gain or benefit, either directly or indirectly.

City is the City of Gainesville, Georgia.

Commercial enterprise means for the purpose of economic gain.

Commercial establishment means a business or other organization that buys and/or sells goods, makes products, or provides professional services. For the purposes of this chapter, a commercial enterprise shall not include single-family rental dwellings or multi-family dwellings.

Commercial hauler means any person who collects and/or transports solid waste for a fee, as a business, or as an adjunct to a business.

Commercial solid waste means discarded items from a commercial establishment as defined herein, including, but not limited to, waste material from industrial processes, manufacturing processes, slaughter houses, packing plants, poultry processing plants or similar industries, and large quantities of condemned foods. Commercial solid waste also includes waste material from the construction, remodeling and repair operations on houses, commercial buildings, multiple dwelling and other structures, such as concrete, bricks, plaster, stone, earth, lumber, roofing materials, gutters, shavings and sawdust.

Construction/demolition waste means waste building materials and rubble resulting from construction, remodeling, repair and demolition operations of pavements, houses, commercial buildings and other structures. Such wastes include, but are not limited to, asbestos, asbestos containing waste, wood, brick, metal, concrete wallboard, paper cardboard, inert waste, landfill

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material, and other nonputrescible wastes which have a low potential for groundwater contamination.

Contract representative(s) means a person, persons or entity that has a contract, other than a franchise agreement, with the City of Gainesville for the collection, conveyance or disposal of solid waste generated by or accumulated from single-family dwellings in the city.

Curbside means a location at the street, behind the curb line and not blocking a sidewalk, where trash receptacles are readily accessible to collection vehicles.

Customer means an individual or entity that pays the monthly solid waste fee.

Dump means to throw, discard, place, deposit, discharge, burn, or dispose of a substance.

Enclosed structure is any structure that has a roof and at least two (2) closed sides and includes, but is not limited to, a dwelling unit, garage, carport and/or shed.

Franchisee means a person, persons or entity granted a franchise by the city who, under written agreements, for compensation by those receiving services, does the work of collecting and transporting solid waste from industries, offices, retail outlets, businesses, institutions and similar locations.

Garbage means domestic wastes composed of meat, vegetable, and fruit scraps and other discarded items ordinarily generated as by-products of a private residence.

Hazardous waste means that term as defined in O.C.G.A. § 12-8-62 on January 1, 2010.

Household means the physical location at which solid waste service is provided to a customer.

Litter means any misplaced or improperly discarded solid waste.

Medical Waiver means a form submitted by a customer which must be signed by a physician, physician assistant, or nurse practitioner certifying the customer is not physically able to place solid waste from the household at the curb and which must also be signed by the customer certifying there is no other individual living in the household that can place the household's solid waste at the curb.

Multi-family dwelling means any building which is arranged, designed or used for living quarters for two (2) or more families on a permanent or long-term basis.

Person means an individual, and shall also include sole proprietors, corporations, partnerships or any other form of business organization, including a commercial hauler.

Public or private property means the right-of-way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; timberlands or forests; and residential, commercial, industrial, or farm properties.

Public works department means the city department responsible for sanitation.

Receptacle means a container provided by the public works department for use in the temporary storage, collection and disposal of garbage or recyclables.

Recyclables shall mean those items known to be made from or contain materials deemed desirable for reuse or remanufacture. Recyclables include, but are not limited to, paper, aluminum, plastic and corrugated cardboard.

Refuse means discarded items that have not been bagged or containerized and/or will not fit into the receptacle, are not yard trimmings, are not prohibited items according to section 4-3-9 and do not require a special fee for pick-up according to section 4-3-8.

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Single-family dwelling means any building which is arranged, designed or used for living quarters for one (1) family on a permanent or long-term basis.

Solid waste means any discarded putrescible and nonputrescible waste, (except water-carried body waste and recovered materials) and shall include garbage, rubbish, refuse, cartons, boxes, wood, tree branches, yard trimmings, furniture and appliances, metal, tin cans, glass, crockery, or dunnage; ashes; street refuse; and dead animals,

Yard trimmings means waste resulting from normal yard maintenance, such as weeds, grass and hedge trimmings, leaves, brush, pine straw, tree limbs and similar items.

SECTION II

Section 4-3-5 of the Code of Ordinances of the City of Gainesville is hereby amended by eliminating it in its entirety and amending it to read as follows:

Sec. 4-3-5. - Collection days designated.

Garbage shall be collected from customers in the city once weekly, except for city holidays, or when conditions exist where collection is deemed hazardous by the public works director. Refuse, recyclables and yard trimmings shall be collected from customers in the city once weekly, except for city holidays, or when conditions exist where collection is deemed hazardous by the public works director.

SECTION III

Section 4-3-6 of the Code of Ordinances of the City of Gainesville is hereby amended by eliminating it in its entirety and amending it to read as follows:

Sec. 4-3-6. - Preparation and storage of garbage and recyclables for collection.

(a) Preparation.

- (1) All garbage shall be placed in plastic bags. Plastic bags shall be securely tied at the top. Garbage placed in the plastic bag must not exceed the capacity of the bag causing it to tear open. Garbage placed in receptacles unbagged will not be collected. Bags that are wet, torn, or unsecured will not be collected.
- (2) All garbage must be stored in garbage receptacles provided by the City. Excessive garbage in the receptacle that prevents the lid from closing, garbage that is piled on top of the receptacle, or garbage that is placed outside of the receptacle will not be collected.
- (3) The amount of garbage to be collected shall not exceed ninety-six (96) gallons per collection. Garbage exceeding a quantity of ninety-six (96) gallons will not be collected, even if it is bagged and placed in a receptacle. Customers may choose to pay an additional monthly fee for collection of up to an extra ninety-six (96) gallons according to the fee schedule in title 10 of this Code.
- (4) Recyclables shall be placed in a receptacle, as provided by the city.
- (5) Receptacles shall be ready for pick-up no later than 6:30 a.m. on the designated collection day.

(b) Receptacles.

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- (1) Each occupied dwelling unit or household will be provided one (1) 96 gallon garbage receptacle by the City. The receptacle will be and shall remain the property of the City.
 - (2) Receptacles shall be maintained in a working and sanitary condition, free from odor and shall remain completely covered at all times except for filling, emptying and cleaning. Receptacles shall be filled in such manner as to allow emptying by one (1) person and shall be maintained so as to prevent the overflow or scattering of garbage, refuse or recyclables.
 - (3) Each occupied dwelling unit or household will be provided one (1) recycling receptacle by the City, if requested. The receptacle will be and shall remain the property of the City. Recycling receptacles are for recyclable materials only and are not to be used to transport or store garbage, refuse, yard trimmings or any other items. If recycling receptacles are used for the storage or disposal of anything other than recyclables, the City has the right to remove the recycling receptacle from the household.
 - (4) Receptacles provided by the City shall remain at the household at which the receptacle was delivered and shall not be relocated to another address or household.
- (c) *Placement of receptacles.*
- (1) Garbage and recycling receptacles shall be placed curbside for collection, unless an approved medical waiver for the household is on file with the public works department. All receptacles shall be placed in front of the property from which they originated for collection and shall be placed at the curb in an accessible location at least three (3) feet from any object that would obstruct access to the receptacles, including but not limited to parked vehicles, mailboxes, fire hydrants, or other fixed objects. Receptacles shall also not be located as to impede or obstruct either pedestrian or vehicular traffic or the flow of surface water or block drains.
 - (2) For households that have an approved medical waiver on file with the public works department, garbage and recycling receptacles shall be within ten (10) feet of the house, visible from the driveway, and shall not be located within any fenced area or enclosed structure.
 - (3) Receptacles shall not be located within fenced areas or enclosed structures, which includes, but is not limited to, the dwelling unit, garage, carport, or shed.
 - (4) Receptacles that are placed curbside shall be removed from the curb the same day as the contents are collected.
 - (5) For multi-family dwelling units that are collected by the city, if receptacles are not placed curbside or directly in front of the unit, receptacles must be located within a central location for collection. The central location must be approved by the public works director or his designee.
 - (6) The contents of receptacles not meeting these placement standards will not be collected.
- (d) *Medical Waiver.*

A person that is physically unable to place receptacles at the curb may apply for a medical waiver with the Public Works Department. The medical waiver must be complete and contain the following items prior to approval. The medical waiver must be signed by a physician, physician assistant or nurse practitioner certifying that the customer living in the household for which the waiver is sought is physically unable to place the receptacle curbside. The medical waiver must be signed by the customer living in the household certifying no other individual lives in the household that can place the receptacle curbside. If the medical waiver is approved by the Public Works

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Department, the household is exempt from the requirement to place receptacles curbside and may place receptacles as outlined in Section 4-3-6 (c)(2). All medical waivers shall be approved by the Public Works Director or designee. Customers must seek approval of a medical waiver no less frequently than every two (2) years. If the physical condition of the individual in the household that has been approved for a medical waiver changes, the individual must notify the Public Works Department within thirty (30) days to advise of a change in eligibility. The City reserves the right to reevaluate approved medical waivers in the City's sole discretion as needed to evaluate the basis for the approval of a medical waiver. If it is determined by the Public Works Department that the approved medical waiver is no longer valid, the City will revoke the medical waiver status and the household must place any receptacles curbside for solid waste service.

SECTION IV

Section 4-3-8(b) of the Code of Ordinances of the City of Gainesville is hereby amended by eliminating it in its entirety and amending it to read as follows:

- (b) Garbage in excess of ninety-six (96) gallons shall not be picked up unless it is located within a receptacle provided by the City and the household pays the monthly fee for an additional collection of ninety-six (96) gallons, provided that the garbage collected shall not exceed an additional ninety-six (96) gallons.

SECTION V

Section 10-1-4 of the Code of Ordinances of the City of Gainesville is hereby amended by eliminating it in its entirety and amending it to read as follows:

Sec. 10-1-4. - Solid waste collection fee schedule.

- (a) For solid waste services defined in chapter 4-3 of this Code, the fee shall be thirty-two dollars and ten cents (\$32.10) per month.
- (b) Fee for the collection and disposal of up to an additional ninety-six (96) gallons of garbage per collection shall be fifteen dollars (\$15.00) per month.
- (c) For any load of refuse or yard trimmings which is in excess of the normal service provided to the residential premises and requires a special pick-up, the public works director shall be authorized to charge the customer a special service fee according to the fee schedule established and kept on file at the public works department.

SECTION VI

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

SECTION VII

If any portion of this ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that

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such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

SECTION VIII

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

W. Samuel Couvillon, Mayor

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

ATTEST:

Denise O. Jordan, City Clerk

MEDICAL WAIVER FOR SOLID WASTE SERVICE

HEALTH CARE PROVIDER CERTIFICATION:

I certify that Mr./Ms. (please print) _____ has a medical condition which significantly limits his/her physical ability to deliver solid waste to the curb. This condition is:

☐ Indefinite

☐ Temporary for a period of _____ days

The forgoing statement is correct and complete to the best of my knowledge and professional belief.

Signature (Physician, Physician Assistant, Nurse Practitioner)

Date

Print Name

License #

CUSTOMER CERTIFICATION:

I, (print name) _____ residing at (property address) _____ hereby attest that I am unable to deliver my solid waste to the curbside. I am authorizing the City of Gainesville to enter my private property to collect my residential waste and recycling from the front of my house on each regularly scheduled pickup. I further attest that there is no individual who resides in the residence who can deliver the solid waste to the curbside. I also certify that, should my physical condition change such that I am able to deliver my solid waste to the curbside, or should another individual who can deliver my solid waste to the curbside take up residence with me, I will contact Public Works by telephone at 770-532-0493, by U.S. Mail, or by email at solidwaste@gainesvillega.gov within thirty (30) days and advise Public Works of this change in my eligibility for the medical waiver exemption.

Signature _____

Date _____

Daytime Contact # _____

Please return the signed healthcare and customer certification to:

City of Gainesville Public Works
Attn: Solid Waste
PO Box 2496
Gainesville GA, 30503
Or via e-mail: solidwaste@gainesvillega.gov

If you need assistance with this form, please contact Public Works at 770-535-6882.

CHAPTER 4-3. - SOLID WASTE^[7]

Sec. 4-3-1. - Purpose.

The purpose of this chapter is to protect the public health, safety, environment, and general welfare through the proper disposal of garbage and the regulation and prevention of litter. The objectives of this chapter are:

- (1) To specifically prohibit any and all littering on public or private property in the city; and
- (2) To prevent the desecration of the beauty and quality of life of the city and prevent harm to the public health, safety, environment, and general welfare, including the degradation of water and aquatic resources caused by improper garbage disposal and litter.

(Ord. No. 2010-33, § I, 9-21-10)

Sec. 4-3-2. - Definitions.

The following words, term and phrases, when used in this chapter, shall have the following meanings:

Biomedical waste means that term as defined in O.C.G.A. § 12-8-22 on January 1, 2010.

Business means any person, corporation, partnership, or other legal entity which exerts substantial efforts within the city, engages in, causes to be engaged in, and/or represents or holds out to the public to be engaged in any occupation or activity with the object of gain or benefit, either directly or indirectly.

City is the City of Gainesville, Georgia.

Commercial enterprise means for the purpose of economic gain.

Commercial establishment means a business or other organization that buys and/or sells goods, makes products, or provides professional services. For the purposes of this chapter, a commercial enterprise shall not include single-family rental dwellings or multi-family dwellings.

Commercial hauler means any person who collects and/or transports solid waste for a fee, as a business, or as an adjunct to a business.

Commercial solid waste means discarded items from a commercial establishment as defined herein, including, but not limited to, waste material from industrial processes, manufacturing processes, slaughter houses, packing plants, poultry processing plants or similar industries, and large quantities of condemned foods. Commercial solid waste also includes waste material from the construction, remodeling and repair operations on houses, commercial buildings, multiple dwelling and other structures, such as concrete, bricks, plaster, stone, earth, lumber, roofing materials, gutters, shavings and sawdust.

Construction/demolition waste means waste building materials and rubble resulting from construction, remodeling, repair and demolition operations of pavements, houses, commercial buildings and other structures. Such wastes include, but are not limited to, asbestos, asbestos containing waste, wood, brick, metal, concrete wallboard, paper cardboard, inert waste, landfill material, and other nonputrescible wastes which have a low potential for groundwater contamination.

Contract representative(s) means a person, persons or entity that has a contract, other than a franchise agreement, with the City of Gainesville for the collection, conveyance or disposal of solid waste generated by or accumulated from single-family dwellings in the city.

Curbside means a location ~~near~~ at the street, behind the curb line and not blocking a sidewalk, where trash receptacles are readily accessible to collection vehicles.

Customer means an individual or entity that pays the monthly solid waste fee.

Dump means to throw, discard, place, deposit, discharge, burn, or dispose of a substance.

Enclosed structure is any structure that has a roof and at least two (2) closed sides and includes, but is not limited to, a dwelling unit, garage, carport and/or sheds.

Franchisee means a person, persons or entity granted a franchise by the city who, under written agreements, for compensation by those receiving services, does the work of collecting and transporting solid waste from industries, offices, retail outlets, businesses, institutions and similar locations.

Garbage means domestic wastes composed of meat, vegetable, and fruit scraps and other discarded items ordinarily generated as by-products of a private residence.

Hazardous waste means that term as defined in O.C.G.A. § 12-8-62 on January 1, 2010.

Household means the physical location at which solid waste service is provided to a customer.

Litter means any misplaced or improperly discarded solid waste.

Medical Waiver means a form submitted by a customer which must be signed by a physician, physician assistant, or nurse practitioner certifying the customer is not physically able to place solid waste from the household at the curb and which must also be signed by the customer certifying there is no other individual living in the household that can place the household's solid waste at the curb.

Multi-family dwelling means any building which is arranged, designed or used for living quarters for two (2) or more families on a permanent or long-term basis.

Person means an individual, and shall also include sole proprietors, corporations, partnerships or any other form of business organization, including a commercial hauler.

Public or private property means the right-of-way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; timberlands or forests; and residential, commercial, industrial, or farm properties.

Public works department means the city department responsible for ~~roads, drainage, traffic, airport, sanitation, the cemetery and engineering.~~

Receptacle means ~~any~~ a container ~~approved~~ provided by the public works department for use in the temporary storage, collection and disposal of garbage or recyclables.

Recyclables shall mean those items known to be made from or contain materials deemed desirable for reuse or remanufacture. Recyclables include, but are not limited to, paper, ~~glass~~, aluminum, plastic and corrugated cardboard.

Refuse means discarded items that have not been bagged or containerized and/or will not fit into the receptacle, are not yard trimmings, are not prohibited items according to section 4-3-9 and do not require a special fee for pick-up according to section 4-3-8.

Single-family dwelling means any building which is arranged, designed or used for living quarters for one (1) family on a permanent or long-term basis.

Solid waste means any ~~discarded~~ putrescible and nonputrescible waste, ~~(except water-carried body waste and recovered materials)~~ and shall include garbage, rubbish, refuse, cartons, boxes, wood, tree branches, yard trimmings, furniture and appliances, metal, tin cans, glass, crockery, or dunnage; ashes; street refuse; ~~and~~ dead animals; ~~sewage sludges; animal manures; industrial waste, such as waste materials generated in industrial operations; residue from incineration; food processing waste; demolition waste; abandoned vehicles; dredging waste; construction waste; and any other waste material in a solid, semi-solid or liquid state not otherwise defined.~~

Yard trimmings means waste resulting from normal yard maintenance, such as weeds, grass and hedge trimmings, leaves, brush, pine straw, tree limbs and similar items.

(Ord. No. 2010-33, § I, 9-21-10; Ord. No. 2011-20, §§ I—III, 12-20-11; Ord. No. 2013-17, § I, 9-17-13)

Sec. 4-3-3. - City responsible for sanitation services generally.

- (a) All solid waste generated by or accumulated from single-family dwellings in the city shall be collected, conveyed and disposed of by the city through its employees, designated agents or contract representatives. The city shall also be the solid waste provider for all single-family dwellings on private streets and in gated communities built on lots that have not received final plat approval as of the effective date of this section.
- (b) All solid waste generated or accumulated by multi-family dwellings, including condominiums and townhomes, in the city shall be collected, conveyed and disposed of by the city through its employees, designated agents or contract representatives, unless such service is not provided by the city as determined by the city manager or his designee.
- (c) All solid waste generated or accumulated by commercial establishments in the city shall be collected, conveyed and disposed of in accordance with section 4-3-4.
- (d) The city will collect garbage, refuse, recyclables and yard trimmings in accordance with a schedule as established from time to time by the city and kept on file in the public works department.
- (e) This article shall not prohibit the producers of industrial solid waste or the owner of premises upon which industrial solid waste has accumulated from collecting, transporting and disposing of such waste, subject to pertinent laws and regulations, if such service is not provided by the city.

(Ord. No. 2010-33, § I, 9-21-10; Ord. No. 2011-20, § IV, 12-20-11; Ord. No. 2013-17, § I, 9-17-13)

Sec. 4-3-4. - Commercial operations and haulers.

(a) *Commercial establishments.*

- (1) All commercial establishments within the city shall arrange for proper solid waste collection, conveyance, and disposal from the city or an approved franchisee.
- (2) All solid waste containers shall be maintained on private property except where permission is granted by the city council to utilize public alleys, streets or sidewalks.
- (3) All commercial establishments shall maintain solid waste containers in a sanitary condition free from odor and shall prevent the overflow or scattering of solid waste on the premises, nearby properties or public streets and places.
- (4) Provisions of this section shall not apply to persons who, as an incidental part of providing construction or demolition services, and using vehicles, dumpsters or roll-off containers which they own or lease, remove construction or demolition debris from the sites at which they are performing such services. This provision shall not be construed to relieve such persons of any requirements under federal or state law.

(b) *Commercial haulers.*

- (1) No individual, partnership, corporation, commercial hauler or other entity may collect and dispose of solid waste for a fee within the city without obtaining a franchise from the governing authority of the city.
- (2) Commercial haulers shall comply with all city ordinances, the provisions set forth in this chapter, and the franchise agreement with the city. Any violations by the franchisee of any city ordinance, the provisions of this chapter or any provision of the franchise agreement may result in suspension or revocation of the franchise agreement.
- (3) Franchises granted by the city are non-transferable.

(Ord. No. 2011-20, § V, 12-20-11)

Editor's note— Ord. No. 2011-20, § V, adopted Dec. 20, 2011, amended § 4-3-4 in its entirety to read as set out herein. Former § 4-3-4 pertained to commercial and industrial operations and derived from Ord. No. 2010-33, § I, adopted Sept. 21, 2010.

Sec. 4-3-5. - Collection days designated.

Garbage shall be collected from customers in the city ~~twice-once~~ weekly, except for city holidays, or when conditions exist where collection is deemed hazardous by the public works director. Refuse, recyclables and yard trimmings shall be collected from customers in the city once weekly, except for city holidays, or when conditions exist where collection is deemed hazardous by the public works director.

(Ord. No. 2010-33, § I, 9-21-10)

Sec. 4-3-6. - Preparation and storage of garbage and recyclables for collection.

(a) *Preparation.*

- (1) All garbage shall be placed in plastic bags. Plastic bags shall be securely tied at the top. Garbage placed in the plastic bag must not exceed the capacity of the bag causing it to tear open. Garbage placed in receptacles unbagged will not be collected. Bags that are wet, torn, or unsecured will not be collected
- (2) All garbage must be stored in garbage receptacles ~~provided by the City with a properly fitted lid that is to remain closed except for filling, emptying or cleaning.~~ Excessive garbage in the receptacle that prevents the lid from closing, garbage that is piled on top of the receptacle, or garbage that is placed outside of the receptacle will not be collected.
- (3) The amount of garbage to be collected shall not exceed ninety-six (96) gallons per collection. Garbage exceeding a quantity of ninety-six (96) gallons will not be collected, even if it is bagged and placed in a receptacle. Customers may choose to pay an additional monthly fee for collection of up to an extra ninety-six (96) gallons according to the fee schedule in title 10 of this Code.
- (4) Recyclables shall be placed in a receptacle, as provided by the city.
- (5) Receptacles shall be ready for pick-up no later than ~~76:03~~0 a.m. on the designated collection day.

(b) *Receptacles.*

- (1) Each occupied dwelling unit or household ~~will be provided one (1) 96 gallon garbage receptacle by the City. The receptacle will be and shall remain the property of the City. shall provide at least one (1), but not more than three (3), garbage receptacles to store garbage prior to collection by the public works department. Receptacles shall not exceed a total combined capacity of ninety-six (96) gallons.~~
- (2) ~~Receptacles shall be constructed of rust-proof, moisture-proof material and shall be equipped with a properly fitted cover and handles or grips to allow for safe and convenient handling.~~
- (3) Receptacles shall be maintained in a working and sanitary condition, free from odor and shall remain completely covered at all times except for filling, emptying and cleaning. Receptacles shall be filled in such manner as to allow emptying by one (1) person and shall be maintained so as to prevent the overflow or scattering of garbage, refuse or recyclables.
- (4) Each occupied dwelling unit or household will be provided one (1) recycling receptacle by the city, if requested. The receptacle will be and shall remain the property of the city. Recycling receptacles are for recyclable materials only and are not to be used to transport or store garbage, refuse, yard trimmings or any other items. If recycling receptacles are used for the storage or disposal of anything other than recyclables, the eCity has the right to remove the recycling receptacle from the household.

(5) Receptacles provided by the City shall remain at the household at which the receptacle was delivered and shall not be relocated to another address or household.

(c) Placement of receptacles.

- (1) Garbage and recycling receptacles shall be placed ~~either curbside for collection, unless an approved medical waiver for the household is on file with the public works department, or within ten (10) feet of the house and visible from the driveway.~~ Recycling receptacles shall be placed curbside for collection. All receptacles shall be placed ~~on or~~ in front of the property from which they originated for collection, and shall be placed at the curb in an accessible location at least 3 feet from any object that would obstruct access to the receptacles, including but not limited to, parked vehicles, mailboxes, fire hydrants, or other fixed objects. Receptacles shall also not be located as to impede or obstruct either pedestrian or vehicular traffic or the flow of surface water or block drains.
- (2) For households that have an approved medical waiver on file with the public works department, garbage and recycling receptacles shall be within ten (10) feet of the house, visible from the driveway, and shall not be located within any fenced area or enclosed structure. Receptacles shall be accessible without the need for walking or carrying a receptacle over, under or around any yard or property obstacle. No garbage shall be collected where garbage receptacles cannot be reached by sanitation personnel without unlocking or opening a door, gate or other similar obstacle; encountering hazardous conditions (i.e., unrestrained animals); or otherwise being denied reasonable access by parked vehicles, yard tools and equipment, or other similar objects.
- (3) Receptacles shall not be located within fenced areas or enclosed structures, which includes, but is not limited to, the dwelling unit, garage, carport, or shed.
- (4) ~~Receptacles shall not be located within a fenced area, unless the fence is specifically designed for and solely contains the receptacles and is in compliance with subsection (1) above.~~
- (5) ~~Garbage contained in sunken or underground receptacles will not be collected by the city.~~
- (6) Receptacles that are placed curbside shall be removed from the curb the same day as the contents are collected.
- (7) For multi-family dwelling units that are collected by the city, if receptacles are not placed curbside or directly in front of the unit, receptacles must be located within a central location for collection. The central location must be approved by the public works director or his designee.
- (8) The contents of receptacles not meeting these placement standards will not be collected.

(d) Medical Waiver.

A person that is physically unable to place receptacles at the curb may apply for a medical waiver with the Public Works Department. The medical waiver must be complete and contain the following items prior to approval:

The medical waiver must be signed by a physician, physician assistant or nurse practitioner certifying that the customer living in the household for which the waiver is sought is physically unable to place the receptacle curbside.

The medical waiver must be signed by the customer living in the household certifying no other individual lives in the household that can place the receptacle curbside.

If the medical waiver is approved by the Public Works Department, the household is exempt from the requirement to place receptacles curbside and may place receptacles as outlined in Section 4-3-6 (c)(2).

All medical waivers shall be approved by the Public Works Director or designee.

Customers must seek approval of a medical waiver no less frequently than every two (2) years.

If the physical condition of the individual in the household that has been approved for a medical waiver changes, the individual must notify the Public Works Department within thirty (30) days to advise of a change in eligibility.

The City reserves the right to reevaluate approved medical waivers in the City's sole discretion as needed to evaluate the basis for the approval of a medical waiver. If it is determined by the Public Works Department that the approved medical waiver is no longer valid, the City will revoke the medical waiver status and the household must place any receptacles curbside for solid waste service.

(Ord. No. 2010-33, § I, 9-21-10)

Sec. 4-3-7. - Preparation and storage of refuse for collection.

- (a) All persons utilizing city pickup of refuse or yard trimmings shall place such refuse or yard trimmings on their premises located so as to be easily accessible to street pickup. Refuse and yard trimmings shall not be placed over or next to fixed items such as fire hydrants, telephone or electrical boxes, mailboxes or anything that could be damaged by equipment or personnel picking up said items. Refuse shall be placed immediately behind the sidewalk. If there is no sidewalk, items and materials shall be placed immediately behind the curb or off the pavement and shall not be located as to impede or obstruct either pedestrian or vehicular traffic or the flow of surface water or block drains.
- (b) The City of Gainesville will not be responsible for repairing, replacing or reimbursing for items that are removed or damaged by the city as a result of being placed curbside in such a manner that it appears that the items are intended for removal by the city or the items are not visible as a result of being mixed with other items placed curbside.
- (c) No customer shall place for collection limbs or cuttings greater than five (5) feet in length or fifty (50) pounds in weight. Yard trimmings shall be kept separate from other debris and not exceed the load equivalent of one (1) cubic yard per week and not exceed four (4) cubic yards per dwelling per month. Limbs and cuttings in excess of this amount shall be subject to the provisions of section 4-3-8.
- (d) Refuse shall not exceed the load equivalent of one (1) cubic yard per week and not exceed four (4) cubic yards per dwelling per month. Refuse in excess of this amount shall be subject to the provisions of section 4-3-8.
- (e) Grass trimmings, small shrubbery trimmings, pine needles, etc., shall be bagged.
- (f) Leaves shall be placed in plastic bags from the months of February through September for collection at curbside. During the months of October through January, leaves shall be placed in neat piles immediately behind the curb on curbed streets and immediately adjacent to the roadway on uncurbed streets. In no event shall they be placed in the gutters or drainage ditches. Leaf piles shall not contain any other garbage, trash, recyclable materials or debris such as rocks, bricks or concrete.
- (g) All needles, broken glass or similarly sharp or pointed objects must be disposed of in containers that are rigid, puncture-resistant and leakproof, and which are taped closed or tightly lidded to completely contain the contents therein and prevent any spillage or puncture.

(Ord. No. 2010-33, § I, 9-21-10; Ord. No. 2011-20, § VI, 12-20-11)

Sec. 4-3-8. - Items and materials requiring additional fees for collection.

- (a) Special pickups of appliances, furniture, white goods, electronics, or other similar items that require the use of a dump truck, flatbed truck or boom arm loader, or have special disposal requirements will be picked up on a special fee basis only. A special service fee will be assessed to the customer according to the fee schedule established and kept on file in the public works department. Customers

shall make arrangements with the public works department for pickup. Special pickup items shall not be placed on the curb prior to 12:00 p.m. the day before the pickup date. Customers shall not place these items curbside without making prior arrangements for pickup.

- (b) ~~Special pickups or~~ Garbage in excess of ninety-six (96) gallons shall not be picked up unless it is located within a receptacle provided by the City and the household pays result in an excessive disposal fee that will be assessed to the customer according to the fee schedule established and kept on file in the public works department. This fee shall not apply to customers that pay the monthly fee for an additional collection of ninety-six (96) gallons, provided that the garbage collected shall not exceed an additional ninety-six (96) gallons.
- (c) Refuse or yard trimmings placed curbside that exceed the allowed capacity established in section 4-3-7 shall be subject to a special service fee assessed to the customer according to the fee schedule established and kept on file in the public works department. Customers shall make arrangements with the public works department for special pickup of refuse or yard trimmings exceeding the allowed capacity.
- (d) Customers that fail to make arrangements for special pickup of items placed curbside within five (5) working days of placing the items shall be deemed to have abandoned the items. Items may be collected by the city and a special service fee, according to the fee schedule established and kept on file in the public works department, plus any additional costs incurred by the city, shall be assessed to the customer on the customer's water bill. The customer shall pay the fee in accordance with the water bill payment policies established by the city.
- (e) Whenever any condition shall exist which constitutes an emergency, an immediate and/or grave hazard to public health and safety requiring immediate action, the condition may immediately be abated or otherwise remedied summarily. The special service fee, and any additional costs incurred by the city, shall be assessed to the customer on the customer's water bill. The customer shall pay the fee in accordance with the water bill payment policies established by the city.

(Ord. No. 2010-33, § I, 9-21-10; Ord. No. 2011-20, § VII, 12-20-11)

Sec. 4-3-9. - Items and materials prohibited.

- (a) The city shall not be responsible for collecting or hauling discarded building materials, dirt, broken concrete, bricks, rock or debris resulting from repairs, major cleanups (this includes, but is not limited to, cleaning out of basements, attics, storage areas, or major cleanups from move-ins or move-outs), remodeling, or construction waste (plumbing fixtures, including, but not limited to, sinks, bath tubs, shower stalls, toilets, cabinets, doors, windows, roofing debris, lumber, siding, landscape timbers, crossties, carpet and/or floor coverings). Such material must be disposed of by the contractor, tenant, or owner of the property, unless it is on a special fee basis by agreement with the public works director or his designee.
- (b) The city shall not be responsible for collecting or hauling trees, bushes, or other vegetation from commercial tree trimmers, landscapers, grading contractors or building contractors, except on a special fee basis by agreement with the public works director or his designee.
- (c) For rental properties, garbage, refuse, yard trimmings or other solid waste originating from the property during the cleanup between tenants shall be the responsibility of the landlord and/or the property owner. The following shall apply to garbage, refuse, yard trimmings or other solid waste originating from the property of a landlord cleaning up between tenants:
 - (1) Following an eviction, any property, garbage, refuse, belongings, or other items shall be placed on some portion of the landlord's property, immediately behind the sidewalk or if there is no sidewalk, immediately behind the curb or off the pavement and shall not be located as to impede or obstruct or divert either pedestrian or vehicular traffic or the flow of surface water or block drains.

- (2) After execution of a writ of possession, such property shall be regarded as abandoned. Any property, garbage, refuse, belongings, or other items placed curbside following an eviction shall be removed within twenty-four (24) hours of the physical eviction by the property owner. If the property is not removed within twenty-four (24) hours, the city may commence removal at the expense of the property owner and the property owner shall be deemed in violation of this Code.
- (d) The following items, products, or materials will not be collected and it shall be a violation of this chapter for any person to place such items, products, or materials curbside or in any receptacle, or container for collection: rubber tires, wheels, automotive parts, acid, explosive material, inflammable liquids, dangerous or corrosive material of any kind, hazardous or bio-medical waste or any waste requiring special disposal procedures by the Rules of Solid Waste Management of the State of Georgia Department of Natural Resources ch. 391-3-4.

(Ord. No. 2010-33, § I, 9-21-10)

Sec. 4-3-10. - Solid waste plan required for building permit.

The city shall not issue a building permit for a multi-family dwelling, condominium or commercial establishment until the public works director or his designee gives his approval to proposed plans for the storage and disposal of solid waste.

(Ord. No. 2010-33, § I, 9-21-10; Ord. No. 2011-20, § VIII, 12-20-11)

Sec. 4-3-11. - Billing procedure.

The monthly solid waste collection fee for each of the premises to which the city supplies water service shall be billed and collected in the same manner and at the same time as water service is billed and collected. Multi-family dwellings shall be billed for a total number of units, whether units are occupied or unoccupied, unless the unit is not receiving water service. In the event that a structure does not receive a water bill, then monthly solid waste collection fee shall be billed and collected separately in the same manner, as if the premises received a water bill. Such charges, and additional special service fees, are in the amounts fixed in title 10 of this Code.

(Ord. No. 2010-33, § I, 9-21-10; Ord. No. 2011-20, § IX, 12-20-11)

Sec. 4-3-12. - Unauthorized use of dumpsters and prohibiting scavenging.

- (a) It shall be unlawful for any person to throw, deposit or otherwise leave solid waste in dumpsters that are leased and paid for private use, except by permission of the owner or lessee. This prohibition includes dumpsters on government property. Only dumpsters marked "For Public Use" shall be used by the public and it shall be unlawful to import household trash to these dumpsters.
- (b) It shall be unlawful for any person to scavenge or remove items from dumpsters, garbage receptacles or recycling receptacles.
- (c) The owner of each dumpster shall display one (1) sign in easy to read print, which shall contain the following information:
 - (1) Notice that the unauthorized and unlawful use of the dumpster is a violation of the Code of Ordinances of the City of Gainesville.
 - (2) Warning that violators will be prosecuted.
- (d) Any person found guilty of violating the provisions of this section shall on conviction thereof be punished as prescribed in section 1-1-7 of this Code.

(Ord. No. 2011-20, § X, 12-20-11)

Editor's note— Ord. No. 2011-20, § X, adopted Dec. 20, 2011, amended § 4-3-12 in its entirety to read as set out herein. Former § 4-3-12 pertained to nonpayment of fees deemed violation requiring termination of collection and water service and derived from Ord. No. 2010-33, § I, adopted Sept. 21, 2010.

Sec. 4-3-13. - Litter control.

- (a) It shall be unlawful for any person or persons to dump, deposit, throw, or leave or to cause or permit the dumping, depositing, placing, throwing, or leaving of litter on any public, private property or any waters in the city unless:
 - (1) The property is designated by the state or by any of its agencies or political subdivisions for the disposal of litter and the person is authorized by the proper public authority to use such property;
 - (2) The litter is placed into a litter receptacle or container installed on such property; or
 - (3) The person is the owner or tenant in lawful possession of such property or has first obtained consent of the owner or tenant in lawful possession or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.
- (b) No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep the sidewalk adjacent to their business, all off-street parking areas, all loading and unloading areas, and all landscaped areas associated with their business premises free of litter.
- (c) It shall be unlawful for any person utilizing any vehicle, moving or parked, to cause any paper, wastes, cartons, rubbish, feathers, gravel, earth, trimmings, limbs or garbage of any kind to be littered, thrown, deposited or scattered upon any street, sidewalk or public place or any private property. Precautions, as are necessary, to contain transported materials, including covering of open trucks, shall be utilized to prevent such littering and scattering.
- (d) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, aircraft, or other conveyance in violation of this section, it shall be prima facie evidence that the operator of the conveyance has violated this section.
- (e) Whenever any litter is dumped, deposited, thrown or left on public or private property in violation of this section is discovered to contain any article or articles, including, but not limited to, letters, bills, publications, or other writings which display the name of the person or entity thereon in such a manner as to indicate that the article belongs or belonged to such person or entity, it shall be a rebuttable presumption that such person or entity has violated this section.
- (f) It shall be unlawful for any person to dump waste unless authorized to do so by law or by a duly issued permit:
 - (1) In or on any public highway, roads, street, alley, or thoroughfare, including any portion of the right-of-way thereof, or on any other public lands except in containers or areas lawfully provided for such dumping;
 - (2) In or on any waters within the city; or
 - (3) In or on any private property, unless prior consent of the owner has been given and unless such dumping will not adversely affect the public health and is not in violation of any state or local law, rule, or regulation.

(Ord. No. 2010-33, § I, 9-21-10; Ord. No. 2011-20, § XI, 12-20-11)

Sec. 4-3-14. - Disposal of dead animals.

The disposal of dead animals shall be in compliance with section 4-1-9.

(Ord. No. 2010-33, § I, 9-21-10)

Sec. 4-3-15. - Disposal of scrap tires.

- (a) The owner or occupant of any premises shall be responsible for the sanitary handling and disposal of all scrap tires on the premises used or occupied by such person.
- (b) It shall be unlawful to cause or allow the dumping of scrap tires at any place in the city, including, and without limitations, in or on any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof or any waters in the city. Scrap tires shall not be disposed of on any public or private property in the city unless such scrap tires originate in the city and:
 - (1) The property is designated by the city and the Georgia Environmental Protection Division for the collection or disposal of scrap tires and the person is authorized to use such property;
 - (2) The scrap tires are placed into a container installed specifically for such property; and
 - (3) The property has a valid solid waste handling permit or other applicable identification numbers, approvals and/or permits issued by the Georgia Environmental Protection Division (EPD) when required.
- (c) All persons defined as scrap tire generators, scrap tire carriers, scrap tire processors, including scrap tire sorters, and retail tire dealers shall be subject to rules as defined in Chapter 391-3-4 et seq. of the Georgia Rules for Solid Waste Management and handle scrap tires in accordance with the provisions of O.C.G.A. § 12-8-20 et seq., and Georgia Rules for Solid Waste Management, Chapter 391-3-4 et seq., applicable to scrap tires, except where requirements of this chapter are more stringent.
- (d) It shall be unlawful for any person in a residential zone to accumulate any amount of scrap tires on or around property, which they own or occupy.

(Ord. No. 2010-33, § I, 9-21-10)

Sec. 4-3-16. - Nonpayment of fees deemed violation requiring termination of collection and water service.

Any customer failing or refusing to pay the monthly solid waste collection fee provided for in this chapter, after having been duly billed for same by the city, shall have all solid waste collection services and water service provided by the city to the premises for which the monthly charges are past due shall be terminated and discontinued by the city.

(Ord. No. 2011-20, § XII, 12-20-11)

Editor's note— Ord. No. 2011-20, § XII, adopted Dec. 20, 2011, amended § 4-3-16 in its entirety to read as set out herein. Former § 4-3-16 pertained to unauthorized use of dumpsters and prohibiting scavenging and derived from Ord. No. 2010-33, § I, adopted Sept. 21, 2010.

Sec. 4-3-17. - Penalties.

- (a) Any person found guilty of violating the provisions of this chapter shall on conviction thereof be punished as prescribed in section 1-1-7 of this Code.

- (b) Any person charged with a violation of any section or provision of this chapter shall be given a written notice and instructions from the office of the city public works director or his designee as to the required remedy for such violation. Failure to comply with the requirements of such written notice and instructions of the city public works director or his designee shall result in the termination of services by the public works director or his designee and shall, upon conviction in the municipal court be punished as provided in section 1-1-7.
- (c) Reinstatement of city solid waste collection shall only be provided after the person has fully complied with all the provisions of this chapter.
- (d) In addition to the fine set out in section 1-1-7 of this Code, the violator shall reimburse the city for the reasonable cost of removing the litter when the litter is or is ordered removed by the city and:
 - (1) At the sound discretion of the court, the person may be directed to pick up and remove from any public street or highway or public right-of-way any litter he has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or
 - (2) At the sound discretion of the court, the person may be directed to pick up and remove any and all litter from any public property, private right-of-way, or with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he has deposited litter. Pick up and removal shall include any and all litter deposited thereon by anyone prior to the date of execution of sentence; and
 - (3) The court may publish the names of persons convicted of violating this chapter.

(Ord. No. 2010-33, § I, 9-21-10)

Sec. 4-3-18. - Enforcement.

All law enforcement agencies, officers and officials of this state or any political subdivision thereof, or any enforcement agency, officer or any official of any commission of this state or any political subdivision thereof, are hereby authorized, empowered and directed to enforce compliance with this chapter.

(Ord. No. 2010-33, § I, 9-21-10)

Sec. 10-1-4. - Solid waste collection fee schedule.

- (a) For solid waste services defined in chapter 4-3 of this Code, the fee shall be thirty-two dollars and ten cents (\$32.10) per month.
- (b) Fee for the collection and disposal of up to an additional ninety-six (96) gallons of garbage per collection shall be ~~twenty-five dollars (\$25.00)~~ fifteen dollars (\$15.00) per month.
- ~~(c) An excessive disposal fee for the special pick-up of garbage exceeding ninety-six (96) gallons shall be determined by the public works director or his designee, but shall not be less than twenty-five dollars (\$25.00).~~
- (d) For any load of refuse or yard trimmings which is in excess of the normal service provided to the residential premises and requires a special pick-up, the public works director shall be authorized to charge the customer a special service fee according to the fee schedule established and kept on file at the public works department.
- (e) Reserved.

(Code 1958, §§ 11-6, 11-11, 11-12, 11-14; Ord. No. 91-50, § 1, 12-3-91; Ord. No. 92-49, §§ 1—4, 11-17-92; Ord. No. 2000-70, § I, 10-17-00; Ord. No. 2001-43, § I, 8-21-01; Ord. No. 2002-23, § I, 6-4-02; Ord. No. 2003-37, § I, 6-17-03; Ord. No. 2004-49, § I, 6-15-04; Ord. No. 2008-20, § I, 6-17-08; Ord. No. 2009-23, § I, 6-16-09; Ord. No. 2010-34, § I, 9-21-10)



Public Works Department

Solid Waste

Ordinance to Amend Chapter 4-3

Solid Waste

Current Service Level

- Garbage : Twice per week pickup at the house, 96 gallons
- Recycling : Once per week pickup, 35 gallons
- Curbside : Once per week, 1 cubic yard
- Landscape Debris : Once per week, 1 cubic yard
- Special pick-up as needed for additional fee
- City provides Garbage & Recycling containers

Solid Waste Current Service Rate

Household Solid Waste Fee : \$ 32.10 per month

Additional Can Fee : \$25.00 per month

Rate established by Ordinance in 2010

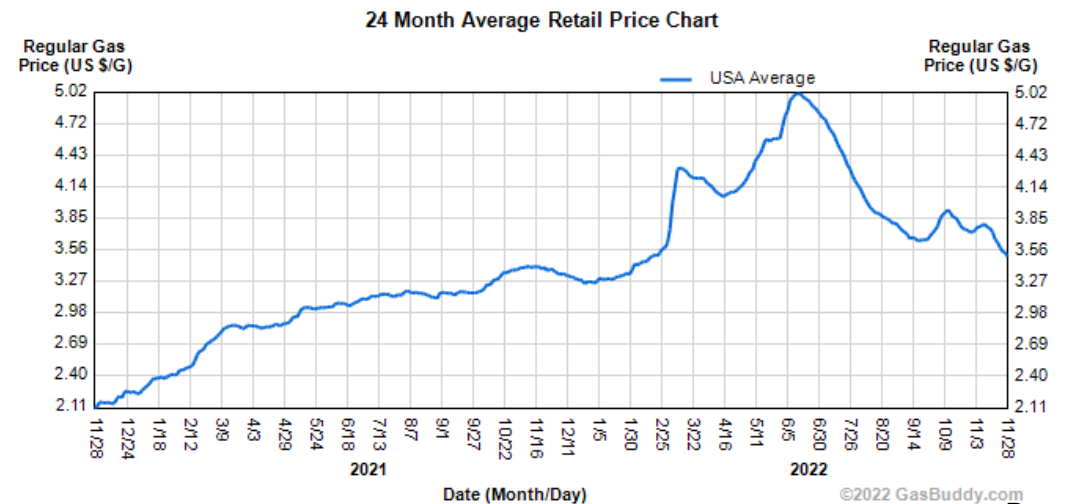
Cost Increases affecting Solid Waste Service

Equipment : 67% Average Increase in 5 Years

Landfill Fees : 81% Increase in 1 Year

Personnel : Minimum of 3% per year for 12 Years

Fuel : Constant fluctuation



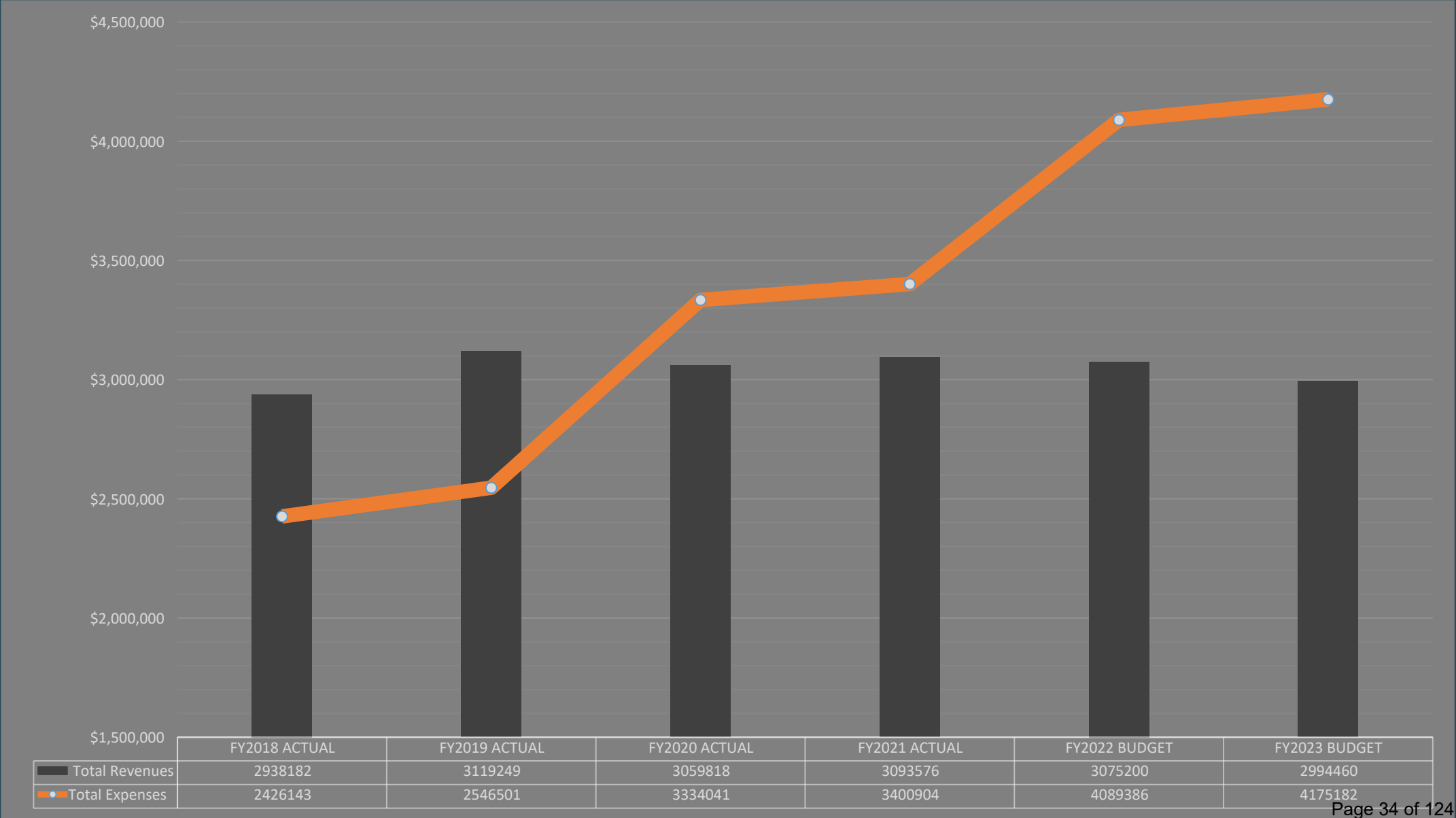
Equipment Cost Increase

	<u>2009</u>	<u>2022</u>
Scooter Truck	\$22,000	\$50,000
Garbage Packer Truck	\$150,000	\$300,000
Knuckle Boom Loader	\$120,000	\$275,000

Landfill Fee Increases in 2021

- Hall County (Household Garbage)
 - Tipping Fee Increase : \$33.00/ton to \$60.00/ton
- Leaf and Limb Disposal
 - Increase : \$50/per load to \$100/per load
- Curbside Rubbish Disposal
 - Increase : \$29.50/ton to \$40/ton

Financial Impacts Over Time



Proposed Modification to Solid Waste Service Level

- Garbage : ~~Twice~~ **Once** per week pickup ~~at the house~~ **curbside**, 96 gallons
- Recycling : Once per week pickup, 35 gallons
- Curbside : Once per week, 1 cubic yard
- Landscape Debris : Once per week, 1 cubic yard
- Special pick-up as needed for additional fee
- City provides Garbage & Recycling containers

Proposed Modification to Solid Waste Service Rate

Household Solid Waste Fee : \$ 32.10 per month

Additional Can Fee : ~~\$25.00~~ **\$15.00** per month

*Strict enforcement of current ordinance that only bagged
garbage placed in the can will be collected*

Medical Waiver

Customers physically unable to take their receptacle to the curb, may apply for a medical waiver.

- Must be signed by a Physician, Physician Assistant or Nurse Practitioner
- Customer must certify no other individual lives in the household that can place the receptacle curbside

Customers with an approved medical waiver may keep their receptacle within 10 feet of the house and visible from the driveway.

Proposed Timeline for Implementation

Ordinance Adoption : December 6, 2022

Public Education : December 7, 2022 – January 20, 2023

Medical Waiver Available : December 7, 2022

Routes Released : January 2023

Effective Date of Service Change: January 23, 2023



Public Works Department

8 DIVISIONS
1 PUBLIC WORKS



CITY OF GAINESVILLE

Work Session Agenda Request

Item Created: November 15, 2022

Date Submitted: November 18, 2022

Final Approval Date: November 29, 2022

Presenter: Abb Hayes, City Attorney

Item of Business: **Public Hearing Item: December 6, 2022 Council Meeting**
Request from **Jim Shorkey Real Estate 12, LLC** to annex a total of 6.76± acres located on the south side of Browns Bridge Road, east of Old Flowery Branch Road, having road frontage on Zander Drive (a/k/a **0 Browns Bridge Road**) and to establish a zoning of Light Industrial (L-I). **Ward Number: Five.** Tax Parcel Number(s): 08-007-003-003. **Request: Expansion of existing auto dealership.**

Meeting Date: December 1, 2022

Purpose of Request:

To provide an overview of the zoning request as presented at the November 8, 2022 Planning and Appeals Board Meeting.

Facts & Issues / History & Background:

The applicant is proposing to annex the subject property with a zoning of Light Industrial (L-I). The property is zoned Light Industrial (L-I) within unincorporated Hall County and is located within the Gateway Corridor Overlay Zone. The applicant desires to bring the remaining portion of property within the city limits in order to expand the auto dealership. The intent is to replace the existing Mazda sales and service building with a two-story, 26,730 square foot building that will complement the adjacent Jim Shorkey Cadillac dealership. There are no changes anticipated for the existing access on Browns Bridge Road. The front half of the property contains a large asphalt parking lot. The rear half of the property is mostly wooded and contains a small family graveyard known as the Stringer Family Cemetery which will remain undisturbed. The adjacent properties include Jim Shorkey Cadillac & Mazda dealership, Jim Shorkey Collision center, Georgia Powder Coating, Hall County Probation office, Hatfields Auto Service and Greene Ford auto dealership.

Department Recommendation:

Staff and PAB recommended approval with two conditions. See the PAB Recommendation report for details and excerpts from the meeting minutes.

SAMPLE MOTIONS

Approval of Ordinance 2022- :

I move to approve the ordinance to annex the subject property for expansion of an existing auto dealership as presented.

Approval of Ordinance 2022- :

I move to approve the ordinance to establish zoning as Light Industrial (L-I) with two conditions as presented.

Denial of the Request:

I move to deny the request.

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget? No

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. CC Legal Ad
2. PAB Recommendation Report
3. Proposed Annexation Ordinance
4. Proposed Zoning Ordinance
5. Location Maps
6. Narrative
7. Site plan
8. Architectural Renderings

Also included is a 12' x 40', 1970 Valiant Mobile Home located on the Property. will expire and be forever foreclosed and barred on and after the 27th day of December, 2022, OR 30 days from the date of receipt of this correspondence.

The tax deed to which this notice relates is dated the 7th of August, 2018, and recorded in Deed Book 8160, pages 95-96 of the office of the Clerk of the Superior Court of Hall County, Georgia. The property may be redeemed at any time before the later of 27th day of December, 2022, OR 30 days from the date of receipt of this correspondence by payment of the redemption price as fixed and provided by law to Chau Ngoc Lam at the following address: Chau Ngoc Lam

c/o Stewart, Melvin & Frost, LLP
Attn: Whitney S. Brown
Post Office Box 3280
Gainesville, Georgia 30503
(770) 536-0101
Please be governed accordingly.
STEWART, MELVIN & FROST, LLP
/s/ Whitney S. Brown
Whitney S. Brown
Attorney for Chau Ngoc Lam
4877-2562-8220, v. 1
114301 11/9,16,23,30

GEORGIA
HALL COUNTY
JAMES A. SAUNDERS
ESTATE, BETTY
SAUNDERS, and ALL
HEIRS KNOWN AND
UNKNOWN take notice that:

The right to redeem the following described property, to wit: All that tract or parcel of land lying and being in Land Lot 25, 12th District, Hall County, Georgia, and being all of the lots shown by a plat prepared by December 18, 1987 by Farley-Collins Associates, Georgia Registered Surveyors, recorded in Plat Book 126, Page 152, Hall County Plat Records, which plat is incorporated herein for a more complete description thereof. This being a part of the property conveyed by Deed from Rosie S. Allison to William H. Beasley dated April 8, 1992, recorded in Book 765, Page 306, Hall County Deed Records , and by deed from William H. Beasley to William W. and Carol J. Bolton dated January 19, 1995, recorded in Book 2324, Page 57, aforesaid records, will expire and be forever foreclosed and barred on and after the 26th day of December, 2022, OR 30 days from the date of receipt of this correspondence.

The tax deed to which this notice relates is dated the 5th day of October, 2021, and recorded in Book 9004, page 170 of the office of the Clerk of the Superior Court of Hall County, Georgia. The property may be redeemed at any time before the later of 26th day of December, 2022, OR 30 days from the date of receipt of this correspondence by payment of the redemption price as fixed and provided by law to Demetrio Goicochea at the following address: Demetrio Goicochea
c/o Stewart, Melvin & Frost, LLP
Attn: Whitney S. Brown
Post Office Box 3280
Gainesville, Georgia 30503
(770) 536-0101
Please be governed accordingly.
STEWART, MELVIN & FROST, LLP
/s/ Whitney S. Brown
Whitney S. Brown
Attorney for Demetrio Goicochea
4859-0895-9548, v. 1
114293 11/9,16,23,30

Local Government

The City of Buford Planning and Zoning Board will meet on Tuesday, November 15, 2022 at 7:00 p.m. at Buford City Hall, 2300 Buford Highway, Buford, Georgia 30518 and the Buford City Commission will meet on Monday, December 5, 2022 at 7:00 p.m. at Buford City Arena, 2795 Sawnee Avenue, Buford, Georgia 30518 to consider a rezoning request at 6076 Atlanta Highway from RA-200 to O-I for Hany Gobran.

**113263
10/19, 26, 11/2, 9, 16, 23, 30**

The City of Buford Planning and Zoning Board will meet on Tuesday, November 15, 2022 at 7:00 p.m. at Buford City Hall, 2300 Buford Highway, Buford, Georgia 30518 and the Buford City Commission will meet on Monday, December 5, 2022 at 7:00 p.m. at Buford City Arena,

2795 Sawnee Avenue, Buford, Georgia 30518 to consider a special use permit at 4996 Lanier Islands Parkway, parcel 2, being out of parcel 08-157-000001, containing 1.651 acres for CHA Consulting, Inc./Ryan Poythress. The special use permit requested is to allow a drive through window for a proposed quick serve restaurant.

**113293 10/19, 26
11/2, 9, 16, 23, 30**

The City of Buford Zoning Board of Appeals will meet on Monday, November 21, 2022 at 7:00 p.m. at Buford City Hall, 2300 Buford Highway, Buford, Georgia 30518 to consider a variance request at 6260, 6264, 6268 and 6274 Mount Salem Circle for Roger Lee. The variance requested is to allow a fence with gate and columns in the front yard.

**113690
10/26, 11/2, 9, 16**

Miscellaneous

ABANDONED MOTOR VEHICLE ADVERTISEMENT NOTICE (TOWING OR STORAGE COMPANY)
You are hereby notified, in accordance with OCGA 40-11-19 (a) (2), that each of the below-referenced vehicles are subject to a lien and a petition may be filed in court to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt. The vehicles are currently located at Statewide Wrecker Service Inc., 2315 Murphy Blvd, Gainesville, GA 30501

The vehicles subject to liens as stated above are identified as:

2020 Zhejiang Viper Prime Scooter, LLPVGBAHL1J00131, NOTAG
Anyone with an ownership interest in any of these vehicles should contact the following business immediately:
Business Name: Statewide Wrecker Service, Inc.
Address: PO Box 1778, Flowery Branch, GA 30542-0030
Telephone #: 770-381-1140
113998 11/2, 9, 16

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA
GA HALL UNINCO 347, LLC, Petitioner,

v. Emmitt L. Lee; Emmitt L. Lee Estate and all heirs, known and unknown; and all persons unknown who claim or might claim adversely to Petitioner's title to Tax Parcel 15041 000020 Hall County, Ga., Respondents.
CIVIL ACTION FILE NO.: 2021CV995C
NOTICE OF SUMMONS
TO: Any and all persons unknown who claim or might claim adversely to Petitioner's title and interest to the real property known as Tax Parcel 15041 000020, Hall County, Georgia
You are hereby notified that the above-styled action seeking to establish title to the below described property against you and all the world was filed on the 10th day of June, 2021, in the Superior Court of Hall County, Georgia, Northeastern Judicial Circuit.

You are hereby summoned and required to file with the Clerk of said Court and serve upon the Petitioner's attorney, whose name and address is: Keith J. Whitaker Smith, Gilliam, Williams & Miles, P.A.
P.O. Box 1098
Gainesville, GA 30503
within 30 days of the date of the service of this Notice of Summons your answer to said petition and file pleadings before the court. Failure to do so may result in said Court granting the relief sought by Petitioner in the above-styled action by default.

The property to which Petitioner seeks to establish title is known as 5596 Thompsons Mill Road, Hoschton, Georgia 30548 (also identified as Parcel 15041 000020 per the Records of the Hall County Tax Commissioner) and more particularly described as follows:

All that certain tract or parcel of land situate, lying and being in Clincham District of Hall County, Georgia, on the north side of what is known as the Buford-Thompson Mill Paved Road, and more particularly described as follows: Beginning at an iron pin on the north side of the right of way of the aforesaid Buford-Thompson Mill Paved Road, corner common to the property hearing described and the lands

formerly belonging to the Estate of Ike Duncan, deceased; thence running in an easterly direction along the north side of said Buford-Thompson Mill Paved Road, 108 feet to an iron pin at the corner of other lands of Ralph Helton; thence in a northerly direction a straight line along other lands of Ralph Helton 104 feet to an iron pin corner; thence in a westerly direction a straight line along other lands of Ralph Helton 40 feet to an iron pin on the line of lands formerly belonging to the Estate of Ike Duncan, deceased; thence in a southerly direction along the lands formerly belonging to Ike Duncan, deceased, 130 feet to an iron pin on the north side of the right of way of said Buford-Thompson Mill Paved Road, the beginning corner. Being unimproved property known as 5596 Thompsons Mill Road, Hoschton, Georgia 30548, according to the present system of assigning street addresses in Hall County, Georgia. Further described as Map & Parcel 15041 000020 This day of October, 2022

Witness the Clerk of Superior Court
Charles Baker
113332 10/19,26,11/2,9



MUNICIPAL COURT CITY OF GAINESVILLE
701 QUEEN CITY PARKWAY
GAINESVILLE, GEORGIA 30501
770-531-2668
NOTICE OF CONVICTION DRIVING UNDER THE INFLUENCE
NAME: GALINDO GILBERTO
ADDRESS: 3014 SPRINGDALE PARK DR GAINESVILLE, GA 30506
DATE, TIME AND PLACE OF ARREST: 9/16/2022 AT 09:18 AM DAWSONVILLE HWY/MARINA
DISPOSITION: 12MOS PROB/FINE OF \$2069/SR V 90DAYS-CREDIT FOR TM SRVD 60HRS COM SRV/DUI SCHL IN 120DAYS/ EVAL, TREAT & FOLLOW ALL RECOMMENDATIONS/IGN INTERLOCK/PHOTO FEE OF \$25
CITATION# 508251
City of Gainesville
GMC 014
5/26/04
114489 11/9



NEW SEX OFFENDER TO HALL COUNTY
NAME: William Stacey Griffiths
ADDRESS: 441 Thunder Rd Buford Ga 30518
DATE OF OFFENSE: 09/01/1993
OFFENSE: Child Molestation, Aggravated Child Molestation, Sodomy, Aggravated Sodomy
COURT OF CONVICTION: Barrow County, Georgia
WEBSITE: https://gbi.georgia.gov/georgia-sex-offender-registry
114583 11/9

REDEMPTION NOTICE TO ALL OWNER(S), LESSOR(S), LESSEE(S), SECURITY INTEREST HOLDER(S), AND LIENHOLDER(S) OF THE BELOW DESCRIBED VESSEL
Date first run in county organ or posting at county courthouse: 11/2/2022

To the above styled individuals: You are hereby given notice that the below named individual or company is in possession of your vessel.

The vessel is described: 1987 Weldcraft
The certificate number is: GA 9055 WB

The hull identification number is: WELC3140D787
The vessel was removed from:

The present location of the vessel is: Safe Harbor Aqualand—Lot 7
6800 Lights Ferry Rd Flowery Branch GA 30542
Submitted by: Jeremy Enck as Owner/Operator of Removal or Storage Company
6800 Lights Ferry Rd Address
Flowery Branch GA 30542
City State Zip
THE ABOVE VESSEL HAS BEEN DEEMED ABANDONED AND IF

NOT REDEEMED BY ITS OWNERS OF THOSE HAVING A LEGAL INTEREST, IT WILL BE DISPOSED OF.
THIS ADVERTISEMENT SHALL RUN IN THE COUNTY'S LEGAL ORGAN FOR TWO (2) CONSECUTIVE WEEKS, AND IF NO PAPER EXISTS, SHALL BE POSTED AT THE COUNTY COURTHOUSE FOR TWO (2) CONSECUTIVE WEEKS.
O.C.G.A. § 52-7-71
114092 11/2,5,9,12

REDEMPTION NOTICE TO ALL OWNER(S), LESSOR(S), LESSEE(S), SECURITY INTEREST HOLDER(S), AND LIENHOLDER(S) OF THE BELOW DESCRIBED VESSEL
Date first run in county organ or posting at county courthouse: 11/2/2022

To the above styled individuals: You are hereby given notice that the below named individual or company is in possession of your vessel.

The vessel is described: 1998 Bayliner
The certificate number is: GA 9016 RN

The hull identification number is: BL2C37STC898
The vessel was removed from:

The present location of the vessel is: Safe Harbor Aqualand—Lot 7
6800 Lights Ferry Rd Flowery Branch GA 30542
Submitted by: Jeremy Enck as Owner/Operator of Removal or Storage Company
6800 Lights Ferry Rd Address
Flowery Branch GA 30542
City State Zip

THE ABOVE VESSEL HAS BEEN DEEMED ABANDONED AND IF NOT REDEEMED BY ITS OWNERS OF THOSE HAVING A LEGAL INTEREST, IT WILL BE DISPOSED OF.
THIS ADVERTISEMENT SHALL RUN IN THE COUNTY'S LEGAL ORGAN FOR TWO (2) CONSECUTIVE WEEKS, AND IF NO PAPER EXISTS, SHALL BE POSTED AT THE COUNTY COURTHOUSE FOR TWO (2) CONSECUTIVE WEEKS.
O.C.G.A. § 52-7-71
114091 11/2,5,9,12

Name Changes

HALL COUNTY SUPERIOR COURT STATE OF GEORGIA
Civil Action Number
2022CV1831B
NOTICE OF PETITION TO CHANGE NAME(S) OF MINOR CHILD(REN)
Luz Clarisa Godinez Mendoza filed a petition in the Hall County Superior Court on 10-14, 2022, to change the name(s) of the following minor child(ren)
From: Melany Mendoza Escobilla to : Melany Escobilla Godinez.
Any interested party has the right to appear in this case and file objections within the time prescribed in OCGA §19-12-1(f)(2) and (3).
Dated: 10-14-22
Luz Clarisa Godinez Mendoza
Petitioner, Prose
Name: Luz Clarisa Godinez Mendoza
Address: 1045 Rosewood Dr. Gainesville, GA 30501
Phone (Day): (678) 865-9269

**113646
10/26, 11/2, 9, 16**

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA
IN re the Name Change of: Hali Louise Ledbetter
Petitioner.

Civil Action Case Number: 2022CV1850B
NOTICE OF PETITION TO CHANGE NAME OF ADULT
Hali Louise Ledbetter filed a petition in the Hall County Superior Court on 22nd day of October 6, of 2022 to change the name from Hali Louise Ledbetter to Hali Louise Dodson. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed.
Dated: 10/6/2022
Hali Louise Ledbetter
Petitioner, Pro se.
Name: Hali Louise Ledbetter
Address: 5410 Green Hunter Ln SE Gainesville, GA 30501
114195 11/2, 9, 16, 23

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA
IN re the Name Change of: Jaime Eduardo Diaz
Petitioner.

Civil Action Case Number: 2022CV1864B

NOTICE OF PETITION TO CHANGE NAME OF ADULT
Jaime Eduardo Diaz filed a petition in the Hall County Superior Court on 22nd day of October, of 2022 to change the name from Jaime Eduardo Diaz to Iris Diaz. Notice is hereby given pursuant to law to any interested or

affected party to appear in said Court and to file objections to such name change. Objections must be filed with said Court within 30 days of the filing of said petition. This 22nd day of October.

Jaime Diaz
Petitioner
114039 11/2, 9, 16, 23

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA
IN re the Name Change of: Kevin Levi Etris
Petitioner.

Civil Action Case Number: 2022CV1862B
NOTICE OF PETITION TO CHANGE NAME OF ADULT
Kevin Levi Etris filed a petition in the Hall County Superior Court on 24TH of October of 2022 to change the name from Kevin Levi Etris to Kevin Levi Loden within 30 days after the Petition was filed.
Dated: 10-24-22
Kevin Levi Etris
Petitioner, Pro se
Name: Kevin Levi Etris
Address: 8271 Mountain Glen Dr
Clermont, GA 30527
113967 10/26, 11/2, 9, 16

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA
In re Name Change of: ASHLEY M. DANIELSON,
Petitioner.

CIVIL ACTION FILE NO.: 2022-CV-1244-J
AMENDED NOTICE OF PETITION TO CHANGE NAME OF ADULT
The Petitioner has filed a petition in the Superior Court of Hall County on July 15, 2022, to change her name from ASHLEY MICHELLE DANIELSON to EVELYN MICHELLE DORSEY.
Any interested party has the right to appear in this case and file objections within the time prescribed in O.C.G.A. §§ 19-12-1(f)(2) and (3).
This 25th day of October, 2022.
Jennifer McCall, Attorney at Law, LLC
200 Main St. SW, Suite 104
Gainesville, GA 30501
Phone (678) 696-5348
jennifer@mccallatlaw.com
Attorney for Petitioner
114076 11/2,9,16,23

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA
IN RE THE NAME CHANGE: KAREN LORI ETHERIDGE,
Petitioner. CIVIL ACTION FILE NO.: 2022-CV-1683-A
NOTICE OF PETITION TO CHANGE NAME OF ADULT
The Petitioner has filed a petition in the Superior Court of Hall County on September 16, 2022, to change her name from KAREN LORI ETHERIDGE to LORI ABERNATHY PURGASON.

Any interested party has the right to appear in this case and file objections within the time prescribed in O.C.G.A. §§ 19-12-1(f)(2) and (3).
This 25th day of October, 2022.
Jennifer McCall, Attorney at Law, LLC
200 Main St. SW, Suite 104
Gainesville, GA 30501
Phone (678) 696-5348
jennifer@mccallatlaw.com
Attorney for Petitioner
114074 11/2,9,16,23

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA
In re the Name Change: Melinda Rico, Petitioner.
Civil Action Case Number: 2022CV1498B
NOTICE OF PETITION TO CHANGE NAME OF ADULT
Melinda Rico, filed a petition in the Superior Court of Hall County August 22, 2022, to change the name from: Melinda Rico to Melinda Luna. Any interested party has the right to appear in this case and file objections with 30 days after the Petition was filed.
Dated 08-22-2022
Melinda Rico
Petitioner, Pro se
Name: Melinda Rico
Address: 6375 Nuggett Trl, Gainesville, Ga 30506
Email: melindarico91@gmail.com
Phone (day): 770-560-5400
113875 10/26, 11/2, 9, 16

SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA
In re the Name Change of: Haley Annette Cobb, Petitioner.
Civil Action Case Number 2022CV1524J
NOTICE OF PETITION TO CHANGE NAME OF ADULT
Haley Annette Cobb filed a petition in the Superior Court Hall County August 25, 2022, to change the name from: Haley Annette Cobb to Hayden Allen Cobb. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed.
Dated: 08/25/2022
Haley Annette Cobb
Petition, Pro se
Name: Haley Annette Cobb
Address: 3601 Titshow Dr.

Gainesville, Ga 30501
Email: Haleycobb1@aol.com
Phone(day): (470) 733-6893

**113497
10/19, 26, 11/2, 9**

SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA

In re the Name Change of : Mary Elizabeth Timberlake Oropeza
Civil Action Case Number: 2022CV1865A

NOTICE OF PETITION TO CHANGE NAME OF ADULT
Mary Elizabeth Timberlake Oropeza file a petition in the Superior Court of the Hall County on October 25, 2022, to change the name from: Mary Elizabeth Timberlake Oropeza to Elizabeth Timberlake Oropeza. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed.

Dated: 10/26/22
Mary Elizabeth Timberlake Oropeza
Petitioner, Pro se
Name: Mary Elizabeth Timberlake Oropeza
Address: 3603 Hanover Dr. Gainesville, GA 30506
Email: oropeza50@gmail.com
Phone (770) 329-6024
114315 11/9, 16, 23, 30

Public Hearings

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, December 6, 2022 at 5:30 p.m. in the Gainesville Justice Center (Municipal Courtroom at the Public Safety Complex), 701 Queen City Parkway in Gainesville on the following requests:

1) Request from Jim Shorkey Real Estate 12, LLC to annex a total of 6.76± acres located on the south side of Browns Bridge Road, east of Old Flowery Branch Road, having road frontage on Zander Drive (a/k/a 0 Browns Bridge Road) and to establish a zoning of Light Industrial (L-I).
Ward Number: Five
Tax Parcel Number(s): 08-007-003-003
Request: Expansion of existing auto dealership

Additional information is available from the Community and Economic Development Department, Planning Division, by calling 770-531-6570.
114391 11/9

NOTICE OF PUBLIC HEARING UPON APPLICATION FOR ANNEXATION AND REZONING

Pursuant to O.C.G.A. § 36-36-1 et seq. and O.C.G.A. § 36-36-20 et seq., notice is hereby given that the City of Buford, a Georgia Municipal Corporation, will hold a public hearing to evaluate the applications of certain landowners, more fully set forth on Exhibit "A", to annex and zone property to the corporate limits of the City of Buford as provided in O.C.G.A. § 36-36-20 which is contiguous to the existing limits. The property proposed for annexation and rezoning is contiguous to the present corporate limits of the City of Buford and is more particularly described in Exhibit "A" attached hereto.

The City of Buford Planning Commission will hold a public hearing and make recommendation on such application for annexation and rezoning on Tuesday, November 15, 2022, at 7:00 pm, Buford City Hall, 2300 Buford Highway, Buford, Gwinnett County, Georgia 30518.

The Buford City Commission will hold a public hearing to discuss and pass upon the proposed applications for annexation and rezoning on Monday, December 5, 2022 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 3rd day of October, 2022.
CHANDLER, BRITT & JAY, LLC
City Attorneys

EXHIBIT "A"
OWNER: ANA M. CAMPOZANO
CURRENTLY ZONED: AR-III
PROPOSED ZONING: RA-200
ADDRESS: 133 HOLIDAY RD
Tract I: All that tract or

parcel of land lying and being in Land Lot 169 in the Eighth Land District of Hall County, Georgia, and more fully described as follows: Beginning at an iron pin at the center of the Greens Crossing Road at corner of land already owned by John H. Haney; thence North 29 degrees 22 minutes West 322.5 feet to an iron pin on the South side of the 200 feet right of way of Southern Railroad, which iron pin is located 429 feet East of the line between Land Lot 169 in the Eighth District and Land Lot No. 329 in the Seventh District as measured along the South side of said Railroad Right of way, thence North 67 degrees 08 minutes East 50.1 feet along the South side of said right of way to an iron pin; thence South 29 degrees 22 minutes East 360.9 feet to the center line of the Greens Crossing Road; thence North 77 degrees 37 minutes West 67 feet to the beginning corner. Tract II All that tract or parcel of land lying and being in County of Hall, State of Georgia, Seventh Land District, and a part of Lot 169, bounded as follows: Beginning at a point on the Southern Railway, running along said Southern Railway right of way twenty-six (26) rods to an iron pin corner and line with Harrison Pugh Property; thence in an Easterly direction along the Pugh Property, nineteen (19) rods and 9 feet to the Greens Crossing Road; thence in a Southwesterly direction along the Greens Crossing Road, nineteen (19) road and eight feet to an iron pin corner; thence in a Southwesterly direction 11 rods and 5 feet to an iron pin corner and line with John S. Haney; thence in a Westerly direction along the lands of Leonard Whidby 11 rods and 14 feet to the Southern Railway and point of beginning. Said tract of land contains two acres, more or less, and a four room dwelling.

Subject to all easements, rights of way, and restrictive covenants of record (hereinafter referred to as the "Exceptions").

ADDRESS: 133 Holiday Road, Buford, GA 30518
Parcel: 08169-003001
EXHIBIT "A"
OWNER: CLAYTON ORTIZ
CURRENTLY ZONED: AR-III
PROPOSED ZONING: C-2
ADDRESS: 5659 HOLIDAY RD

All that tract or parcel of land lying and being in Land Lot 299 of the 7th District, Hall County, Georgia and being more particularly described as follows:

To find the True Point of Beginning, begin at a Concrete Monument Found at the Right-of-Way intersection of the Easterly Right-of-Way of Holiday Road (apparent Right-of Way Varies) and the Northerly Right-of-Way of McEver Road (apparent Right-of-Way Varies); THENCE from said point as thus established, North 36 degrees 47 minutes 27 seconds West for a distance of 344.00 feet to a Point, said Point being The True Point of Beginning.

THENCE from said Point as thus established, North 36 degrees 20 minutes 29 seconds West for a distance of 175.00 feet to a Point; THENCE North 61 degrees 56 minutes 24 seconds East for a distance of 277.05 feet to a Point; THENCE South 37 degrees 33 minutes 53 seconds East for a distance of 149.48 feet to a Point; THENCE South 56 degrees 37 minutes 19 seconds West for a distance of 277.73 feet to a Point, said Point being The True Point of Beginning.

Said property contains 1.026 Acres. Including easements within
**113128 10/19, 26
11/2, 9, 16, 23, 30**

PUBLIC NOTICE

The Braselton Planning Commission will hold a Public Hearing on Monday, November 28, 2022 at 6 p.m. and the Braselton Mayor and Council will hold a Public Hearing on Thursday, December 8, 2022, at 4 p.m. on the following items:

Application # 22-06-RZ
Application for annexation and rezoning from Abernathy Development Company, LLC on property owned FJH, LLC. The property is identified as Jackson County Tax Parcel(s) 118 014 and 118 009. The approximate area of

**GAINESVILLE PLANNING and APPEALS BOARD
RECOMMENDATION**

Applicant and Property OwnerJim Shorkey Real Estate 12, LLC
Location0 Browns Bridge Road
Request.....Annex, with L-I zoning
Total Acres6.76± acres
WardFive
Proposed Use.....Expansion of existing auto dealership
Planning Division Staff Recommendation.....**Approval, with conditions**
Planning & Appeals Board Recommendation.....**Approval, with conditions**
DateNovember 8, 2022

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

The applicant is proposing to annex the subject property with a zoning of Light Industrial (L-I). The property is zoned Light Industrial (I-I) within unincorporated Hall County and is located within the Gateway Corridor Overlay Zone. The applicant desires to bring the remaining portion of property within the city limits in order to expand the auto dealership. The intent is to replace the existing Mazda sales and service building with a two-story, 26,730 square foot building that will complement the adjacent Jim Shorkey Cadillac dealership. There are no changes anticipated for the existing access on Browns Bridge Road. The front half of the property contains a large asphalt parking lot. The rear half of the property is mostly wooded and contains a small family graveyard known as the Stringer Family Cemetery which will remain undisturbed.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Jim Shorkey Collision Center	General Business (G-B) and Light Industrial (L-I) -City
South	Georgia Powder Coating	Light Industrial (I-I) -County
East	Jim Shorkey Cadillac & Mazda dealership; Hall County Probation office; Hatfields Auto Service	Light Industrial (L-I) -City
West	Green Ford auto dealership	Light Industrial (I-I) -County

▪ **Other Departmental Comments**

The applicant will need to coordinate with the Georgia Department of Transportation regarding any access improvements for the proposed use. 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:

2022 – A request by Atlantic Leasing, LLC to annex two properties totaling 1.0± acres located at 1411 Hudgins Street and 1506 Browns Bridge Avenue with a zoning of General Business (G-B) was approved with conditions to combine the property with the Jim Hardman auto dealership.

2022 - A request by Olga B. Villarreal for a special use within General Business (G-B) zoning on a 13.34± acres located at 2285 and 2287 Browns Bridge Road, SW was approved with conditions for a special event center.

2020 – A request by Packaging Specialties of GA to annex a 4.16± acres tract located at 0, 2390 and 2400 Murphy Boulevard with a zoning of Light Industrial (L-I) was approved utility improvements.

2013 – A request by B & L Bowling Center, LLC for a special use within Light Industrial (L-I) zoning on a 2.44± acres tract located at 2317 Browns Bridge Road was conditionally approved for an outdoor electric go-cart track.

▪ **Staff Analysis**

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

The proposed use will remain as an auto dealership but will be expanded to include the replacement/addition of a 26,730 square foot Mazda sales and service building. The surrounding uses include a mixture of commercial and industrial uses zoned General Business (G-B) and Light Industrial (L-I). The proposed use appears to be suitable.

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

Impacts should be minimal as the property and use will function in a similar manner as it currently does in the County. Existing facilities and infrastructure are in place and ingress/egress traffic movements to/from the property are anticipated to remain unchanged.

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

The Future Development Map for the City of Gainesville places the property within the *Commercial* land use category. The Commercial land use category includes areas focused on retail, office, and or other commercial service activities such as grocery stores, banks, restaurants, hotels and automotive-related businesses.

As well, the Character Area map for the City of Gainesville places the subject property within the *West Side* character area. Land uses allowed in the West Side include higher density residential, mixed-use, commercial, light industrial, public and institutional and parks and recreation.

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

The property is similarly zoned Light Industrial (L-I) in the County and currently functions as auto dealership. The applicant desires to annex the property with a similar zoning of Light Industrial (L-I) in order to do business within one jurisdiction.

(5) Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?

The change from County jurisdiction to City jurisdiction should not substantially affect public facilities or services at this time. The Gainesville Fire and Police Departments currently respond

to adjacent and nearby properties and the nearest City of Gainesville Fire Station #4 off of Memorial Park Drive is approximately 1.2 miles from the subject property. No impacts to the City school system are anticipated.

(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 properties fronting this segment of Browns Bridge Road are expected to remain commercial. Specifically, the subject property is located within a commercial gateway which has served as an auto mall corridor for decades. There is no change in use anticipated for the subject property. It is staff's opinion that the proposal appears to be consistent with existing and expected uses for the area.

(7) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

The proposed annexation request with a zoning of Light Industrial (L-I) appears to promote a reasonable balance between the promotion of the public health, safety, morality, or general welfare, and the right to unrestricted use of property.

▪ **Staff Recommendation**

The Planning Division staff is recommending **conditional approval** of this annexation request with **Light Industrial (L-I)** zoning, based on the Comprehensive Land Use Plan and the adjacent commercial land use.

Conditions

1. The proposed buildings shall meet the exterior building material requirements of the Gateway Corridor Overlay Zone.
2. Prohibited uses for the subject property shall include adult novelty stores, group homes, crisis centers, adult entertainment centers, pawn shops, dollar-type stores, massage parlors, hookah lounge, tobacco or vaping stores, gas station/convenience stores, tire stores, auto parts stores, marine sales or repair stores, automated or non-automated car washes, truck stops, coin-laundry facilities, tattoo parlors, psychics, fortune tellers, clairvoyants and the like.

Excerpts from the November 8, 2022 PAB Meeting Minutes

Applicant Presentation: David Anderson, 2491 Thrasher Road, Buford, Georgia stated he is a surveyor with Alliance Engineering and Planning, the civil engineers for the site. He said they agree with the request and are glad to answer any questions about the property.

FAVOR: None

OPPOSE: None

There was a motion to recommend conditional approval of the annexation request for expansion of an existing auto dealership and establish zoning as Light Industrial (L-I) with the following conditions:

Conditions

1. The proposed buildings shall meet the exterior building material requirements of the Gateway Corridor Overlay Zone.
2. Prohibited uses for the subject property shall include adult novelty stores, group homes, crisis centers, adult entertainment centers, pawn shops, dollar-type stores, massage parlors, hookah lounge, tobacco or vaping stores, gas station/convenience stores, tire stores, auto parts stores, marine sales or repair stores, automated or non-automated car washes, truck stops, coin-laundry facilities, tattoo parlors, psychics, fortune tellers, clairvoyants and the like.

Motion made by Board Member Martin

Motion seconded by Board Member White

Vote – 5 favor, 2 absent (Fleming, Delgado)

Passed: _____

AN ORDINANCE

No. 2022-

AN ORDINANCE ANNEXING A TOTAL OF 6.76± ACRES LOCATED ON THE SOUTH SIDE OF BROWNS BRIDGE ROAD, EAST OF OLD FLOWERY BRANCH ROAD, HAVING ROAD FRONTAGE ON ZANDER DRIVE (A/K/A 0 BROWNS BRIDGE ROAD) ADJACENT TO BUT NOT NOW WITHIN THE CORPORATE LIMITS OF THE CITY OF GAINESVILLE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

SECTION I

That from and after the passage of this Ordinance the following described lands are and shall be annexed into the existing corporate limits of the City of Gainesville, Georgia, so that said lands shall constitute a part of the land within the corporate limits of the City of Gainesville, Georgia, as fully and completely as if the limits had been so defined by the General Assembly of Georgia.

Legal Description

A parcel of land lying in Land Lot 7, of the 8th District, City of Gainesville, Hall County, Georgia and being more particularly described as follows:

Begin at a found ½" rebar being the Intersection of the northwesterly right-of-way of Zander Drive (Variable right-of-way) and the southerly right-of-way of Browns Bridge Road (Variable right-of-way); thence leaving said intersection run South 64 degrees 32 minutes 02 seconds East along the westerly right-of-way of Zander Drive for a distance of 27.25 feet to a found concrete right-of-way monument; thence run South 29 degrees 10 minutes 03 seconds East along said right-of-way for a distance of 83.14 feet to a point; thence run South 29 degrees 48 minutes 05 seconds East along said right-of-way for a distance of 118.91 feet to a point; thence run South 28 degrees 43 minutes 55 seconds East along said right-of-way for a distance of 133.88 feet to a point; thence run South 26 degrees 35 minutes 44 seconds East along said right-of-way for a distance of 52.68 feet to a point; thence run South 26 degrees 35 minutes 44 seconds East along said right-of-way for a distance of 212.82 feet to a point; thence run South 27 degrees 39 minutes 43 seconds East along said right-of-way for a distance of 117.56 feet to a point; thence leaving said right-of-way run South 45 degrees 32 minutes 18 seconds West for a distance of 624.55 feet to a found 1" rebar; thence run North 28 degrees 11 minutes 52 seconds West for a distance of 38.13 feet to a found ¼" rebar; thence run North 29 degrees 26 minutes 18 seconds West for a distance of 194.43 feet to a found ¼" rebar; thence run North 24 degrees 09 minutes 15 seconds West for a distance of 81.85 feet to a point; thence run North 18 degrees 43 minutes 49 seconds West for a distance of 195.15 feet to a point;

ORDINANCE NO. 2022 -

thence run North 43 degrees 11 minutes 49 seconds West for a distance of 20.23 feet to a point; thence run North 21 degrees 48 minutes 45 seconds West for a distance of 365.33 feet to a found ¼" rebar lying on the aforementioned southerly right-of-way of Browns Bridge Road; thence run North 59 degrees 16 minutes 15 seconds East along said right-of-way for a distance of 175.14 feet to a found concrete right-of-way monument; thence run South 31 degrees 05 minutes 23 seconds East along said right-of-way for a distance of 14.90 feet to a found mag nail; thence run North 59 degrees 34 minutes 33 seconds East along said right-of-way for a distance of 14.93 feet to a found mag nail; thence run North 32 degrees 45 minutes 07 seconds West along said right-of-way for a distance of 14.72 feet to a found concrete right-of-way monument; thence run North 59 degrees 10 minutes 20 seconds East along said right-of-way for a distance of 214.11 feet to a point; thence run North 61 degrees 16 minutes 58 seconds East along said right-of-way for a distance of 52.92 feet to a point; thence run North 54 degrees 15 minutes 29 seconds East along said right-of-way for a distance of 61.16 feet to the POINT OF BEGINNING.

LESS AND EXCEPT

The contiguous property located at 2355 and 2359 Browns Bridge Road, SW, containing 4.0± acres of land more or less.

The annexation is to include all that portion of the right-of-way known as Zander Drive located between the subject property and the existing city limits as shown on the location map.

SECTION II

The Community and Economic Development Department of the City of Gainesville is directed to make and file with the Department of Community Affairs of the State of Georgia a certified copy of this Ordinance together with a plat describing lands annexed to the City of Gainesville by this Ordinance.

SECTION III

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

SECTION IV

If any portion of this Ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

SECTION V

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

ORDINANCE NO. 2022 -

W. Samuel Couvillon, Mayor

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

ATTEST:

Denise O. Jordan, City Clerk

Passed: _____

AN ORDINANCE

No. 2022-

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA BY ESTABLISHING THE ZONING A TOTAL OF 6.76± ACRES LOCATED ON THE SOUTH SIDE OF BROWNS BRIDGE ROAD, EAST OF OLD FLOWERY BRANCH ROAD, HAVING ROAD FRONTAGE ON ZANDER DRIVE (A/K/A 0 BROWNS BRIDGE ROAD) AT THE TIME OF ANNEXATION AS LIGHT INDUSTRIAL, WITH CONDITIONS (L-I-c); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

SECTION I

That from and after the passage of this Ordinance the following described lands shall be zoned and so designated on the Zoning Map of the City of Gainesville as **Light Industrial, with conditions (L-I-c)**.

Conditions

- 1. The proposed buildings shall meet the exterior building material requirements of the Gateway Corridor Overlay Zone.**
- 2. Prohibited uses for the subject property shall include adult novelty stores, group homes, crisis centers, adult entertainment centers, pawn shops, dollar-type stores, massage parlors, hookah lounge, tobacco or vaping stores, gas station/convenience stores, tire stores, auto parts stores, marine sales or repair stores, automated or non-automated car washes, truck stops, coin-laundry facilities, tattoo parlors, psychics, fortune tellers, clairvoyants and the like.**

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ORDINANCE NO. 2022 -

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The annexation is to include all that portion of the right-of-way known as Zander Drive located between the subject property and the existing city limits as shown on the location map.

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SECTION IV

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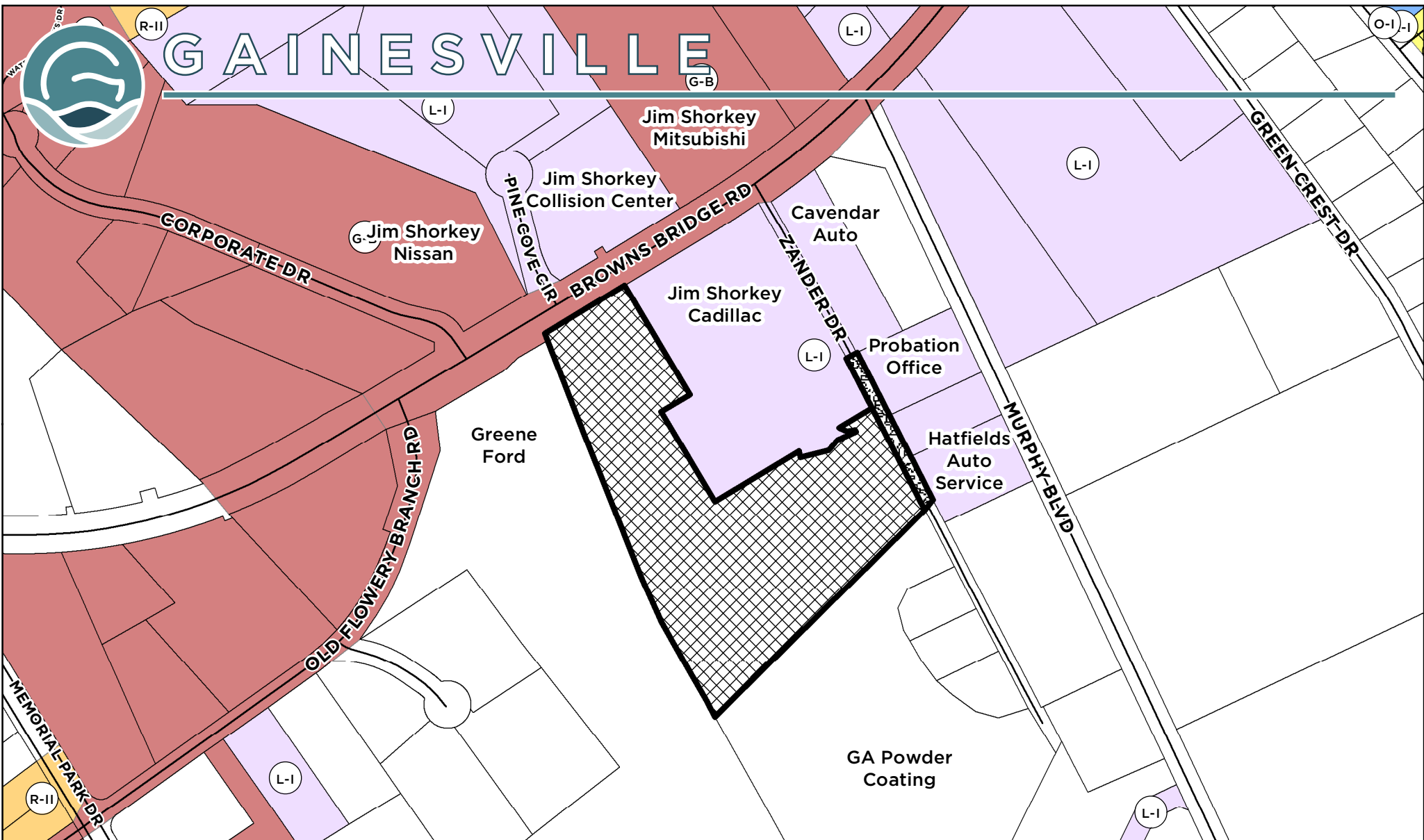
ORDINANCE NO. 2022 -

W. Samuel Couvillon, Mayor

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ATTEST:

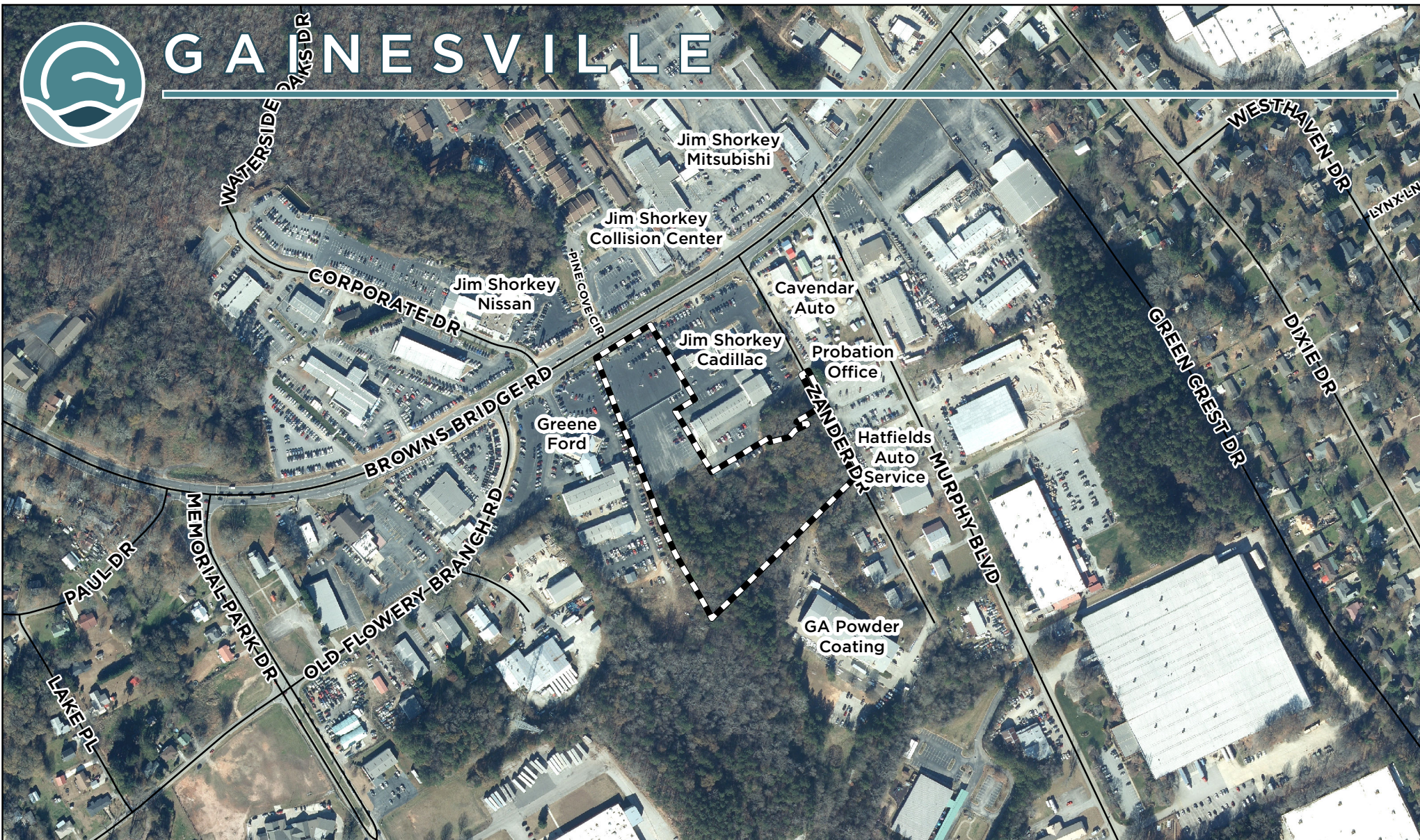
Denise O. Jordan, City Clerk



Applicant: JIM SHORKEY REAL ESTATE 12, LLC		Request: Annex 6.76 +/- acres tract and establish zoning as Light Industrial (L-I) for expansion of existing auto dealership	
ANNEXATION REQUEST			
Subject Property Address: 0 Browns Bridge Road	Tax Parcel: 08-007-003-003	Subject Property ROW to be Annexed	
Meeting Date: 11/08/2022	Map Prepared: 10/04/2022	0 600 150 300 450 Feet SCALE: 1" = 283'	



GAINESVILLE



Applicant: **JIM SHORKEY REAL ESTATE 12, LLC**

ANNEXATION REQUEST

Subject Property Address:

0 Browns Bridge Road

Tax Parcel:

08-007-003-003

Request:

Annex 6.76 +/- acres tract and establish zoning as Light Industrial (L-I) for expansion of existing auto dealership



Subject Property and
ROW to be Annexed

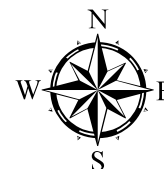
Aerial from 2021

Meeting Date: 11/08/2022

Map Prepared: 10/04/2022

0 220 440 660 880 Feet

SCALE: 1" = 417'





Jim Shorkey Mazda @ 0 Browns Bridge Road

Annexation Narrative November 8, 2022

1. Purpose for the annexation request:

- a. The request is for annexation of this property with Light Industrial (L-I) zoning for the purpose of simplicity. This site has remained within unincorporated Hall County and has a similar zoning of Light Industrial (I-I). The previous owners have had to operate within two jurisdictions. Annexing the property will enable our clients to conduct business with the City of Gainesville directly.

2. Owner Background:

- a. Jim Shorkey origins are from Pittsburg, Pennsylvania since 1974. Other dealerships include:

- Chrysler, Dodge, Jeep, Ram- North Huntingdon, PA
- Chrysler, Dodge, Jeep, Ram- North Hills, Pittsburg, PA
- Youngstown Chrysler Dodge Jeep Ram, Austintown, OH
- Kia-Mitsubishi North Huntingdon, PA
- Kia-Mitsubishi Uniontown, PA
- Kia-Mitsubishi Pittsburg, PA
- Kia Wexford, PA
- Kia Gainesville, GA (2815 Browns Bridge Road)
- Mitsubishi Youngstown, OH
- Mitsubishi Gainesville, GA (2410 Browns Bridge Road)
- Ford White Oak, PA
- Chevrolet Bakerstown, PA
- Chevrolet Murrys ville, PA
- Cadillac Gainesville, GA (2355 Browns Bridge Road)
- Mazda Gainesville, GA (2359 Browns Bridge Road)
- Nissan Gainesville, GA (2400 Browns Bridge Road)
- Toyota Pittsburg, PA

- b. In addition to dealing vehicles, they have real estate development group.

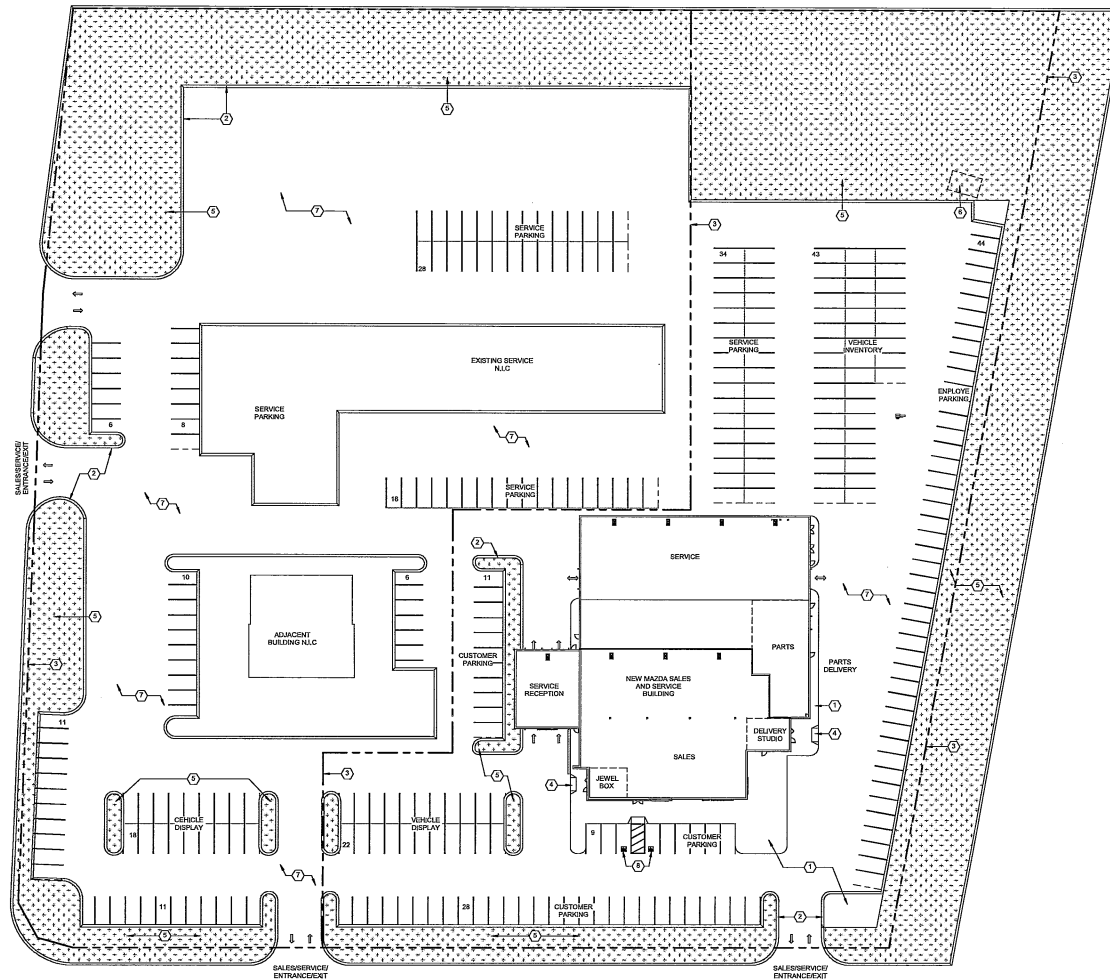
3. Current Operations:

- a. At this time, the existing facility has twenty (20) to thirty (30) employees. The general hours of operation are for the sales facility are 9 a.m. to 7 p.m. Monday through Saturday and 12 a.m. to 5 p.m. on Sunday.

4. Timetable for construction of the new building

- a. The intent is to replace and construct a new Mazda sales and service building where the smaller Mazda dealership is currently located within the city limits. The building will be two-stories totaling 26,730 square feet in size and will complement the adjacent Jim Shorkey Cadillac dealership.
- b. The total timeline for construction (for both site and building) is approximately ten (10) months

C:\Users\wma\Documents\220225 - Jim Shorkey Mazda_RPT_1\wma\RA\65K\Drawings\1.rvt
8/29/2022 1:08:08 PM



1 ARCH SITE PLAN
1" = 30'-0"



ARCH SITE PLAN NOTES

- SEE FINISH PLAN FOR SIDEWALK JOINTS AND FINISH PATTERNING
- SEE CIVIL SHEETS

ARCH SITE KEY NOTES

- CONCRETE PAVING WITH 4" X 4" JOINT PATTERN WITH ELEV - 4" ABOVE ADJACENT PAVED AREAS
- 1" MAX CONCRETE CURB
- PROPERTY LINE
- PROPOSED SIDEWALK FOR ACCESSIBLE ENTRY AND VEHICLE ACCESS
- SUGGESTED LANDSCAPE LOCATIONS
- THATCH LUMBER
- LANDSCAPE SYMBOL

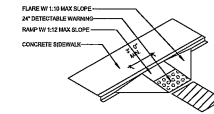
SITE PLAN LEGEND

LANDSCAPING

LIGHT POLE

PAVED SPACE

Type	Count
1" X 1" X 1" ADA	1
1" X 1" X 1" ADA	1
CPC Paving System - ADA	2
Count Total	4



2 ADA Built-up Curb Ramp
1/2" = 1'-0"

ysm
DESIGN
architecture+planning

1320 Ellsworth Industrial Blvd
Suite A-100
Atlanta GA 30318
404-548-8555
404-355-4294 fax

305 N. Coast Hwy
Suite 1
Laguna Beach CA 92651
949-754-4275

www.ysmestg.com

Signed & Sealed:

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Rev	Date	Comments
1	08/29/22	45% SUBMITTAL

Client:
JIM SHORKEY

Project:
JIM SHORKEY MAZDA
2356 BROWNS BRIDGE RD.
GAINSVILLE, GA 30504

Project Number: 22025
Drawn By: Author
Checked By: Checker
Approved By: Approver

Sheet Title:
ARCHITECTURAL SITE PLAN

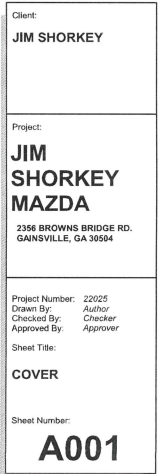
Sheet Number:
A100

Signed & Sealed:
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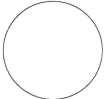
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Rev	Date	Comments
	08/29/22	45% SUBMITTAL



Jim Shorkey Mazda

Gainesville, GA 45% PROGRESS SET

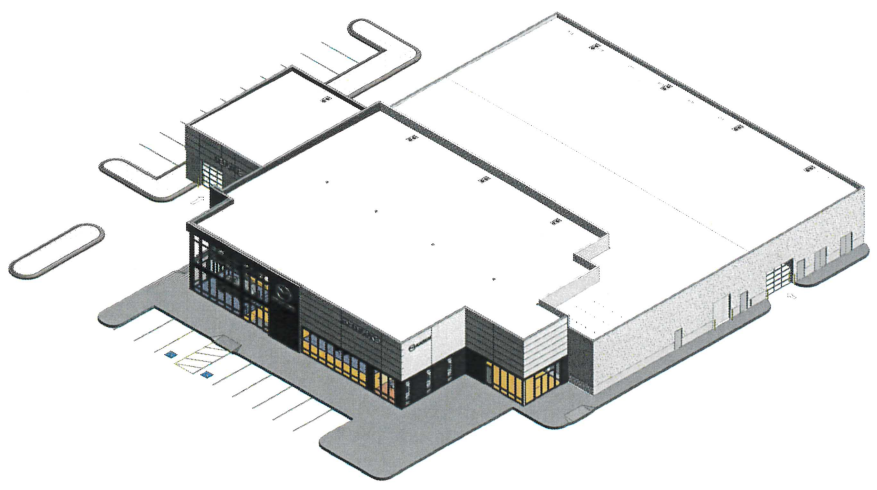


Signed & Sealed:

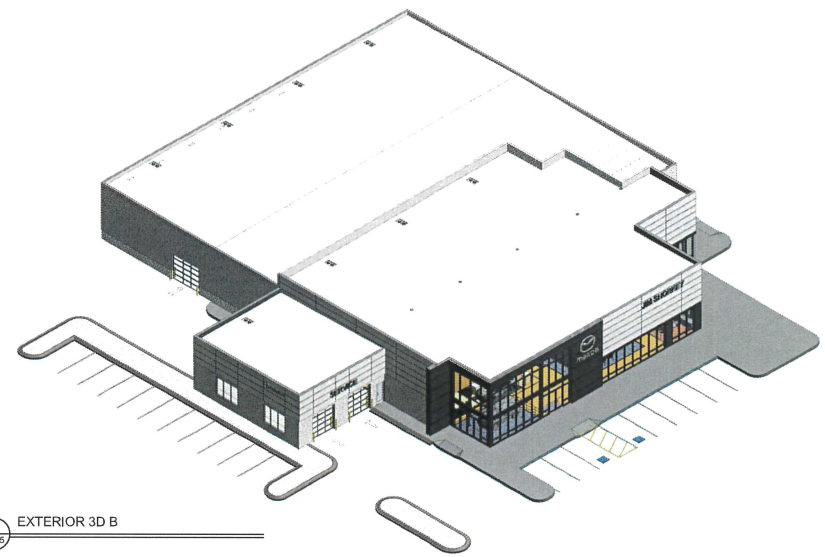
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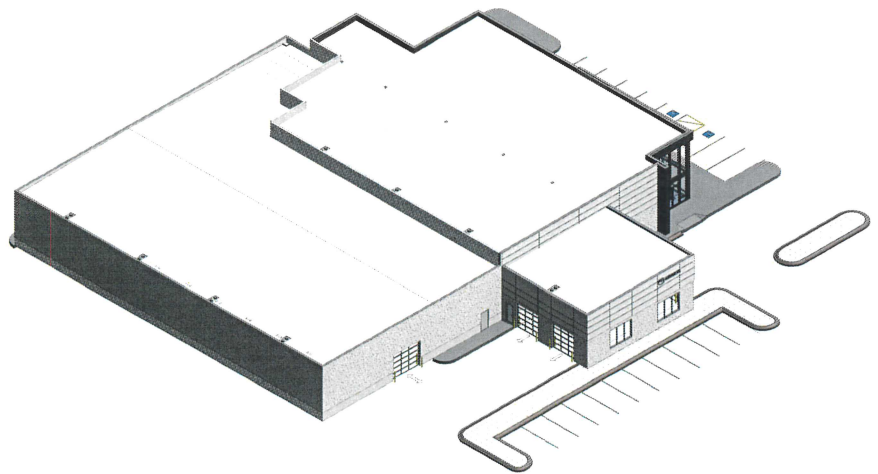
Rev	Date	Comments
1	08/29/22	45% SUBMITTAL



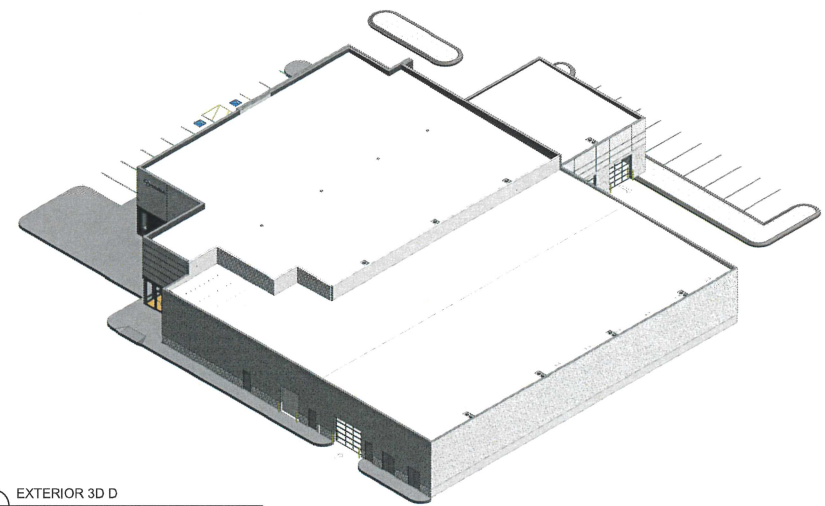
1 EXTERIOR 3D A
A205



2 EXTERIOR 3D B
A205



3 EXTERIOR 3D C
A205



4 EXTERIOR 3D D
A205

Client:
JIM SHORKEY

Project:
JIM SHORKEY MAZDA
2366 BROWNS BRIDGE RD.
GAINESVILLE, GA 30504

Project Number: 22025
Drawn By: Author
Checked By: Checker
Approved By: Approver

Sheet Title:
EXTERIOR 3D VIEWS

Sheet Number:
A205

Signed & Sealed:

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Rev	Date	Comments
08/25/22	45% SUBMITTAL	

Client:
JIM SHORKEY

Project:
**JIM SHORKEY
MAZDA**
2356 BROWN BRIDGE RD.
GAINESVILLE, GA 30604

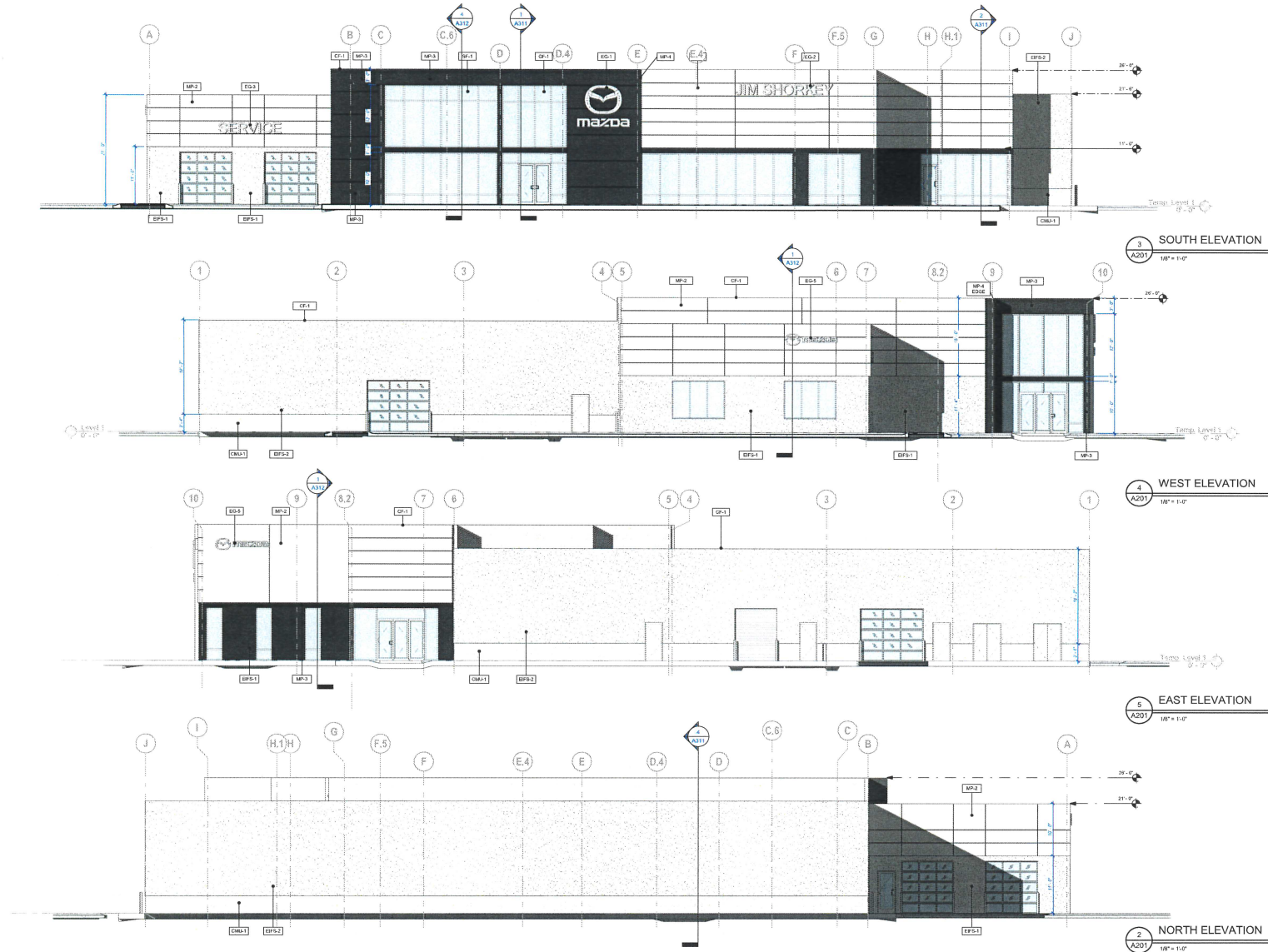
Project Number: 22025
Drawn By: Author
Checked By: Checker
Approved By: Approver

Sheet Title:

**BUILDING
ELEVATIONS**

Sheet Number:

A201



GENERAL ELEVATION NOTES			
1.	MECHANICAL LOUVERS AND ANY OTHER UTILITY ACCESSORIES SHALL BE INSTALLED AND EXTERIOR FINISH SHALL HAVE THE SAME FINISH AS THE WALLS IN WHICH THEY ARE INSTALLED UNLESS NOTED OTHERWISE.		
2.	ANY AND ALL EXTERIOR SIGNAGE SHOWN FOR REFERENCE & LOCATION ONLY. SIGNAGE SHALL BE PERMITTED SEPARATELY, I.E. SMALL INTERNAL BLOCKING AND PROVIDE ELECTRICAL CONDUITS AND J-BOXES AS NECESSARY. G.C. TO COORDINATE WITH SIGNAGE VENDOR.		
SIGNAGE LEGEND			
EG-1	MAZDA LOGO AND TEXT SIGNAGE WITH INTERNAL ILLUMINATION		
EG-2	"JIM SHORKEY" DEALER NAME SIGNAGE WITH PROTRUSION, LETTERS AND FINISHING		
EG-3	"MAZDA" TEXT SIGNAGE WITH PROTRUSION, LETTERS AND FINISHING		

MAZDA EXTERIOR FINISH MATERIAL LEGEND

MARK	MATERIAL	MANUFACTURER	NUMBER	PRODUCT LINE	COLOR / PATTERN NAME	SIZE / TYPE / SHEEN	REMARKS
EP-1	EXTERIOR PAINT	PPG INDUSTRIES OR EQUAL	AMBA 2000 X-TRA FLUOROPOLYMER SYS.	1013-3	SHIMLAW		EXTERIOR METAL SIGNS
EP-2	EXTERIOR PAINT (ALT TO EP-1)	PPG INDUSTRIES	-	-	ATMOSPHERE 4100 ELITE GREY BARS/SL		EXTERIOR FACADE
EP-3	EXTERIOR PAINT (ALT TO EP-1)	PPG INDUSTRIES	-	-	GRAY 1001117		EXTERIOR FACADE
EP-4	EXTERIOR PAINT (ALT TO EP-1)	PPG INDUSTRIES	-	-	FLUOROPOLYMER 4		EXTERIOR REAR FACADE: HOLLANDS
EP-5-1	EXTERIOR INSULATION FINISHING SYS.	DEMCO SYSTEM INC.	MAZDA 1000 SANDPAPER FINE	710	LOCORIDE		EXTERIOR FACADE
EP-5-2	EXTERIOR INSULATION FINISHING SYS.	DEMCO SYSTEM INC.	STRATO 1000 40 SANDPAPER FINE	710	LOCORIDE		EXTERIOR REAR FACADE
EP-6	METAL PANEL	ALUMINUM	GRY JOINT SYSTEM	REARVIEW WHITE		60°/100°	EXTERIOR FACADE
EP-7	METAL PANEL	ALUMINUM	GRY JOINT SYSTEM	REARVIEW BLACK		60°/100°	EXTERIOR FACADE
EP-8	METAL PANEL	ALUMINUM	GRY JOINT SYSTEM	DOWNWELD 600 MACHINA	ANODIZED CLEAR		EXTERIOR FACADE
EP-9	CONCRETE	CONCRETE	COLOR TO MATCH ADJACENT SURFACES				
EP-10	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-11	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-12	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-13	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-14	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-15	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-16	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-17	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-18	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-19	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-20	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-21	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-22	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-23	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-24	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-25	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-26	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-27	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-28	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-29	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-30	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-31	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-32	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-33	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-34	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-35	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-36	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-37	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-38	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-39	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-40	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-41	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-42	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-43	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-44	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-45	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-46	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-47	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-48	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-49	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-50	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-51	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-52	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-53	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-54	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-55	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-56	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-57	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-58	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-59	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-60	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-61	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-62	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-63	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-64	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-65	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-66	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-67	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-68	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-69	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-70	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-71	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-72	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-73	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-74	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-75	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-76	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-77	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-78	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-79	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-80	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-81	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-82	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-83	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-84	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-85	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-86	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-87	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-88	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-89	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-90	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-91	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-92	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-93	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-94	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-95	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-96	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-97	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-98	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				
EP-99	CONCRETE	CONCRETE	HIGH-CONCRETE PRODUCTS	COLOR TO MATCH ADJACENT SURFACES			
EP-100	CONCRETE	CONCRETE	ANCHOR SPOT-FACE BLOCK				

1. EXTERIOR FINISH MATERIAL LEGEND
2. THE FINISHES LISTED ABOVE REPRESENT ALL OF THE MANUFACTURER'S BRAND NAME STANDARDS AND AS A RESULT SOME ITEMS LISTED MAY NOT APPLY TO THIS SPECIFIC PROJECT.
3. NO FINISHES ARE PERMITTED OF ANY FINISH UNLESS SPECIFICALLY AUTHORIZED BY ARCHITECT.
4. ALL STAMPED MATERIALS, COLOR COORDINATES, STAMPING PATTERNS BASED ON DESIGN TO BE "TODAY ASH LANE SLATE" BY BAYTONE'S DECORATIVE CONCRETE PRODUCTS.
5. FINISHES LISTED HEREUP TOXIC AND/OR ASBESTOS AT ALL FINISH LOCATIONS.



CITY OF GAINESVILLE

Work Session Agenda Request

Item Created: November 8, 2022
Date Submitted: November 23, 2022
Final Approval Date: November 29, 2022
Presenter: Sam Couvillon
Item of Business: Appointment(s): Cemetery Advisory Committee
Meeting Date: December 1, 2022

Purpose of Request:

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

Facts & Issues / History & Background:

The Committee follows the guidelines of the City Charter, the Code of Ordinances and Business Resolution 2013-48. Cemetery Committee members serve three-year terms. Member Glenda Pierce has expressed a willingness to serve another term. An outstanding debt verification process was completed with no concerns.

Department Recommendation:

To consider the nomination as submitted by the Mayor.

Department Director:

Sam Couvillon

If funding is involved, are funds approved within the current budget? No

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. Cemetery Advisory Committee Members
2. Cemetery Advisory Committee Attendance Report

CEMETERY ADVISORY COMMITTEE

POST	LAST NAME	FIRST NAME	APPOINTED	REAPPOINTED	EXPIRES
Ward 1	Kelemen	Nancy	11/19/2013	5/5/2015 12/19/2017 11/3/2020	11/19/2023
Ward 2	Coates	Bill	11/19/2013	6/7/2016 11/6/2018 11/16/2021	11/19/2024
Ward 3	Pierce	Glenda	6/7/2016 UE	11/15/2016 11/5/2019	11/19/2022
Ward 4	Howington	Margaret	11/19/2013	5/5/2015 12/19/2017 11/3/2020	11/19/2023
Ward 5	Mason	Ben	11/19/2013	6/7/2016 11/6/2018 11/16/2021	11/19/2024
Ex-Officio	Casper	Tommy	N/A		By Virtue of Position

TERM: Three-year Terms

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

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

UPDATED: 11/17/20 ag

CEMETERY ADVISORY COMMITTEE ATTENDANCE REPORT

MEETING			BOARD MEMBER				
	DATE	TYPE	KELEMEN	COATES	PIERCE	HOWINGTON	MASON
1	6/3/2021	R	0	1	1	1	1
2	10/26/2021	R	1	1	1	1	1
3	3/24/2022	R	1	1	1	1	1
4	9/13/2022	R	0	1	1	0	1
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
	TOTAL	4	2	4	4	3	4
	ATTENDANCE %		50%	100%	100%	75%	100%

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

NOTES:

Submitted By: Tommy Casper
Recording Secretary

10/25/2022
Date



CITY OF GAINESVILLE

Work Session Agenda Request

Item Created: November 8, 2022
Date Submitted: November 29, 2022
Final Approval Date: November 29, 2022
Presenter: Sam Couvillon
Item of Business: Appointment(s): Gainesville Non-Profit Development Foundation
Meeting Date: December 1, 2022

Purpose of Request:

The purpose of this request is to address the expired terms.

Facts & Issues / History & Background:

The GNPFD follows the guidelines as set forth by the Charter, Code of Ordinances, Resolution BR-2014-16, BR-1997-48 and the By-Laws of the foundation. Members serve two-year terms.

Carlyle Cox has confirmed a willingness to serve another term.

Pamela Hayes, Theresa Puryear and Ruth Bruner names have been submitted as potential candidates to replace Dick Young, Rebina Warthen, and Broughton Cochran respectively. All have confirmed a willingness to serve. The outstanding debt verification process has been completed.

Department Recommendation:

To consider the nominations as submitted by the Mayor.

Department Director:

Sam Couvillon

If funding is involved, are funds approved within the current budget? No

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. GNPFD Members
2. GNPFD Attendance Report

**GAINESVILLE NON-PROFIT DEVELOPMENT FOUNDATION
(GNPDF)**

POST	LAST NAME	FIRST NAME	APPOINTED	REAPPOINTED	EXPIRES
Ward 1	Calkins	Maria	3/3/2015 UE	6/7/2016 12/5/2017 11/5/2019 10/5/2021	10/7/2023
Ward 2	Young	Dick	12/10/2002	10/7/2014 12/6/2016 10/2/2018 10/6/2020	10/7/2022
Ward 3	Warthen	Rebina	05/15/18 UE	10/2/2018 10/6/2020	10/7/2022
Ward 4	Simmons	Audrey	4/6/1993	10/7/2014 6/7/2016 12/5/2017 10/15/2019 10/5/2021	10/7/2023
Ward 5	Cochran	Broughton	5/18/2004	10/7/2014 12/6/2016 10/2/2018 10/6/2020	10/7/2022
6 (At-Large)	Cox	Carlyle	5/6/2003	10/7/2014 12/6/2016 10/2/2018 10/6/2020	10/7/2022
7 (At-Large)	Griffin	Joy	6/7/2016	12/5/2017 10/15/2019 10/5/2021	10/7/2023
Ex-Officio	Brooks	Barbara	1/10/2017	1/9/2018 1/8/2019 1/7/2020 1/19/2021 1/4/2022	1/17/2023

TERM: Two year terms

NOTE: The Foundation was reestablished with the adoption of Resolution BR-2014-16 on May 6, 2014. Initial terms were staggered.

CONTACT: Jessica Tullar, Program Manager & Gwen Fleming

UPDATED: 1/6/2022 ag

**GAINESVILLE NON-PROFIT DEVELOPMENT FOUNDATION
ATTENDANCE REPORT**

MEETING			BOARD MEMBER							
	DATE	TYPE	Broughton Cochran	Carlyle Cox	Dick Young	Joy Griffin	Maria Calkins	Audrey Simmons	Rebina Warthen	Barbara Brooks
1	8/19/2020	R	1	0	0	1	1	1	1	1
2	12/2/2020	C	0	1	1	1	1	1	1	1
3	2/17/2021	R	1	1	0	1	1	1	0	1
4	5/19/2021	R	0	1	0	1	0	1	1	1
5	8/18/2021	R	0	1	1	1	1	0	0	1
6	11/17/2021	R	0	0	0	1	1	1	0	0
7	2/16/2022	R	0	1	1	1	0	1	1	1
8	5/18/2022	R	0	1	0	1	1	1	0	1
9	8/17/2022	R	1	1	1	1	1	1	1	1
10										
11										
12										
13										
14										
15										
16										
17										
18										
19										
20										
21										
22										
23										
24										
TOTAL		9	3	7	4	9	7	8	5	8
ATTENDANCE %			33%	78%	44%	100%	78%	89%	56%	89%

TYPE MEETING: R = Regular Scheduled Meeting
ATTENDANCE: 0 = Absent

C = Called Meeting
1 = Attended

NOTES:

Submitted By: Gwen Fleming
Recording Secretary

Date: 11/7/2022



CITY OF GAINESVILLE

Work Session Agenda Request

Item Created: November 2, 2022

Date Submitted: November 23, 2022

Final Approval Date: November 29, 2022

Presenter: Abb Hayes, City Attorney

Item of Business: **Ordinance 2022-24 Annex Victory Street Property
(Tabled at the August 2, 2022, October 18, 2022 and November 1, 2022
Council Meetings)**
AN ORDINANCE ANNEXING ALL OF VICTORY STREET RIGHT-OF-WAY
CONSISTING OF 0.66± ACRE, LOCATED BETWEEN JESSE JEWELL
PARKWAY AND SPRING STREET ADJACENT TO BUT NOT NOW
WITHIN THE CORPORATE LIMITS OF THE CITY OF GAINESVILLE; TO
REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR
SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR
OTHER PURPOSES.

Meeting Date: December 1, 2022

Purpose of Request:

To address the zoning request previously tabled at the August 2, 2022, October 18, 2022 and November 1, 2022 Mayor/Council Meetings.

Facts & Issues / History & Background:

The City of Gainesville is proposing to annex all of Victory Street which is currently zoned Residential-II (R-II) in the County and is located within the Limestone Parkway Overlay Zone. Victory Street is a narrow two-lane road approximately 20 feet wide with no sidewalks. Upon annexation, the road will be improved to City standards to address vehicular/pedestrian access and safety to include widening the right-of-way and road bed, installation of curb, gutters, sidewalks, decorative street lights, street trees and on-street parallel parking. The improvements will be constructed and paid for by the developer of the proposed commercial grocery retail center within the adjacent Limestone Greenway mixed-use development to provide secondary access. The additional land needed to widen Victory Street will be dedicated by the adjacent commercial land owner to the City of Gainesville and maintained as a public street. The adjacent uses include New Holland Mill residential community and future commercial uses within the Limestone Greenway mixed-use development.

Department Recommendation:

Approve the Ordinance as presented.

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget? No

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. Proposed Ordinance 2022-24 COG Victory St annex ord
2. Location Maps
3. Plat
4. Architectural Renderings

Passed: _____

AN ORDINANCE

No. 2022-24

AN ORDINANCE ANNEXING ALL OF VICTORY STREET RIGHT-OF-WAY CONSISTING OF 0.66± ACRE, LOCATED BETWEEN JESSE JEWELL PARKWAY AND SPRING STREET ADJACENT TO BUT NOT NOW WITHIN THE CORPORATE LIMITS OF THE CITY OF GAINESVILLE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

SECTION I

That from and after the passage of this Ordinance the following described lands are and shall be annexed into the existing corporate limits of the City of Gainesville, Georgia, so that said lands shall constitute a part of the land within the corporate limits of the City of Gainesville, Georgia, as fully and completely as if the limits had been so defined by the General Assembly of Georgia.

Legal Description

All that tract or parcel of land lying and being in Land Lot 133, 9th Land District, City of Gainesville, Hall County, Georgia as shown on a sketch and description prepared by Patton Land Surveying, LLC, for the City of Gainesville, dated May 25th, 2022 and being more particularly described as follows:

Commencing at the Centerline Intersection of State Route 365 (Business) (Jesse Jewell Parkway) (varying width right-of-way) and U.S. Highway 11 (State Route 129) (Limestone Parkway) (varying width right-of-way) (having a coordinate value of Northing: 1568809.49 Easting: 2408275.75 based on the Georgia State Plane Coordinate System, North American Datum of 1983/1990 adjustment, Georgia West Zone;

Thence South 36 degrees 09 minutes 54 seconds West for a distance of 874.72 feet to the point of intersection of the Northerly right-of-way line of said Jesse Jewell Parkway with the Westerly right-of-way line of Victory Street (32' wide right-of-way) and said point being the TRUE POINT OF BEGINNING:

Thence leaving said Jesse Jewell Parkway and following the Westerly right-of-way line of said Victory Street the following courses:

Thence North 20 degrees 54 minutes 06 seconds West for a distance of 321.56 feet to a point; Thence along a curve to the left having a radius of 1457.31 feet and an arc length of 124.63 feet, being subtended by a chord of North 23 degrees 21 minutes 06 seconds West for a distance of 124.59 feet to a point; Thence along a curve to the left having a radius of 23748.56

ORDINANCE NO. 2022-24

feet and an arc length of 232.38 feet, being subtended by a chord of North 26 degrees 04 minutes 55 seconds West for a distance of 232.38 feet to a point;

Thence continuing along the Westerly right-of-way line of said Victory Street and the Northerly extension thereof, the following course:

Thence North 26 degrees 21 minutes 44 seconds West for a distance of 233.08 feet to a point on the Easterly right-of-way line of said Victory Street;

Thence following the Easterly right-of-way line of said Victory Street the following courses:

Thence along a curve to the right having a radius of 63.31 feet and an arc length of 66.75 feet, being subtended by a chord of South 56 degrees 31 minutes 01 seconds East for a distance of 63.71 feet to a point; Thence South 26 degrees 21 minutes 44 seconds East for a distance of 177.99 feet to a point; Thence along a curve to the right having a radius of 23780.55 feet and an arc length of 232.69 feet, being subtended by a chord of South 26 degrees 04 minutes 55 seconds East for a distance of 232.69 feet to a point; Thence along a curve to the right having a radius of 1489.31 feet and an arc length of 127.37 feet, being subtended by a chord of South 23 degrees 21 minutes 06 seconds East for a distance of 127.33 feet to a point; Thence South 20 degrees 54 minutes 06 seconds East for a distance of 226.23 feet to a 1/2" rebar pin set;

Thence leaving the Easterly right-of-way of said Victory Street and following the Southeasterly extension of the Easterly right-of-way of said Victory Street the following course:

Thence South 20 degrees 54 minutes 06 seconds East for a distance of 95.24 feet to a point;

Thence leaving said Southeasterly extension the following course:

Thence South 68 degrees 54 minutes 52 seconds West for a distance of 32.00 feet to a point and said point being the POINT OF BEGINNING.

Said property contains 0.66 acres more or less.

SECTION II

The Community and Economic Development Department of the City of Gainesville is directed to make and file with the Department of Community Affairs of the State of Georgia a certified copy of this Ordinance together with a plat describing lands annexed to the City of Gainesville by this Ordinance.

SECTION III

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

SECTION IV

If any portion of this Ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that

ORDINANCE NO. 2022-24

such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

SECTION V

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

W. Samuel Couvillon, Mayor

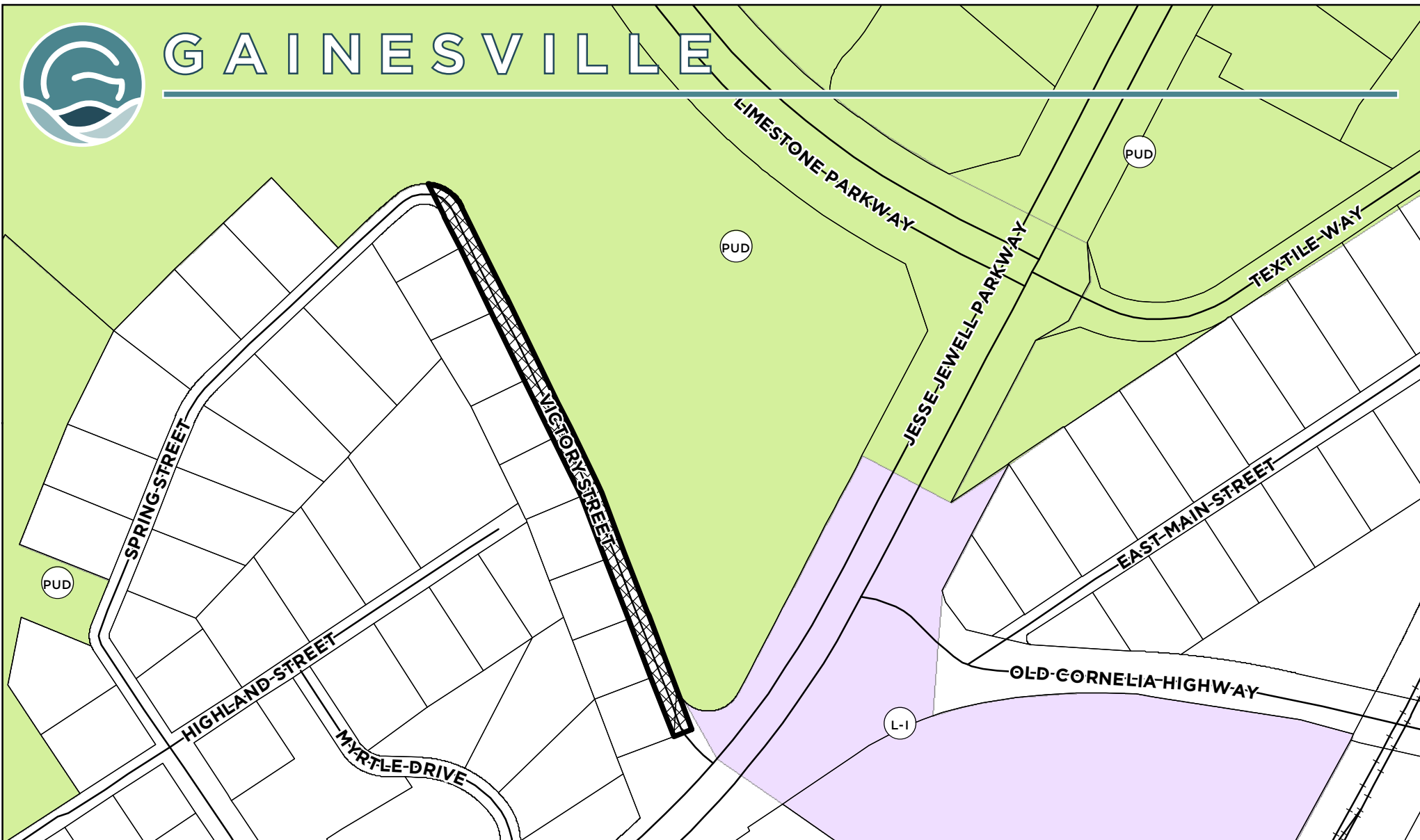
This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this Ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk



GAINESVILLE



Applicant: **CITY OF GAINESVILLE**

ANNEXATION REQUEST

Request:

Annex all of Victory Street ROW (+/- 0.66 AC) with a zoning of Planned Unit Development (P-U-D)

Subject Property Address:

Tax Parcel:



Subject Property



Meeting Date: 07/12/2022

Map Prepared: 06/02/2022

0 100 200 300 400 Feet

SCALE: 1" = 200'



GAINESVILLE



Applicant:

CITY OF GAINESVILLE

ANNEXATION REQUEST

Subject Property Address:

Tax Parcel:

Request:

Annex all of Victory Street ROW (+/- 0.66 AC) with a zoning of Planned Unit Development (P-U-D)



Subject Property

Aerial from 2021



Meeting Date: 07/12/2022

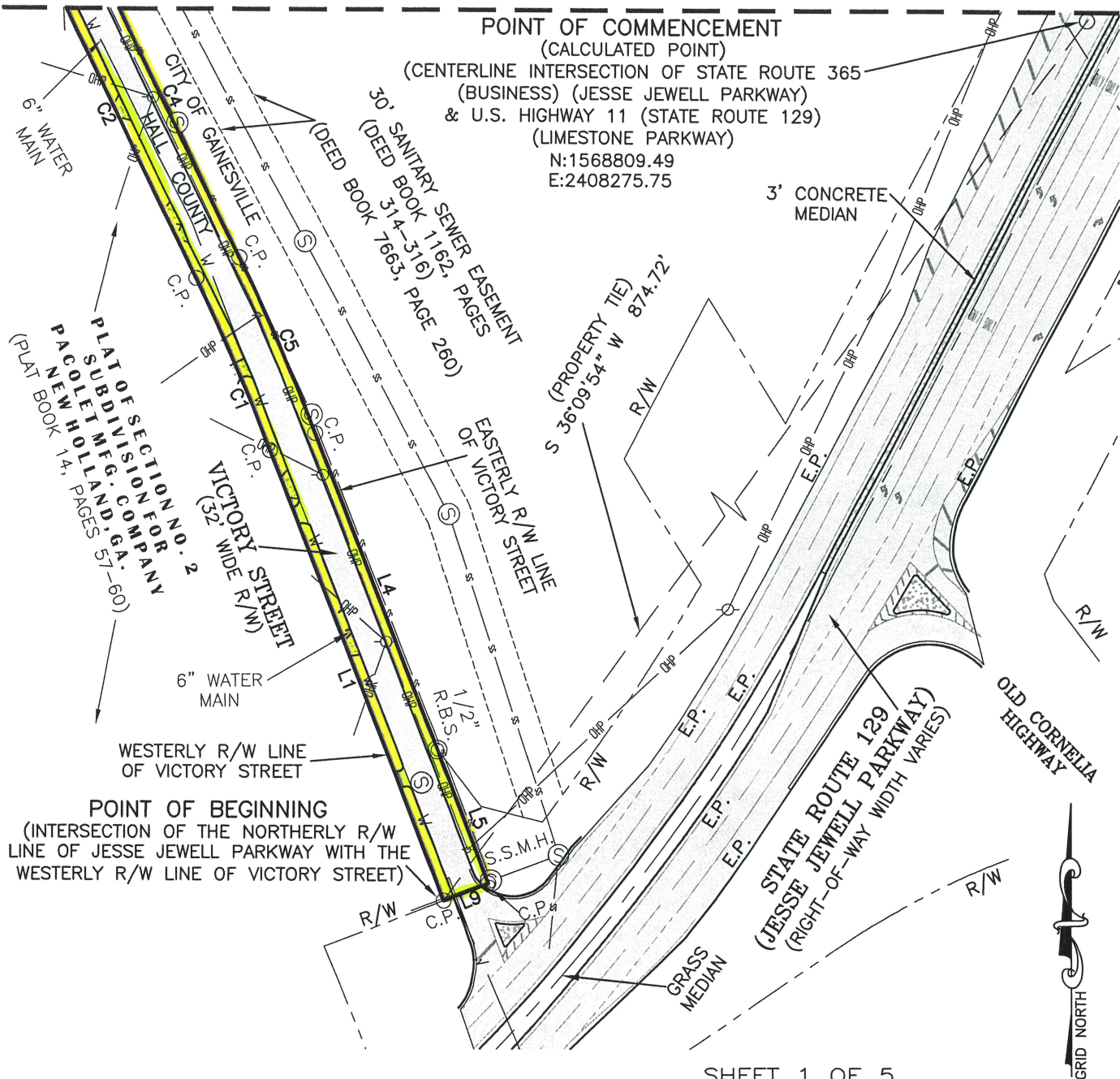
Map Prepared: 06/02/2022

0 100 200 300 400 Feet

SCALE: 1" = 200'

* SEE SHEET 3 FOR LINE &
CURVE TABLE

MATCH LINE "A" (SEE SHEET 2 OF 5)



SHEET 1 OF 5



PATTON
LAND SURVEYING, LLC
REGISTERED PROFESSIONAL
LAND SURVEYORS
P.O. BOX 256
GAINESVILLE, GA. 30503
PHONE: (770) 532-6492
www.pattonsurveying.com

LAND SURVEYING FIRM CERTIFICATE OF
AUTHORIZATION NUMBER LSF 001029

SKETCH & LEGAL DESCRIPTION FOR:

CITY OF GAINESVILLE
(VICTORY STREET ANNEXATION)

- LOCATED IN -

LAND LOTS 133
9TH LAND DISTRICT
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA



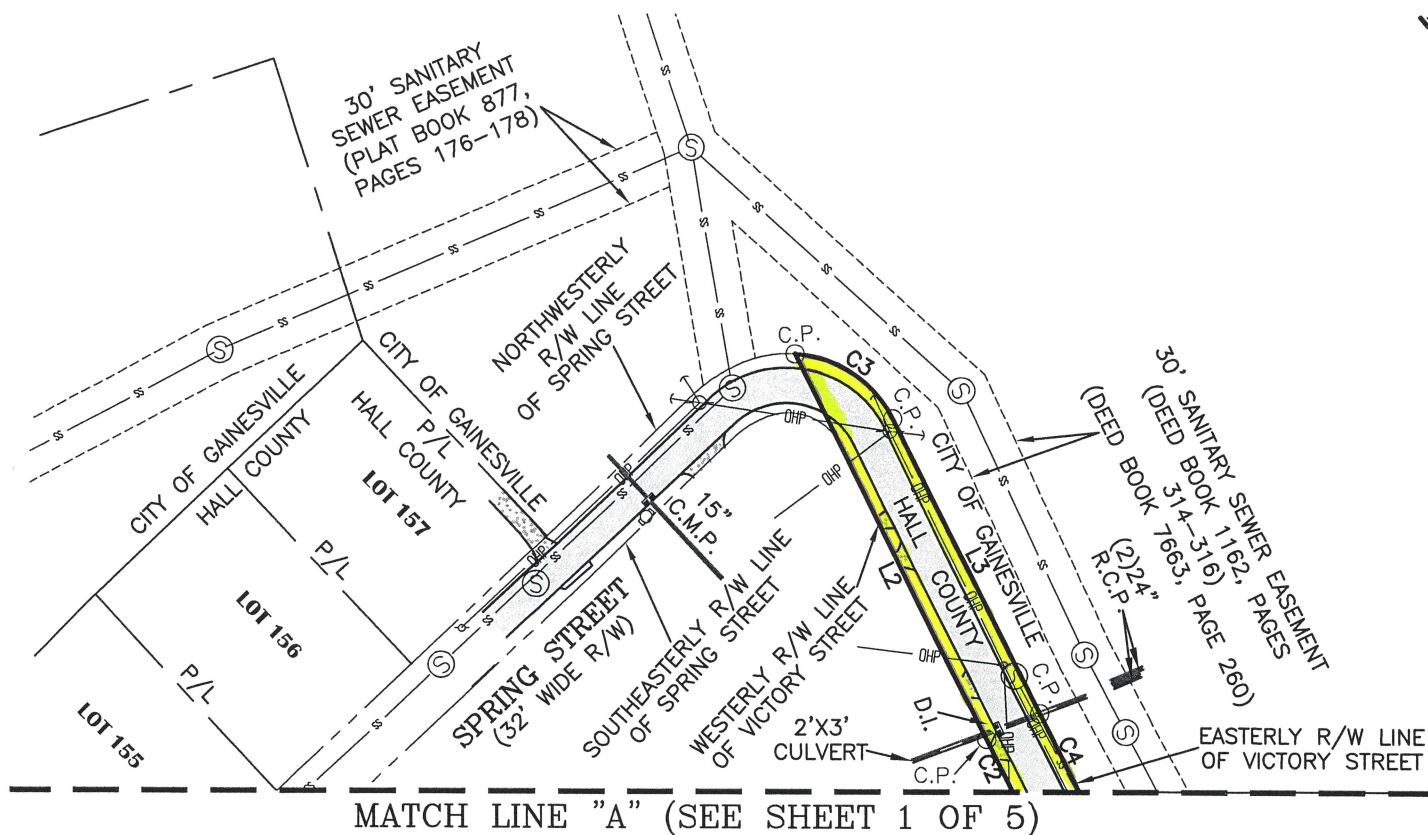
HALL COUNTY SURVEYOR

SCALE:
1" = 100'

DATE:
05/25/2022

21-259.02-VICTORY-STREET.dwg
JN. 21-259

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SHEET 2 OF 5



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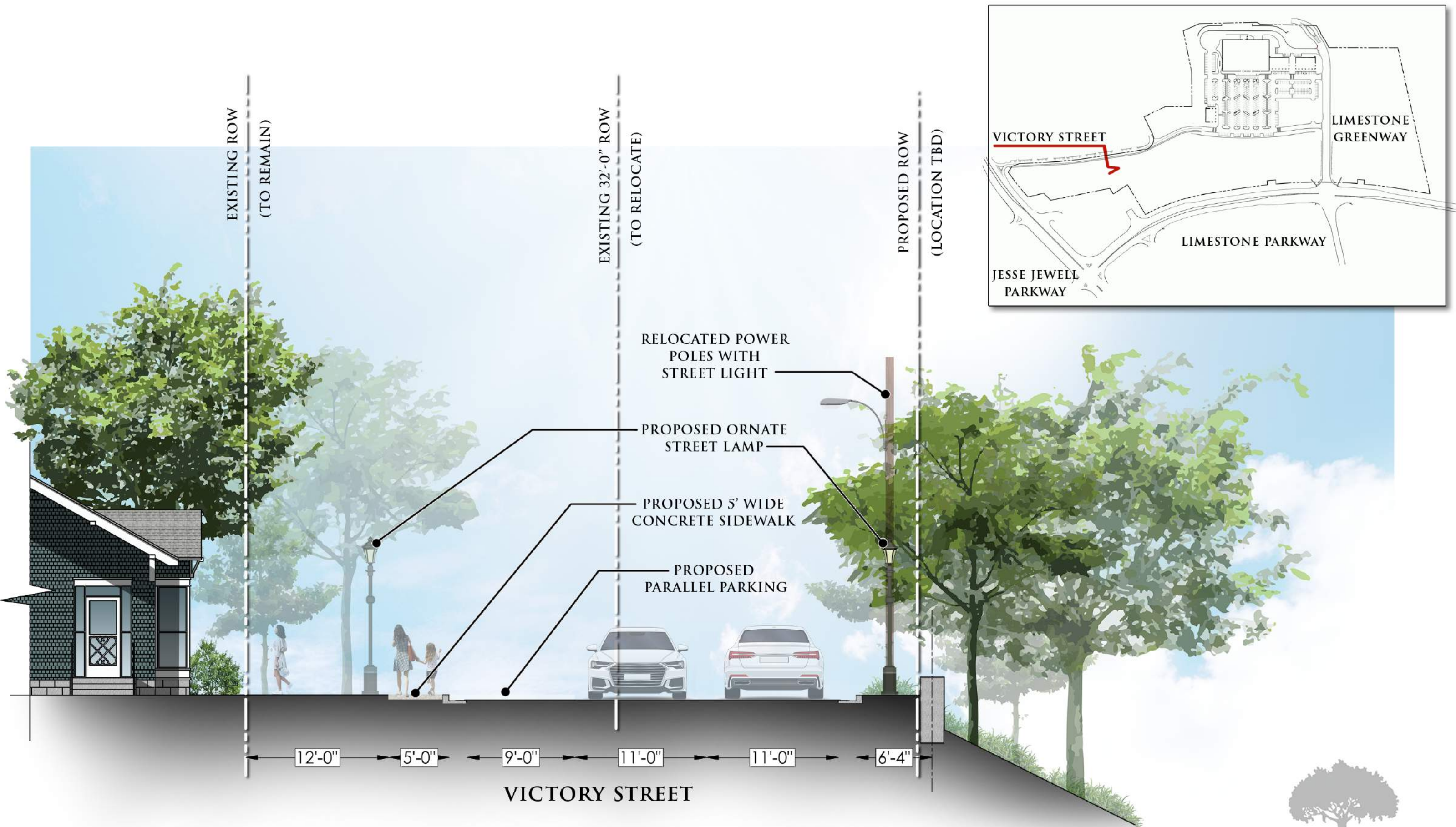


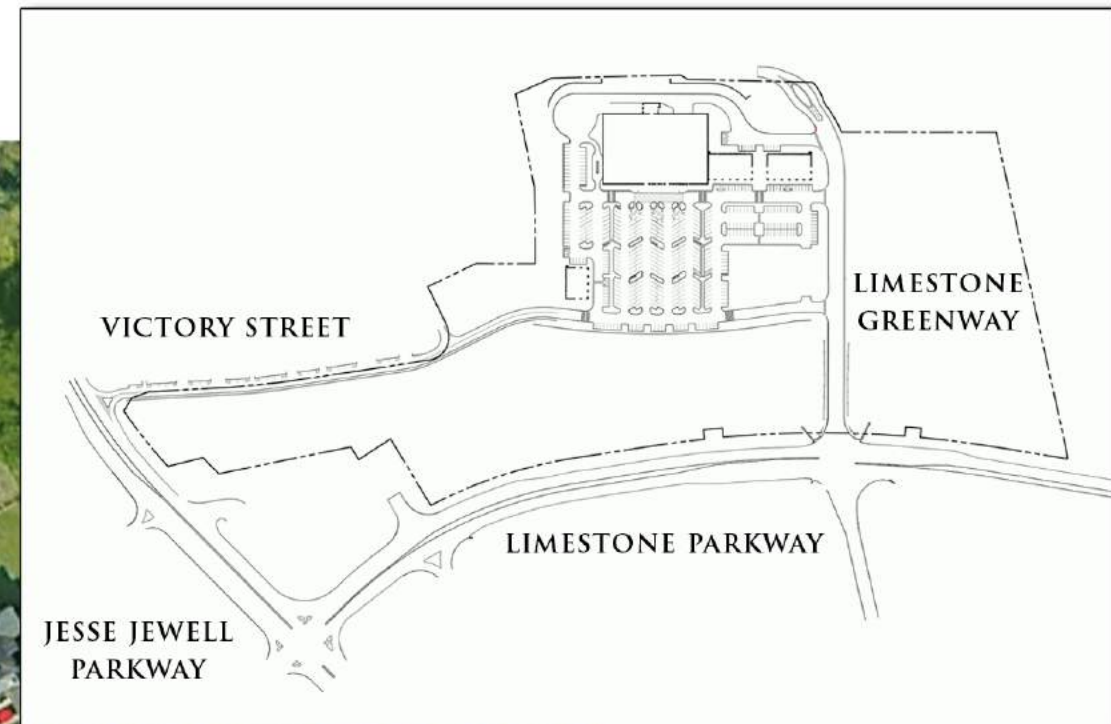
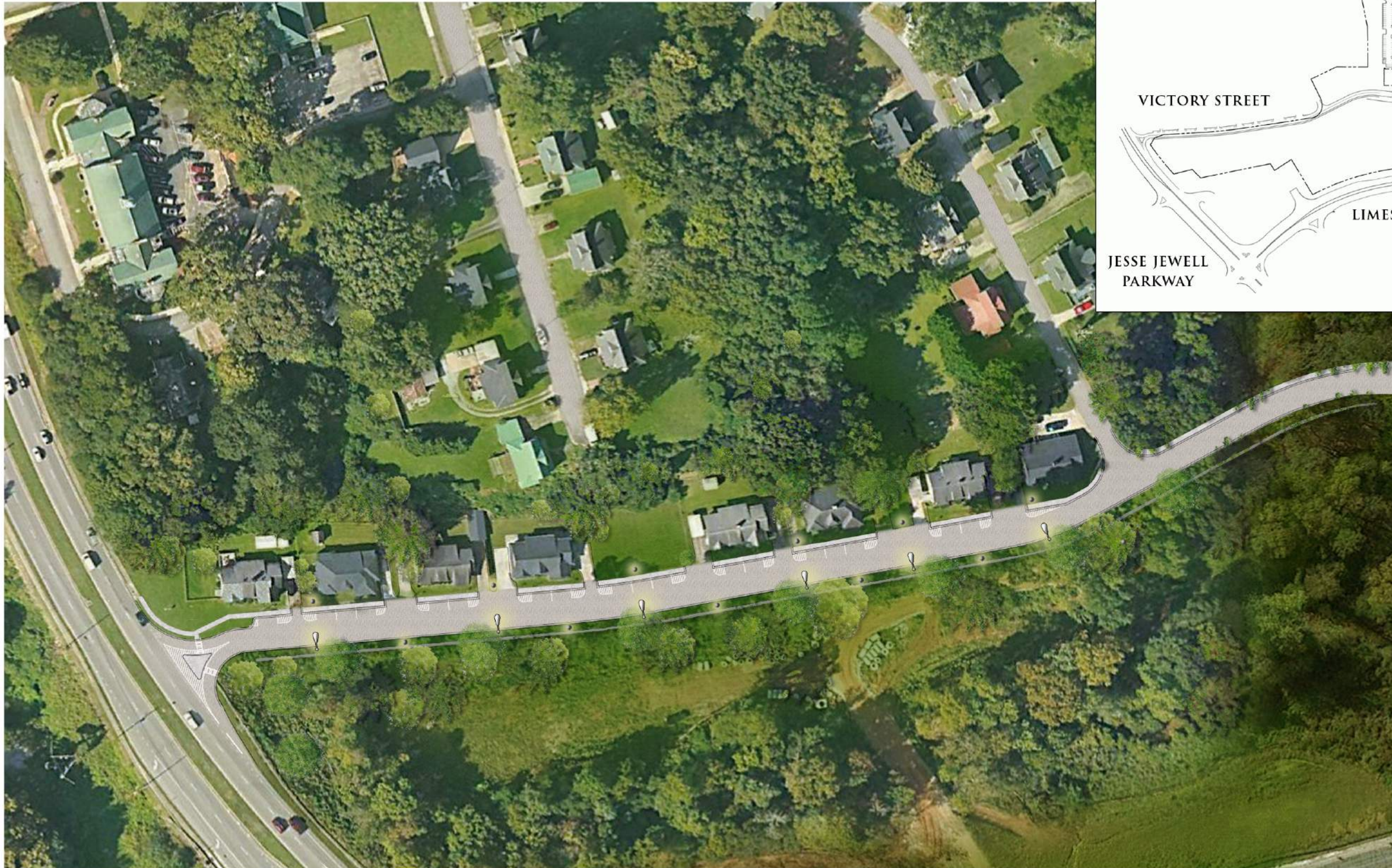
HALL COUNTY SURVEYOR

SCALE:
1" = 100'

DATE:
05/25/2022

21-259.02-VICTORY-STREET.dwg
JN. 21-259





LIMESTONE MARKETPLACE

VICTORY STREET ROADWAY PLAN
GAINESVILLE, GEORGIA
10.07.2022



BRANCH

3340 PEACHTREE RD NE • SUITE 2775 • ATLANTA, GA 30326

404 • 832 • 8900

Page 76 of 124



CITY OF GAINESVILLE

Work Session Agenda Request

Item Created: November 2, 2022

Date Submitted: November 23, 2022

Final Approval Date: November 29, 2022

Presenter: Abb Hayes, City Attorney

Item of Business: **Ordinance 2022-25 Zone Victory Street Property
(Tabled at the August 2, 2022, October 18, 2022 and November 1, 2022
Council Meetings)**
AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA BY ESTABLISHING THE ZONING ON ALL OF VICTORY STREET RIGHT-OF-WAY CONSISTING OF 0.66± ACRE, LOCATED BETWEEN JESSE JEWELL PARKWAY AND SPRING STREET AT THE TIME OF ANNEXATION AS PLANNED UNIT DEVELOPMENT, WITH CONDITIONS (P-U-D-c); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Meeting Date: December 1, 2022

Purpose of Request:

To address the zoning request previously tabled at the August 2, 2022, October 18, 2022 and November 1, 2022 Mayor/Council Meetings.

Facts & Issues / History & Background:

The City of Gainesville is proposing to annex all of Victory Street which is currently zoned Residential-II (R-II) in the County and is located within the Limestone Parkway Overlay Zone. Victory Street is a narrow two-lane road approximately 20 feet wide with no sidewalks. Upon annexation, the road will be improved to City standards to address vehicular/pedestrian access and safety to include widening the right-of-way and road bed, installation of curb, gutters, sidewalks, decorative street lights, street trees and on-street parallel parking. The improvements will be constructed and paid for by the developer of the proposed commercial grocery retail center within the adjacent Limestone Greenway mixed-use development to provide secondary access. The additional land needed to widen Victory Street will be dedicated by the adjacent commercial land owner to the City of Gainesville and maintained as a public street. The adjacent uses include New Holland Mill residential community and future commercial uses within the Limestone Greenway mixed-use development.

Department Recommendation:

Approve the Ordinance 2022-25 with conditions as presented.

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget? No

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. Proposed Ordinance 2022-25 COG Victory St zon ord
2. Exhibit A
3. Location Maps
4. Plat
5. Architectural Renderings

Passed: _____

AN ORDINANCE

No. 2022-25

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA BY ESTABLISHING THE ZONING ON ALL OF VICTORY STREET RIGHT-OF-WAY CONSISTING OF 0.66± ACRE, LOCATED BETWEEN JESSE JEWELL PARKWAY AND SPRING STREET AT THE TIME OF ANNEXATION AS PLANNED UNIT DEVELOPMENT, WITH CONDITIONS (P-U-D-c); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

SECTION I

That from and after the passage of this Ordinance the following described lands shall be zoned and so designated on the Zoning Map of the City of Gainesville as **Planned Unit Development, with conditions (P-U-D-c)**.

Conditions

- 1. Prior to a Certificate of Occupancy being issued for the adjacent grocery retail shopping center, Victory Street shall be improved to meet City of Gainesville standards as depicted on Exhibit “A” entitled “Victory Street Roadway Section”, per the approval of the Gainesville Public Works Director.**
- 2. No commercial delivery trucks with 10 wheels or more shall be allowed to access Victory Street. Signage restricting thru truck traffic shall be installed near the intersection of Victory Street and Jesse Jewell Parkway and near the entrance of the future commercial access driveway, per the approval of the Gainesville Public Works Director.**

Legal Description

All that tract or parcel of land lying and being in Land Lot 133, 9th Land District, City of Gainesville, Hall County, Georgia as shown on a sketch and description prepared by Patton Land Surveying, LLC, for the City of Gainesville, dated May 25th, 2022 and being more particularly described as follows:

Commencing at the Centerline Intersection of State Route 365 (Business) (Jesse Jewell Parkway) (varying width right-of-way) and U.S. Highway 11 (State Route 129) (Limestone Parkway) (varying width right-of-way) (having a coordinate value of Northing: 1568809.49 Easting: 2408275.75 based on the Georgia State Plane Coordinate System, North American Datum of 1983/1990 adjustment, Georgia West Zone;

ORDINANCE NO. 2022-25

Thence South 36 degrees 09 minutes 54 seconds West for a distance of 874.72 feet to the point of intersection of the Northerly right-of-way line of said Jesse Jewell Parkway with the Westerly right-of-way line of Victory Street (32' wide right-of-way) and said point being the TRUE POINT OF BEGINNING:

Thence leaving said Jesse Jewell Parkway and following the Westerly right-of-way line of said Victory Street the following courses:

Thence North 20 degrees 54 minutes 06 seconds West for a distance of 321.56 feet to a point; Thence along a curve to the left having a radius of 1457.31 feet and an arc length of 124.63 feet, being subtended by a chord of North 23 degrees 21 minutes 06 seconds West for a distance of 124.59 feet to a point; Thence along a curve to the left having a radius of 23748.56 feet and an arc length of 232.38 feet, being subtended by a chord of North 26 degrees 04 minutes 55 seconds West for a distance of 232.38 feet to a point;

Thence continuing along the Westerly right-of-way line of said Victory Street and the Northerly extension thereof, the following course:

Thence North 26 degrees 21 minutes 44 seconds West for a distance of 233.08 feet to a point on the Easterly right-of-way line of said Victory Street;

Thence following the Easterly right-of-way line of said Victory Street the following courses:

Thence along a curve to the right having a radius of 63.31 feet and an arc length of 66.75 feet, being subtended by a chord of South 56 degrees 31 minutes 01 seconds East for a distance of 63.71 feet to a point; Thence South 26 degrees 21 minutes 44 seconds East for a distance of 177.99 feet to a point; Thence along a curve to the right having a radius of 23780.55 feet and an arc length of 232.69 feet, being subtended by a chord of South 26 degrees 04 minutes 55 seconds East for a distance of 232.69 feet to a point; Thence along a curve to the right having a radius of 1489.31 feet and an arc length of 127.37 feet, being subtended by a chord of South 23 degrees 21 minutes 06 seconds East for a distance of 127.33 feet to a point; Thence South 20 degrees 54 minutes 06 seconds East for a distance of 226.23 feet to a 1/2" rebar pin set;

Thence leaving the Easterly right-of-way of said Victory Street and following the Southeasterly extension of the Easterly right-of-way of said Victory Street the following course:

Thence South 20 degrees 54 minutes 06 seconds East for a distance of 95.24 feet to a point;

Thence leaving said Southeasterly extension the following course:

Thence South 68 degrees 54 minutes 52 seconds West for a distance of 32.00 feet to a point and said point being the POINT OF BEGINNING.

Said property contains 0.66 acres more or less.

SECTION II

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

SECTION III

ORDINANCE NO. 2022-25

If any portion of this Ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

SECTION IV

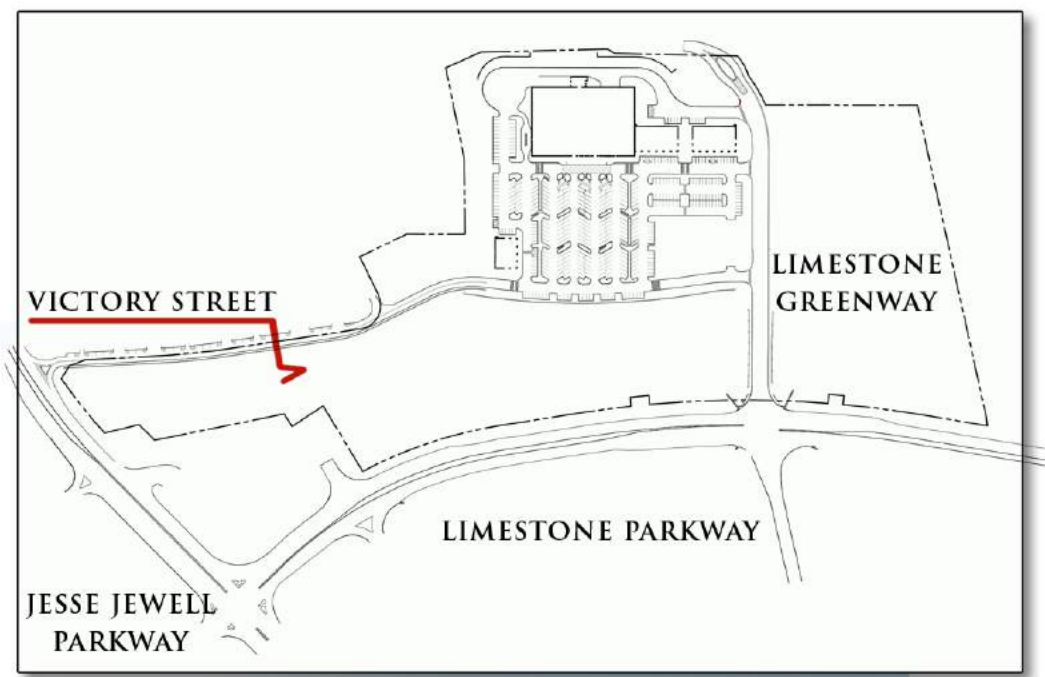
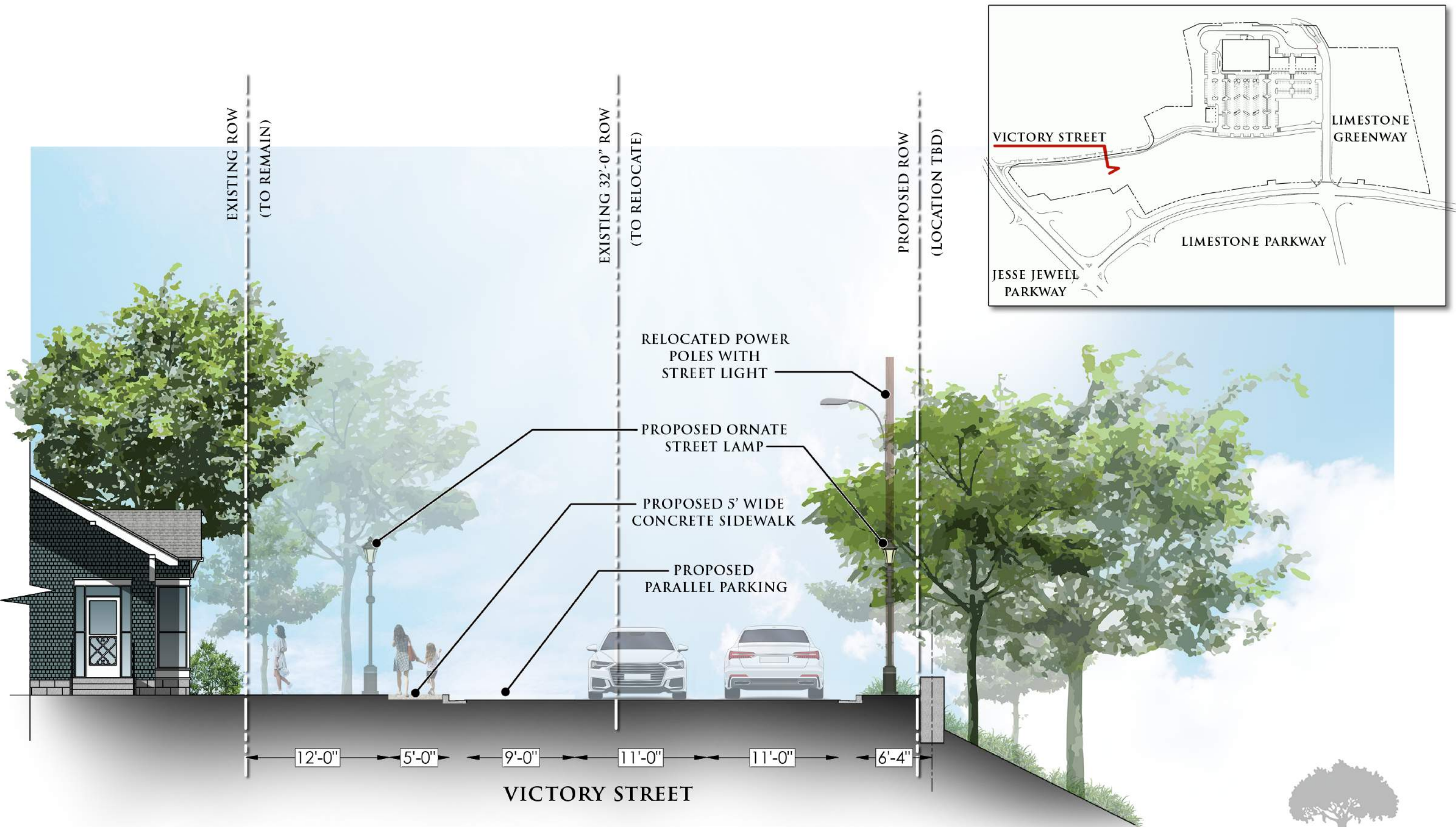
The effective date of this Ordinance shall be the first day of the month following approval by the governing body of the City of Gainesville, Georgia.

W. Samuel Couvillon, Mayor

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

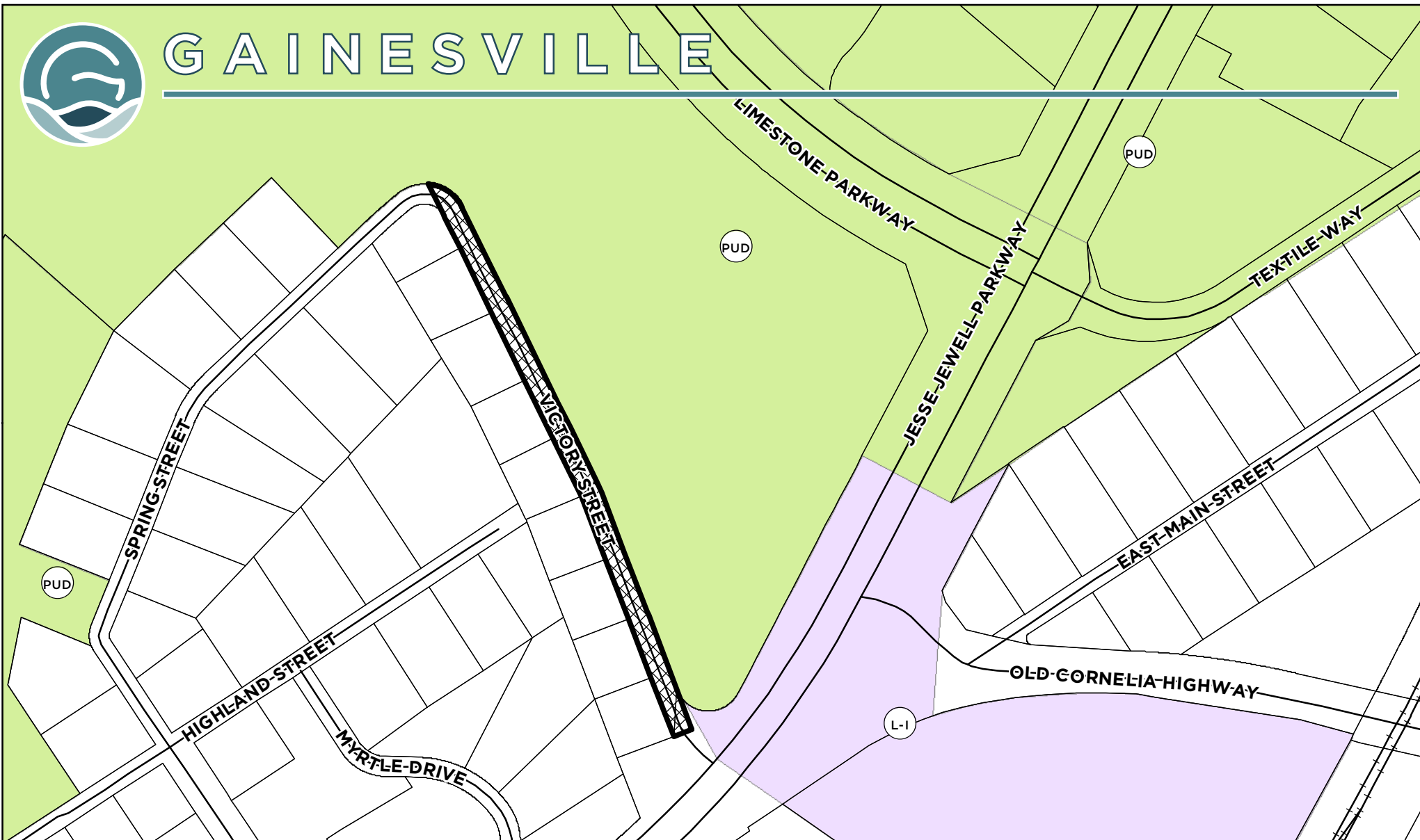
ATTEST:

Denise O. Jordan, City Clerk





GAINESVILLE



Applicant:

CITY OF GAINESVILLE

ANNEXATION REQUEST

Subject Property Address:

Tax Parcel:

Request:

Annex all of Victory Street ROW (+/- 0.66 AC) with a zoning of Planned Unit Development (P-U-D)



Subject Property



Meeting Date: 07/12/2022

Map Prepared: 06/02/2022

0 100 200 300 400 Feet

SCALE: 1" = 200'



GAINESVILLE



Applicant:

CITY OF GAINESVILLE

ANNEXATION REQUEST

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Aerial from 2021



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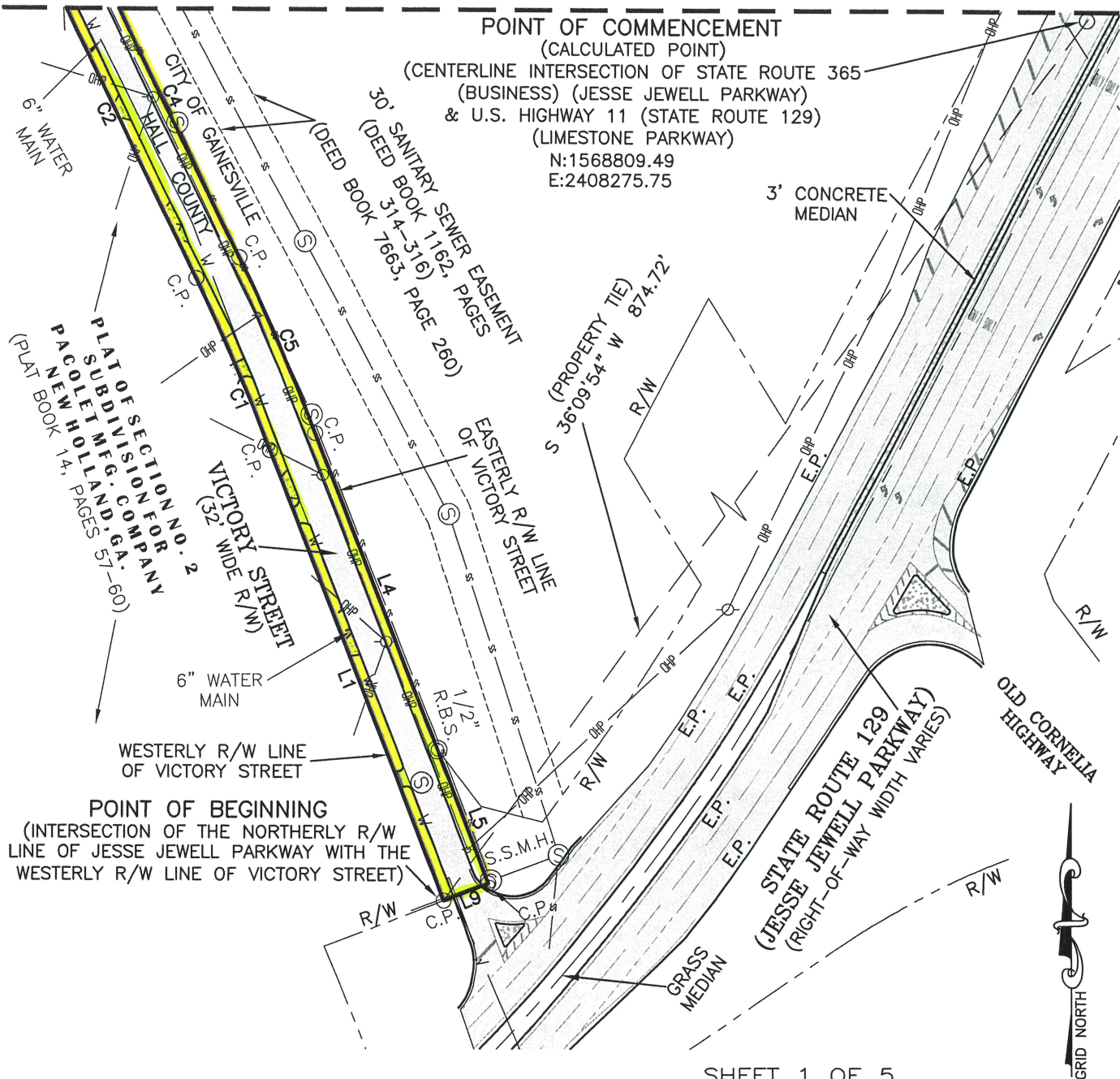
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* SEE SHEET 3 FOR LINE &
CURVE TABLE

MATCH LINE "A" (SEE SHEET 2 OF 5)



SHEET 1 OF 5



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REGISTERED PROFESSIONAL
LAND SURVEYORS
P.O. BOX 256
GAINESVILLE, GA. 30503
PHONE: (770) 532-6492
www.pattonsurveying.com

LAND SURVEYING FIRM CERTIFICATE OF
AUTHORIZATION NUMBER LSF 001029

SKETCH & LEGAL DESCRIPTION FOR:

CITY OF GAINESVILLE
(VICTORY STREET ANNEXATION)

- LOCATED IN -

LAND LOTS 133
9TH LAND DISTRICT
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA



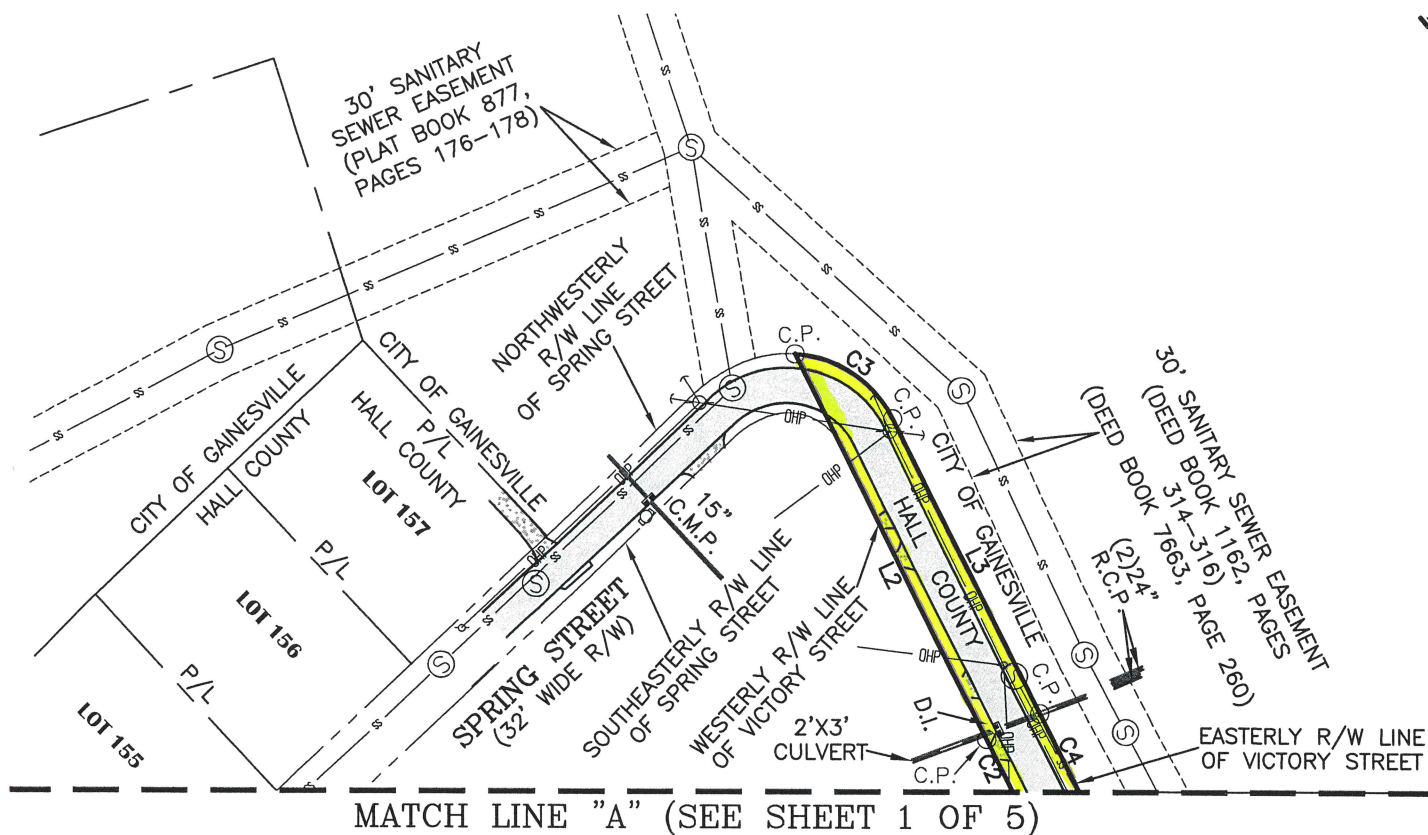
HALL COUNTY SURVEYOR

SCALE:
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DATE:
05/25/2022

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JN. 21-259

* SEE SHEET 3 FOR LINE &
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MATCH LINE "A" (SEE SHEET 1 OF 5)

SHEET 2 OF 5



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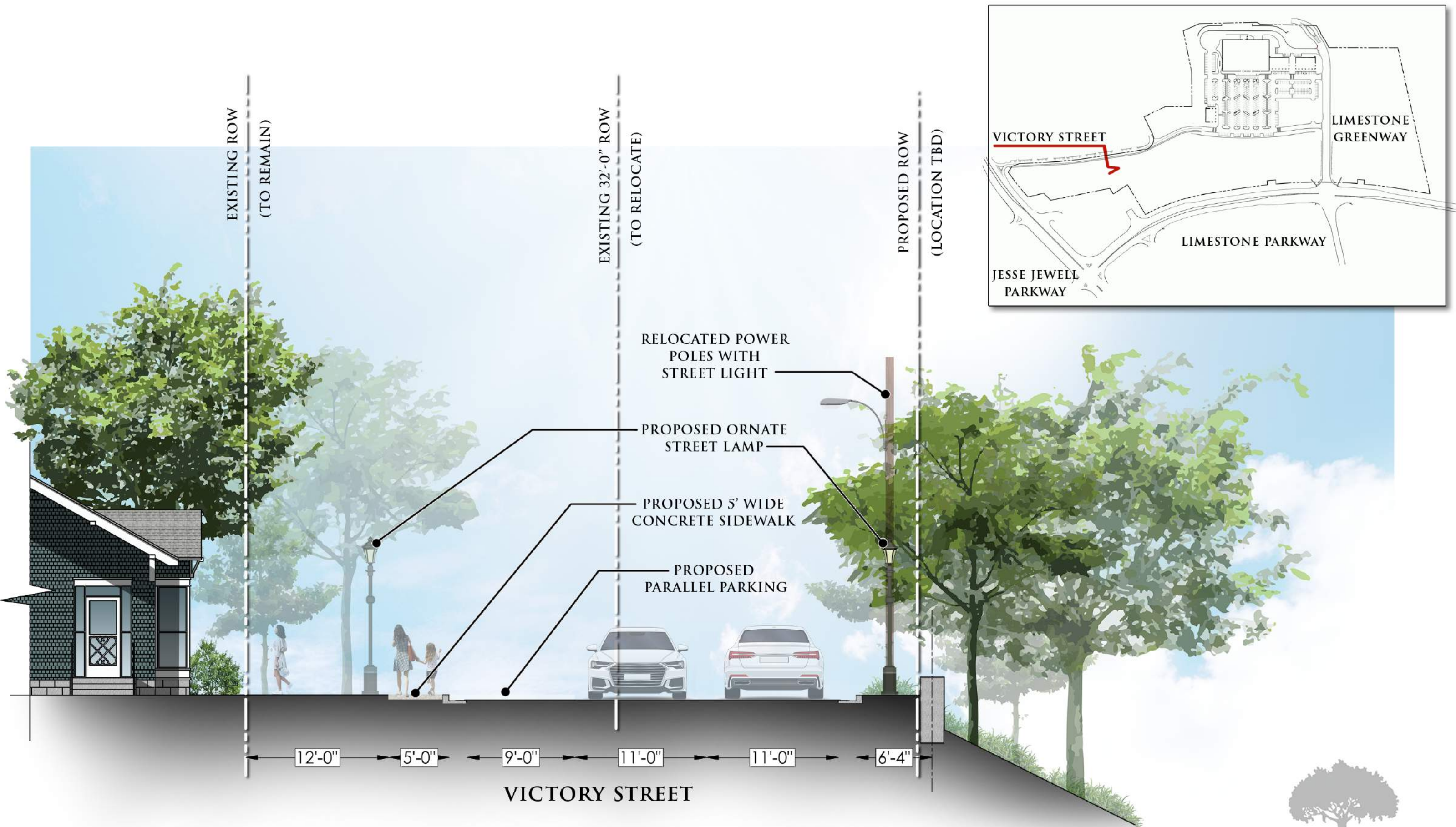


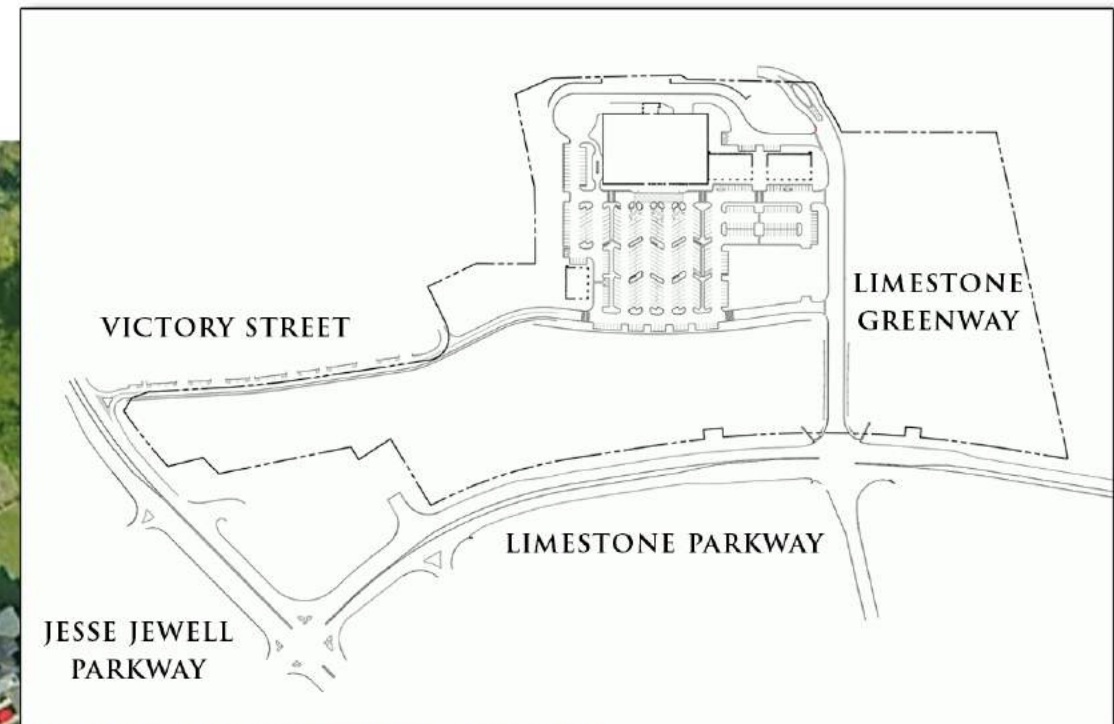
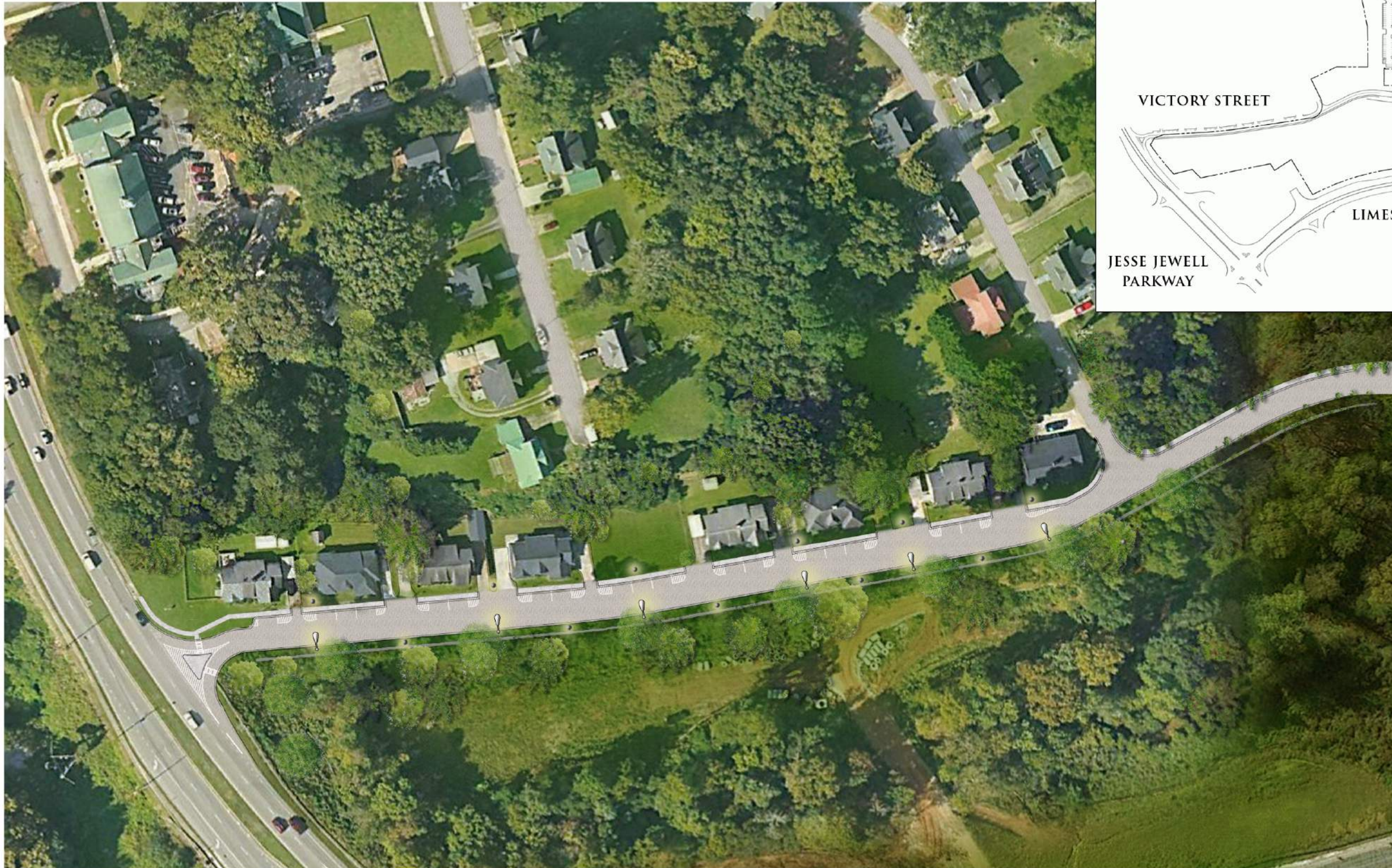
HALL COUNTY SURVEYOR

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LIMESTONE MARKETPLACE

VICTORY STREET ROADWAY PLAN
GAINESVILLE, GEORGIA
10.07.2022



BRANCH

3340 PEACHTREE RD NE • SUITE 2775 • ATLANTA, GA 30326
404 • 832 • 8900



CITY OF GAINESVILLE

Work Session Agenda Request

Item Created: November 23, 2022
Date Submitted: November 29, 2022
Final Approval Date: November 29, 2022
Presenter: Abb Hayes, City Attorney
Item of Business: Home Rule Ordinance: Charter Amendment to Define and Revise Boundary Lines as it Pertains to Mayor and Council Elections
Meeting Date: December 1, 2022

Purpose of Request:

The purpose of this request is to redefine the boundaries of each ward from which the governing body is elected.

Facts & Issues / History & Background:

The 2020 United States Decennial Census requires the reapportionment of election districts to meet federal and state requirements. This is being addressed via home rule ordinance.

Department Recommendation:

Hold first reading on the ordinance at the December 6, 2022 Council Meeting.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget? No

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. Home Rule Ordinance 2022-01
2. Exhibit A Map of Geographical Boundaries
3. Geographical Boundaries Defined
4. Request for Advertisement
5. Cover Letter to Hall County Superior Court
6. Filing Notice with Hall County Superior Court
7. Notice of Adoption to Secretary of State
8. Notice of Adoption to Hall County Superior Court

First Reading: _____
Second Reading: _____
Published: _____
Passed: _____

HOME RULE ORDINANCE 2022-01

AN ORDINANCE TO REAPPORTION THE ELECTION DISTRICTS OF THE CITY OF GAINESVILLE, GEORGIA AND AMEND THE CHARTER OF THE CITY OF GAINESVILLE IN ACCORDANCE WITH O.C.G.A. § 36-35-4.1 AND PURSUANT TO O.C.G.A. § 36-35-3, IN ORDER TO DEFINE AND REVISE THE BOUNDARY LINES OF SUCH VOTING DISTRICTS, KNOWN AS WARDS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the City of Gainesville, Georgia, pursuant to its Charter as adopted and amended, by the General Assembly of the State of Georgia at Ga. Laws 2012, Act 475, p. 4870; as amended by Ga. Laws 2018, HR-2018-1, p. 4322; and Ga. Laws 2019, Act 170, p. 3914 is divided for the purposes of election into five different voting districts, or Wards, being Ward No. 1, Ward No. 2, Ward No. 3, Ward No. 4, and Ward No. 5; and,

WHEREAS, O.C.G.A. § 36-35-4.1 authorizes the City of Gainesville to amend the Charter to reapportion the election districts from which members of the Gainesville City Council are elected following publication of any United States decennial census; and,

WHEREAS, the United States Decennial Census of 2020 has been received by the City of Gainesville, and has been reviewed, and warrants and requires the reapportionment of the election districts of the City of Gainesville to meet the requirements of federal and state law; and,

WHEREAS, it is in the best interests of the citizens of Gainesville that the districts be reapportioned and the Charter amended; and,

WHEREAS, O.C.G.A. § 36-35-4.1 authorizes such reapportionment pursuant to the provisions of § 36-35-3; and,

WHEREAS, the governing body of Gainesville, Georgia does desire to adopt this Ordinance in order to amend its Charter to reapportion such districts in compliance with the laws of the State of Georgia and the United States of America;

IT IS HEREBY ORDAINED BY THE GOVERNING BODY OF THE CITY OF GAINESVILLE:

SECTION I. RECITALS

All of the foregoing recitals of this Ordinance are incorporated herein by reference thereto and made a part of this Ordinance.

SECTION II. REAPPORTIONMENT OF ELECTION DISTRICTS

(a) The governing body of Gainesville, Georgia, does hereby amend the Charter and reapportion and divide the limits of the City of Gainesville into five voting districts or wards, to be designated Ward 1, Ward 2, Ward 3, Ward 4, and Ward 5, and the district boundaries of each Ward shall be and correspond to those five numbered districts described in and attached to and made a part of this Ordinance and further identified as City of Gainesville Proposed City Council and School Board, a copy of which plan is attached hereto as Exhibit A and hereby made a part hereof.

(b) When used in such attachment or in this Ordinance, the terms "Tract" and "BG" (Block Group) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States Decennial Census of 2020 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a "BG" heading shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau of the Census for the United States Decennial Census of 2020 for the State of Georgia. Any part of the City of Gainesville which is not included in any such district described in the attachment shall be included within that district contiguous to such part which contains the least population according to the United States Decennial Census of 2020 for the State of Georgia. Any part of the City of Gainesville which is described in that attachment as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such non-contiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States Decennial Census of 2020 for the State of Georgia.

SECTION III. CERTIFICATION BY THE CLERK

Further, the governing body of the City hereby authorizes and directs the City Clerk of Gainesville, Georgia, to certify this Ordinance and its attachments, and have a certified copy of this Ordinance and its attachments filed with the required and appropriate departments or offices of the State of Georgia or the United States of America.

SECTION IV. EFFECTIVE DATE

This Ordinance is effective upon final passage.

SECTION V. REPEAL

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SO ORDAINED this ____ day of _____, 2022.

CITY OF GAINESVILLE GOVERNING BODY

By: _____
W. Samuel Couvillon, Mayor

Barbara B. Brooks, Council Member

Zack Thompson, Council Member

Juli Clay, Council Member

C. Danny Dunagan, Jr., Council Member

George Wangemann, Council Member

Attest:

Denise O. Jordan, City Clerk

CLERK'S CERTIFICATION

I, Denise O. Jordan, City Clerk of the City of Gainesville, Georgia, and pursuant to the direction and authorization of the governing body of the City of Gainesville, Georgia, hereby certifies that this copy of this Ordinance and all attachments to said Ordinance, is true, correct and accurate.

Denise O. Jordan, City Clerk
City of Gainesville, Georgia

[AFFIX MUNICIPAL SEAL]

Signed, sealed and delivered
in the presence of:

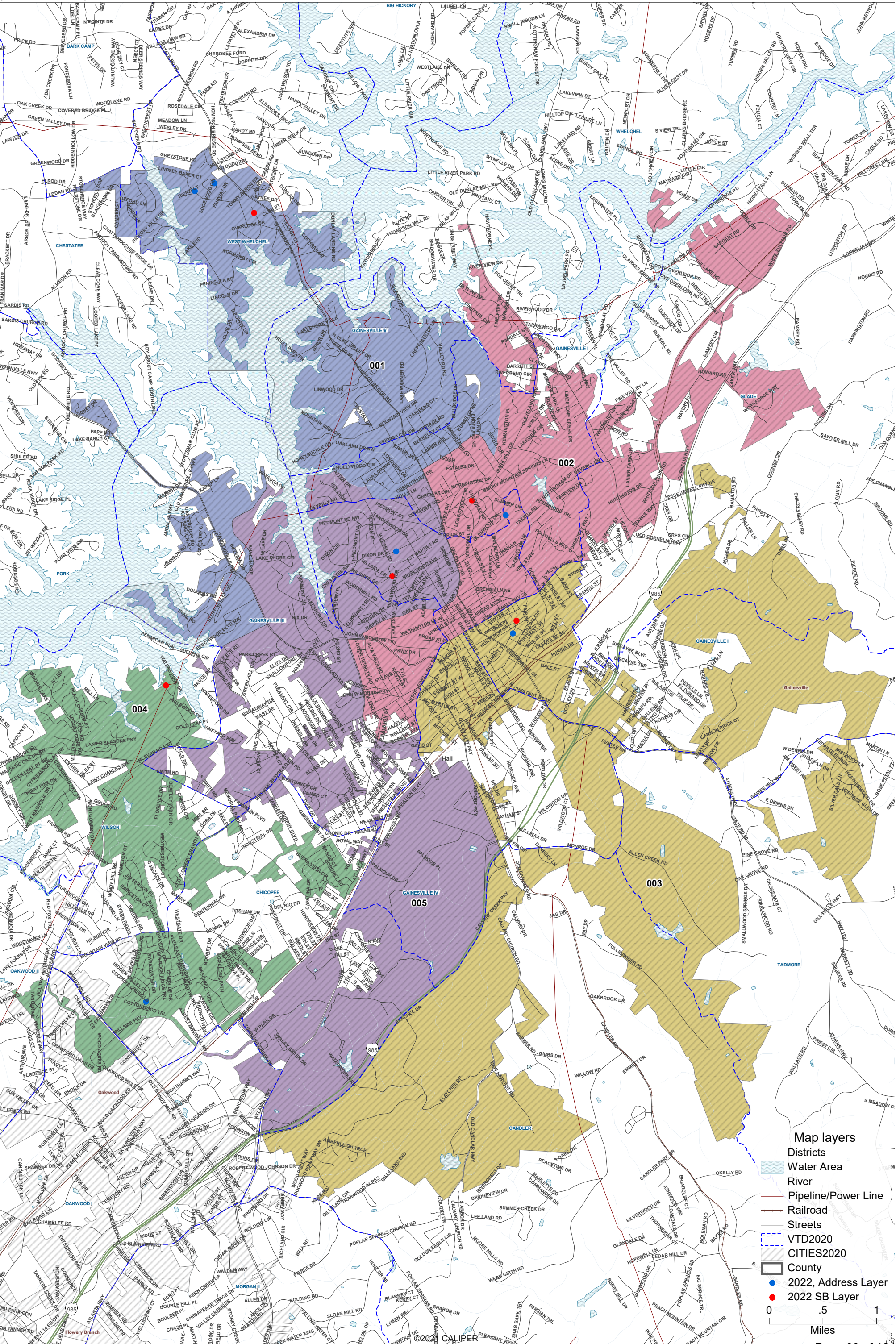
Notary Public
My commission expires:

ASH/krm/15100/W274062

client: Gainesville
type: Local
plan: GainesvilleCCSB-Proposed2022

City of Gainesville

Proposed City Council and School Board



Block	DistrictID:1
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131390014051017	004
131390014052004	005
131390014052002	005
131390013042042	005
131390013042043	005
131390014052016	004
131390014052017	004
131390014061035	004
131390014061033	004
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PAUL B. SMART
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JASON E. VOYLES
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VANESSA E. SYKES
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ATTORNEYS AT LAW

E.D. KENYON
(1890-1981)
SAMUEL L. OLIVER
(1942-2011)

OF COUNSEL

JAMES E. MAHAR, JR.
(Practice Limited To
Mediation and Arbitration)
JANE A. RANGE
CHRISTOPHER J. WALKER, III

November 29, 2022

VIA EMAIL – legalads@gainesvilletimes.com

The Gainesville Times

Attn: Legal Ads

Re: Publication Three Times of a Legal Notice as to a Proposed Home Rule Ordinance Adopting Revised Council Member Election Wards for the City Council of the City of Gainesville in Response to the 2020 U.S. Decennial Census

Dear Sir or Madam:

The governing body of the City of Gainesville, Georgia recently authorized a Home Rule Amendment to the City Charter to adopt revised Council election wards for the Mayor and Council of the City of Gainesville in response to the 2020 U.S. decennial census. Under Georgia law, O.C.G.A. § 36-35-3, the City of Gainesville has to run a legal notice in your newspaper three times regarding the proposed Charter amendment. Therefore, please find enclosed with this email an attached legal notice for the proposed Charter amendment. Please run this legal notice three times on December 3, 2022, December 10, 2022, and December 17, 2022. Please be advised that I have to provide copies of the legal notices to the Hall County Superior Court Clerk and to the Secretary of State's office, and therefore I will need two copies of each ad/notice that run for the three weeks. Subsequently, I will also need two original Publisher's Affidavits regarding the running of these legal notices, and in this way have one original Publisher's Affidavit for the Superior Court Clerk and one for the Secretary of State's office. I can prepare the affidavit, but if you prefer to use your own form that is fine. To run the ads, please either bill the City of Gainesville, or bill my office, and I will see that you are promptly paid.

If you have questions, please do not hesitate to call. Thank you for your help on this matter.

Very truly yours,
/s/ Abbott S. Hayes, Jr.
Abbott S. Hayes, Jr.

Enclosure

ASH/krm/274068

cc: Denise Jordan (via email at djordan@gainesvillega.gov)
Bryan Lackey (via email at blackkey@gainesvillega.gov)

NOTICE REGARDING AMENDMENT OF GAINESVILLE CHARTER

Notice is given that the governing body of the City of Gainesville will conduct a first reading on December 6, 2022 at 5:30 p.m. at the Municipal Courtroom, 701 Queen City Parkway, Gainesville, Georgia 30501 on an Ordinance to Reapportion the Election Districts of the City of Gainesville, Georgia, and amend the Charter of the City of Gainesville in accordance with O.C.G.A. § 36-35-4.1 and pursuant to O.C.G.A. § 36-35-3. A copy of the proposed Ordinance is on file in the office of the Clerk of the City of Gainesville and in the office of the Clerk of the Superior Court of Hall County for the purpose of examination and inspection by the public. A second and final reading on said Ordinance is scheduled at the next regularly scheduled meeting of the Gainesville governing body on December 20, 2022, at 5:30 p.m. at the Municipal Courtroom, 701 Queen City Parkway, Gainesville, Georgia 30501.

ASH/krm/11401/274068

November 29, 2022

The Honorable Charles Baker
Clerk, Hall County Superior Court
P.O. Drawer 1275
Gainesville, GA 30503

Re: Proposed Adoption of an Amendment to the City Charter
Establishing Revised Council Member Election Wards for the
City Council of the City of Gainesville in Response
to the 2020 Decennial Census

Dear Mr. Baker:

My firm and I represent the City of Gainesville, Georgia. The governing body of the City has elected to adopt a Charter amendment that provides for revised Council member election wards for the City Council of the City of Gainesville, Georgia in response to the 2020 decennial census. O. C. G. A. § 36-35-3 requires that a copy of the proposed Charter amendment be on file in the office of the Clerk of the Superior Court of the county of the legal situs of the municipal corporation.

Therefore, in accordance with O. C. G. A. § 36-35-3, I have prepared a filing notice regarding the proposed Home Rule Ordinance that provides for revised Council member election wards for the City Council of the City of Gainesville in response to the 2020 decennial census. Along with this filing notice, I have included a copy of the proposed Home Rule Ordinance. I would appreciate you filing these originals in your usual efficient fashion, and stamp the filing information regarding said documents on the enclosed copies, and return them to me in the enclosed stamped, self-addressed envelope. I understand that you will record the documents in your Minute Book and that there will be no filing fee for this service.

Thank you for your help on this matter. If you have any questions, please do not hesitate to call.

Very truly yours,

Abbott S. Hayes, Jr.
Attorney for the City of Gainesville

ASH/krm/274064

Enclosures

cc: Denise Jordan (via email at djordan@gainesvillega.gov)
Bryan Lackey (via email at blackey@gainesvillega.gov)

IN THE SUPERIOR COURT OF HALL COUNTY

STATE OF GEORGIA

IN RE: CITY OF GAINESVILLE, GEORGIA; * MINUTE BOOK _____
REVISED COUNCIL MEMBER ELECTION * PAGE _____
WARDS FOR THE CITY COUNCIL
IN RESPONSE TO THE 2020 U.S. *
DECENNIAL CENSUS *

FILING NOTICE OF PROPOSED ORDINANCE FOR
REVISED COUNCIL MEMBER ELECTION WARDS FOR THE
CITY COUNCIL IN RESPONSE TO THE 2020 U.S. DECENNIAL CENSUS

Comes now, the governing body of the City of Gainesville, Georgia, by and through the City Attorney for the City of Gainesville, Georgia, Abbott S. Hayes, Jr., and files a copy of the proposed Home Rule Ordinance which would amend the City Charter of the City of Gainesville, Georgia, to provide for revised Council member election wards for the City Council in response to the 2020 decennial census. This filing is done pursuant to O. C. G. A. § 36-35-3(b)(1).

This 29th day of November, 2022.

HULSEY, OLIVER & MAHAR, LLP

By: /s/ Abbott S. Hayes, Jr.
Abbott S. Hayes, Jr.
Georgia State Bar No. 399749
ATTORNEY FOR CITY OF
GAINESVILLE, GEORGIA

P. O. Box 1457
Gainesville, GA 30503
(770) 532-6312

ASH/krm/274072

GEORGIA SECRETARY OF STATE

IN RE:	THE CITY OF GAINESVILLE, GEORGIA CHARTER AMENDMENT ADOPTING REVISED COUNCIL MEMBER ELECTION WARDS FOR THE CITY COUNCIL OF GAINESVILLE IN RESPONSE TO THE 2020 U.S. DECENNIAL CENSUS	* * * * *	Charter Amendment by Home Rule Ordinance 2022 Ga. Laws: _____
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**FILING NOTICE OF CHARTER AMENDMENT
ADOPTING REVISED COUNCIL MEMBER ELECTION WARDS FOR
THE CITY COUNCIL OF GAINESVILLE
IN RESPONSE TO THE 2020 U.S. DECENNIAL CENSUS**

Come now, the governing body of the City of Gainesville, Georgia, by and through the Attorney for the City of Gainesville, Georgia, Abbott S. Hayes, Jr., and files a certified copy of the amendment to the City Charter providing for revised Council member election wards fir the City Council of Gainesville in response to the 2020 U.S. decennial census, a copy of the required notices of publication, and affidavit of a duly authorized representative of The Gainesville Times in which the notice as to the Charter amendment was published, pursuant to O.C.G.A. § 36-35-5.

This ____ day of _____, 202__.

HULSEY, OLIVER & MAHAR, LLP

By: _____
Abbott S. Hayes, Jr.
Georgia Bar No. 399749
Attorney for the City of
Gainesville, Georgia

P. O. Box 1457
Gainesville, Georgia 30503
770.532.6312

ASH/krm/274066

IN THE SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA

IN RE: CITY OF GAINESVILLE, GEORGIA; * MINUTE BOOK _____
REVISED COUNCIL MEMBER ELECTION * PAGE _____
WARDS FOR THE CITY COUNCIL
IN RESPONSE TO THE 2020 U.S. *
DECENNIAL CENSUS *

**FILING NOTICE OF CHARTER AMENDMENT ADOPTING
REVISED COUNCIL MEMBER ELECTION WARDS
FOR THE CITY COUNCIL
IN RESPONSE TO THE 2020 U.S. DECENNIAL CENSUS**

Comes now, the governing body of the City of Gainesville, Georgia, by and through the Attorney for the City of Gainesville, Georgia, Abbott S. Hayes, Jr., and files a copy of the Home Rule Ordinance which has amended the City Charter of the City of Gainesville, Georgia, to provide for revised council election wards for the City Council of Gainesville in response to the 2020 U.S. decennial census, a copy of the required notice of publication, and an affidavit of a duly authorized representative of The Gainesville Times in which the notice as to the Charter amendment was published. This filing is done pursuant to O. C. G. A. § 36-35-5.

This 20th day of December, 2022.

HULSEY, OLIVER & MAHAR, LLP

By: _____
Abbott S. Hayes, Jr.
Georgia State Bar No. 399749

ATTORNEY FOR CITY OF
GAINESVILLE, GEORGIA

P. O. Box 1457
Gainesville, GA 30503
(770) 532-6312

ASH/KRM/274074



CITY OF GAINESVILLE

Work Session Agenda Request

Item Created: November 23, 2022
Date Submitted: November 29, 2022
Final Approval Date: November 29, 2022
Presenter: Denise Jordan, City Clerk
Item of Business: Resolution: 2023 Work Session/Council Meeting Calendar
Meeting Date: December 1, 2022

Purpose of Request:

The purpose of this request is to establish the 2023 Work Session and Council Meeting calendar.

Facts & Issues / History & Background:

The regular scheduled meeting calendar was prepared with the first and third Tuesday identified as Council Meeting dates. Work Sessions were scheduled on Thursday prior to each Council Meeting. Holidays were considered and adjustments were made as needed.

Department Recommendation:

Adopt the calendar.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget? No

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. Resolution: 2023 Meeting Calendar for the Governing Body
2. Attachment: 2023 Meeting Dates of the Governing Body

RESOLUTION BR-2022-

2023 MEETING CALENDAR FOR THE GOVERNING BODY

WHEREAS, the governing body holds regular scheduled meetings each month; and

WHEREAS, regular scheduled Mayor/Council Meetings occur on the first and third Tuesday of each month; and

WHEREAS, regular scheduled Work Sessions occur on the Thursday before each Mayor/Council Meeting; and

WHEREAS, the Charter for the City of Gainesville requires a resolution to establish regular meeting dates of the governing body.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the City of Gainesville hereby adopts the attached as the regularly scheduled meeting calendar for 2023.

BE IT FURTHER RESOLVED that amendments to the meeting calendar may occur in accordance with Chapter 14 of Title 50 of the Official Code of Georgia Annotated and in accordance with the Section 2.20 of the City Charter.

Adopted this _____ day of December, 2022.

W. Samuel Couvillon, 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

2023 WORK SESSION/COUNCIL MEETING CALENDAR

Work Session
Thursday, 9:00 AM
Administration Building
Board Room
300 Henry Ward Way

Council Meeting
Tuesday, 5:30 PM
Public Safety Complex
Municipal Court Room
701 Queen City Parkway

1	1/12/2023	1/17/2023
2	2/2/2023	2/7/2023
3	2/16/2023	2/21/2023
4	3/2/2023	3/7/2023
5	3/16/2023	3/21/2023
6	4/13/2023	4/18/2023
7	4/27/2023	5/2/2023
8	5/11/2023	5/16/2023
9	6/1/2023	6/6/2023
10	6/15/2023	6/20/2023
11	7/13/2023	7/18/2023
12	7/27/2023	8/1/2023
13	8/10/2023	8/15/2023
14	8/31/2023	9/5/2023
15	9/14/2023	9/19/2023
16	9/28/2023	10/3/2023
17	10/12/2023	10/17/2023
18	11/2/2023	11/7/2023
19	11/16/2023	11/21/2023
20	11/30/2023	12/5/2023
21	12/14/2023	12/19/2023
22	1/11/2024	1/16/2024