



AGENDA

Gainesville Mayor/Council Meeting
Tuesday, December 17, 2019, 5:30 PM
Public Safety Complex (Gainesville Justice Center)
Municipal Court Room, 701 Queen City Parkway
Mayor or Mayor Pro Tem Presides

INVOCATION:

PLEDGE OF ALLEGIANCE:

PRESENTATIONS / RECOGNITIONS:

- A. 70th Annual Mayors' Motorcade

COUNCIL ANNOUNCEMENTS:

PUBLIC COMMENTS: (20 minutes maximum)

CONSENT AGENDA:

Appointments

- A. Municipal Court Judge
- Reappoint G. Hammond Law, III
- B. Chattahoochee Golf Course Advisory Committee
- Appoint Jay Jacobs to replace Fred Kelly
- C. Friends of the Parks Board
- Reappoint Chris Morgan
 - Reappoint Staci Tunkel
- D. Parks and Recreation Board
- Reappoint Kingsley Peebles
 - Reappoint Kristin Daniel
 - Reappoint Jerry Castleberry

Resolutions

- A. AR-2019-12 Fourth Quarter Budget Adjustment for Fiscal Year 2019
- B. AR-2019-13 First Quarter Budget Adjustment for Fiscal Year 2020
- C. BR-2019-42 Agreement Regarding Term of Municipal Court Judge - Year 2020
- D. BR-2019-43 Property Acquisition from Liberty Utilities Corporation
- E. BR-2019-44 Tax Allocation District (TAD) Funding for Wimberly Funeral Home
- F. BR-2019-45 Tax Allocation District (TAD) Funding for Liberty Midland
- G. PR-2019-15 Apply For and Accept FY2021 Section 5307 Grant

GENERAL LEGISLATION:

A. Ordinance 2019-33

Amend Chapter 6-9 entitled "Permits"

AN ORDINANCE TO AMEND CHAPTER 6-9 OF THE CODE OF ORDINANCES, WHICH CHAPTER IS ENTITLED "PERMITS," BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

B. Ordinance 2019-34

Amend Chapter 6-7 entitled "Amusements, Public Demonstrations, Parades, Special Events, etc."

AN ORDINANCE TO AMEND CHAPTER 6-7 OF THE CODE OF ORDINANCES, WHICH CHAPTER IS ENTITLED "AMUSEMENTS, PUBLIC DEMONSTRATIONS, PARADES, SPECIAL EVENTS, ETC.," BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTIONS:

A. BR-2019-46 Special Event Policy & Permit Application

PUBLIC HEARING(S):

A. Request from the **City of Gainesville** to amend the Unified Land Development Code for the City of Gainesville, Georgia to amend Table 9-6-1 of Article 9-6 entitled "Permitted and Special Uses for Nonresidential Zoning Districts"; to amend Table 9-6-2 of Article 9-6 entitled "Dimensional Requirements for Nonresidential Zoning Districts"; to amend Section 9-8-7-6 entitled "Prohibited and Permitted Uses" within the Midtown Overlay Zone; to amend Article 9-10 entitled "Specific Use Provisions"; to adopt a new Section 9-10-6-2 entitled "Hookah, E-Cigarette and/or Vapor Lounge/Bar"; to adopt a new Section 9-10-6-13 entitled "Special Event Facility"; to adopt a new Section 9-10-6-14 entitled "Food Processing Plant"; to adopt a new Section 9-10-6-15 entitled "Lodging Services"; to adopt a new Section 9-10-6-16 entitled "Extended Stay Lodging Services"; to amend Section 9-10-1-2 entitled "Fences and Walls"; to amend Section 9-20-14-15 entitled "Suspension of Permits and Certificates"; and to amend Section 9-9-1-4 entitled "General Requirements".

- Proposed Ordinance 2019-35

CITY MANAGER ISSUES:

CITY ATTORNEY ISSUES:

CITY CLERK ISSUES:

EXECUTIVE SESSION:

ADJOURNMENT:

Final: Monday, December 16, 2019, 9:55 AM

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 12/13/2019
Presenter: Tabitha Rodriguez
Item of Business: 70th Annual Mayors' Motorcade
Meeting Date: 12/17/2019

Purpose of Request:

To recognize the annual event. Gifts and donations have been collected to disseminate to consumers served by AVITA Community Partners.

History/Background:

For more than 5 decades, the *Georgia Municipal Association* has coordinated this statewide event to bring holiday cheer to consumers of regional facilities that serve persons experiencing behavioral health, mental health and disability issues.

Facts & Issues for Consideration:

Tabitha Rodriguez of the Community Service Center coordinates the Mayors' Motorcade event at the local level on behalf of the City of Gainesville's Mayor. Gifts and monetary donations are collected from city employees and members of the public, and these gifts/donations are then given to staff of AVITA Community Partners who in turn share them with their consumers.

The Mayor and City Council will present gifts and a check to staff of AVITA at the December 17th meeting.

Department Recommendation:

N/A

Department Director:

Phillippa Lewis Moss

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

No

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 12/12/2019

Presenter:

Item of Business: Consent Agenda Items

Meeting Date: 12/17/2019

Purpose of Request:

The following appointments, minutes and/or resolutions are being considered under the Consent Agenda Section. These items were previously distributed for review and/or discussed. Unless otherwise directed by Mayor and Council, they will not be discussed during this meeting.

If you have questions regarding these documents, please feel free to contact the City Clerk's Office during normal business hours (Monday through Friday from 8:00 AM to 5:00 PM) at 770-535-6865 or via email to cityclerk@gainesville.org.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Department Director:

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 12/16/2019
Presenter: Danny Dunagan
Item of Business: Municipal Court Judge
• Reappoint G. Hammond Law, III
Meeting Date: 12/17/2019

Purpose of Request:

The purpose of this request is to appoint the Municipal Court Judge.

History/Background:

Facts & Issues for Consideration:

In accordance with O.C.G.A 36-32-2(a) the Municipal Court Judge shall be appointed for a term of one year.

Department Recommendation:

Reappoint G. Hammond Law, III to serve another one-year term as the Municipal Court Judge.

Department Director:

Danny Dunagan

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

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ Appointment: Municipal Court Judge	Backup Material

ORGANIZATIONAL MEETING APPOINTMENTS

POST	LAST NAME	FIRST NAME	APPOINTED	EXPIRATION	FREQUENCY
City Manager	Lackey	Bryan	11/3/2015 effective 11/30/2015		As Needed
City Attorney	Hulsey, Oliver & Mahar, LLP (Abbott Hayes, Jr.)		10/6/2015 effective 1/1/2016		As Needed
City Auditor	Rushton & Company, CPA		2/18/1997 1/7/2014		As Needed
Chief Judge	Law, III	G. Hammond	1/1/1988 1/7/2014 8/2/2016 6/20/2017	12/31/2019	Annual
Municipal Court Solicitor	Bishop	Anne Marie	2/16/16 UE 1/9/2018	1/9/2020	2 year appt
Deputy Municipal Court Solicitor	Grant	Inez	4/19/2016 1/9/2018	1/9/2020	2 year appt
Administrative Hearing Officer	Law, III	G. Hammond	1/1/1992 1/7/2014 1/6/2015 1/5/2016 1/10/2017 1/9/2018 1/8/2019	1/7/2020	Annual
Legal Organ	The Times		1/10/2017 1/9/2018 1/8/2019	1/7/2020	Annual

EXPIRATION DATE: First Council Meeting of the year

UPDATED: 10/14/19 ag

"As Needed": Charter states "shall be removed at anytime upon majority vote of the governing body".

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 12/9/2019

Presenter: Danny Dunagan

Item of Business: Chattahoochee Golf Course Advisory Committee

- Appoint Jay Jacobs to replace Fred Kelly

Meeting Date: 12/17/2019

Purpose of Request:

The purpose of this request is to address the expired term position held by Fred Kelly.

History/Background:

CGCAC members serve three-year terms. They follow the guidelines as set forth in the City Charter, Code of Ordinances and Business Resolution 2010-23.

Facts & Issues for Consideration:

The Chattahoochee Country Club submitted a nomination for the expired term.

Department Recommendation:

The Mayor nominated Jay Jacobs to replace Fred Kelly during the December 12, 2019 Work Session.

To consider the nomination as submitted.

Department Director:

Danny Dunagan

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

No

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ CGCAC Members	Backup Material
☐ CCC Nomination	Backup Material

CHATTAHOOCHEE GOLF COURSE ADVISORY COMMITTEE

NOMINATED BY:	LAST NAME	FIRST NAME	APPOINTED/ TERM BEGAN	REAPPOINTED	EXPIRES
CCC	Weschler	Gene	6/5/2012 UE	12/16/2014 12/19/2017	12/19/2020
City Council	Worley	Bryson	8/15/2017		8/15/2020
City Council	Kiker	AJ	6/22/2010	3/4/2014 8/15/2017	8/15/2020
City Council	Lawson	Jeff	8/15/2017		8/15/2020
City Council	Shell	Martha	8/15/2017		8/15/2020
City Council	Hulsey (Chairperson)	Mike	3/4/2014	11/21/2017	11/21/2020
CCC	Hicks	Will	6/22/2010	12/16/2014 12/19/2017	12/19/2020
CCC	Kelly	Fred	11/1/2016		11/1/2019
CCC	Smith	Mike	8/7/2018		8/7/2021
CCC	Peeples	Will	12/16/2014	12/19/2017	12/19/2020
Ex-Officio	Thompson	Zack	1/10/2017	1/9/2018 1/8/2019	1/7/2020

TERM: Three year terms

CONTACT: Rodger Hogan, Golf Course

Re-established: June 22, 2010. Original Committee began January 1, 2005

NOTES: First appointees serve the initial term as shown. All successors serve 3 year terms.

Members continue to serve until a successor is appointed.

Staggered terms for December 2014 appointments.

UPDATED: 1/9/2019 ag

Alisa Grayson

From: Rodger Hogan <rhogan@gainesville.org>
Sent: Tuesday, November 26, 2019 10:09 AM
To: Alisa Grayson <agrayson@gainesville.org>
Subject: RE: Chattahoochee Golf Course Advisory Committee Appointment

Alisa,

The club is going to replace Fred Kelly with Jay Jacobs. Let me know what information you will need.

Thanks,

Rodger

From: Alisa Grayson <agrayson@gainesville.org>
Sent: Friday, November 22, 2019 9:23 AM
To: Rodger Hogan <rhogan@gainesville.org>
Cc: Denise Jordan <djordan@gainesville.org>
Subject: RE: Chattahoochee Golf Course Advisory Committee Appointment

Hi Rodger. I'll need to share an update with the Mayor. Were you able to get a response from the CCC
Thanks,

Alisa Grayson
Georgia Certified Clerk
City Manager's Office

E | agrayson@gainesvillega.gov
O | 770-535-6865
W | www.gainesville.org



To: Rodger Hogan
Subject: RE: Advisory Committee - Fred Kelly

From: Rodger Hogan <rhogan@gainesville.org>
Sent: Friday, December 06, 2019 11:26 AM
To: Alisa Grayson <agrayson@gainesville.org>
Subject: FW: Advisory Committee - Fred Kelly

From: Matthew Collins <mcollins@ccclub.cc>
Sent: Thursday, November 21, 2019 3:56 PM
To: Rodger Hogan <rhogan@gainesville.org>
Subject: RE: Advisory Committee - Fred Kelly

CAUTION:*This email originated from outside the City of Gainesville networks. Be aware of phishing, and remember: City of Gainesville IT will never ask for your password or other personal information in email. Do not open attachments or click links if you are not sure about it.*****

Rodger,
Mr. Bracewell has asked Jay Jacobs to replace Fred Kelly on the committee. Can you reach out to Mr. Jacobs and let him know his role and responsibilities on the committee. He asked me and I could not answer. Let me know if you need anything else.



Chattahoochee Country Club

Matthew Collins, CCM
General Manager
Chattahoochee Country Club
3000 Club Drive
Gainesville, GA 30506
770.536.4461
Fax: 770.536.5731
www.chattahoocheecountryclub.com

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 12/9/2019

Presenter: Danny Dunagan

Item of Business: Friends of the Parks Board

- Reappoint Chris Morgan
- Reappoint Staci Tunkel

Meeting Date: 12/17/2019

Purpose of Request:

The purpose of this request is to address the expiring term positions held by Chris Morgan and Staci Tunkel.

History/Background:

The Friends of the Parks Board follow the guidelines as set forth in the Charter and Code of Ordinances. Appointees serve three-year terms.

Facts & Issues for Consideration:

Chris Morgan and Staci Tunkel have confirmed a willingness to serve another term.

Department Recommendation:

The Mayor nominated Chris Morgan and Staci Tunkel for reappointment during the December 12, 2019 Work Session.

Recommend to accept the Mayor's nomination as presented.

Department Director:

Danny Dunagan

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

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ FOP Members	Backup Material
☐ FOP Attendance Record	Backup Material

FRIENDS OF THE PARKS

CITY APPOINTMENTS

POST	LAST NAME	FIRST NAME	APPOINTED	REAPPOINTED	EXPIRES
	Kearns	Lynn	6/5/18 UE		12/31/2019
	Mattison	Kate			Standing Term
Vice-President	Morgan	Chris	2/7/2017		12/31/2019
	Tunkel	Staci	3/19/19 UE		12/31/2019
	Taylor	Bill	1/22/2019		12/31/2021
	Thompson	Alisa	1/22/2019		12/31/2021
	Nix	Becky	6/5/2018		12/31/2020
	Morrison	Jeff	9/6/2016	1/22/2019	12/31/2021
Ex-Officio	Brooks	Barbara	1/10/2017	1/9/2018 1/8/2019	1/7/2020

TERM: Three year terms - Appointees limited to two consecutive terms excluding initial term.

CONTACT: Kate Mattison, Director of Parks & Recreation

UPDATED: 11/11/19 ag

FRIENDS OF THE PARKS BOARD ATTENDANCE REPORT

MEETING			BOARD MEMBER							
	DATE	TYPE	BROOKS	KEARNS	MORGAN	MORRISON	NIX	TAYLOR	THOMPSON	TUNKEL
1	1/4/2018	R	1	n/a	1	1	n/a	1	n/a	n/a
2	2/1/2018	R	0	n/a	0	1	n/a	1	n/a	n/a
3	3/1/2018	R	1	n/a	0	1	n/a	0	n/a	n/a
4	4/5/2018	R	1	n/a	1	0	n/a	1	n/a	n/a
5	5/3/2018	R	0	n/a	0	0	n/a	0	n/a	n/a
6	6/7/2018	R	0	n/a	1	0	n/a	0	n/a	n/a
7	7/5/2018	R	Meeting Cancelled							
8	8/2/2018	R	1	1	1	1	1	0	n/a	n/a
9	9/6/2018	R	1	1	0	1	1	1	n/a	n/a
10	10/4/2018	R	1	0	1	0	1	0	n/a	n/a
11	11/1/2018	R	1	0	1	0	0	0	n/a	n/a
12	12/6/2018	R	Meeting Cancelled							
13	1/3/2019	R	1	1	1	1	0	0	n/a	n/a
14	2/7/2019	R	1	1	1	1	0	0	n/a	n/a
15	3/7/2019	R	0	0	1	0	1	1	1	n/a
16	4/11/2019	R	1	1	1	0	1	0	0	1
17	5/2/2019	R	Unofficial meeting - walk thru for Butterfly Release							
18	6/6/2019	R	Field Trip to Riverside Water Treatment Plan - no minutes, no quorum							
19	7/4/2019	R	Meeting Cancelled due to Holiday							
20	8/1/2019	R	0	0	1	0	1	0	0	0
21	9/5/2019	R	1	1	0	0	1	1	0	0
22	10/3/2019	R	0	1	1	0	1	1	0	1
23	11/7/2019	R	Meeting Cancelled							
24	12/5/2019	R	Meeting Cancelled							
25										
26										
27										
28										
29										
30										
TOTAL			11	7	12	7	8	7	1	2
ATTENDANCE %			65%	58%	71%	41%	73%	41%	20%	50%

*also no quorum

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

NOTES:

Submitted By: Kate Mattison
 Recording Secretary

Date: 12/6/2019

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 12/9/2019

Presenter: Danny Dunagan

Item of Business: Parks and Recreation Board

- Reappoint Kingsley Peeples
- Reappoint Kristin Daniel
- Reappoint Jerry Castleberry

Meeting Date: 12/17/2019

Purpose of Request:

The purpose of this request is to address the expiring term positions held by Kingsley Peeples, Kristin Daniel and Jerry Castleberry.

History/Background:

The Parks & Recreation board members serve five-year terms or until a successor is appointed. They follow the guidelines as set forth in the City Charter, Code of Ordinances and Bylaws of the Gainesville Parks & Recreation Board.

Facts & Issues for Consideration:

Kingsley Peeples, Kristin Daniel and Jerry Castleberry have confirmed a willingness to serve another term.

Department Recommendation:

The Mayor nominated Kingsley Peeples, Kristin Daniel and Jerry Castleberry for reappointment during the December 12, 2019 Work Session.

Recommend to accept the Mayor's nomination as presented.

Department Director:

Danny Dunagan

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

N/A

Amount Requested: **Source of Funds:**

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description

Type

- 📁 P&R Members
- 📁 P&R Attendance Record

Backup Material

Backup Material

PARKS AND RECREATION BOARD

POST	LAST NAME	FIRST NAME	APPOINTED	REAPPOINTED	EXPIRES
Ward 1	Peeples	Kingsley	10/15/19 UE		12/31/2019
Ward 1	Simpson	John	8/18/15 UE	12/18/2018	12/31/2023
Ward 2	Daniel	Kristin	3/17/2015		12/31/2019
Ward 2	Richwine, Jr.	Sam W.	12/31/2005	10/19/2010 6/7/2016	12/31/2020
Ward 3	Washington	Robert	12/18/2018		12/31/2023
Ward 3	Castleberry	Jerry	8/19/2008 UE	12/15/2009 12/16/2014	12/31/2019
Ward 4	Daniell	Susan	12/6/2011	12/6/2016	12/31/2021
Ward 4	Embry, III	Hugh Cooper	2/3/15 UE	12/6/2016	12/31/2021
Ward 5	Romberg	Chris	12/31/2003	12/16/2008 12/3/2013 12/18/2018	12/31/2023
Ex-Officio	Couvillon	Sam	1/10/2017	1/9/2018 1/8/2019	1/7/2020
Director	Mattison	Kate		Board Appointed	

TERM: Five year terms

CONTACT: Kate Mattison, Director of Parks & Recreation

UE: Unexpired Term

UPDATED: 10/16/2019 ag

PARKS AND RECREATION BOARD ATTENDANCE REPORT

MEETING			BOARD MEMBER									
	DATE	TYPE	CASTLEBERRY	COUVILLON	DANIEL	DANIELL	EMBRY	MILLER	RICHWINE	ROMBERG	SIMPSON	WASHINGTON
1	1/8/2018	R	Meeting Cancelled									
2	2/12/2018	R	1	1	0	1	1	0	1	1	1	n/a
3	3/12/2018	R	1	1	1	1	1	1		1	1	n/a
4	4/9/2018	R	1	0	1	1	0	1	1	1	1	n/a
5	5/14/2018	R	1	0	0	1	1	1	1	1	1	n/a
6	6/11/2018	R	1	1	1	1	1	1	1	1	1	n/a
7	7/9/2018	R	Meeting Cancelled									
8	8/13/2018	R	1	1	1	0	1	0	1	1	1	n/a
9	9/10/2018	R	1	1	0	1	0	0	1	1	1	n/a
10	10/8/2018	R	1	1	1	1	0	0	1	1	1	n/a
11	11/12/2018	R	1	0	1	0	1	1	1	1	1	n/a
12	12/10/2018	R	1	1	1	1	1	1	1	1	1	n/a
13	1/14/2019	R	1	1	1	1	0	1	1	1	1	1
14	2/11/2019	R	1	0	0	1	1	1	0	1	1	1
15	3/11/2019	R	1	1	1	1	0	1	1	1	1	1
16	4/8/2019	R	1	0	1	0	1	1	1	1	1	0
17	5/13/2019	R	1	1	1	1	1	0	1	1	1	0
18	6/10/2019	R	1	0	0	1	0	1	0	1	1	0
19	7/8/2019	R	Meeting Cancelled									
20	8/5/2019	R	1	1	1	1	1	0	0	1	1	0
21	9/9/2019	R	1	0	1	1	1	0	1	1	1	1
22	10/14/2019	R	1	1	1	1	1	1	1	1	1	1
23	11/11/2019	R	1	0	1	1	1	1	1	1	1	1
24	12/9/2019	R										
25												
26												
27												
28												
29												
30												
TOTAL			20	12	15	17	14	13	16	20	20	6
ATTENDANCE %			100%	60%	75%	85%	70%	65%	80%	100%	100%	60%

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

C = Called Meeting
1 = Attended

NOTES:

Submitted By: _____
Kate Mattison
Recording Secretary

Date: _____
12/6/2019

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 12/3/2019
Presenter: Bryan Lackey
Item of Business: AR-2019-12 Fourth Quarter Budget Adjustment for Fiscal Year 2019
Meeting Date: 12/17/2019

Purpose of Request:

This request is to approve the budget adjustments associated with the fourth quarter of fiscal year 2019.

History/Background:

The City of Gainesville Code states in part:

Sec. 2-3-87 - Budget amendments

(a) General amendment. The council may amend the budget as deemed necessary or advantageous during the fiscal year, provided additional revenues or funding sources are identified for any net increase in expenditure. Following the end of each fiscal year quarter, any approved adjustments, including budgets for any projects authorized during the quarter shall be enacted through a budget adjustment resolution upon favorable vote of the city council. The supplemental budget resolutions shall be balanced for each and every fund that is amended.

Facts & Issues for Consideration:

Department Recommendation:

Financial Services recommends the approval of the fourth quarter budget adjustment for fiscal year 2019.

Department Director:

Jeremy Perry

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ AR-2019-12 Fourth Quarter Budget Adjustment for Fiscal Year 2019	Resolution
☐ Attachment A-Charts for 4th Qtr BA for FY2019	Backup Material
☐ Attachment B-Descriptions for 4th Qtr BA for FY2019	Backup Material

RESOLUTION AR-2019-12

**REGARDING FOURTH QUARTER BUDGET ADJUSTMENT
FOR FISCAL YEAR 2019**

WHEREAS, the governing body approved a budget for fiscal year 2019 for the City of Gainesville on June 19, 2018; and

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

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

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

Adopted this _____ day of _____, 2019.

C. Danny Dunagan, Jr., Mayor

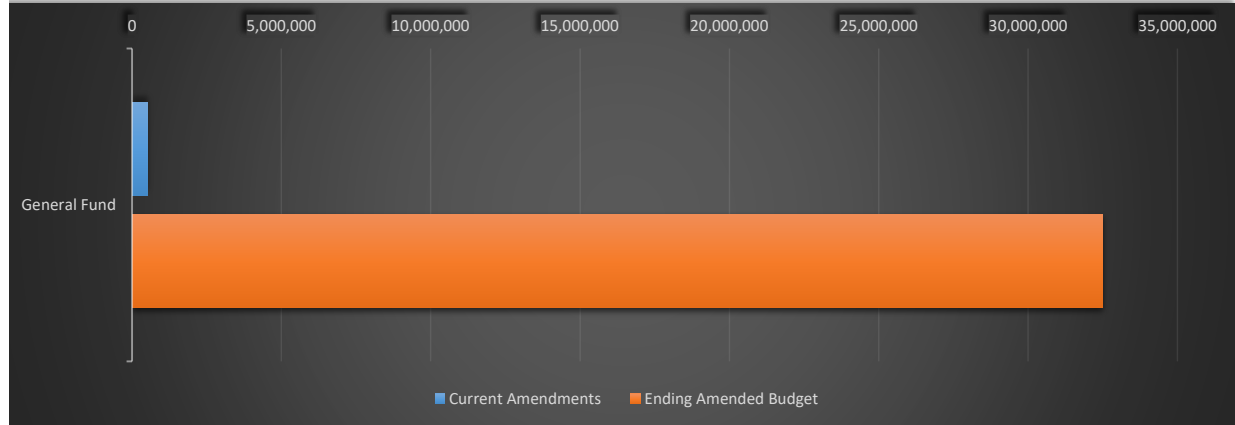
This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

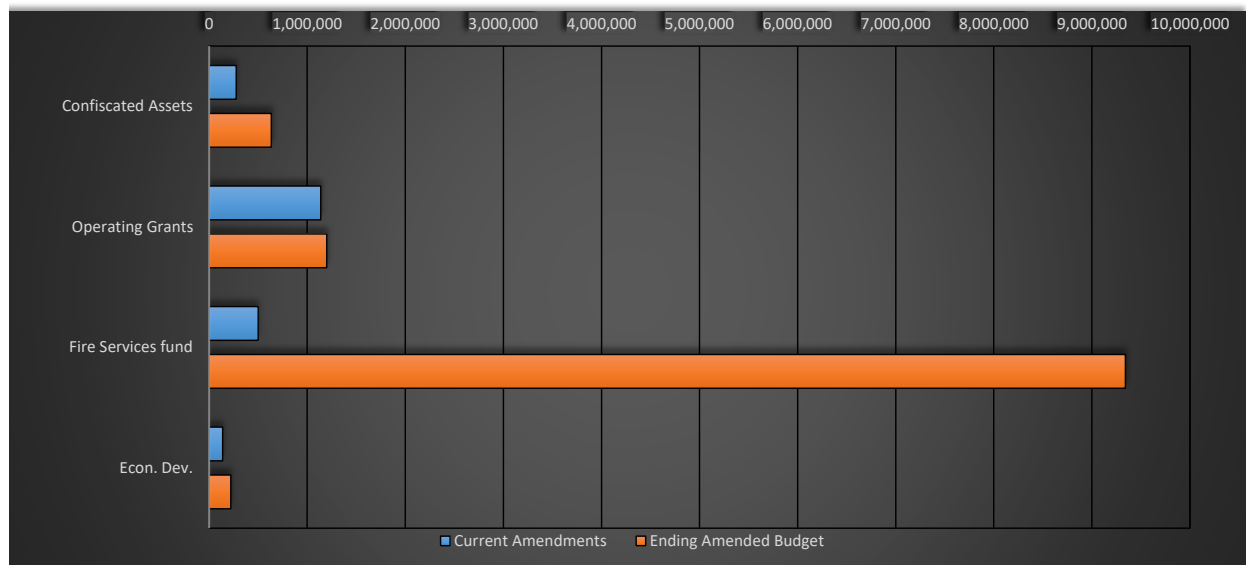
Denise O. Jordan, City Clerk

ATTACHMENT A

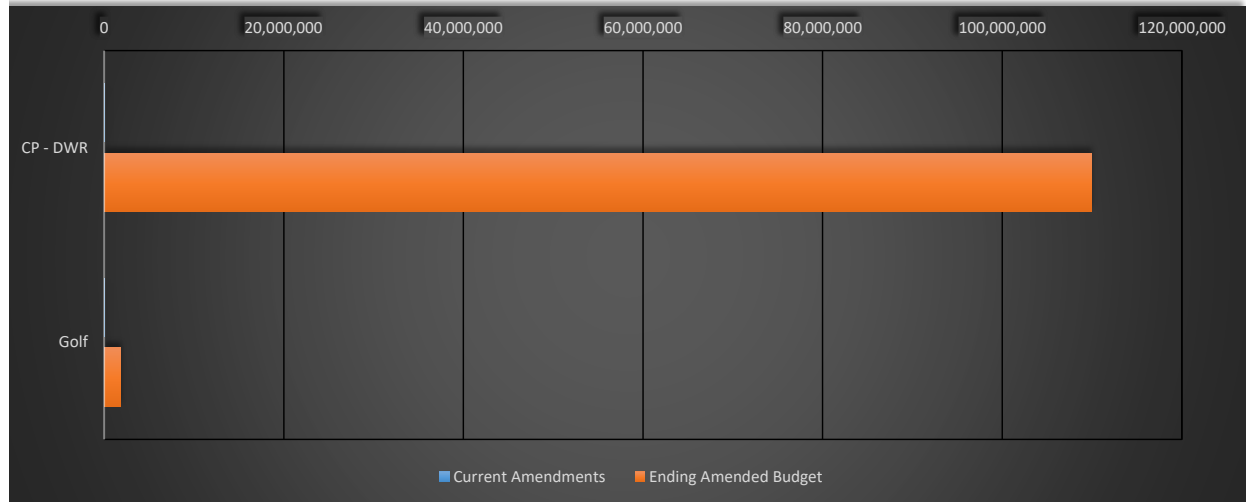
General Fund			
Fund	Beginning Amended Budget	Current Amendments	Ending Amended Budget
General Fund	31,966,196	517,688	32,483,884
Grand Total	31,966,196	517,688	32,483,884



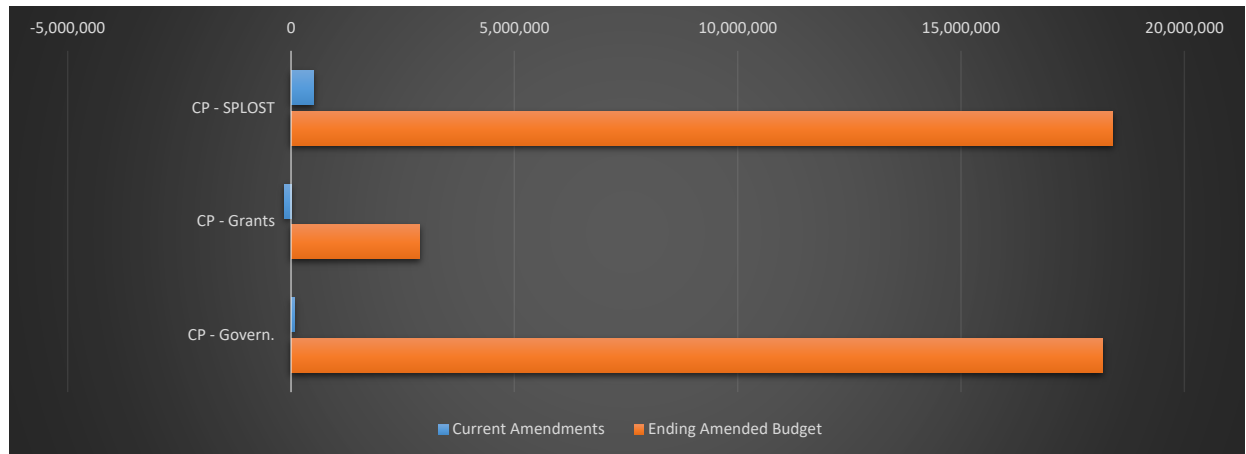
Special Revenue Funds			
Fund	Beginning Amended Budget	Current Amendments	Ending Amended Budget
CSC	3,968,111	0	3,968,111
Cemetery Trust	42,704	0	42,704
Confiscated Assets	357,758	276,000	633,758
Operating Grants	60,646	1,137,779	1,198,425
HUD Grants	837,818	0	837,818
HUD Rev. Loan	82,800	0	82,800
Fire Services fund	8,841,200	500,000	9,341,200
Econ. Dev.	83,000	137,500	220,500
TV-18	258,566	0	258,566
TAD	615,655	0	615,655
H/M Tax Fund	1,132,497	23,402	1,155,899
Impact Fee	670,350	16,543	686,893
Info. Tech. Fund	56,000	0	56,000
Grand Total	17,007,105	2,091,224	19,098,329



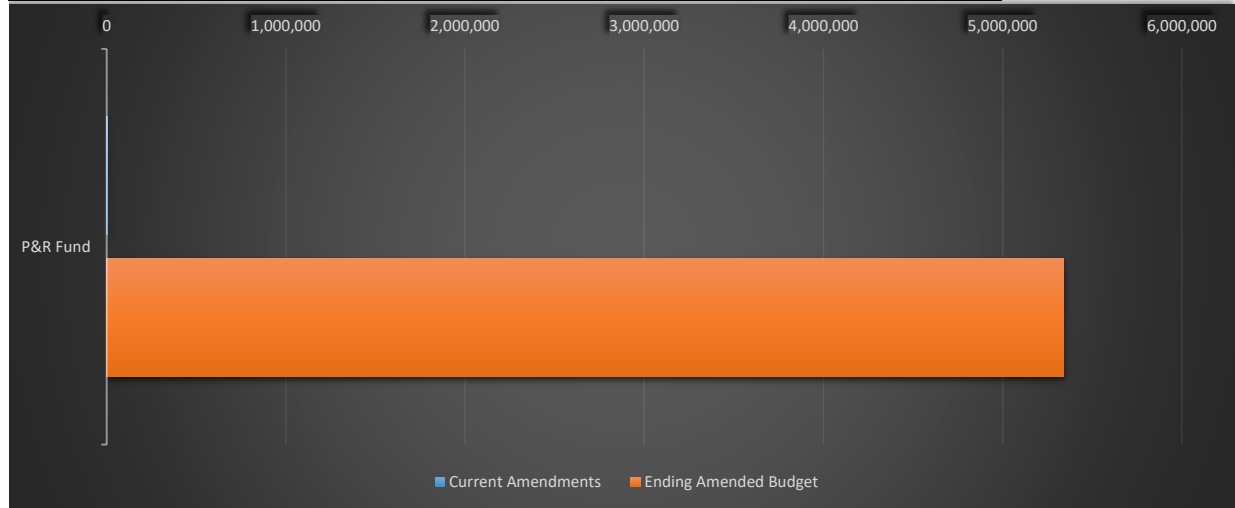
Enterprise Funds			
Fund	Beginning Amended Budget	Current Amendments	Ending Amended Budget
DWR	72,088,184	0	72,088,184
CP - DWR	109,899,344	65,600	109,964,944
Solid Waste	3,272,816	0	3,272,816
Airport	5,497,024	0	5,497,024
Golf	1,799,107	40,000	1,839,107
Grand Total	192,556,475	105,600	192,662,075



Capital and Debt Funds			
Fund	Beginning Amended Budget	Current Amendments	Ending Amended Budget
CP - SPLOST	17,881,240	511,405	18,392,645
CP - Grants	3,020,271	-147,167	2,873,104
CP - Govern.	18,106,201	68,091	18,174,292
Debt. Serv.	2,912,551	0	2,912,551
Grand Total	41,920,263	432,329	42,352,592



Component Unit			
Fund	Beginning Amended Budget	Current Amendments	Ending Amended Budget
CVB	599,480	0	599,480
P&R Fund	5,331,473	7,000	5,338,473
CP - P&R	1,057,249	0	1,057,249
Grand Total	5,930,953	7,000	5,937,953



Non-Profit			
Fund	Beginning Amended Budget	Current Amendments	Ending Amended Budget
Non-Profit	25,507	1,108,909	1,134,416
Grand Total	25,507	1,108,909	1,134,416

Internal Service Fund			
Fund	Beginning Amended Budget	Current Amendments	Ending Amended Budget
Gen. Insurance	1,915,514	0	1,915,514
Employee Ben.	9,387,614	522,500	9,910,114
Veh. Serv.	2,587,312	0	2,587,312
Grand Total	13,890,440	522,500	14,412,940

**ATTACHMENT B
QUARTERLY BUDGET ADJUSTMENT RESOLUTION
ADJUSTMENT DESCRIPTIONS**

GENERAL FUND

GENERAL FUND

The General fund recognized a total increase of \$517,688 during the fourth quarter of fiscal year 2019. The adjustments associated with this increase are as follows:

- Transfer a portion of the Fire Services Fund Balance to the Fire Services Fund in the amount of \$500,000 for FY2020 capital projects.
- Gainesville City Schools BOE reimbursement for road patching co-op project in the amount of \$16,411.
- Correction of revenue coding for contributions to Police's Community Outreach program in the amount of \$1,277.

Other notable adjustments, which did not affect the total budget, but represent transfers within department accounts or from one department to another are as follows:

- Transfer of \$68,000 from 3200-Police salary accounts to cover overages in other operating accounts.
- Transfer of \$1,900 to 4100-Public Works-Engineering salary accounts to cover salary adjustments for FY2019.
- Transfer of \$39,500 from 4200-Public Works-Street Maintenance salary accounts to cover overages in other operating accounts.
- Transfer of \$8,000 to 7220-Inspections salary accounts to cover salary adjustments for FY2019.
- Transfer of \$33,000 to 7410-Planning and Zoning salary accounts to cover salary adjustments for FY2019.
- Transfer of \$9,000 to 7450-Code Enforcement salary accounts to cover salary adjustments for FY2019.

SPECIAL REVENUE FUNDS

COMMUNITY SERVICE CENTER FUND

The Community Service Center fund had no increase or decrease during the fourth quarter of fiscal year 2019. The notable adjustment associated with the fund as follows:

ATTACHMENT B
QUARTERLY BUDGET ADJUSTMENT RESOLUTION
ADJUSTMENT DESCRIPTIONS

- Transfer of \$6,000 from 5431-General Assistance Services salary accounts to cover overages in other operating accounts.

CONFISCATED ASSETS FUND

The Confiscated Assets fund recognized a total increase of \$276,000 during the fourth quarter of fiscal year 2019. The adjustments associated with this increase are as follows:

- Decrease of \$149,509 from Confiscated Assets Budgeted Fund Balance.
- Recognize revenue in the amount of \$48,183 for Local Confiscations.
- Recognize revenue in the amount of \$30,724 for State Confiscations.
- Recognize revenue in the amount of \$346,602 for Federal Confiscations.

GRANTS FUND

The Grants fund recognized a total increase of \$1,137,779 during the fourth quarter of fiscal year 2019. The adjustments associated with this increase are as follows:

- Re-Establish JAG 2018 Grant in the amount of \$12,765.
- Re-Establish GOHS HEAT 2018 and 2019 in the amount of \$75,748.
- Re-Establish CHIP 2018 in the amount of \$612,000.
- Re-Establish HOME/NOFA 2014 grants in the amount of \$437,266.

FIRE SERVICES FUND

The Fire Services fund recognized a total increase of \$500,000 during the fourth quarter of fiscal year 2019. The adjustment associated with this increase is as follows:

- Transfer from the General Fund to the Fire Services Fund Balance in the amount of \$500,000 for FY2020 capital projects.

ECONOMIC DEVELOPMENT FUND

The Economic Development fund recognized a total increase of \$137,500 during the fourth quarter of fiscal year 2019. The adjustment associated with this increase is as follows:

- Recognize gain on investments in the amount of \$137,500.

ATTACHMENT B
QUARTERLY BUDGET ADJUSTMENT RESOLUTION
ADJUSTMENT DESCRIPTIONS

HOTEL/MOTEL TAX

The Hotel/Motel Tax fund recognized a total increase of \$23,402 during the fourth quarter of fiscal year 2019. The adjustments associated with this increase are as follows:

- Recognize increase of revenue from 1% tax in the amount of \$17,317.
- Increase in Budgeted Fund Balance in the amount of \$6,068 to cover final project costs from project 91044-Highlands to Islands Trail Signage.

IMPACT FEE

The Impact Fee fund recognized a total increase of \$16,543 during the fourth quarter of fiscal year 2019. The adjustments associated with this increase is as follows:

- Recognize administrative fee revenue in the amount of \$16,543.

ENTERPRISE FUNDS

CHATTAHOOCHEE GOLF COURSE FUND

The Chattahoochee Golf Course fund recognized a total increase of \$40,000 during the fourth quarter of FY2019. The adjustment associated with this increase is as follows:

- Increase of \$40,000 to Budgeted Fund Balance for project 30000-Golf Course Renovations.

CAPITAL AND DEBT FUNDS

DWR CAPITAL PROJECTS FUND

The Department of Water Resources Capital Project fund recognized a total increase of \$65,600 during the fourth quarter of FY2019. The adjustment associated with this increase is as follows:

- Transfer from General Fund in the amount of \$65,600 for project 18918- Jesse Jewell Parkway & Queen City Utilities Relocation for the installation of new fiber.

**ATTACHMENT B
QUARTERLY BUDGET ADJUSTMENT RESOLUTION
ADJUSTMENT DESCRIPTIONS**

SPLOST CAPITAL PROJECTS FUND

The SPLOST Capital Project fund recognized a total increase of \$511,405 during the fourth quarter of FY2019. The adjustments associated with this increase are as follows:

- Gainesville City Schools BOE reimbursement for road patching co-op project in the amount of \$16,411.
- Increase Budgeted Fund Balance in the amount of \$119,994 for establishing project budgets.
- Recognize grant revenue in the amount of \$375,000 for project 93127-Prior Street Turn Lane.

GRANTS CAPITAL PROJECTS FUND

The Grants Capital Project fund recognized a total decrease of \$-147,167 during the fourth quarter of FY2019. The adjustment associated with this increase is as follows:

- Reduce budget for project 93160-Davis Street Extension in the amount \$147,167.

GENERAL GOVERNMENT CAPITAL PROJECTS FUND

The General Government Capital Projects fund recognized a total increase of \$68,091 during the fourth quarter of FY2019. The adjustments associated with this increase are as follows:

- Transfer from General Fund in the amount of \$185,006 for CIP projects.
- Decrease in Budgeted Fund Balance in the amount of \$123,000.
- Transfer from Hotel/Motel Tax Fund in the amount of \$6,085 for project 91044-Highlands to Islands Trail signage project.

COMPONENT UNIT

PARKS AND RECREATION FUND

The Parks and Recreation fund recognized a total increase of \$7,000 during the fourth quarter of FY2019. The adjustment associated with the increase is revenue recognized for Grand Ballroom rentals.

ATTACHMENT B
QUARTERLY BUDGET ADJUSTMENT RESOLUTION
ADJUSTMENT DESCRIPTIONS

NON-PROFIT

NON-PROFIT FUND

The Non-Profit fund recognized a total increase of \$1,108,909 during the fourth quarter of FY2019. The adjustments associated with this increase are as follows:

- Re-Establish CHIP 2018 Grant in the amount of \$612,000.
- Re-Establish HOME/NOFA Grant in the amount of \$437,266.
- Recognize revenue from Rehab and reimbursements in the amount of \$31,203.
- Recognize interest revenue in the amount of \$23,292.
- Recognize miscellaneous revenue for the Non-Profit Housing Festival in the amount of \$5,148.

INTERNAL SERVICE FUND

The Employee Benefits fund recognized a total increase of \$522,500 during the fourth quarter of FY2019. The adjustments associated with this increase are as follows:

- Recognize Internal Service Fund charges in the amount of \$409,637.
- Recognize interest revenue in the amount of \$105,678.
- Increase Budgeted Fund Balance in the amount of \$7,185.

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 12/3/2019
Presenter: Bryan Lackey
Item of Business: AR-2019-13 First Quarter Budget Adjustment for Fiscal Year 2020
Meeting Date: 12/17/2019

Purpose of Request:

This request is to approve the budget adjustments associated with the first quarter of fiscal year 2020.

History/Background:

The City of Gainesville Code states in part:

Sec. 2-3-87 - Budget amendments

(a) General amendment. The council may amend the budget as deemed necessary or advantageous during the fiscal year, provided additional revenues or funding sources are identified for any net increase in expenditure. Following the end of each fiscal year quarter, any approved adjustments, including budgets for any projects authorized during the quarter shall be enacted through a budget adjustment resolution upon favorable vote of the city council. The supplemental budget resolutions shall be balanced for each and every fund that is amended.

Facts & Issues for Consideration:

Department Recommendation:

Financial Services recommends the approval of the first quarter budget adjustment for fiscal year 2020.

Department Director:

Jeremy Perry

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ AR-2019-13 First Quarter Budget Adjustment for Fiscal Year 2020	Resolution
☐ Attachment A - Charts for 1st Quarter Budget Adjustments for FY2020	Attachments/Exhibits
☐ Attachment B - Description of 1st Quarter Budget Adjustments for FY2020	Attachments/Exhibits

RESOLUTION AR-2019-13

**REGARDING FIRST QUARTER BUDGET ADJUSTMENT
FOR FISCAL YEAR 2020**

WHEREAS, the governing body approved a budget for fiscal year 2020 for the City of Gainesville on June 18, 2019; and

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

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

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

Adopted this _____ **day of** _____, **2019.**

C. Danny Dunagan, Jr., Mayor

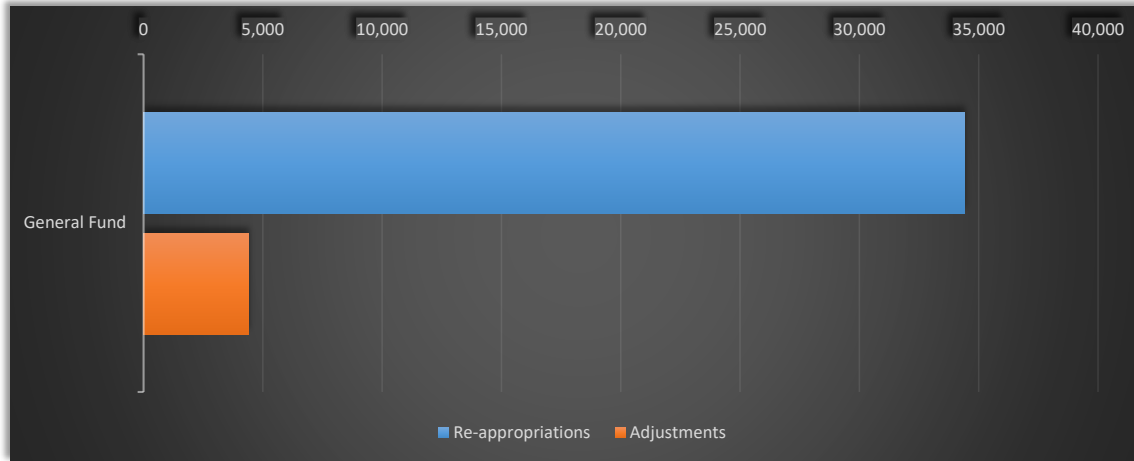
This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

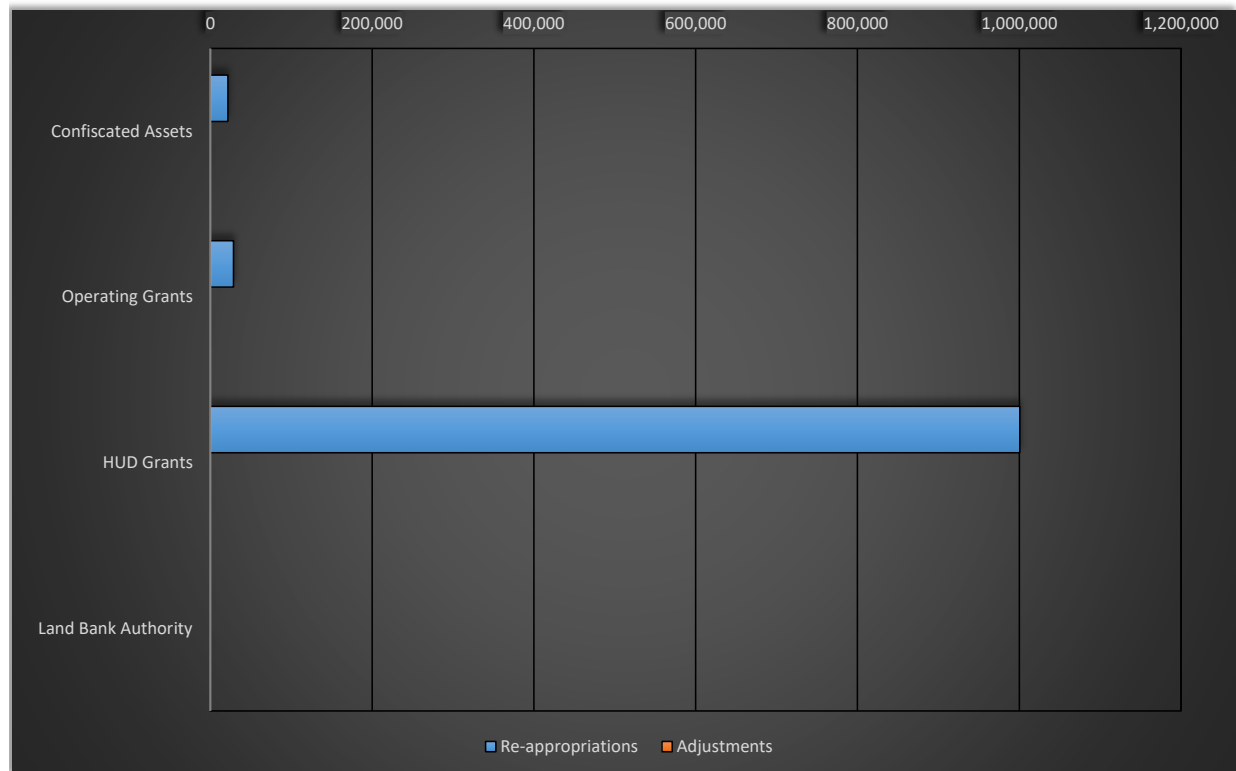
Denise O. Jordan, City Clerk

ATTACHMENT A

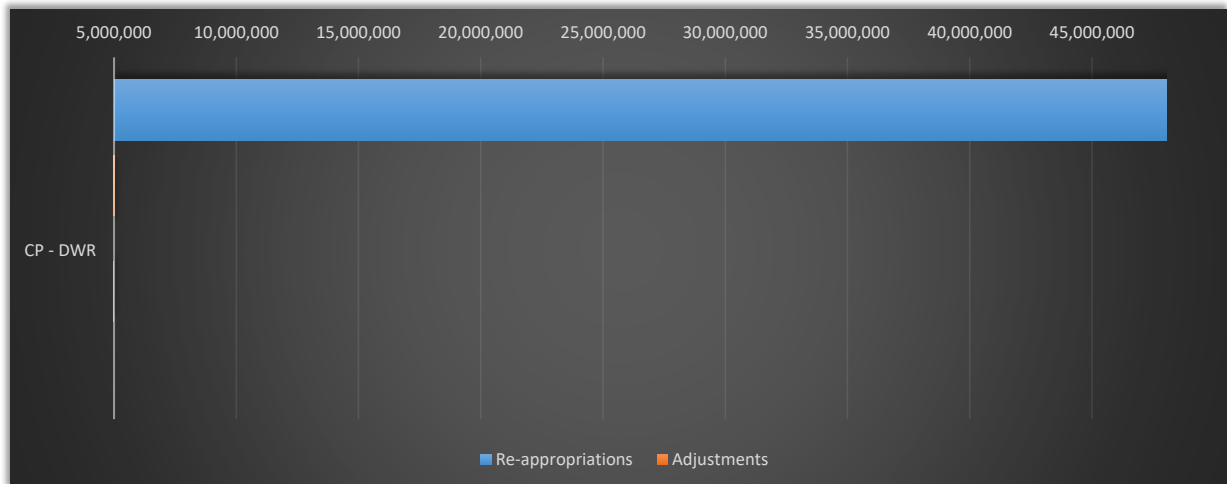
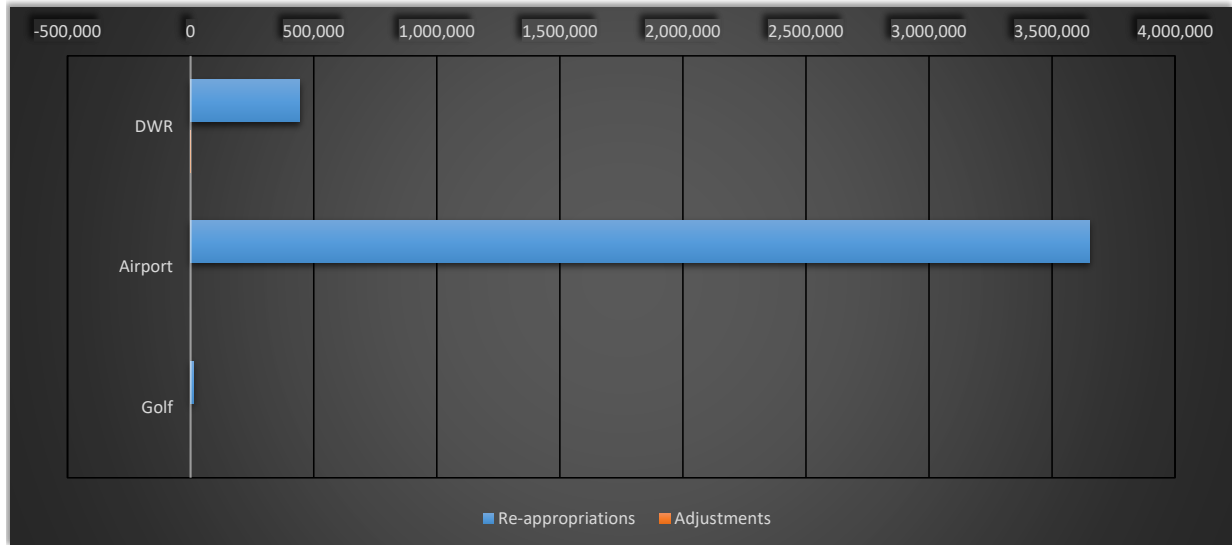
General Fund				
Fund	Adopted budget	Re-appropriations	Adjustments	Amended Budget
General Fund	31,959,412	34,408	4,388	31,998,208
Grand Total	31,959,412	34,408	4,388	31,998,208



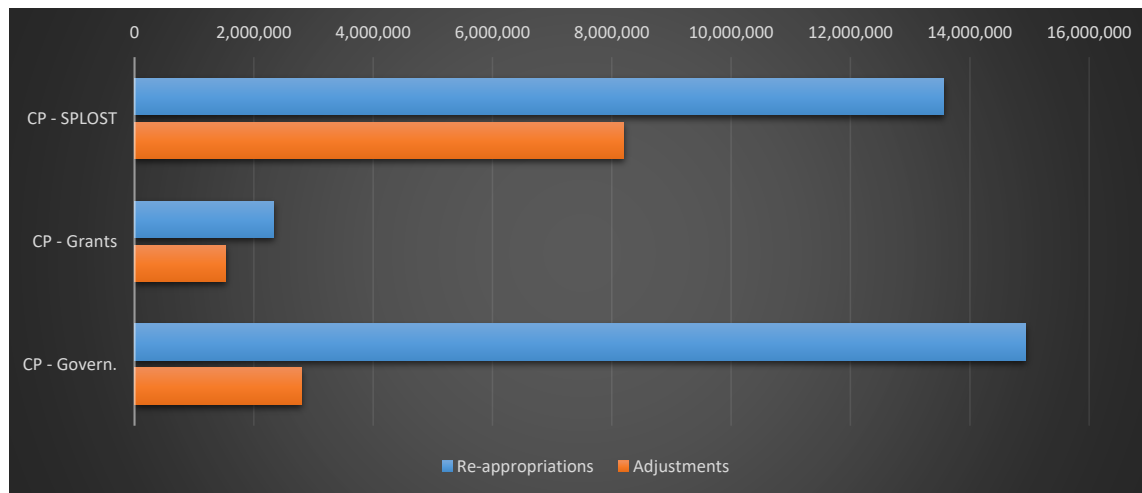
Special Revenue Funds				
Fund	Adopted budget	Re-appropriations	Adjustments	Amended Budget
CSC	3,539,544	0	0	3,539,544
Cemetery Trust	47,500	0	0	47,500
Confiscated Assets	323,227	21,715	0	344,942
Operating Grants	0	28,629	0	28,629
HUD Grants	0	1,000,655	0	1,000,655
HUD Rev. Loan	0	0	0	0
Econ. Dev.	108,000	0	0	108,000
Fire Services Fund	9,341,432	0	6,311	9,347,743
Land Bank Authority	75,000	0	0	75,000
TAD	551,743	0	0	551,743
H/M Tax Fund	1,289,311	0	0	1,289,311
Impact Fee	3,187,519	0	0	3,187,519
Info. Tech. Fund	44,784	0	0	44,784
Grand Total	18,508,060	1,050,999	6,311	19,565,370



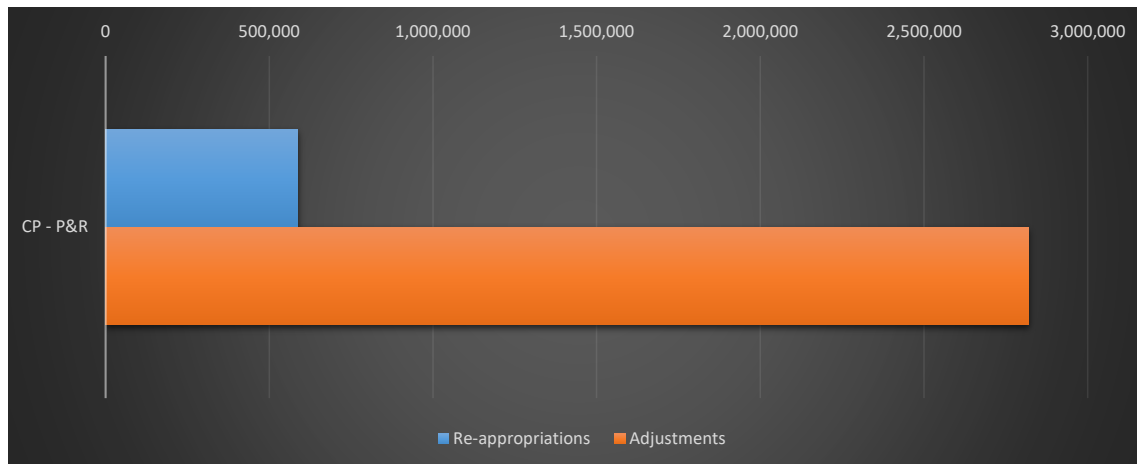
Enterprise Funds				
Fund	Adopted budget	Re-appropriations	Adjustments	Amended Budget
DWR	73,370,570	442,963	-1	73,813,532
CP - DWR	13,385,000	91,427,425	0	104,812,425
Solid Waste	3,481,353	0	0	3,481,353
Airport	1,009,463	3,653,311	0	4,662,774
Golf	1,545,817	13,866	0	1,559,683
Grand Total	92,792,203	95,537,565	-1	188,329,767



Capital and Debt Funds				
Fund	Adopted budget	Re-appropriations	Adjustments	Amended Budget
CP - SPLOST	0	13,555,384	8,201,810	21,757,194
CP - Grants	0	2,325,987	1,525,000	3,850,987
CP - Govern.	0	14,932,144	2,804,872	17,737,016
Debt. Serv.	3,013,725	0	0	3,013,725
Grand Total	115,227,561	221,445,682	12,531,681	349,204,924



Component Unit				
Fund	Adopted budget	Re-appropriations	Adjustments	Amended Budget
CVB		0	0	0
P&R Fund	5,791,258	0	15,000	5,806,258
CP - P&R	0	585,811	2,820,000	3,405,811
Grand Total	5,791,258	0	15,000	5,806,258



Non-Profit				
Fund	Adopted budget	Re-appropriations	Adjustments	Amended Budget
Non-Profit	25,507	0	0	25,507
Grand Total	25,507	0	0	25,507

Internal Service Fund				
Fund	Adopted budget	Re-appropriations	Adjustments	Amended Budget
Gen. Insurance	1,915,514	0	0	1,915,514
Employee Ben.	9,387,614	0	0	9,387,614
Veh. Serv.	2,587,312	0	0	2,587,312
Grand Total	13,890,440	0	0	13,890,440

ATTACHMENT B
QUARTERLY BUDGET ADJUSTMENT RESOLUTION
ADJUSTMENT DESCRIPTIONS

GENERAL FUND

GENERAL FUND

The General fund recognized a total increase of \$38,796 during the first quarter of fiscal year 2020. The adjustments associated with this increase are as follows:

- FY19-20 Anticipated re-appropriations of open balances from purchase orders in the amount of \$34,408.
- Recognize revenues in the amount of \$4,388 for qualifying fees.

SPECIAL REVENUE FUNDS

CONFISCATED ASSETS FUND

The Confiscated Assets fund recognized a total increase of \$21,715 during the first quarter of fiscal year 2020. The adjustment associated with this increase is as follows:

- FY19-20 Anticipated re-appropriations of open balances from purchase orders

GRANTS FUND

The Grants fund recognized a total increase of \$28,629 during the first quarter of fiscal year 2020. The adjustment associated with this increase is as follows:

- FY19-20 Anticipated re-appropriations of open grant and projects budgets.

HUD GRANT FUND

The HUD Grant fund recognized a total increase of \$1,000,655 during the first quarter of fiscal year 2020. The adjustment associated with this increase is as follows:

- FY19-20 Anticipated re-appropriations of open grant and projects budgets.

FIRE SERVICES FUND

The Impact Fee fund recognized a total increase of \$6,311 during the first quarter of fiscal year 2019. The adjustment associated with this increase is as follows:

- Recognize reimbursement in the amount of \$6,311 for a Hydro Extrusion.

ATTACHMENT B
QUARTERLY BUDGET ADJUSTMENT RESOLUTION
ADJUSTMENT DESCRIPTIONS
ENTERPRISE FUNDS

DEPARTMENT OF WATER RESOURCES OPERATING FUND

The Department of Water Resources Operating fund recognized a total increase of \$442,962 during the first quarter of fiscal year 2020. The adjustment associated with this increase is as follows:

- FY19-20 Anticipated re-appropriations of open balances from purchase orders.

AIRPORT FUND

The Airport Fund recognized a total increase of \$3,653,311 during the first quarter of fiscal year 2020. The adjustment associated with this increase is as follows:

- FY19-20 Anticipated re-appropriations of open balances from purchase orders.

CHATTAHOOCHEE GOLF COURSE FUND

The Chattahoochee Golf Course Fund recognized a total increase of \$13,866 during the first quarter of fiscal year 2020. The adjustment associated with this increase is as follows:

- FY19-20 Anticipated re-appropriations of open balances from purchase orders.

CAPITAL AND DEBT FUNDS

DWR CAPITAL PROJECTS FUND

The Department of Water Resources Capital Project fund recognized a total increase of \$91,427,425 during the first quarter of fiscal year 2020. The adjustments associated with this increase are as follows:

- FY19-20 Anticipated re-establishing project budgets for open projects not closed during FY2019.

SPLOST CAPITAL PROJECTS FUND

The SPLOST Capital Project fund recognized a total increase of \$21,757,194 during the first quarter of fiscal year 2020. The adjustments associated with this increase are as follows:

- FY19-20 Anticipated re-establishing project budgets for open projects not closed during FY2019.
- Establishment of FY2020 Capital Projects per Resolution AR-2019-11.

ATTACHMENT B
QUARTERLY BUDGET ADJUSTMENT RESOLUTION
ADJUSTMENT DESCRIPTIONS

GRANTS CAPITAL PROJECTS FUND

The Grants Capital Project fund recognized a total increase of \$3,850,987 during the first quarter of fiscal year 2020. The adjustments associated with this increase are as follows:

- FY19-20 Anticipated re-establishing project budgets for open projects not closed during FY2019.
- Establishment of FY2020 Capital Projects per Resolution AR-2019-11.

GENERAL GOVERNMENT CAPITAL PROJECTS FUND

The General Government Capital Projects fund recognized a total increase of \$17,737,016 during the first quarter of fiscal year 2020. The adjustments associated with this increase are as follows:

- FY19-20 Anticipated re-establishing project budgets for open projects not closed during FY2019.
- Establishment of FY2020 Capital Projects per Resolution AR-2019-11.

COMPONENT UNIT

PARKS AND RECREATION FUND

The Parks and Recreation Operating fund recognized a total increase of \$15,000 during the first quarter of fiscal year 2020. The adjustment associated with this increase is as follows:

- Increase in fund balance in the amount of \$15,000 for AR-2019-04-Frances Meadows Boiler.

PARKS & RECREATION CAPITAL PROJECTS FUND

The Parks & Recreation Capital Projects fund recognized an increase of \$3,405,811 during the first quarter of fiscal year 2020. The adjustments associated with this increase are as follows:

- FY19-20 Anticipated re-establishing project budgets for open projects not closed during FY2019.
- Establishment of FY2020 Capital Projects per Resolution AR-2019-11.

RESOLUTION AR-2019-11

FISCAL YEAR 2020 BUDGET

WHEREAS, the City Manager has presented a proposed fiscal year 2020 Budget to the City Council on each of the various funds of the City; and

WHEREAS, the Budget lists proposed expenditures/expenses for the fiscal year 2020; and

WHEREAS, each of these budgets is a balanced budget, so that anticipated revenues for each fund equal proposed expenditures/expenses.

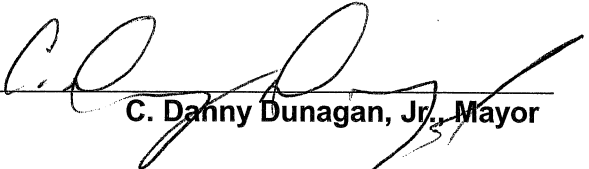
NOW, THEREFORE, BE IT RESOLVED THAT "Attachment A" & "Attachment B" attached hereto and by reference made part of this resolution, shall be the City of Gainesville's budget for the fiscal year 2020; and

BE IT FURTHER RESOLVED THAT the governing body for the City of Gainesville hereby approves this budget, and the several items of revenues shown in the budget for each fund in the amounts shown anticipated are adopted, and that the several amounts shown in the budget for each fund as proposed expenditures/expense are hereby appropriated to the departments named in the fund; and

BE IT FURTHER RESOLVED THAT the expenditures/expenses shall not exceed the appropriations authorized by this budget or amendments thereto provided; however, that expenditures/expenses for the fiscal year shall not exceed actual funding available; and

BE IT FURTHER RESOLVED THAT this budget contains appropriations for Intergovernmental and Agency agreements, and that the governing body for the City of Gainesville authorizes the Mayor and/or City Manager to execute such agreements.

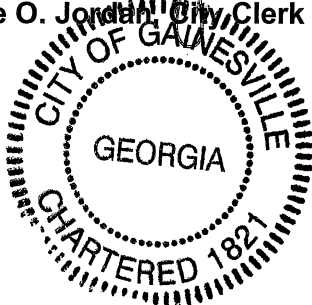
Adopted this 18th day of June, 2019.


C. Danny Dunagan, Jr., Mayor

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

ATTEST:


Denise O. Jordan, City Clerk



**FISCAL YEAR 2020 APPROPRIATIONS RESOLUTION
ATTACHMENT A**

GENERAL FUND

REVENUES AND OTHER SOURCES

Ad Valorem Taxes @ 0.771 Mills	\$ 3,883,092
Railroad Equipment Tax	6,500
Intangible Tax	95,000
Real Estate Transfer Tax	35,000
Insurance Premium Tax	2,100,000
Local Option Sales Tax	5,400,000
Title Ad Valorem Tax	1,033,000
Local Option Energy Tax	80,000
Payment in Lieu of Taxes	81,000
Occupational Tax	1,105,000
Alcoholic Beverage Tax	1,093,000
Franchise Fees	4,078,000
Fines, Fees, and Forfeitures	1,318,200
Permits and Zoning Fees	503,400
Other Fees and Licenses	422,000
Interest on Investments	324,081
Intergovernmental	281,614
Cemetery Lot Sales	120,000
Miscellaneous - Rent	156,600
Miscellaneous	506,140
Charges for Services - Indirect Charges	2,494,474
Transfers In	3,338,002
Sales of General Fixed Assets	40,000
Budgeted Fund Balance	3,465,309

TOTAL REVENUES AND OTHER SOURCES

\$ 31,959,412

EXPENDITURES AND OTHER USES

City Council	\$ 398,275
City Manager's Office	933,938
Financial Services	1,346,754
Municipal Court	591,500
Information Technology	1,078,198
Human Resources & Risk Management	809,608
Community Development	1,580,093
Police	9,930,208
Public Lands and Buildings	887,154
Engineering Services	1,058,242
Traffic Services	1,475,094
Street Maintenance and Construction	1,921,348
Stormwater	442,147
Cemetery	645,540
Agency Allocations - Other	181,983
Contingency	617,000
Transfers out	8,062,330

TOTAL EXPENDITURES AND OTHER USES

\$ 31,959,412

**FISCAL YEAR 2020 APPROPRIATIONS RESOLUTION
ATTACHMENT A**

COMMUNITY SERVICE CENTER FUND

REVENUES AND OTHER SOURCES

Intergovernmental - Federal/State/Other	\$ 1,633,584
Intergovernmental - County	667,377
Interest Revenue	8,000
Transfer from General Fund	751,163
Other: (Fees, Donations, Fares, Misc.)	329,420
Budgeted Fund Balance	150,000

TOTAL REVENUES AND OTHER SOURCES	\$ 3,539,544
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EXPENDITURES AND OTHER USES

Senior Adult Services	\$ 541,149
Meals on Wheels	893,292
Hall Area Transit System - F.R.	1,290,719
Hall Area Transit System - D.A.R	574,364
Building Operations	240,020

TOTAL EXPENDITURES AND OTHER USES	\$ 3,539,544
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CEMETERY TRUST FUND

REVENUES AND OTHER SOURCES

Interest on Investments	\$ 2,500
Sales & Services	45,000

TOTAL REVENUES AND OTHER SOURCES	\$ 47,500
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EXPENDITURES AND OTHER USES

Available for Capital Projects	\$ 47,500
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TOTAL EXPENDITURES AND OTHER USES	\$ 47,500
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CONFISCATED ASSETS

REVENUES AND OTHER SOURCES

Cash Confiscations - State	\$ -
Cash Confiscations - Local	-
Cash Confiscations - Federal	-
Budgeted Fund Balance	323,227

TOTAL REVENUES AND OTHER SOURCES	\$ 323,227
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EXPENDITURES AND OTHER USES

Personal Services & Employee Benefits	\$ 15,000
Purchased/Contracted Services	68,727
Supplies & Operating Charges	159,500
Capital outlay	80,000

TOTAL EXPENDITURES AND OTHER USES	\$ 323,227
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**FISCAL YEAR 2020 APPROPRIATIONS RESOLUTION
ATTACHMENT A**

ECONOMIC DEVELOPMENT FUND

REVENUES AND OTHER SOURCES

Interest on Investments	\$ 43,000
Budgeted Fund Balance	65,000
TOTAL REVENUES AND OTHER SOURCES	\$ 108,000

EXPENDITURES AND OTHER USES

Professional & Other Services	\$ 108,000
Transfers out	-
TOTAL EXPENDITURES AND OTHER USES	\$ 108,000

FIRE SERVICES FUND

REVENUES AND OTHER SOURCES

Property Taxes @ 1.250 Mills	\$ 6,182,923
Delinquent Property Taxes	61,829
Motor Vehicle Taxes	50,794
Penalties & Interest	15,860
Interest on Investments	30,026
Transfer from General Fund	2,700,000
Budgeted Fund Balance	300,000
TOTAL REVENUES AND OTHER SOURCES	\$ 9,341,432

EXPENDITURES AND OTHER USES

Personal Services & Employee Benefits	\$ 7,566,045
Purchased/Contracted Services	493,555
Supplies & Operating Charges	368,815
Repairs & Maintenance	22,000
Indirect Cost Allocation	373,505
Capital Outlay	132,700
Debt	282,812
Transfers out	102,000
TOTAL EXPENDITURES AND OTHER USES	\$ 9,341,432

TAX ALLOCATION DISTRICT FUND

REVENUES AND OTHER SOURCES

Property Tax - Current	\$ 62,100
Intergovernmental	209,100
Interest on Investments	15,000
Budgeted Fund Balance	265,543
TOTAL REVENUES AND OTHER SOURCES	\$ 551,743

EXPENDITURES AND OTHER USES

Payments to Others	\$ 533,843
Transfers out	17,900
TOTAL EXPENDITURES AND OTHER USES	\$ 551,743

**FISCAL YEAR 2020 APPROPRIATIONS RESOLUTION
ATTACHMENT A**

HOTEL/MOTEL TAX FUND

REVENUES AND OTHER SOURCES

Hotel/Motel Taxes CVB	\$ 563,811
Hotel/Motel Taxes- Tourism Development	241,633
Hotel/Motel Taxes Unrestricted	483,267
Interest on Investments	600
TOTAL REVENUES AND OTHER SOURCES	\$ 1,289,311

EXPENDITURES AND OTHER USES

Gainesville Convention and Visitor's Bureau	\$ 942,589
Transfer to Capital Projects	85,000
Transfer to Debt Service	158,355
Available for Capital outlay	103,367
TOTAL EXPENDITURES AND OTHER USES	\$ 1,289,311

IMPACT FEES FUND

REVENUES AND OTHER SOURCES

Impact Fees - Police	\$ 127,871
Impact Fees - Fire	233,574
Impact Fees - Parks	359,800
Administrative Fees	37,519
Interest on Investments	24,908
Budgeted Fund Balance	2,403,847
TOTAL REVENUES AND OTHER SOURCES	\$ 3,187,519

EXPENDITURES AND OTHER USES

Transfer to General Fund	\$ 37,519
Transfer to Capital Projects Fund	3,150,000
TOTAL EXPENDITURES AND OTHER USES	\$ 3,187,519

INFORMATION TECHNOLOGY FUND

REVENUES AND OTHER SOURCES

Technology fees	\$ 44,784
Interest on Investments	-
Budgeted Fund Balance	-
TOTAL REVENUES AND OTHER SOURCES	\$ 44,784

EXPENDITURES AND OTHER USES

Transfer to General Gov't Capital Projects Fund	\$ 31,000
Supplies and Operating Charges	13,784
TOTAL EXPENDITURES AND OTHER USES	\$ 44,784

**FISCAL YEAR 2020 APPROPRIATIONS RESOLUTION
ATTACHMENT A**

PARKS AND RECREATION FUND

REVENUES AND OTHER SOURCES

Ad Valorem Taxes @ .750 Mills	\$ 3,780,828
Charges for Services	1,866,825
Interest on Investments	27,250
Other	21,500
Transfers in	94,855

TOTAL REVENUES AND OTHER SOURCES	\$ 5,791,258
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EXPENDITURES AND OTHER USES

Non Departmental	\$ 50,000
Maintenance	124,184
Recreation Services	400,978
Allen Creek	49,220
Other Recreational Facilities	2,309,500
Youth Sports Booster Club	167,351
Park Services	1,614,898
Administration	805,127
Transfer to Parks and Recreation Capital Projects Fund	270,000

TOTAL EXPENDITURES AND OTHER USES	\$ 5,791,258
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GAINESVILLE CONVENTION AND VISITOR'S BUREAU

REVENUES AND OTHER SOURCES

Intergovernmental - COG Hotel/Motel Tax	\$ 942,589
Charges for Services	17,700
Interest on Investments	5,000
Misc Revenue	145,689

TOTAL REVENUES AND OTHER SOURCES	\$ 1,110,978
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EXPENDITURES AND OTHER USES

Personal Services & Employee Benefits	\$ 518,413
Purchased/Contracted Services	316,563
Supplies & Operating Charges	276,002

TOTAL EXPENDITURES AND OTHER USES	\$ 1,110,978
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LAND BANK AUTHORITY

REVENUES AND OTHER SOURCES

Transfers in	\$ 75,000
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TOTAL REVENUES AND OTHER SOURCES	\$ 75,000
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EXPENDITURES AND OTHER USES

Purchased/Contracted Services	\$ 75,000
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TOTAL EXPENDITURES AND OTHER USES	\$ 75,000
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**FISCAL YEAR 2020 APPROPRIATIONS RESOLUTION
ATTACHMENT A**

CAPITAL PROJECTS FUND

REVENUES AND OTHER SOURCES

SPLOST VII	\$ 5,948,816
Intergovernmental (Federal, State & Local)	1,670,050
Lease Proceeds	275,000
Transfers in (various funds)	8,864,322
Budgeted Fund Balance - Various capital projects funds	14,718,000
TOTAL REVENUES AND OTHER SOURCES	\$ 31,476,188

EXPENDITURES AND OTHER USES

City Manager's Office

City Campus Improvements	\$ 525,000
Municipal Code Update	30,000
Multi-Purpose Room Enhancements	96,000

Financial Services

New Software and Enhanced Systems	100,000
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Information Technologies

Expansion of Disk Storage	200,000
Vehicle Replacement	30,000
Network Upgrade	100,250

Community Development Department

Park Hill Dr. Neighborhood Plan	35,000
Vehicle Replacement	89,100
ULDC Update	70,000

Police Department

Police Department Fleet replacement	275,000
Portable Radios	93,522
Video/Audio Recording Equipment	55,000

**FISCAL YEAR 2020 APPROPRIATIONS RESOLUTION
ATTACHMENT A**

Fire Services	
Replacement Radios	60,000
Fire Station #2 Relocation	600,000
Fleet Replacement	42,000
Public Lands & Buildings	
Administration Building Renovation	771,000
Parking Deck Design	250,000
Fleet Replacement - Service Truck	45,000
Fleet Replacement - Fleet Vehicle	30,000
Public Works - Engineering Services	
Transportation Plan Implementation	350,000
Street Resurfacing Program (LMIG)	550,000
Paving Program	660,000
Downtown Alley and Plaza Program	50,000
Greenway Connectivity	1,200,000
Bridge Maintenance Program	25,000
Sidewalk Program	75,000
Roadway Patching Program	125,000
Traffic Calming and Road Safety Devices Program	40,000
Roadway Beautification	100,000
Fleet Replacement	60,000
Asphalt Preservation Program	50,000
Green Street Study Implementation	50,000
Public Works - Traffic Engineering	
Intelligent Transportation Systems (ITS)	300,000
Traffic Signal Upgrades	50,000
Thermoplastic Restriping of City Streets	25,000
Replacement Bucket Truck	70,000
Public Works - Street Maintenance	
Replacement Crew Truck	40,000
Replacement ROW Crew Truck	40,000
Brine Dump Truck	180,000
Brine Maker	35,000
Hook Lift Dump Truck	180,000
Stormwater	
Stormwater Rehabilitation Program	843,816
Cemetery	
Replacement Crew Cab Truck	30,000
Community Service Center	
Hall Area Transit Buses Gainesville Connection	240,000
MOW Kitchen Flooring	25,000
CSC Building Roof Project	150,000
CSC Building Renovation	235,500
MOW Fleet Replacement	35,000

**FISCAL YEAR 2020 APPROPRIATIONS RESOLUTION
ATTACHMENT A**

Department of Water Resources

Athens Highway Sanitary Sewer Extension	1,000,000
Automated Meter Infrastructure	150,000
Asset Management Implementation and Improvements	300,000
IT Upgrades	250,000
Lift Station Improvements	850,000
Riverside WTP Improvements	1,265,000
Water Reclamation Facilities Electrical Control Upgrades	250,000
Water Treatment Plants Electrical Control Upgrades	250,000
Downtown Utilities Improvements	2,700,000
Inert Landfill Closure	1,000,000
Maintenance Facility Relocation	4,000,000
Meter Maintenance Program	750,000
Riverside Contract Rehabilitation	620,000

Solid Waste

Replacement Packer Truck	208,000
Replacement Knuckleboom Trash Loader	175,000
Replacement Light Duty Garbage Truck	76,000
Replacement Street Sweeper	250,000
Leaf Vacuum Machine	40,000
Lift Gate Truck	42,000
Replacement Fleet Truck	35,000

Golf

Maintenance Building Extension	200,000
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Parks & Recreation

Youth Sports Complex	3,445,000
Tennis Court Resurfacing	60,000
Park Signage-Systemwide	100,000
Software Upgrade	55,000
Skate Park	1,550,000
Concessions/Restroom Building Replacement	600,000
Lake Lanier Olympic Park Improvements	250,000
Park Vehicles	55,000

Gainesville Convention and Visitor's Bureau

Gainesville Website Redesign	85,000
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Capital Reserves

1,554,000

TOTAL EXPENDITURES AND OTHER USES

\$ 31,476,188

**FISCAL YEAR 2020 APPROPRIATIONS RESOLUTION
ATTACHMENT A**

DEBT SERVICE FUND

REVENUES AND OTHER SOURCES

Ad Valorem Taxes @ 0.551 Mills	\$ 2,790,540
Interest on Investments	46,930
Transfers in	176,235
TOTAL REVENUES AND OTHER SOURCES	\$ 3,013,705

EXPENDITURES AND OTHER USES

Bond Principal & Interest	\$ 2,107,325
Lease Principal & Interest	159,000
Other Costs	2,200
Available for Future Debt Service	745,200
TOTAL EXPENDITURES AND OTHER USES	\$ 3,013,725

DEPARTMENT OF WATER RESOURCES

REVENUES AND OTHER SOURCES

Water Revenue	\$ 30,807,235
Water Connection Fees	2,113,487
Water Connection Administration Fees	102,882
Water Tapping Fees	1,230,237
Account Service Fees	4,029,882
Other Service Fees	829,979
Late Payment Penalty	512,206
Sewer Revenue	31,258,521
Surcharge	889,667
Sewer Tapping Fees	20,520
Sewer Connection Fees	1,098,846
Sewer Connection Administration Fees	32,935
Interest on Investments	400,000
Miscellaneous	44,173
TOTAL REVENUES AND OTHER SOURCES	\$ 73,370,570

EXPENDITURES AND OTHER USES

Personal Services & Employee Benefits	\$ 17,254,685
Professional & Other Services	10,009,971
Supplies & Operating Charges	10,462,208
Indirect Cost Allocation	1,302,571
Capital Outlay	388,500
Debt Service	15,385,244
Transfers out	18,567,391
TOTAL EXPENDITURES AND OTHER USES	\$ 73,370,570

**FISCAL YEAR 2020 APPROPRIATIONS RESOLUTION
ATTACHMENT A**

SOLID WASTE FUND

REVENUES AND OTHER SOURCES

Residential Collections	\$ 2,834,920
Commercial - Franchise Fee	165,000
Special Services	10,000
Interest on Investments	7,500
Budgeted Net Assets	463,933

TOTAL REVENUES AND OTHER SOURCES	\$ 3,481,353
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EXPENDITURES AND OTHER USES

Personal Services & Employee Benefits	\$ 1,444,115
Purchased/Contracted Services	1,108,982
Supplies & Operating Charges	201,804
Indirect Cost Allocation	146,452
Capital Outlay	580,000

TOTAL EXPENDITURES AND OTHER USES	\$ 3,481,353
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AIRPORT FUND

REVENUES AND OTHER SOURCES

T-Hangar Rent	\$ 378,557
Corporate Hangar Rent	390,092
Industrial Park Rent	158,645
Fuel	39,000
Interest on Investments	1,200
Fixed Base Operator	37,958
Miscellaneous Revenue	4,011

TOTAL REVENUES AND OTHER SOURCES	\$ 1,009,463
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EXPENDITURES AND OTHER USES

Personal Services & Employee Benefits	\$ 70,020
Purchased/Contracted Services	165,004
Supplies & Operating Charges	55,900
Indirect Cost Allocation	209,561
Debt Service	454,500
Capital Outlay	54,478

TOTAL EXPENDITURES AND OTHER USES	\$ 1,009,463
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**FISCAL YEAR 2020 APPROPRIATIONS RESOLUTION
ATTACHMENT A**

CHATTAHOOCHEE GOLF COURSE FUND

REVENUES AND OTHER SOURCES

Greens Fees	\$ 650,977
Cart Fees	314,515
Other Revenue	106,885
Transfer from General Fund	473,440
TOTAL REVENUES AND OTHER SOURCES	\$ 1,545,817

EXPENDITURES AND OTHER USES

Personal Services & Employee Benefits	\$ 598,595
Purchased/Contracted Services	176,419
Supplies & Operating Charges	249,600
Capital Outlay	213,500
Debt Service	307,703
TOTAL EXPENDITURES AND OTHER USES	\$ 1,545,817

GENERAL INSURANCE FUND

REVENUES AND OTHER SOURCES

Premiums & Losses Paid by Department	\$ 1,916,732
Interest on Investments	9,273
Budgeted Retained Earnings	59,074
TOTAL REVENUES AND OTHER SOURCES	\$ 1,985,079

EXPENDITURES AND OTHER USES

Professional & Other Services	\$ 1,807,408
Indirect Cost Allocation	177,671
TOTAL EXPENDITURES AND OTHER USES	\$ 1,985,079

**FISCAL YEAR 2020 APPROPRIATIONS RESOLUTION
ATTACHMENT A**

EMPLOYEE BENEFITS FUND

REVENUES AND OTHER SOURCES

Premiums	\$ 9,044,155
Interest on Investments	55,000
Budgeted Fund Balance	705,120
TOTAL REVENUES AND OTHER SOURCES	\$ 9,804,275

EXPENDITURES AND OTHER USES

Health Claims/Premiums Expense	\$ 6,977,423
Life Insurance Premiums	237,542
Vision Insurance Premiums	45,334
Dental Insurance Premiums	359,530
Long & Short-term Disability Premiums	100,614
Short-term Disability Expense	120,000
Medical Clinic Operations	870,000
Other Costs	1,093,832
TOTAL EXPENDITURES AND OTHER USES	\$ 9,804,275

VEHICLE SERVICES FUND

REVENUES AND OTHER SOURCES

Charges For Services	\$ 1,068,460
Sales - Fuel	1,536,625
TOTAL REVENUES AND OTHER SOURCES	\$ 2,605,085

EXPENDITURES AND OTHER USES

Personal Services & Employee Benefits	\$ 406,587
Purchased/Contracted Services	61,633
Supplies & Operating Charges	2,136,865
TOTAL EXPENDITURES AND OTHER USES	\$ 2,605,085

GRAND TOTAL	\$ 185,661,263
LESS TRANSFERS COUNTED TWICE	(36,413,302)
TOTAL NET BUDGET	\$ 149,247,961

FISCAL YEAR 2020 APPROPRIATIONS RESOLUTION

ATTACHMENT B

CITY OF GAINESVILLE

AUTHORIZED POSITIONS BY FUND

(5-year Summary)

DEPARTMENTS	Budget									
	FY2016		FY2017		FY2018		FY2019		FY2020	
	FT	PT	FT	PT	FT	PT	FT	PT	FT	PT
City Council		8		7		6		6		6
City Manager	6		6		6		6		6	
Financial Services	15		15		14		14		14	
Information Technology	6		7		7		9		9	
Human Resources Department	9		9		10		10		10	
Municipal Court	8	2	8	2	8	2	8	2	8	2
Community Development Dept.	14	7	15	7	15	7	16	7	17	7
Police Department	115	2	115	2	116	2	117	2	118	2
Public Land and Buildings	4		4		5		6		6	
Engineering Services	10		10		11		11		11	
Traffic Services	7		7		7		7		7	
Streets	24		24		25		25		25	
Stormwater	2		6		5		5		5	
Cemetery	8		8		8		8		8	
Total General Fund	228	19	234	18	237	17	242	17	244	17
Fire Services	103		103		103		103		103	
Community Service Center	26	12	26	14	26	14	26	17	25	16
Cable TV	2	1	2	1	2	1	2	1	-	-
Parks and Recreation	39	Varies	37	Varies	37	Varies	40	Varies	44	Varies
Airport	1		1		1		1		1	
Department of Water Resources	233	-	233	-	234	-	232	-	234	
Solid Waste Department	24	-	24	-	24	-	25	-	25	
Golf Course	4	Various	4	Various	5	Various	5	Various	5	Various
Vehicle Services	6	-	6	-	6	-	6	-	6	
Gainesville Convention and Visitor's Bureau	4	-	4	-	4	-	4	-	7	
Non-Profit Housing	2	-	2	-	2	-	1	-	2	
TOTAL AUTHORIZED POSITIONS	569	32	573	33	578	32	584	35	593	33

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 12/10/2019
Presenter: Bryan Lackey
Item of Business: BR-2019-42 Agreement Regarding Term of Municipal Court Judge - Year 2020
Meeting Date: 12/17/2019

Purpose of Request:

The purpose of this request is to approve the agreement regarding the term of Municipal Court Judge.

History/Background:

In accordance with O.C.G.A 36-32-2(a) the Municipal Court Judge shall be appointed for a term of one year.

Facts & Issues for Consideration:

The proposed resolution authorizes an agreement that sets the term for the Municipal Court Judge as January 1, 2020 to December 31, 2020.

Department Recommendation:

Adoption of the resolution.

Department Director:

Bryan Lackey

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ BR-2019-42 Municipal Court Judge Term Agreement - Year 2020	Resolution
☐ Agreement Regarding Term of Municipal Court Judge	Contract/Agreement/MOU
☐ Municipal Court Judge Appointment	Backup Material

RESOLUTION BR-2019-42

Approval of Agreement Regarding Term of Municipal Court Judge – Year 2020

WHEREAS, the City of Gainesville's Charter adopted April 11, 2012, established the parameters for the appointment of a Municipal Court Judge; and

WHEREAS, effective July 1, 2016, the State of Georgia legislature amended OCGA § 36-32-2(a) to provide specific requirements regarding the terms of Municipal Court Judges; and

WHEREAS, it is in the best interest of the City of Gainesville to approve an Agreement with the Municipal Court Judge regarding his term of office.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby authorize the Mayor and/or City Manager to execute the attached Agreement Regarding Term of Municipal Court Judge.

Adopted this ____ day of _____, 2019.

C. Danny Dunagan, Jr., Mayor

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

ATTEST:

Denise O. Jordan, City Clerk

City of Gainesville, Georgia
AGREEMENT REGARDING TERM OF MUNICIPAL COURT JUDGE

This Agreement is made as of this 1st day of January, 2020.

BETWEEN: The City of Gainesville, Georgia (hereinafter **City**)
300 Henry Ward Way
Gainesville, GA 30501

AND THE JUDGE: G. Hammond Law, III

PROJECT/SERVICE NAME: Municipal Court Judicial Term

The City and the Judge agree as set forth below:

Effective July 1, 2016, the Georgia General Assembly passed House Bill 691, which revised O.C.G.A. § 36-32-2(a), and enacted O.C.G.A. § 36-32-2.2. The City and the Judge hereby enter into this Agreement, pursuant to O.C.G.A. § 36-32-2(a), to provide that the Judge shall serve as Judge of the Gainesville Municipal Court for a term beginning on January 1, 2020, and ending on December 31, 2020. The Judge shall serve for the entire term and until a successor is appointed, or if the Judge is removed from office as is provided in O.C.G.A. § 36-32-2.2.

IN WITNESS WHEREOF, the City and the Judge have executed under seal this Agreement as of the date first above written.

APPROVED TO FORM:

Abbott S. Hayes, Jr.
Hulsey, Oliver & Mahar, LLP
City Attorney

THE CITY OF GAINESVILLE

By: C. Danny Dunagan, Jr., Mayor

G. Hammond Law, III

Attest: Denise O. Jordan, City Clerk

(CITY SEAL)
ASH/lcg/15100/11401/W232809

ORGANIZATIONAL MEETING APPOINTMENTS

POST	LAST NAME	FIRST NAME	APPOINTED	EXPIRATION	FREQUENCY
City Manager	Lackey	Bryan	11/3/2015 effective 11/30/2015		As Needed
City Attorney	Hulsey, Oliver & Mahar, LLP (Abbott Hayes, Jr.)		10/6/2015 effective 1/1/2016		As Needed
City Auditor	Rushton & Company, CPA		2/18/1997 1/7/2014		As Needed
Chief Judge	Law, III	G. Hammond	1/1/1988 1/7/2014 8/2/2016 6/20/2017	12/31/2019	Annual
Municipal Court Solicitor	Bishop	Anne Marie	2/16/16 UE 1/9/2018	1/9/2020	2 year appt
Deputy Municipal Court Solicitor	Grant	Inez	4/19/2016 1/9/2018	1/9/2020	2 year appt
Administrative Hearing Officer	Law, III	G. Hammond	1/1/1992 1/7/2014 1/6/2015 1/5/2016 1/10/2017 1/9/2018 1/8/2019	1/7/2020	Annual
Legal Organ	The Times		1/10/2017 1/9/2018 1/8/2019	1/7/2020	Annual

EXPIRATION DATE: First Council Meeting of the year

UPDATED: 10/14/19 ag

"As Needed": Charter states "shall be removed at anytime upon majority vote of the governing body".

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 12/10/2019
Presenter: Bryan Lackey
Item of Business: BR-2019-43 Property Acquisition from Liberty Utilities Corporation
Meeting Date: 12/17/2019

Purpose of Request:

The purpose of this request is to authorize the purchase of property from Liberty Utilities (Peach State Natural Gas) Corp.

History/Background:

There is a desire to continue efforts to provide recreational opportunities for the citizens of Gainesville.

Facts & Issues for Consideration:

The proposed resolution authorizes the purchase of the property located at 422 SW Banks Street in the amount of \$95,000.00.

Department Recommendation:

Adopt the resolution as presented.

Department Director:

Bryan Lackey

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

Amount Requested:

\$95,000

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ BR-2019-43 Liberty Utilities Property Purchase	Resolution
☐ Liberty Utilities Real Estate Purchase and Sale Agreement	Contract/Agreement/MOU
☐ IGA Exhibit A	Attachments/Exhibits

RESOLUTION BR-2019-43

Property Acquisition from Liberty Utilities (Peach State Natural Gas) Corp.

WHEREAS, the governing body of the City of Gainesville, Georgia (the "City") has a desire to continue its efforts to provide recreational opportunities for the citizens of Gainesville; and

WHEREAS, the property owned by Liberty Utilities (Peach State Natural Gas) Corp. (the "Seller"), located at 422 SW Bank Street, as more particularly described in the Real Estate Purchase and Sale Agreement described below, will be used by the City to provide recreational opportunities for the public; and

WHEREAS, the governing body for the City desires to purchase said property.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville does hereby adopt and ratify the Real Estate Purchase and Sale Agreement between the City and the Sellers, with an effective date of November 5, 2019, and does hereby authorize the purchase of the property owned by the Seller and directs the Mayor, the City Manager and the City Attorney to execute the Real Estate Purchase and Sale Agreement with Gainesville and the Seller, as well as all other such documents and agreements that may be necessary to complete the closing of the purchase of the property.

Adopted this ____ day of _____, 2019.

C. Danny Dunagan, Jr., Mayor

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

ATTEST:

Denise O. Jordan, City Clerk

STATE OF GEORGIA

COUNTY OF HALL

REAL ESTATE PURCHASE AND SALE AGREEMENT

This Real Estate Purchase and Sale Agreement (this "Agreement") is made and entered into by and between Liberty Utilities (Peach State Natural Gas) Corp., a domestic profit corporation of the State of Georgia (the "Seller"), and The City of Gainesville, Georgia (the "Purchaser");

WHEREAS, Seller is the owner of that certain parcel of real property located in the City of Gainesville, Hall County, Georgia, known as 422 SW Banks Street, being tax parcel number 01013 003009 and depicted as a portion of the property shown on the attached Exhibit "A" (collectively "the Property").

WHEREAS, Purchaser desires to purchase the Property and Seller desires to sell the Property pursuant to the terms and conditions of this Agreement;

W I T N E S S E T H:

NOW, THEREFORE, for and in consideration of the mutual promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Seller and Purchaser hereby agree as follows:

1.1 Agreement of Purchase and Sale. Purchaser agrees to purchase and the Seller agrees to sell, subject to the terms and conditions set forth in this Agreement, the Property.

1.2 Purchase Price. The purchase price to be paid by the Purchaser to the Seller for the Property shall be Ninety-Five Thousand and no/100 (95,000.00) Dollars (the "Purchase Price") and shall be paid by Purchaser to Seller at Closing as follows: All cash at closing.

1.3 INTENTIONALLY OMITTED

1.4 Purchaser's obligations are contingent upon satisfactory completion of any and all inspections set forth below.

1.5 Effective Date. The parties hereto agree that for all purposes of this Agreement, the Effective Date of this Agreement shall be the date that this Agreement is executed by Seller.

1.6 Inspection Period. Purchaser, at Purchaser's sole cost and expense shall have the right to conduct an inspection of the Property for a period from the effective date,

through and including that date which is sixty (60) days after the Effective Date (the "Inspection Period"). The inspection may include economic, engineering, financing, environmental, regulatory and any other factor relating to Purchaser's use of the Property. During the Inspection Period, and thereafter if Purchaser does not terminate this Agreement, Seller shall give Purchaser and Purchaser's agent and representatives reasonable access to the Property during normal business hours for purposes of inspecting and conducting such tests as are reasonable and necessary for Purchaser to determine if the Property is satisfactory for Purchaser's intended use

All inspections conducted by Purchaser pursuant to this Contract shall be non-invasive in nature, and shall not include any invasive Phase II or other sampling or testing unless otherwise agreed to in writing by Seller, subject to Seller's review and approval of a proposed scope of work for such activities, which may be granted or withheld at Seller's sole discretion. Purchaser shall ensure that: (a) all of its affiliates, employees, advisors, contractors, representatives or agents ("Representatives") who enter the Property shall have adequate, commercially reasonable insurance; (b) no liens shall be placed on the Property or levied against Seller as a result of Purchaser's inspection; and (c) the Property is restored to the same or similar condition as existed prior to any entry.

Purchaser expressly agrees that the results of any environmental investigation, review, sampling or analyses obtained by Purchaser in the course of or in connection with the inspections conducted hereunder shall remain confidential to Purchaser and its Representatives through the date of Closing and shall not be disclosed to Seller, the Georgia Environmental Protection Division, any other governmental entity or to any other third parties prior to Closing. These confidentiality obligations shall survive the termination of this Contract.

Purchaser shall indemnify, hold harmless from and defend Seller, and his agents, affiliates, successors and assigns, from and against any and all liabilities, claims, causes of action, damages, losses, penalties, forfeitures, suits, costs and expenses (including without limitation, investigation costs, costs of defense, settlement and reasonable attorneys' fees) incurred or arising in connection with Purchaser's or any Representative's breach of the confidentiality and other obligations set forth in this Contract, entry onto the Property or enforcement of this indemnity. All indemnification obligations contained herein shall survive the Closing and any termination of this Contract.

"AS IS" PURCHASE

To the maximum extent permitted by applicable law and except for Seller's representations and warranties specifically set forth above ("Seller's Warranties"), the transactions contemplated by this Contract are made and will be made without representation, covenant, or warranty of any kind (whether express, implied, or, to the

maximum extent permitted by applicable law, statutory) by Seller. As a material part of the consideration for this Contract, Purchaser agrees to accept the Property on an "AS IS" and "WHERE IS" basis, with all faults and any and all latent and patent defects, and without any representation or warranty, all of which Seller hereby disclaims, except for Seller's Warranties. Except for Seller's Warranties, no warranty or representation is made by Seller as to (a) fitness for any particular purpose, (b) merchantability, (c) design, (d) quality, (e) condition, (f) operation or income, (g) compliance with drawings or specifications, (h) absence of defects, (i) absence of hazardous or toxic substances, (j) absence of faults, (k) flooding, or (l) compliance with laws and regulations including, without limitation, those relating to health, safety, and the environment. Purchaser acknowledges that Purchaser has entered into this Contract with the intention of making and relying upon its own investigation of the physical, environmental, economic use, compliance, and legal condition of the Property and that Purchaser is not now relying, and will not later rely, upon any representations and warranties made by Seller, respectively, or anyone acting or claiming to act, by, through or under or on Seller's behalf concerning the Property, except for Seller's Warranties.

From and after the date of Closing, Purchaser, for itself and its Representatives, successors-in-title, successors and assigns, hereby releases, indemnifies, holds harmless and forever discharges Seller and his agents, affiliates, successors and assigns (collectively the "releasees") from any and all rights, claims and demands, damages and losses at law or in equity, whether known or unknown at the time of this Contract, which Purchaser has or may have in the future, arising out of the physical, environmental, economic or legal condition of the Property, including, without limitation, all claims in tort or contract and any claim for indemnification or contribution arising under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. Section 9601, et seq.) or any similar federal, state or local statute, rule or regulation and any and all matters affecting the Property.

1.7 Right of Termination. If Purchaser discovers any matter during the Inspection Period that is unacceptable to Purchaser for any reason, in Purchaser's sole discretion, Purchaser may terminate this Agreement by giving Seller written notice thereof (the "Termination Notice") at any time prior to the expiration of the Inspection Period. If Purchaser fails to timely give the Termination Notice prior to the expiration of the Inspection Period, upon expiration of the Inspection Period, Purchaser shall be deemed to have waived its rights to terminate this Agreement. If the Purchaser provides the Termination Notice prior to the expiration of the Inspection Period, the parties shall have no further right or obligation hereunder; provided however, Purchaser shall be obligated to comply with its restoration and indemnification obligations set forth in this Section. Time is of the essence in regard to termination as set forth herein.

1.8 Seller's Documentation Delivery. Not later than 5:00 P.M., on the second (2nd) business day after the Effective Date, Seller shall deliver to Purchaser and Purchaser's attorney any and all such documents concerning the title and condition of the Property as are known to Seller, including but not limited to all deeds, plats, surveys, maps, drawings, plats, title insurance policies, title reports, environmental reports, soils analysis, engineering reports, appraisals, tax bills, tax assessment notices, declarations of

covenants or conditions in effect on the Property, any permits applicable to the Property, and the reports of any other kind or nature. Seller will additionally deliver a full copy of any and all current leases, together with any amendments or extensions thereof, and rent roles for the property. Purchaser may provide a list of additional requested documentation to Seller and Seller agrees to deliver all such available documents within five (5) business days. The information, other than matters of public record or matters generally known to the public, furnished to, or obtained through inspection of the Property by, Purchaser, its affiliates, lenders, employees, attorneys, accountants and other professionals or agents relating to the Property, will be treated by Purchaser, its affiliates, lenders, employees, agents, and current and prospective investors as confidential. Should the Closing fail to occur for any reason, Purchaser shall deliver to Seller all existing copies of the Property Information within three (3) business days of the Closing date.

1.9 Condition of Property. Seller represent that at the closing any and all improvements located thereon will be in the same condition as they are on the Effective Date of this Agreement. Seller shall convey title to the Property to Purchaser via limited warranty deed.

1.10 Permitted Exceptions. Title to the Property shall be free and clear of liens and encumbrances, except for: (i) zoning; (ii) current year's and future ad valorem taxes and assessments affecting the Property which are not yet due and payable; (iii) any liens, encumbrances or other title exceptions approved or waived by Purchaser as provided in Section 1.11.

1.11 Title Examination. Purchaser will complete its examination of the title to the Property during the Inspection Period. As part of this examination, Purchaser will obtain, and Purchaser will pay for at closing, a title insurance certificate and commitment showing Seller's title to the Property to be marketable in fact. Purchaser shall notify Seller in writing of any objections or defects to the title. If Purchaser delivers notice of any such objections or defects, then Seller, within ten (10) days after receipt of such notice, shall either elect: (i) not to cure any such defects or (ii) to promptly attempt to cure any such defects before Closing. Seller's failure to send written notice to Purchaser within such ten (10) day period electing to either not cure or attempt to cure such defects shall be deemed an election by Seller not to cure such defects. If Seller refuses to cure such defects, then, no later than ten (10) days after receipt of Seller's notice refusing to cure, or the deemed refusal to cure, Purchaser shall elect as its sole remedy to either: (i) terminate this Agreement by giving written notice thereof to Seller, in which event: (a) this Agreement shall thereupon be of no further force and effect; (b) no party hereto shall have any further rights, duties or obligations hereunder; and (c) Seller shall instruct the Escrow Agent to return the balance of the Earnest Money to Purchaser; or (ii) accept the title to the Property subject to the defects without adjustment to the Purchase Price and proceed to Closing as set forth herein. At closing, the Purchaser is to pay all premiums necessary to convert the title insurance commitment to a Purchaser's title insurance policy in the full amount of the purchase price.

1.12 Survey. Purchaser may obtain at its expense, as soon as practical after the effective date, an ALTA/ACSM Survey according to Purchaser's specifications, complete with utilities, and showing the Property and the total acreage to the nearest 1/100th acre.

Purchaser shall notify Seller in writing of any objections or defects to the Property revealed by the Survey. If Purchaser delivers notice of any such objections or defects, then Seller, within ten (10) days after receipt of such notice, shall either elect: (i) not to cure any such defects or (ii) to promptly attempt to cure any such defects before Closing. Seller's failure to send written notice to Purchaser within such ten (10) day period electing to either not cure or attempt to cure such defects shall be deemed an election by Seller not to cure such defects. If Seller refuses to cure such defects Purchaser shall elect as its sole remedy to either: (i) terminate this Contract by giving written notice thereof to Seller, in which event no party hereto shall have any further rights, duties or obligations hereunder; or (ii) accept the survey to the Property subject to the defects without adjustment to the Purchase Price and proceed to Closing as set forth herein.

1.13 INTENTIONALLY OMITTED

1.14 Utilities. Purchaser shall confirm the availability of any and all utilities servicing the Property, including, without limitation, public water, sanitary sewer, storm sewer, electric, natural gas, and telephone and that each such utility service has sufficient capacity to serve the intended use by Purchaser.

1.15 Existing Leases. Seller will not amend, modify, extend, alter or terminate any existing lease, contract or agreement affecting the Property, or enter into any new lease, contract or agreement affecting the Property during the term of this Agreement. Notwithstanding this prohibition, Seller will be permitted to extend any expired or expiring lease on a month to month basis.

1.16 Flood Determination. Purchaser shall confirm that the Property is not within the 100-year flood plain as established by FEMA.

1.17 INTENTIONALLY OMITTED

1.18 Closing Date. Closing shall be on or before thirty (30) days following the end of the Inspection Period.

1.19 Closing Location. Closing shall take place at Hulsey, Oliver & Mahar, LLP or at such other location as chosen by Purchaser.

1.20 Title. There shall be conveyed at closing, good and marketable, fee simple title to the Property by limited warranty deed. Good and marketable fee simple title is hereby defined as title which is insurable by First American Title Insurance Company at its standard rates on an ALTA Owner's Policy. The Property shall be described according to survey obtained pursuant to Section 1.12 above.

1.21 Seller's Obligations at Closing. At Closing, Seller, at its sole cost and expense, shall deliver to the Purchaser the following:

- a) Limited Warranty Deed in recordable form conveying good, marketable and insurable title to the Property;
- b) A Non-Foreign Affidavit;
- c) Seller's Affidavit acceptable to Purchaser's title insurance company;
- d) Affidavit allowing Purchaser to properly comply with 1099 reporting requirements;
- e) Certification that there are no existing leases encumbering all or any portion of the Property;
- f) Written confirmation that any and all management and service contracts have been terminated, or assigned to Purchaser, at Purchaser's sole election;
- g) An executed closing statement (the "Closing Statement") setting forth in reasonable detail the financial transaction contemplated by this Agreement, including without limitation the Purchase Price, all prorations, the allocation of costs specified herein, and the source, application and disbursement of all funds. Purchaser shall be responsible for preparing the Closing Statement.

1.22 Purchaser's Obligations at Closing. At Closing, Purchaser, at its sole cost and expense, shall deliver to Seller the following:

- a) Immediately available funds payable to the Seller representing the cash portion of the Purchase Price, prorations and other items reflected on the closing statements;
- b) Such documents as are reasonably required to fully authorize the purchase of the Property by Purchaser and execution of all Closing documents;
- c) The Closing Statement;

1.23 Costs. Purchaser shall pay all costs and fees related to any title policy, title commitment, survey, appraisal, environmental audits and the recording of the deed. Seller shall pay any real estate transfer tax associated with the conveyance that may be imposed on the transaction. Seller and Purchaser shall pay the fees of their own attorneys for services related to the preparation and negotiation of this Agreement and the purchase and sale of the Property.

1.24 Prorations. Ad valorem taxes on the Property for the year of closing shall be prorated at Closing, effective as of the Closing Date, based on actual amounts, if known, and if not, then on the best available estimates thereof. Provided that Seller receives the Purchase Price, the date of closing will be attributable to Purchaser. If tax assessments for the Property for the current year are unavailable as of the Closing Date, said ad valorem taxes shall be prorated or adjusted based upon the immediately preceding tax year figures. The parties shall cooperate to transfer all utility services to the Property, effective as of the Closing Date; provided, however, Seller will be responsible for all charges applicable to the period prior to the Closing Date, and Purchaser shall be responsible for all charges applicable to the period from and after the Closing Date. All taxes, assessments and charges due and payable with respect to the Property after Closing shall be the responsibility of Purchaser. The provisions of this Article shall survive closing.

Additionally, any and all rents and other operating expenses, if any, will be pro-rated at closing.

1.25 General Obligations of Purchaser and Seller. At Closing the Seller and Purchaser shall cause to be delivered such other instruments and documents as may be reasonable, necessary and appropriate to complete the Closing of this transaction.

1.26 Possession. Seller agrees to deliver possession of the Property to Purchaser on the Closing Date and after consummation and funding of the transaction described herein.

1.27 Default by Purchaser. If Purchaser fails to perform any of its obligations under this Agreement for any reason other than Seller's default or the permitted termination of this Agreement by either Seller or Purchaser as herein expressly provided, Seller shall be entitled, as its sole remedy, to terminate this Agreement and receive the balance of the Earnest Money deposited by Purchaser as liquidated damages for the breach of this Agreement, it being agreed between the parties that the actual damages to Seller in the event of such breach are impractical to ascertain and the amount of the Earnest Money is a reasonable estimate thereof.

1.28 Default by Seller. In the event that Seller fails to perform any of its obligations under this Agreement for any reason other than Purchaser's default or the permitted termination of this Agreement by Seller or Purchaser as herein expressly provided, Purchaser shall be entitled, as its sole remedy to seek to enforce specific performance of Seller's obligation to do all things reasonably necessary to execute the documents required by this Agreement and to convey title to the Property to Purchaser. Purchaser shall be deemed to have elected to terminate this Agreement if Purchaser fails to file suit for specific performance against Seller on or before thirty (30) days following the date upon which Closing was to have occurred.

1.29 Condemnation. If, at any time prior to the Closing, any action or proceeding is filed or threatened under which the Property, or any portion thereof, may be taken pursuant to condemnation, then, at the option of Purchaser: (a) this Agreement shall terminate and the balance of the Earnest Money shall immediately be returned to Purchaser, and no party hereto shall have any further rights, liabilities or obligations hereunder; or (b) this Agreement shall remain in full force and effect, and Seller, at the time of closing hereunder, shall transfer and assign to Purchaser all of Seller's right, title and interest in and to any proceeds received or which may be received by reason of such taking, or a sale in lieu thereof, said option to be exercisable by Purchaser by delivering to Seller written notice of such exercise on or before the fifteenth (15th) day following the date on which Purchaser receives from Seller written notice that such suit has been filed or is threatened, but in no event later than the date of closing hereunder. If Purchaser fails to exercise said option within said fifteen (15)-day period, then Purchaser shall be deemed to have elected the alternative set forth in subsection (a) above.

1.30 Commissions. Purchaser and Seller each warrant and represent to the other that such party has not employed a real estate broker or agent in connection with the transaction contemplated hereby. Each party agrees to indemnify and hold the other harmless from any loss or cost suffered or incurred by it as a result of the other's representation herein being untrue. This provision shall survive the Closing or any termination of this Agreement.

1.31 Assignment. Neither party may assign this Agreement without the prior written consent of the other. Any such prohibited assignment shall be void. Notwithstanding the foregoing Purchaser shall entitled to assign the rights of Purchaser to another entity controlled by the same owners created for the purpose of this transaction.

1.32 Entire Agreement. This Agreement embodies the entire agreement of the parties hereto and can be modified or varied only by a written instrument subscribed to by all parties hereto.

1.33 Time of Essence. Time is of the essence of this Agreement.

1.34 Notices. Any notice, request, demand, instruction, or other communication to be given to either party hereunder, except those required to be delivered at Closing, shall be in writing, and shall be deemed to be delivered upon receipt, if hand delivered or delivered by overnight delivery service, or upon deposit in certified mail, return receipt requested, addressed as follows:

If to Purchaser: City of Gainesville
 Attention: Bryan Lackey
 300 Henry Ward Way
 Gainesville, GA 30501
 Phone 770-535-6860
 Email: blackey@gainesville.org

With a copy to: Hulsey, Oliver and Mahar, LLP
 Attention: Abbott S. Hayes, Jr.
 200 E. E. Butler Parkway
 Gainesville, GA 30501
 Phone: 770-532-6312
 Email: ash@homlaw.com

If to Seller: Georgia Gas Company

With a copy to: James M. Walters
311 Green St., Suite 103
Gainesville, GA 30501
Phone : 770-536-3264
jim@thewaltersfirm.com

1.35 Change of Address. The addresses and addressees for the purpose of this Article may be changed by either party by giving notice of such change to the other party in the manner provided for giving notice.

1.36 Captions. The captions used in connection with the paragraphs of this Agreement are for convenience only and shall not be deemed to construe or limit the meaning of the language contained in this Agreement, or be used as interpreting the meanings and provisions hereof.

1.37 Severability. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

1.38 Responsibility to Cooperate. All parties agree to take all actions and do all things reasonably necessary to fulfill the terms and conditions of this Agreement in good faith and in a timely manner. Purchaser and Seller shall execute and deliver such certifications, affidavits, and statements as are required at closing to meet the requirements of any lender(s) and of federal and state law.

1.39 Construction. The parties acknowledge that their attorneys have reviewed and negotiated the provisions of this Agreement; therefore, the rule of construction that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement or any amendments or exhibits hereto.

1.40 Governing Law. This Agreement shall be construed and interpreted under the laws of the State of Georgia, without regard to any conflicts of law doctrine of such state.

1.41 Counterparts. This Agreement may be executed in any number of counterparts which together shall constitute the Agreement of the parties.

1.42 Special Stipulations. The following Special Stipulations, if conflicting with any exhibit, addendum or preceding paragraph (including changes thereto made by the parties), shall control:

IN WITNESS WHEREOF, this instrument has been executed in multiple copies of the dates set forth below, and each executed copy shall be deemed an original for all purposes.

Purchaser:

CITY OF GAINESVILLE

By: _____
Bryan Lackey, City Manager

Attest: _____
Denise O. Jordan, City Clerk

Date: _____

CITY SEAL

Approved as to form:

Abbott S. Hayes, Jr.

Date: _____

Seller:

LIBERTY UTILITIES (PEACH STATE NATURAL GAS) CORP.

By: _____

Attest: _____

Date: _____

CORPORATE SEAL

ASHW227762

EXHIBIT "A"

DEED RECORD NO. 60, HALL COUNTY, GA.

STATE OF GEORGIA, **HALL AND TROUP** County **B**
 THIS INDENTURE, Made the **23rd** day of **August** In the year of our Lord One
 Thousand Nine Hundred and **Thirty**, between **O. B. Romberg & H. W. Caldwell**
 of the county of **Hall** and State of **Georgia** of the First Part, and
Georgia Gas Company of the county of **Hall** and State of **Georgia** of the Second Part,

Witnesseth, That the said part **1st** of the First Part, for and in consideration of the sum of

FIFTEEN HUNDRED & NO/100

DOLLARS

In hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, conveyed, and confirmed, and by these presents do grant, bargain, sell, alien, and convey and confirm unto Party of the Second Part **its** heirs and assigns, all the following described property, to wit:

A lot of land in City of Gainesville, Hall County, Georgia, Beginning at a stake at the intersection of Gordon Avenue and Banks Street; said point being the S. W. corner of said lot; thence a Northerly direction with Gordon Avenue 100 feet to a stake; thence an Easterly direction 219.5 feet to a stake on Gainesville Midland Railway Company right-of-way; thence a Southerly direction with said Right of way to a stake on Banks Street a distance of 104.2 feet; thence a Westerly direction with Banks Street 190 feet to beginning corner. Containing 48/100 acres, more or less, and being part of the land registered by O. B. Romberg and H. W. Caldwell, and being off the South side or end of said registered tract. Plat of registered tract is recorded in Plat Book 2, page 124, July 14th, 1930 in Clerk's Office, Hall County, Georgia. (For back chain of title see Books 59-page 475; 56-page 504; 57-page 126; 22-page 540.)

TO HAVE AND TO HOLD The said above granted and described property, with all and singular the rights, members and appurtenances thereunto appertaining, to the only proper use, benefit, and behoof of the said part **y** of the Second Part, **its** ~~heirs~~ **SUCCESSORS**, ~~its~~ **heirs** executors, administrators, and assigns, in FEE SIMPLE; and the said Part **1st** of the First Part the said ~~heirs~~ **SUCCESSORS**, ~~its~~ **heirs** executors, administrators, and assigns, against the said parties of the First Part **their** heirs, executors, administrators, and assigns, and all and every other person or persons, shall and will and does hereby warrant and forever defend, by virtue of these presents.

In Witness Whereof, The said Part **1st** of the First Part have hereunto set **their** hand and affixed **their** seal, and delivered these presents, the day and year above written.

Signed, sealed and delivered in the presence of—

Madge Jones,

H. W. Smith, C.B.C.

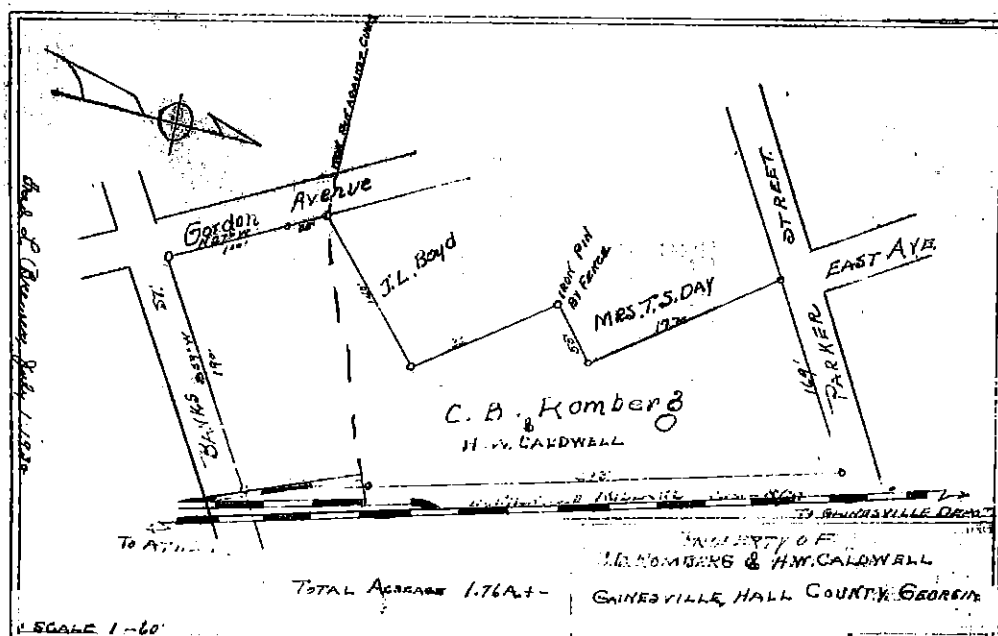
H. W. CALDWELL (Seal.)

O. B. ROMBERG (Seal.)

Recorded this **23rd** day of **August**;

1930

H. W. Smith, Clerk.



Received July 14-1930
NORFOLK and

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 12/10/2019
Presenter: Bryan Lackey
Item of Business: BR-2019-44 Tax Allocation District (TAD) Funding for Wimberly Funeral Home
Meeting Date: 12/17/2019

Purpose of Request:

Resolution to authorize TAD Funding for Wimberly Funeral Home in the amount of \$19,396 for demolition and parking, with conditions.

History/Background:

The TAD Advisory Committee met on December 5th and recommended approval of the application.

Facts & Issues for Consideration:

Department Recommendation:

Approval of the Resolution.

Department Director:

Bryan Lackey

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
BR-2019-44 Wimberly Funeral Home TAD Funding	Resolution
TAD Advisory Committee Report	Powerpoint Presentation

RESOLUTION BR-2019-44

TAX ALLOCATION DISTRICT (TAD) FUNDING FOR “WIMBERLY FUNERAL HOME” AT 325 SUMMIT STREET

WHEREAS, the governing body for the City of Gainesville is committed to the success of the redevelopment of Midtown Gainesville into a live, work and play area; and

WHEREAS, on October 17, 2006 the governing body for the City of Gainesville adopted the Midtown Redevelopment Plan and created Tax Allocation District (TAD) Number One – Midtown pursuant to the Georgia Redevelopment Powers Law (O.C.G.A. § 36-44-1 et seq.) as the next steps in the City’s redevelopment effort to reinvigorate Midtown; and

WHEREAS, the City of Gainesville will only consider applications for TAD financing for purposes or uses that are consistent with the definition of “redevelopment” as defined in the Georgia Redevelopment Powers Law [O.C.G.A. § 36-44-3(5)], with said eligible purposes or uses including public works and utilities, telecommunications infrastructure, street/streetscape improvements, parks and open space amenities, transit facilities and public parking structures, pedestrian amenities and safety improvements, and site preparation; and

WHEREAS, upon approval of a request for TAD funding, a TAD Development Agreement between the applicant/developer and the City shall be executed, and shall specify the eligible expenses, what method of funding will be utilized (i.e. pay-as-you-go, bank financing, bond financing or other method), and any special conditions and performance standards of the developer; and

WHEREAS, an application involving the renovation and expansion of an existing funeral home and associated parking at 325 & 315 Summit Street was reviewed by the TAD Advisory Committee and determined to achieve the TAD criteria; and

WHEREAS, the TAD Advisory Committee unanimously recommended approval of the TAD funding request of up to \$19,396 for the following uses with the following conditions and payment schedule:

Use:

- **Demolition**
- **Construction of Parking Lot**

Conditions:

- **Permitted project must be in substantial conformance with the architectural renderings and budget submitted with the TAD application**
- **Reimbursement is to occur after a Certificate of Occupancy has been obtained for the proposed new addition to Wimberly Funeral Home.**

Payment Schedule:

Up to \$19,396 in TAD funds shall be made payable upon submittal of paid invoices for the purchase of and/or labor to complete or install the items specified under “Use” above.

RESOLUTION BR-2019-44

**TAX ALLOCATION DISTRICT (TAD) FUNDING FOR “WIMBERLY FUNERAL HOME”
AT 325 SUMMIT STREET**

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby approves the TAD application of up to \$19,396 for “Wimberly Funeral Home” at 325 & 315 Summit Street.

BE IT FURTHER RESOLVED THAT that the governing body for the City of Gainesville hereby approves funding for the redevelopment improvement from the fund balance of the Tax Allocation District Fund.

BE IT FURTHER RESOLVED THAT the governing body authorizes the City Manager and City Attorney to prepare and execute a TAD Development Agreement to effectuate the terms and conditions of the funding, use and payment schedule.

Adopted this _____ day of _____, 2019.

C. Danny Dunagan, Jr., Mayor

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

ATTEST:

Denise O. Jordan, City Clerk

CITY OF
GAINESVILLE

REPORT FROM
TAD ADVISORY COMMITTEE



WIMBERLY FUNERAL HOME

315 & 325 Summit Street

WIMBERLY FUNERAL HOME

- Expansion of funeral home & renovation of current facility
- Demolition of house at 315 Summit St.
- Addition to include:
 - New Chapel to seat 169 people
 - Gathering space
 - Approximately 1500 square feet
 - Additional Parking



EXHIBIT C - ARCHITECTURAL ELEVATIONS



1 CONCEPTUAL RENDERING
Elev. 101



2 CONCEPTUAL RENDERING
Elev. 102



3 CONCEPTUAL RENDERING
Elev. 103

GREEN HUNTER LANE



1001 BRICKENRIDGE DR. SE.
ATLANTA, GA 30316
WWW.SHIBUIDESIGN.COM
855.513.1351

REVISIONS

DATE: 10/26/21 BY: [signature]

NOTES

The preparation of all reports, drawings, specifications and other documents is based on the information provided by the client and is not to be used for any other purpose without the written consent of Shibui Design.

Shibui Design is not responsible for the accuracy or completeness of any data, information or other documents provided by the client. The client is responsible for the accuracy and completeness of all data, information and other documents provided to Shibui Design.

315 SUMMIT STREET

315 SUMMIT STREET

CONCEPTUAL SITE PLAN

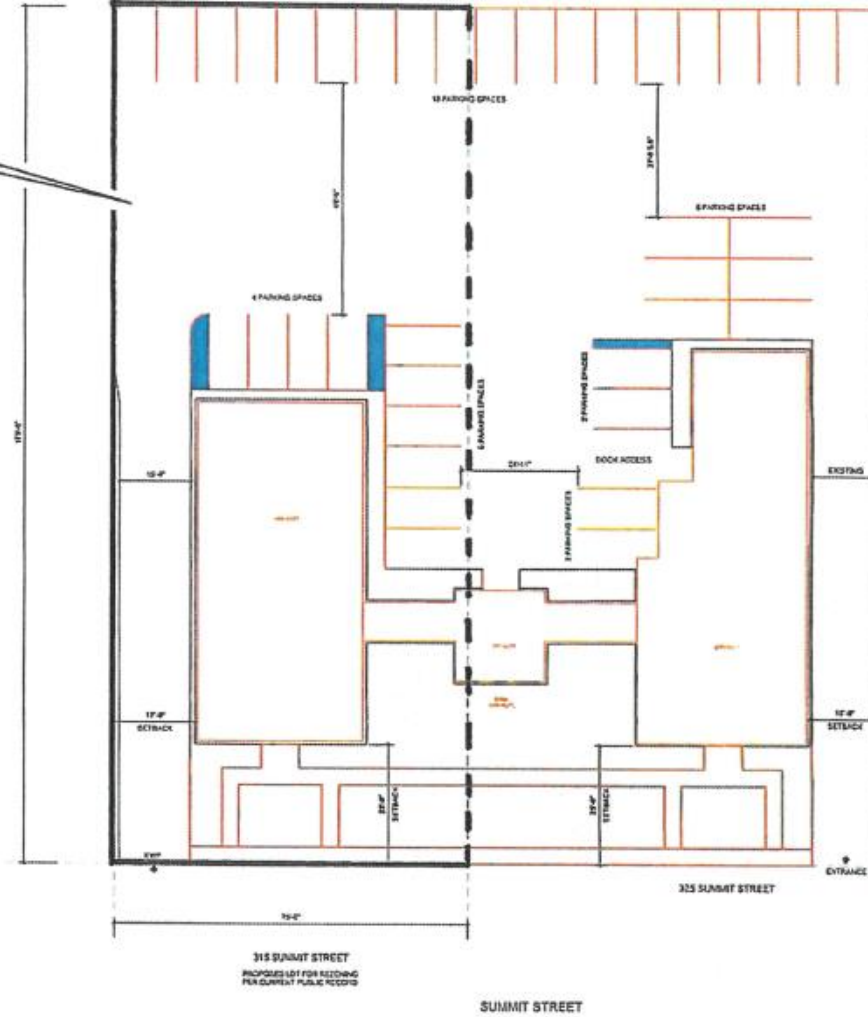
DATE: 10/26/21 BY: [signature]

S.01

Subject Property



GOOGLE EARTH VIEW



315 SUMMIT STREET
PROPOSED LOT FOR RECORDING
FOR CURRENT PUBLIC RECORDS

SUMMIT STREET

CONCEPTUAL SITE PLAN

WIMBERLY FUNERAL HOME INC.

- Total Project Cost - \$356,220
- Estimated Value After Redevelopment - \$392,500
- TAD Advisory Committee Recommendation:
 - Payment :
 - Lump sum reimbursement of \$19,396 for demolition and parking
 - Conditions :
 - Permitted project is in substantial conformance with the architectural renderings and budget submitted with the application
 - Reimbursement to occur after C.O. has been obtained for the new addition



LIBERTY MIDLAND

780 Grove Street SW

LIBERTY MIDLAND

780 Grove Street SW

- 1.12 acre parcel
- 14 Townhome Development
 - 2BR/2 ½ BA
 - Roommate Floor Plan
 - Projected Rents
 - \$1,500 - \$1,600/month
 - Urban Farmhouse Architecture
 - Central Courtyard
 - Pervious Parking Lot





LIBERTY





- **LIBERTY MIDLAND**
- **GROVE STREET SCAPE**



LIBERTY



- **LIBERTY MIDLAND**
- **CORNER GROVE & HIGH**



LIBERTY

LIBERTY MIDLAND

- Total Project Cost - \$2,349,991 (168K/unit)
- Estimated Value After Redevelopment - \$2,240,000 (160K/unit)
- TAD Advisory Committee Recommendation:
 - Reimbursement of \$373,272 over 3-years, with conditions:
 - 40% 149,308.80 upon obtaining C.O. for 6 units
 - 30% 111,981.60 upon obtaining C.O. for remaining 8 units
 - 30% 111,981.60

LIBERTY MIDLAND

TAD Funding Recommendation

Site Preparation	\$27,015
Street Lights & Site Lighting	\$17,000
Fencing	\$36,000
Parking	\$114,406
Landscaping	\$75,000
Water & Sewer	\$93,701
Underground Power Service	\$10,150
TAD Funding Recommendation	\$373,272

LIBERTY MIDLAND

TAD Funding Conditions

- Permitted project is in substantial conformance with the architectural renderings and budget submitted with the application
- All exterior materials (excluding roof) will be cement siding, brick or stone
- All utilities on property (including street frontage) must be relocated underground
- Applicant agrees to re-zone the property to R-II
- Parking lot will consist of brick pavers, as shown on plans
- The site must be professionally landscaped to include sod, shrubs and trees. The final landscaping plan is to be approved by the Community & Economic Development Director.
- New sidewalks and curb & gutter, meeting City standards, must be installed along the road frontage of Grove Street and High Street



TWO RESOLUTIONS TO BE CONSIDERED 12.17.19

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 12/9/2019
Presenter: Bryan Lackey
Item of Business: BR-2019-45 Tax Allocation District (TAD) Funding for Liberty Midland
Meeting Date: 12/17/2019

Purpose of Request:

Resolution to authorize the TAD Funding request for Liberty Midland in an amount of up to \$373,272.

History/Background:

The TAD Advisory Committee met on December 5th and recommended approval of the application.

Facts & Issues for Consideration:

Department Recommendation:

Approval of the Resolution.

Department Director:

Bryan Lackey

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ BR-2019-45 TAD Application - Liberty Midland	Resolution

RESOLUTION BR-2019-45

TAX ALLOCATION DISTRICT (TAD) FUNDING FOR “LIBERTY MIDLAND” AT 780 GROVE STREET SW

WHEREAS, the governing body of the City of Gainesville is committed to the success of the redevelopment of Midtown Gainesville into a live, work and play area; and

WHEREAS, on October 17, 2006 the governing body of the City of Gainesville adopted the Midtown Redevelopment Plan and created Tax Allocation District (TAD) Number One – Midtown pursuant to the Georgia Redevelopment Powers Law (O.C.G.A. § 36-44-1 et seq.) as the next steps in the City’s redevelopment effort to reinvigorate Midtown; and

WHEREAS, the City of Gainesville will only consider applications for TAD financing for purposes or uses that are consistent with the definition of “redevelopment” as defined in the Georgia Redevelopment Powers Law [O.C.G.A. § 36-44-3(5)], with said eligible purposes or uses including public works and utilities, telecommunications infrastructure, street/streetscape improvements, parks and open space amenities, transit facilities and public parking structures, pedestrian amenities and safety improvements, and site preparation; and

WHEREAS, upon approval of a request for TAD funding, a TAD Development Agreement between the applicant/developer and the City shall be executed, and shall specify the eligible expenses, what method of funding will be utilized (i.e. pay-as-you-go, bank financing, bond financing or other method), and any special conditions and performance standards of the developer; and

WHEREAS, an application involving the construction of fourteen (14) homes at 780 Grove Street was reviewed by the TAD Advisory Committee and determined to achieve the TAD criteria; and

WHEREAS, the TAD Advisory Committee unanimously recommended approval of the TAD funding request of up to \$373,272 for the following uses with the following conditions and payment schedule:

Use:

- | | |
|--|------------------------------------|
| • Site Preparation | • Landscaping |
| • Street Lights & Site Lighting | • Water & Sewer |
| • Fencing | • Underground Power Service |
| • Parking | |

Conditions:

- **Permitted project must be in substantial conformance with the architectural renderings and budget submitted with the TAD application.**
- **All exterior materials (excluding roof) will be cement siding, brick or stone.**
- **All utilities on property (including street frontage) must be relocated underground prior to completion of construction of the permitted project.**
- **Applicant agrees to pursue and/or consent to rezoning of the property to R-II.**
- **Parking lot will consist of brick pavers, as shown on approved civil plans.**
- **The site must be professionally landscaped to include sod, shrubs and trees. The final landscaping plan must be approved by the Community & Economic Development Director prior to the commencement of landscaping work.**

RESOLUTION BR-2019-45

**TAX ALLOCATION DISTRICT (TAD) FUNDING FOR “LIBERTY MIDLAND”
AT 780 GROVE STREET SW**

- New sidewalks and curb & gutter, meeting City standards, must be installed along the road frontage of Grove Street and High Street prior to completion of construction of the permitted project.

Payment Schedule:

Up to \$373,272 in TAD funds shall be made payable upon submittal of paid invoices for the purchase of and/or labor to complete or install the items specified under “Use” above, based upon the schedule and conditions listed below:

- Phase One: Reimbursement of up to 40% (\$149,308.80) of expenditures, upon obtaining a Certificate of Occupancy for six homes.
- Phase Two: Reimbursement of up to 30% (\$111,981.60) of expenditures, upon obtaining a Certificate of Occupancy for fourteen homes. Said reimbursement shall not be made any sooner than January 1st of the next calendar year following the reimbursement for Phase One.
- Phase Three: Reimbursement of up to 30% (\$111,981.60) upon completion of the permitted project. Said reimbursement shall not be made any sooner than January 1st of the next calendar year following the reimbursement for Phase Two.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby approves the TAD application of up to \$373,272 for “Liberty Midland” at 780 Grove Street.

BE IT FURTHER RESOLVED THAT that the governing body for the City of Gainesville hereby approves funding for the redevelopment improvement from the fund balance of the Tax Allocation District Fund.

BE IT FURTHER RESOLVED THAT the governing body authorizes the City Manager and City Attorney to prepare and execute a TAD Development Agreement to effectuate the terms and conditions of the funding, use and payment schedule.

Adopted this ____ day of _____, 2019.

RESOLUTION BR-2019-45

**TAX ALLOCATION DISTRICT (TAD) FUNDING FOR "LIBERTY MIDLAND"
AT 780 GROVE STREET SW**

C. Danny Dunagan, Jr., Mayor

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

ATTEST:

Denise O. Jordan, City Clerk

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 12/3/2019
Presenter: Phillippa Moss
Item of Business: PR-2019-15 Apply For and Accept FY2021 Section 5307 Grant
Meeting Date: 12/17/2019

Purpose of Request:

Approve submission of FY2021 Section 5307 Grant application and, if approved, acceptance of grant award. This grant provides capital and operating funds for the Gainesville Connection & Dial-A-Ride Bus Services.

History/Background:

An application must be made to GDOT/FTA each year for state/federal funding for the Gainesville Connection & Dial-A-Ride bus services.

Facts & Issues for Consideration:

The FY2021 Section 5307 funds 50% of the urban operational expenses for Gainesville Connection and Dial-A-Ride bus services.

Department Recommendation:

Approve the resolution for the FY2021 Section 5307 Grant Application Submission and Grant Award Acceptance.

Department Director:

Phillippa Moss

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

Amount Requested:

Source of Funds:

The operating match will be included in the CSC's FY21 budget request.

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ PR-2019-15 Apply For and Accept FY2021 Section 5307 Grant	Resolution

RESOLUTION PR-2019-15

Request to Apply For and Accept an FY2021 Section 5307 Grant

WHEREAS, each year the Federal Transit Administration (FTA) makes operating funds available to small urban transit systems like Gainesville Connection and Dial-A-Ride through its Section 5307 program; and

WHEREAS, staff of the Georgia Department of Transportation Intermodal Office packages the Section 5307 application requests of all small urban transit systems in Georgia and presents them to the Federal Transit Administration for consideration; and

WHEREAS, a successful application will result in funding that will cover fifty percent (50%) of the urban operational expenses for Gainesville Connection and Dial-A-Ride.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby approves submittal of the FY2021 Section 5307 application and acceptance of the grant funds if awarded.

BE IT FURTHER RESOLVED THAT the governing body for the City of Gainesville hereby authorizes the Mayor, City Manager and City Attorney to execute all contracts and associated documents related to said grant.

Adopted this _____ day of _____, 2019.

C. Danny Dunagan, Jr., Mayor

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

ATTEST:

Denise O. Jordan, City Clerk

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 12/9/2019

Presenter: Angela Sheppard

Item of Business: **Ordinance 2019-33**
Amend Chapter 6-9 entitled "Permits"
AN ORDINANCE TO AMEND CHAPTER 6-9 OF THE CODE OF ORDINANCES, WHICH CHAPTER IS ENTITLED "PERMITS," BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Meeting Date: 12/17/2019

Purpose of Request:

To amend Chapter 6-9 entitled "Permits." With the revision to Chapter 6-7, certain regulations were moved to be under Chapter 6-9.

History/Background:

Facts & Issues for Consideration:

No substantive changes were made to the regulatory provisions. This ordinance is mainly a restructuring of the Code.

Department Recommendation:

Adoption of the proposed Ordinance.

Department Director:

Bryan Lackey

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ Ordinance 2019-33 Amend Chapter 6-9 entitled "Permits"	Ordinance

Passed: _____

AN ORDINANCE

No. 2019-33

AN ORDINANCE TO AMEND CHAPTER 6-9 OF THE CODE OF ORDINANCES, WHICH CHAPTER IS ENTITLED "PERMITS," BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

SECTION I.

Chapter 6-9 of the Code of Ordinances is hereby amended by eliminating it in its entirety and substituting in its place the language set forth below:

CHAPTER 6-9. - PERMITS AND LICENSES

Sec. 6-9-1. - Grants generally.

The grant or denial of a permit or license under this Chapter shall be based on a consideration of the public welfare, peace, safety, health, good order and convenience. The person who grants such a permit or license may suspend or revoke it based on the same considerations.

Sec. 6-9-2. - Due process.

Any person who believes that he has been denied due process of law under this Chapter in the denial, suspension or revocation of a permit or license shall be entitled to a hearing in front of the administrative hearing officer as provided in section 1-8-1 of the City's Code of Ordinances. Unless such hearing is requested within five (5) working days after the alleged denial of due process, such person shall be presumed to have accepted the denial, suspension or revocation of such person's permit or license.

Sec. 6-9-3. - Sound trucks and sound amplifying systems.

(a) It shall be unlawful for any person to operate or permit to be operated in the City any sound amplifying system for any purpose whatever, whether the same be stationary or operated from a vehicle or other carriage unless a permit has been obtained from the chief of police to do so. However, it shall be unlawful for any person to make any loud and raucous noise to the disturbance of the peace. Any person to whom a permit has been issued under this section who abuses his discretion and causes or permits loud and raucous noises, shall subject the permit to immediate revocation.

(b) The words "sound amplifying system" as used in this section shall mean any loudspeaker system or equipment, sound-amplifying system, and/or any apparatus, equipment, device,

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instrument or machine designed for or intended to be used for the purpose of amplifying the sound or increasing the volume of the human voice, musical tone, vibration or sound wave.

Sec. 6-9-4. - Reserved.

Sec. 6-9-5. - Reserved.

Sec. 6-9-6. - Fortune-telling and related practices.

(a) Occupation tax certificate required, application.

(1) Any person, firm or corporation desiring to engage in the business, trade or profession of fortune-telling, astrology, phrenology, palmistry, clairvoyance, or related practices where a charge is made, or a donation is accepted for services, shall, before engaging in such business, trade or profession, make application for a business license in the form and manner prescribed by the City manager or his designee.

(2) The application shall include but shall not be limited to the information required on all business license applications submitted under Chapter 6-2 of the City's Code of Ordinances.

(b) Criminal background investigation required. Prior to the issuance of a business license, and for all renewal licenses issued, under this section, a criminal background investigation shall be required for every owner(s), manager(s), and employee(s) of the business.

(c) General operating provisions.

(1) It shall be the duty of all persons holding a business license under this section to annually file, along with the renewal application for the business license, the names of all employees, their home addresses, home telephone numbers, and any other places of employment. The holder of a business license issued under the provisions of this section must additionally report changes in the list of employees with the names and required supplemental information for new employees to be filed with the City manager or his designee within ten (10) days from the date of such change.

(2) It shall be the duty of any person granted a license under this section to maintain correct and accurate records of the names and addresses of the persons receiving services at such establishment; the type of service administered; and the name of the person at the establishment administering the services. The records shall be subject to inspection at any time by the City manager or his designee, or the City's chief of police.

(3) It shall be unlawful for any person under the age of eighteen (18) to patronize any fortune-telling or related establishment unless such person carries with him/her at the time of such patronage written permission of the underage person's parent or guardian. It shall be the duty of the holder of the business license to determine the age of the person attempting to patronize an establishment and to prohibit patronage by an underage person.

(4) Records required to be maintained under this section shall be kept for a minimum of two (2) years beyond the expiration date of the business license. Records shall be made available to the City manager or his designee, at a location in the City, within ten (10) business days of any such request.

(d) Inspection of registered establishments. The City manager or his designee or any City police officer shall have the authority to inspect establishments licensed under this section during the

ORDINANCE NO. 2019-33

hours in which the premises are open for business. Such inspection shall be made for the purpose of verifying compliance with the requirements of this section.

(e) *Applicant disqualification.* No business license shall be granted to any person under the age of eighteen (18) or to any person who has been convicted, pled guilty or entered a plea of nolo contendere under any federal, state or local law of any crime involving moral turpitude, illegal gambling, any felony, criminal trespass, public indecency, misdemeanor involving any type of sex-related crime, any theft or violence against person or property, any crime of possession, sale or distribution of illegal drugs, distribution of material depicting nudity or sexual conduct as defined under state law, criminal solicitation to commit any of these listed offenses, attempts to commit any of these listed offenses, within the ten (10) year period preceding the date of application for such license and provided that the person has been released from parole or probation.

(f) *Permitted locations.* Fortune-telling, astrology, phrenology, palmistry, clairvoyance, or related businesses are permitted uses only in general business (G-B), light industrial (L-I), or heavy industrial (H-I) zoning districts. See Table 9-6-1 of the City's Unified Land Development Code. However, these businesses are not permitted in the midtown overlay district. See ULDC Sec. 9-8-7-6.

(g) *Violations; penalty; additional remedies.*

(1) Any person, firm, corporation, association or partnership violating any provisions of this section as the same exists or as it may hereinafter be amended, or failing to do anything required by this section as the same exists or as it may hereafter be amended, will be in violation of the law, and said violations shall be punishable as provided in section 1-1-7 of the City Code of Ordinances. Each person, firm, corporation, association or partnership shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this section is committed, continued or permitted by such person, firm, corporation, association or partnership and shall be punished accordingly.

(2) Any fortune-telling, astrology, phrenology, palmistry, clairvoyance, or related business operated, conducted, or maintained contrary to the provisions of this section shall be and is hereby declared to be unlawful and a public nuisance. In addition to or in lieu of any other penalties or remedies, the City may commence an action or actions to enjoin, abate, or remove any violations of the provisions of this section.

(3) Any violation of the provisions of this section shall be considered due cause for the suspension or revocation of any licenses issued by the City to the violating party. Such revocation or suspension shall occur by way of a hearing before the administrative hearing officer as provided in section 1-8-1 of the City Code of Ordinances.

Sec. 6-9-7. - Sale of goods, articles, or services.

It shall be unlawful for any person to sell goods, articles, or services of any nature on any street, park or other property of the City without first obtaining written permission from the City manager, or his designee, which permission will not be granted unless the request and proposed use of the property will be in full accordance and compliance with all written policies, procedures, guidelines and fees as mandated by the City's governing body.

Sec.6-9-8. - Poolrooms regulated.

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No person shall operate a poolroom or billiard room, except under the following rules:

- (1) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Licensee shall mean any person, firm or corporation who is duly licensed under the provisions of this section to conduct the business of a poolroom in the City of Gainesville.

Poolroom or billiard room shall mean any public place where there exists more than two (2) pool or billiard tables and where a person is permitted to play the game of pool or billiards for a charge imposed for the use of the equipment.

- (2) *License required.*

- a. A license shall be required to own and operate a poolroom or billiard room in the City. Licenses for the operation of a poolroom or billiard room in the City will be issued by the City manager or his designee and pursuant to this article.
- b. No person shall engage in the operation of a poolroom or billiard room without first obtaining all applicable licenses issued by the City.
- c. Upon the issuance of a license to operate a poolroom or billiard room, said license shall be displayed prominently at all times on the premises for which the license is issued.
- d. The City governing body designates the City manager for the purpose of administering this section. Any powers granted to or duties imposed upon the City manager may be delegated by the City manager to other City personnel.

- (3) *Application for license.*

- a.
 1. An application for a license under this section shall be filed with such City personnel and/or department as designated by the City manager upon forms provided by the City and shall be verified under oath.
 2. Each applicant is required to submit to a background investigation which shall include a criminal history check.
 3. If the applicant is a person other than the sole proprietor of the business, all owners, members, partners, officers, and/or stockholders holding a ten (10) percent or more interest in the entity shall be subject to the provisions of this section.
- b.
 1. The application shall be made in the owner's name.
 2. An applicant must be at least twenty-one (21) years of age and be a citizen of the United States or an alien admitted for permanent residence.
 3. An applicant, and if other than a sole proprietor, all owners, members, partners, officers, and/or stockholders shall not have been convicted, entered a plea of guilty or nolo contendere, been on probation, parole or been imprisoned within a period of ten (10) years prior to the date of the application for the violation of any of the following offenses of the United States, the State of Georgia, or any other state, or of any political subdivisions thereof:
 - i. Contributing to the delinquency of a minor;
 - ii. Any crime(s) involving children;

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- iii. Prostitution;
 - iv. Keeping a place of prostitution;
 - v. Possession, sale or distribution of illegal drugs;
 - vi. Driving under the influence of alcohol or drugs;
 - vii. Any felony;
 - viii. Criminal solicitation to commit any of these listed offenses;
 - ix. Attempts to commit any of these listed offenses.
- c. The applicant shall furnish proof that all licenses required by the State of Georgia have been obtained prior to the operation a poolroom or billiard room.
 - d. The applicant shall submit with the application both payment of the proper licensing fee as provided in title 10 of the City Code of Ordinances and the proper occupation tax calculated in accordance with Chapter 6-2 of the City's Code of Ordinances.
- (4) *Application; investigation.*
- a. The City manager or his designee shall conduct an investigation of the applicant.
 - b. The City will issue a license for the location designated in the application if it determines that:
 - 1. The required fees have been paid;
 - 2. The applicant meets all the requirements of this Chapter and other provisions of the City's Code of Ordinances;
 - 3. The applicant has not knowingly made any false statements in the application;
 - 4. The building, structure or location of the business as proposed by the applicant complies with all applicable zoning and building codes;
 - 5. The applicant has not had a poolroom license or other similar license or permit previously suspended or revoked; and
 - 6. The applicant, if a previous holder of any license to operate a business of this type, has not violated any law, regulation or ordinance relating to this type of business.
- (5) *General regulations.*
- a. The poolroom or billiard room shall always be open to the inspection by City code enforcement officers or City police officers during operating hours, and no disorder of any kind will be allowed under penalty of forfeiting the license granted to operate the same.
 - b. The poolroom or billiard room shall not permit any screens, curtains, blinds, partitions, or other obstructions to be used to prevent a clear view of the interior of the establishment from outside the establishment, which clear view must be maintained at all times. No partitions forming rooms, stalls or other enclosures shall be permitted within the establishment.
 - c. No billiard or pool tables shall be operated or played upon unless located on the ground floor of the business establishment.

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- d. No person under the age of eighteen (18) years shall be allowed on the premises of the poolroom or billiard room by the licensee, or an agent or employee of a licensee. It shall be the duty of the licensee, agent or employee to verify the age of persons patronizing the poolroom or billiard room.
 - e. No owner, operator, manager, employee or agent of a poolroom or billiard room open for public use, shall allow the use of any dice, cards, dominoes or other games of chance or any form of gambling on the premises, nor shall any checks, tokens or tickets be given which can be redeemed for merchandise or cash.
 - f. No poolroom shall allow any noise or music to be so loud as to be heard outside the walls or ceiling of the business establishment.
 - g. Alcoholic beverages are prohibited on the premises of any poolroom or billiard room.
 - h. No poolroom shall open on Sundays, or between the hours of midnight and 6:00 a.m. during any weekday.
- (2) *License; denial, transfer, revocation or suspension.*
- a. Before the denial of any application for a poolroom or billiard room license, or for the transfer of any poolroom or billiard room license, or the revocation or suspension of any existing poolroom or billiard room license, the applicant or licensee, as the case may be, shall be given notice in writing from the City manager or his designee to show cause before the administrative hearing officer at a time and place specified in the notice not less than three (3) days nor more than thirty (30) days from the date of service of the notice why such application for license or for transfer of license should not be denied, or why such license should not be revoked or suspended as the case may be, stating the grounds therefore, and at the appointed time and place the applicant or licensee shall have an opportunity to show cause, if any exist, why such application or transfer should not be denied or such license revoked or suspended, after which the administrative hearing officer shall take such actions as he or she, in his or her judgment and discretion, shall deem warranted under the facts. All decisions of the administrative hearing officer shall be in writing with reasons therefore stated and mailed or delivered to the applicant or licensee.
 - b. Any person aggrieved by the action or decision of the administrative hearing officer to deny an application or request to transfer a license applied for under the provisions of this section or the revocation or suspension of a license shall have the right to appeal such action or decision to the city council within thirty (30) days after the action or decision has been mailed to the applicant or licensee's address as shown on the license application form, or to his last known address.
 - c. An appeal shall be taken by filing with the City clerk a written statement setting forth the grounds for the appeal.
 - d. The clerk shall transmit the written statement to the City manager within ten (10) days of its receipt and the City manager shall set a time and place for a hearing on the appeal before the City governing body.
 - e. A hearing shall be set not later than thirty (30) days from the date of receipt of the appellant's appeal.
 - f. The hearing herein provided for need not be at a regular meeting of the City governing body, but may be at such time and place as shall be fixed in such notice of hearing.

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- g. At any hearing as provided herein, the party afforded the hearing shall have the opportunity to present evidence and cross-examine witnesses.
- h. The hearing herein provided shall be de novo.
- i. All decisions denying, approving, suspending or revoking any application or request for transfer of license shall be in writing with the reasons therefor stated and mailed or delivered to the applicant.
- j. The decision of the City governing body shall be final unless appealed by certiorari to the Superior Court of Hall County, Georgia.
- k. In all instances of a denial of any application for a poolroom or billiard room license or the revocation of any existing poolroom or billiard room license, the applicant, licensee or any person(s) with twenty-five (25) percent or more interest in the applicant or licensee, shall not reapply for a license for at least one (1) year from the final date of the denial or revocation.

Sec. 6-9-9. - Licensing of bingo games.

- (a) No nonprofit, tax exempt organization shall be permitted to operate a bingo game until it has obtained a license from the City authorizing it to do so.
- (b) Any nonprofit, tax exempt organization desiring to obtain a license to operate bingo games shall make application to the City on forms prescribed by the City and shall pay an annual fee as provided in Title 10 of the City Code of Ordinances. No license shall be issued to any nonprofit, tax exempt organization unless such organization has been in existence for twenty-four (24) months immediately prior to the issuance of the license. Such license will expire at midnight on December thirty-first, following the granting of such license. Renewal applications for each calendar year shall be filed with the City sixty (60) days prior to January first of each year and shall be on a form prescribed by the City. Each application for a license and each application for renewal of a license shall contain the following information:
 - (1) The name and home address of the applicant, and if the applicant is a corporation, association or other similar legal entity, the names and home addresses of each of the officers, members, partners, or shareholders of the organization as well as the names and addresses of the directors, or other persons similarly situated, of the organization.
 - (2) The names and home addresses of each of person who will be operating, advertising or promoting the bingo game.
 - (3) The names and home addresses of any person, organization or other legal entity that will act as surety for the applicant, or to whom the applicant is financially indebted, or to whom any financial obligation is owed by the applicant.
 - (4) A determination letter from the federal internal revenue service certifying that the applicant is an organization exempt under federal tax law.
 - (5) A determination letter from the state department of revenue certifying that the applicant is exempt under the tax laws of the state.
 - (6) The location at which the applicant will conduct the bingo games, and if the premises on which the games are to be conducted is to be leased, a copy of the lease or rental agreement.
 - (7) A statement showing the convictions, if any, for criminal offenses, other than minor traffic offenses, of each of the persons listed in (1), (2) and (3) above.

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The City shall refuse to grant a bingo license to any applicant who fails to fully provide the information required by this section.

- (c) Bingo games shall be operated only on premises owned by the nonprofit, tax exempt organization operating the bingo game, on property leased by the nonprofit, tax exempt organization and used regularly by that organization for purposes other than the operation of bingo games, or on property leased by the nonprofit, tax exempt organization operating the bingo game, from another nonprofit, tax exempt organization.
- (d) The licensee shall:
 - (1) Own all the equipment used to conduct a bingo game or lease such equipment from an organization that is also licensed to conduct a bingo game.
 - (2) Display its bingo license conspicuously at the location where the bingo game is conducted.
 - (3) Conduct bingo games only at the single location specified in the licensee's application.
 - (4) Not conduct more than one (1) bingo session during any one (1) calendar day and such session shall not exceed five (5) hours.
- (e) No person under the age of eighteen (18) years shall be permitted to play any game or games of bingo conducted pursuant to any license issued under this section or issued by the state unless accompanied by an adult. No person under the age of eighteen (18) years shall be permitted to conduct or assist in the conduct of any game of bingo pursuant to any license issued under this section or issued by the state.
- (f) The City manager or his designee shall have the specific authority to suspend or revoke any license for any violation of the provisions of this section after hearing before the administrative hearing officer in accordance with the rules and regulations governing the revocation and suspension of alcoholic beverage licenses.
- (g) By making applications for a license under this section, every applicant herewith consents that the City, as well as any of its agents for the City police department may come upon the premises of any licensee or upon the premises on which any licensee is conducting a bingo game for the purpose of examining the accounts and records of the licensee to determine if a violation of any provisions of this section have occurred.
- (h) The licensee shall provide to the City notice immediately upon receiving a suspension, notice of the violation, or revocation of its license issued by the state. In the event the licensee fails to provide such information to the City, then the licensee shall have its license revoked hereunder.
- (i) Notwithstanding the foregoing provisions, the licensee shall at all times comply with all state laws and rules and regulations issued by the state department of revenue pertaining to O.C.G.A. § 16-12-50 et seq.

Sec. 6-9-10. - Itinerant carnivals or amusements, to be permitted.

It shall be unlawful for any person to set up, maintain or exhibit any itinerant carnivals or similar forms of itinerant amusement within the City limits without first obtaining a special event permit as provided for in Chapter 6-7 of the City's Code or Ordinances.

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SECTION II.

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

SECTION III.

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

SECTION IV.

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

C. Danny Dunagan, Jr., Mayor

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

ATTEST:

Denise O. Jordan, City Clerk

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 11/21/2019

Presenter: Angela Sheppard

Item of Business: **Ordinance 2019-34**
Amend Chapter 6-7 entitled "Amusements, Public Demonstrations, Parades, Special Events, etc."
AN ORDINANCE TO AMEND CHAPTER 6-7 OF THE CODE OF ORDINANCES, WHICH CHAPTER IS ENTITLED "AMUSEMENTS, PUBLIC DEMONSTRATIONS, PARADES, SPECIAL EVENTS, ETC.," BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Meeting Date: 12/17/2019

Purpose of Request:

To amend Chapter 6-7 entitled "Amusements, Public Demonstrations, Parades, Special Events, etc.".

History/Background:

The Special Events Review Committee discussed and reviewed the ordinance. The ordinance will standardize certain procedures and standardize fees for services. Along with a revised ordinance, the City will establish a revised policy and application with fee schedule.

Facts & Issues for Consideration:

Department Recommendation:

Adoption of the Ordinance.

Department Director:

Bryan Lackey

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description

Type

Passed: _____

AN ORDINANCE

No. 2019-34

AN ORDINANCE TO AMEND CHAPTER 6-7 OF THE CODE OF ORDINANCES, WHICH CHAPTER IS ENTITLED “AMUSEMENTS, PUBLIC DEMONSTRATIONS, PARADES, SPECIAL EVENTS, ETC.,” BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

SECTION I.

Chapter 6-7 of the Code of Ordinances is hereby amended by eliminating it in its entirety and substituting in its place the language set forth below:

CHAPTER 6-7. SPECIAL EVENTS AND SPECIAL EVENT PERMITS

ARTICLE 1. PURPOSE AND DEFINITIONS

Section 6-7-1. Purpose.

The purpose of this Chapter is to provide for and regulate the use of public property for private purposes, to ensure proper care of public property, and to provide for the safety and well-being of special event participants and the general public.

Section 6-7-2. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Applicant* is any person who applies for a permit to hold a special event as required by this Chapter.
- (b) *City* means the City of Gainesville.
- (c) *Fee schedule* means the special event schedule of fees that is kept on file at the City Police Department.
- (d) *Parade* means any march, demonstration, procession or motorcade consisting of persons, animals, or vehicles, or a combination thereof, upon public property that interferes with or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic upon public property. For the purposes of this Chapter, a parade is considered a

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special event. If the specific purpose of a demonstration, whether on private or public property, is to protest, then the demonstration would fall under the definition of picketing.

- (e) *Permittee* means a person that has been granted and issued a special event permit under this Chapter.
- (f) *Permit review committee* means the committee that will review special event permit applications, which committee shall be comprised of the City's chief of police, fire chief, human resources/risk manager, public works director, tourism director, business services manager, and the assistant City manager, or their designated representative(s). The chief of police or his designated representative shall be the chairperson of the committee.
- (g) *Person* is any individual, firm, partnership, association, corporation, company or other entity or organization.
- (h) *Picketing* means a form of demonstration in which participants (called *pickets*) congregate outside a place of work or other location to protest with an intent of attracting public attention.
- (i) *Public property* means any City street, sidewalk, park, beach, or other public space within the City, including but not limited to the downtown square.
- (j) *Race or Run* means a special event involving ten (10) or more participants running or walking along a defined route upon public property as part of a competition, fundraiser or other organized event for a fee or donation. This definition would include, for example, a marathon, 5K or 1-mile fun run.
- (k) *Sidewalk* is any area set aside or open to the general public for the purpose of pedestrian traffic, whether or not the area is paved.
- (l) *Sound-amplifying system* means any loudspeaker system or equipment, sound-amplifying system, and/or any apparatus, equipment, device, instrument or machine designed for or intended to be used for the purpose of amplifying sound or increasing the volume of the human voice, musical tone, vibration or sound wave.
- (m) *Special event* means any gathering of people for a common purpose upon public property that has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic and is planned by a person other than the City. The definition of a special event includes, but is not limited to, picketing on public property, parades, races, and carnivals. The definition of special event specifically excludes a facility rental through the City's Parks and Recreation.
- (n) *Special event permit* means a permit to hold a special event as required by this Chapter.
- (o) *Special event policy* means the policy maintained by the permit review committee regulating the terms and conditions of approval for special event permits and of conducting special events, which policy is authorized pursuant to this Chapter.
- (p) *Street* is any place set aside or open to the general public for purposes of vehicular traffic, including any right of way, parking space, alley, or median strip thereof.

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- (q) *Vehicle* shall include any device which moves on wheels or tracks whether under its own power or otherwise.

Sec. 6-7-3. - 6-7-20. Reserved.

ARTICLE 2. SPECIAL EVENTS, PARADES AND RACES

Sec. 6-7-21. Short title.

This Article shall be known and may be cited as the "special event ordinance" of the City.

Sec. 6-7-22. Permit required.

No person shall organize, produce, direct, conduct, manage, institute or carry on any special event without first applying for and obtaining a special event permit as provided for in Article 3 of this Chapter. A permit is required if a person desires to reserve and preempt public use of a portion of public property for a temporary period. A person shall not promote, advertise, encourage or solicit attendance or otherwise participate in a special event until a permit has been issued for such special event. A person shall not promote, advertise, encourage or solicit attendance or otherwise participate in a special event for which a special event permit has been suspended or revoked.

Sec. 6-7-23. Interference with special event prohibited.

No person shall knowingly join or participate in any special event in violation of any of the terms or conditions of the permit issued therefor or in violation of any regulations applicable to special events pursuant to this Chapter, or knowingly join or participate in any special event over the objection of the permittee, or in any manner interfere with the orderly conduct of any special event.

Sec. 6-7-24. Regulations for conduct of special events.

- (a) The special event policy maintained by the permit review committee shall include rules and regulations relating to the following:

- (1) Parking
- (2) Sanitation, including trash and restrooms
- (3) Signage
- (4) Security
- (5) First aid
- (6) Damage deposit
- (7) Tents
- (8) Insurance

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- (b) No stake, post, pole, or any other device may be driven into the ground and no hole may be dug on public property without written authorization from the City.
- (c) No paintings or other permanent or semi-permanent markings may be used or sprayed on any public property, including streets.
- (d) No illegal drugs are allowed on public property.
- (e) A permittee must notify the City immediately of any serious injury, death, property damage, or vandalism occurring at a special event.
- (f) A permittee must comply with all laws, ordinances, and regulations adopted or established by federal, state, or local government agencies or bodies and by all City facilities policies and procedures.
- (g) A special event permit shall designate a start time and end time, including time for set up and break down, and the location for the special event, and no special event participant shall assemble prior to the set-up time at the location or shall remain after the break down time at the location.
- (h) No participant in a special event shall carry weapons (or facsimiles thereof), bricks, bats, sticks, rocks, bottles or any other instrument which could be used as a weapon.
- (i) It shall be the responsibility of the permittee to remove from the special event venue any discarded trash, bottles, literature, publications, or any other materials distributed to or used by participants at the special event venue.
- (j) Speeches shall be allowed only at a location designated in the special event permit and, in no event, shall speeches, rallies, be conducted in the streets.

Sec. 6-7-25. Public conduct during parades.

- (a) *Interference.* No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or with any person, vehicle or animal participating in or used in a parade.
- (b) *Driving through parades.* No person shall drive a vehicle that is not part of a parade into a parade while the parade is in progress.
- (c) *Parking on parade route.* The City Police Department shall have the authority to prohibit or restrict the parking of vehicles along a street serving as part of a parade. If the City Police Department exercises this authority, the City Police Department shall post notice of the parking prohibition or restriction. It shall be unlawful for any person to park or leave unattended any vehicle in violation of the notice of parking prohibition or restriction.

Sec. 6-7-26. Regulations for conduct of parades and races.

- (a) For the purposes of controlling pedestrian and/or vehicle traffic and congestion and of providing for the public health, safety and general welfare, the following regulations shall pertain to all parades and races conducted within the City:

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- (1) All parades shall be conducted along the route specified in the parade permit. It shall be unlawful for any person or participant to deviate from the route.
 - (2) All races shall be conducted along a route that has been preapproved by the City, which preapproved route shall be reasonably identified in the race permit. A map of all preapproved routes shall be kept on file at the City Police Department. It shall be unlawful for any person or participant to deviate from the route specified in the permit.
 - (3) Parades and races shall be conducted between the hours of 7:00 a.m. and sunset.
 - (4) No participant in a parade or race shall drink alcoholic beverages at the parade or race or be under the influence of any alcoholic beverages or drugs at the parade or race.
 - (5) Materials used in the construction of floats in a parade shall be of fire-retardant materials and shall be subject to such requirements concerning fire safety as may be determined by the fire chief.
 - (6) Once commenced, a parade or race shall not stop along the route, but shall continue to move, and any willful delay or willful stopping of said parade or race, except when reasonably required for the safe and orderly conduct of the special event, shall constitute a violation of the permit.
 - (7) Any materials distributed at a parade or race shall be distributed in such a manner as not to unduly delay or hinder the progress of the special event.
 - (8) Speeches shall be allowed only at the location(s) designated in the permit. The permittee shall advise all participants in the parade or race, either orally or by written notice, of the terms and conditions of the permit prior to the commencement of the special event.
- (b) Any other reasonable regulation or restriction may be imposed by the permit review committee and/or the chief of police for the protection and safety of the parade or race participants and/or the viewing public, or for the public health, safety and general welfare of the citizens of the City. However, such additional regulations or restrictions shall be specified in writing to the permittee upon issuance of the permit with all reasons therefor clearly enumerated.

Sec. 6-7-27. Regulations for conduct of picketing.

- (a) For the purposes of controlling pedestrian and/or vehicle traffic and congestion and of providing for the public health, safety and general welfare, the following regulations shall pertain to all picketing conducted on public property:
- (1) All picketing shall be orderly, and shall take into consideration the rights of any residents in the immediate area of the picketing to the peaceable enjoyment of their residences. To the extent that any residence is located within three hundred (300) feet of the location of any picketing, the pickets shall not use any sound amplification system, except for one (1) hand-held bullhorn; provided, however, that no hand-held bullhorn may be used in any such picketing between sundown and sunrise.
 - (2) Picketing shall only be conducted between sunrise and sunset.

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- (3) When picketing is conducted on public sidewalks maintained by the City, only the five (5) feet of the sidewalk closest to the curb shall be used by the pickets. No picketing shall be conducted either on the remaining portion of the sidewalks, so that pedestrian traffic shall not be impeded, or on any portion of the streets.
- (4) Movement by pickets shall be spaced at a width of no more than five (5) feet, side to side, and shall not otherwise block access on the sidewalk.
- (5) Pickets shall carry only signs made of materials which could not be used as a weapon. No metal or wood may be attached to signs.
- (6) No vehicles shall be used in any picketing. All pickets shall be on foot.
- (7) No person participating in any picketing shall carry bricks, bats, sticks, rocks, bottles, torches, combustible material, or any other instrumentality which could be used as a weapon.
- (8) No person participating in any picketing shall drink alcoholic beverages while picketing or be under the influence of any alcoholic beverages or drugs while picketing.
- (9) Picketing is prohibited under the following conditions:
 - (a) Within two hundred feet of a hospital, nursing home or rest home;
 - (b) Within one hundred (100) feet of any public or private school, K-12;
 - (c) For more than forty-five (45) minutes in front of any residence;
 - (d) On a state or federal highway or road, unless there has been compliance with all rules, regulations, and requirements imposed by the appropriate state or federal governing authority for the use of a state or federal highway or road as a private route.
- (b) The chief of police shall be given at least forty-eight (48) hours' written notice by any person planning to picket on private property. This written notice shall include the name of the person planning to picket, the location(s), by street address, which will be picketed, and the hours the picketing will be conducted.

Sec. 6-7-28. Duty to disperse as directed by police.

Whenever the free passage of any street or sidewalk in the City shall be obstructed by a crowd, the persons composing such crowd shall disperse or move on when directed to do so by a sworn officer of the City Police Department or City Code Enforcement. It shall be unlawful for any person to refuse to so disperse or move on when directed to do so by a sworn officer as provided herein.

Sec. 6-7-29 - Sec. 6-7-30. Reserved.

ARTICLE 3. PERMITTING PROCESS

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Sec. 6-7-31. Permit review committee established.

There is hereby established a permit review committee that is responsible for the review of special event permit applications and the issuance and administration of permits required under this Chapter. The City's chief of police or his authorized representative shall be the chairperson of the committee.

Sec. 6-7-32. Permits generally.

- (a) The special event policy maintained by the permit review committee shall include rules and regulations relating to the deadlines for submitting applications and the method of determining priority of applications.
- (b) Special events organized by the City take precedence over other special events.
- (c) All special events must be conducted in accordance with the terms and conditions of the permit issued by the City, the regulations of this Chapter, and the City's special event policy. The special event policy is kept on file at the City's Police Department.
- (d) In addition to obtaining the special event permit, the applicant may be required by other laws to obtain additional permits. Obtaining a special event permit under this section will not substitute for any other permit required by law. Any state permits required by law or by the regulations of the state department of transportation must be obtained prior to the issuance of a permit by the City under this Article.

Sec. 6-7-33. Application for special event permit.

Applicants shall apply for a special event permit using the form provided by the City Police Department, and applications shall be reviewed by the permit review committee. The application shall contain the following information:

- (a) Applicant identifying information
- (b) Event
- (c) Sanitation plan
- (d) Security plan
- (e) Event map
- (f) City services requested
- (g) Property owner permission
- (h) Race route, for races
- (i) Signature of applicant
- (j) Other information: Such other information as the permit review committee may reasonably request in order to adequately evaluate the application.

An applicant is responsible for notifying the City immediately of any change to the information provided or requests made in the application for a special event permit. The City may not be able to honor last minute changes or requests.

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Sec. 6-7-34. Procedure for processing special event permit applications.

- (a) The City Police Department shall be responsible for processing all special event permit applications.
- (b) All special event permit applications shall be filed with the City Police Department to be forwarded to the members of the permit review committee. Applications may be submitted in person, mailed, e-mailed or completed on-line.
- (c) A special event permit application fee shall be due at the time the application is filed.
- (d) The permit review committee may request additional information from the applicant if such information is reasonably required to evaluate the application and may place conditions on the approval of a special event permit, including the payment of fees for City services required to conduct the event, to ensure the protection and safety of the parade or race participants and/or the viewing public, or the public health, safety and general welfare of the citizens of the City.
- (e) If any member of the permit review committee objects to the approval of the special event permit application, the chairperson shall promptly convene a meeting of the committee.
- (f) If, after a meeting of the permit review committee, the permit review committee does not unanimously approve the special event permit application, the permit shall be denied.
- (g) The City Police Department shall notify the applicant in writing of the approval or denial of the special event permit application. If the special event permit application is approved subject to any terms and/or conditions, said terms and/or conditions will be stated in writing, as will any costs that will be imposed upon the permittee. If the special event permit application is denied, the reasons for denial will be stated in writing.

Sec. 6-7-35. Surety and insurance.

Prior to the issuance of a permit, the permit review committee may require one or more of the following from the applicant:

- (a) An agreement that the City shall be compensated for any damage to public property, and that the special event location shall be cleaned and restored to the condition in which it was found prior to the holding of the special event;
- (b) The deposit of cash in an amount sufficient, in the opinion of the City, to guarantee the cleanup of the location and the removal of any debris left as a result of the special event;
- (c) Proof of general liability insurance and property damage insurance acceptable to the permit review committee in minimum limits as required by the permit review committee naming the City as an insured; and/or
- (d) Execution of a hold harmless agreement, indemnifying the City for any personal injury or property damage arising from such special event.

Sec. 6-7-36. Street Closure Requests.

- (a) An applicant may request that a street, or portion of a street, be closed to accommodate a special event. However, the permit review committee will determine if the street is to be

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closed, the portion of street to be closed, and the frequency of permitted road closures, based on impact to the public.

- (b) The same portion of any public street may not be closed for any special event more than once every thirty (30) days, unless specifically permitted by the permit review committee or closed by the City. In order for the permit review committee to consider closing the same portion of a public street more than once during a thirty (30)-day period, the applicant must submit a petition bearing the signatures of ninety (90) percent of property owners located on or within 500 feet of the impacted area or boundaries of the street proposed to be closed. The permit review committee may, but is not required to, allow the portion of the public street to be included in the application for street closure.
- (c) Any street closures must allow for access by emergency vehicles and are subject to review by emergency personnel.
- (d) If a street closure is approved, it is the permittee's responsibility to make arrangements for obtaining and placing of barricades or traffic control devices through Public Works and to pay any applicable fees for such City services.
- (e) Subsection (b) of this section shall not apply to parades and races.
- (f) Street closures may require additional permits and/or permission from the Georgia Department of Transportation, and it is the responsibility of the permittee to obtain any such required permits/permission.

Sec. 6-7-37. Conditions for granting permit.

- (a) The permit review committee may grant a special event permit subject to reasonable terms and conditions concerning, but not limited to, the following:
 - (1) Time and duration of the event;
 - (2) Area upon which the special event will take place and manner of conducting event;
 - (3) Number of participants;
 - (4) Use of City resources;
 - (5) Security;
 - (6) Traffic control;
 - (7) Road closure(s);
 - (8) Emergency access;
 - (9) First aid;
 - (10) Restroom access;
 - (11) Sanitation plan;
 - (12) Utility usage;
 - (13) Parking;
 - (14) Signage;

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- (15) Noise; and/or
- (16) Insurance Requirements.
- (b) At least fourteen (14) days prior to the date scheduled for the special event, the permittee will be required to pay for fees such as utility charges, increased public safety protection, solid waste services, or any additional City services required by the permit review committee and in accordance with the City's special event policy and the fee schedule. The applicant or permittee, as a condition of receiving approval of a special event permit, agrees to bear any and all such costs.
- (c) The permittee is responsible for restoring the special event location's grounds and public space to its condition immediately prior to the set-up time of the event designated in the permit. Should damage to the streets, grounds, monuments, plantings, benches, or other infrastructure of the public space occur as a result of, or arise from, the special event, the permittee is solely responsible for the cost of repairing the damage, or of replacing the damaged item(s) if the City finds that replacement is necessary. The damages or cost of repairs will be deducted from the damage deposit. If damages are in excess of the damage deposit, the permittee shall reimburse the City accordingly.
- (d) As an additional condition to the issuance of an approved special event permit, the applicant or permittee shall be required to ensure that participants and spectators of the special event abide by any terms and conditions of the permit, the rules and regulations of this Code, and all other applicable local, state and federal laws.

Sec. 6-7-38. Contents of granted permit.

If a special event permit is granted by the permit review committee, the special event permit will contain the following information:

- (a) The name of the permittee;
- (b) The address and telephone number of the permittee;
- (c) The type of activity for which the permit has been issued;
- (d) The date, hours, duration, and location for the special event;
- (e) Any approved road closures;
- (f) The permit's expiration date and/or times, including times for set up and break down, for the special event; and
- (g) Any terms and/or conditions imposed on the conduct of such special event.

Sec. 6-7-39. Grounds for denial of permit.

- (a) The permit review committee may deny a special event permit application for any of the following reasons:
 - (1) The application is not made on the form provided by the City or does not contain the required information;
 - (2) Proof of insurance, or agreements and/or deposits regarding damage to public property, as may be required by the permit review committee as a prerequisite to

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the holding of a special event, has not been filed with the City or executed by the permittee;

- (3) The applicant knowingly made a false, misleading or fraudulent statement of material fact in the application for the permit or in an application for a prior permit;
- (4) The conduct of the special event will be contrary to law;
- (5) The special event does not comply with or fails to meet all of the health, zoning, fire and safety requirements or standards of City Code of Ordinances or the Unified Land Development Code, or any applicable county or state law or regulations;
- (6) The conduct of the special event will unreasonably interfere with the preservation of the public peace, health, safety or welfare of the public;
- (7) The proposed activity or location of the proposed activity interferes with or unreasonably obstructs the free flow of vehicular traffic on any street, or of pedestrian traffic on the sidewalks;
- (8) The conduct of the special event will require too great a diversion of public resources so as to prevent the City from providing normal protection and services of the City;
- (9) The applicant has had a similar special event permit denied or revoked for good cause within one (1) year prior to the filing of the application, and, in the event of denial, can show no material change in circumstances since such denial;
- (10) The applicant failed to abide by or comply with all terms and conditions of a permit previously issued to the applicant in the twelve (12) months prior to the filing of the application;
- (11) The special event is to be held for the sole purpose of advertising or selling any product, good, or service and is designed to be held purely for private profit;
- (12) The applicant or permittee refuses to agree to, abide by, or comply with all terms and conditions and regulations imposed upon the applicant or permittee by the permit or law; and/or
- (13) Such special event will interfere or conflict with another special event for which a permit has already been issued, or will interfere or conflict with another event for which no permit is required by this Code.

- (b) The permit review committee shall notify the applicant in writing specifically stating all reasons for denial of the permit.

Sec. 6-7-40. Suspension or revocation of permit.

- (a) A permit for a special event issued under this Article shall be summarily suspended or revoked by the City's chief of police or his/her designee at any time:
 - (1) When the applicant fails to comply with or abide by any permit terms or conditions;
 - (2) When there is reasonable cause to believe that any of the grounds exist for which the original application for the permit would have been denied; or

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(3) When there is reasonable cause to believe that the health, safety and welfare of persons or property would be endangered because of inclement weather, real or threatened disaster, public calamity, riot or another public emergency.

(b) Notice of such suspension or revocation shall be made in writing to the permittee.

Sec. 6-7-41. Right to appeal.

An applicant whose application is denied or a permittee whose permit is suspended or revoked shall have the right to appeal the denial, suspension, or revocation to the permit appeals committee as set forth in Article 4 of this Chapter.

Sec. 6-7-42. - 6-7-50. Reserved.

ARTICLE 4. - PROCEDURE FOR APPEAL

Sec. 6-7-51. Permit appeals committee established.

There is hereby established a permit appeals committee that is authorized to receive and hear appeals and to affirm or overturn the denial, suspension or revocation of a special event permit by the permit review committee. The permit appeals committee shall consist of the City manager and the city attorney. Such appeal shall be a condition precedent to judicial review.

Sec. 6-7-52. Appeal of denial, suspension or revocation of permit.

An appeal from denial, suspension or revocation of a special event permit may be taken by the applicant or permittee to the permit appeals committee within three (3) days of the service of notice of such denial, suspension or revocation. Such appeal shall be in writing, setting forth fully the grounds upon which the appeal is based, and shall be filed with the City clerk, who shall immediately forward copies to the permit appeals committee and the permit review committee. Within five (5) business days of the filing of the appeal, the permit review committee shall submit to the permit appeals committee its entire file for and a report of the case appealed.

Sec. 6-7-53. Permit appeals committee's action on appeal.

- (a) Within ten (10) business days after the filing of an appeal with the City clerk, the permit appeals committee shall hear the appeal. Written notice of the time and place for the hearing at which the permit appeals committee will consider the appeal shall be mailed by the City clerk to the applicant or permittee who filed the appeal and to the permit review committee at least three (3) days before the date set for hearing, unless the applicant or permittee shall waive notice in writing. Within five (5) days after the hearing, the permit appeals committee shall issue its decision.
- (b) In any appeal, the permit appeals committee shall consider the application, the report submitted by the permit review committee, and other pertinent information presented either by the applicant or permittee and/or by the permit review committee, and may grant or deny the permit subject to the terms, conditions, and regulations set forth in this Chapter. The decision of the permit appeals committee shall be final.

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Sec. 6-7-54. Decision review by permit appeals committee.

- (a) The permit appeals committee may, on its own motion made within twenty (20) days after the decision of the permit review committee, review the issuance, denial, suspension or revocation of any permit, or review any term or condition attached thereto.
- (b) If, after review, the permit appeals committee determines that the matter should be heard on appeal before it, the permit appeals committee shall order the City clerk to notify the applicant or the permittee, and the permit review committee, of the time and place of the hearing, as provided in Section 6-7-63. After such hearing, the permit appeals committee may grant or deny the permit subject to the conditions, terms and regulations set forth in this Chapter.

ARTICLE 5. PENALTY FOR VIOLATION.

Any person violating any provision of this Article or a term or condition of a special events permit shall, upon conviction thereof, be punished as provided in section 1-1-7 of the City Code of Ordinances; and each person shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Article is committed, continued or permitted.

SECTION II.

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

SECTION III.

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

SECTION IV.

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

C. Danny Dunagan, Jr., Mayor

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

ATTEST:

Denise O. Jordan, City Clerk

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 12/10/2019
Presenter: Angela Sheppard
Item of Business: BR-2019-46 Special Event Policy & Permit Application
Meeting Date: 12/17/2019

Purpose of Request:

To adopt the Special Event Policy, Application and associated Fee Schedule.

History/Background:

This resolution is to adopt the Special Event Policy and Special Event Permit Application, with associated fees. The resolution also authorizes the Special Event Permit Review Committee to update the policy and fees as needed from time to time.

Facts & Issues for Consideration:

The policy and application have been reviewed by the Special Event Review Committee.

Department Recommendation:

Adoption of the Resolution.

Department Director:

Bryan Lackey

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
BR-2019-46 Special Event Policy & Application	Resolution
Special Event Policy	Policy
Special Event Application	Backup Material

RESOLUTION BR-2019-46

ADOPT ION OF SPECIAL EVENT POLICY AND PERMIT APPLICATION

WHEREAS, the City provides for and regulates the use of public property for private purposes to ensure proper care of public property, and to provide for the safety and well-being of special event participants and the general public; and

WHEREAS, pursuant to Section 6-7-1 et seq. of the Code of Ordinances of the City of Gainesville, the City desires to implement and adopt policies, procedures and fees regarding holding special events; and

WHEREAS, the attached Special Event Policy and Special Event Permit Application with associated fee schedule have been reviewed by City staff; and

WHEREAS, the Special Event Policy and Special Event Permit Application with associated fee schedule may need to be amended from time to time by City staff.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body hereby adopts the Special Event Policy and Special Event Permit Application and associated fee schedule as attached hereto.

BE IT FURTHER RESOLVED that the governing body hereby authorizes the Special Event Permit Review Committee to amend the Special Event Policy and Special Event Permit Application with associated fee schedule, as necessary from time to time to effectuate the provisions of Section 6-7-1 et seq. of the Code of Ordinances of the City of Gainesville.

Adopted this _____ day of _____, 2019.

C. Danny Dunagan, Jr., Mayor

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

ATTEST:

Denise O. Jordan, City Clerk

CITY OF GAINESVILLE SPECIAL EVENT POLICY

Policy Statement

The City of Gainesville recognizes the value of special events to create a sense of community, improve quality of life, encourage cultural activities, attract visitors to the city, and support local businesses. The purpose of this policy is to establish an organized process to manage third party special events that occur on public property, ensure proper care of the property, and not hamper public services, programs or activities.

Criteria

By definition, a special event is any gathering of people for a common purpose upon public property that has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic and is planned by a person other than the City. The definition of a special event includes, but is not limited to, picketing on public property, parades, races, and carnivals. The definition of special event specifically excludes a facility rental through the City's Parks and Recreation.

Application Procedures

Anyone interested in hosting a special event on public property must submit a completed Special Event Permit Application to the Police Department. All associated forms, fees, and documents must be submitted and be reviewed by the Permit Review Committee before a permit can be issued. Per city ordinance, the event organizer cannot advertise or promote a special event until a permit has been issued.

For single, non-recurring special events, the event organizer must file a Special Event Permit Application not less than thirty (30) or more than one hundred eighty (180) days before the date proposed for holding a special event.

For special events held on a regular or recurring basis, but not more than quarterly, at the same location by the same applicant, an application for a permit covering all such special events during that calendar year may be filed with the police department not less than sixty (60) or more than three hundred sixty-four (364) days before the date proposed for holding the first special event.

The scheduling of events is on a first-come, first-served basis, which will be based on the date the permit is approved. Events organized by the City take precedent over other special events.

If the application is approved, the Police Department will provide a permit outlining the terms of approval, any special conditions, as well as costs and requirements necessary for the organizer to host the described event.

Instructions and application forms are available at the Gainesville Police Department and online at www.gainesville.org. Completed application forms may be submitted in person, by mail, by email, or through the website. Payments can be made online or in person at the Police Department by card, check or cash.

Contents of Application

Application for a permit to hold a special event shall be made on forms provided by the City and approved by the special events review committee. The application shall contain the following:

- 1) **Applicant information**: The name, address and contact information of the applicant and, if applicable, the name of the organization for which the special event is to be conducted.
- 2) **Event details**: A detailed description of the special event proposed to be held, the date, hours and location where the event is proposed to be held, including hours needed for event set-up and breakdown, layout of the event, the number of persons participating in the event, number of spectators and vehicles expected, the purpose of the event, whether the event will be open to the public, whether any food or alcohol will be served and any other information required by the special event permit application.
- 3) **Event Map**: The event map should be detailed and include, but not be limited to, the following information: an outline of the entire event venue to include names of streets and areas surrounding the venue, all street and lane closures requested, the location of any fencing, first aid stations, emergency exits, portable/ temporary structures, food or cooking areas, source of electricity, locations of portable toilets, provisions for an emergency access lane through the venue, and any other related components not listed herein. If the event is a race, indicate which of the City pre-defined routes will be used.
- 4) **Parking Plan**: Parking areas for the special event should be outlined in the event map. If the special event requires the closure of public parking areas “No Parking Signs” detailing the date and times parking will be restricted must be posted at least 48 hours prior to the event, including set-up. The event organizer is required to check the signage 12 hours prior to the event to ensure they are still posted and in their correct locations. Any missing or damaged signs must be replaced daily prior to the event. Only a representative of the Gainesville Police Department can authorize towing or moving a vehicle on public property. The event organizer shall coordinate with the Gainesville Police Department in the event a vehicle is left parked and unattended in the special event area. It is the event organizers responsibility to make all arrangements and pay any fees applicable for the towing / moving of any vehicles. All “No Parking Signs” shall be removed by the organizer at the conclusion of the special event.
- 5) **Sanitation Plan**: A sanitation plan is required for all events. The permit review committee will review the application and determine if the sanitation plan is appropriate or reserves the right to require additional services. It is the event organizer’s responsibility to make arrangements for trash receptacles. Use of public trash cans cannot be the only planned sanitation component for an event. The event organizer is responsible for depositing and removal of any trash into appropriate trash receptacles following the event in order to ensure event area is restored to its original condition. It will be the event organizer’s

responsibility to pay any security deposits and make arrangements to pay fees for any additional sanitation services.

- 6) Restroom Access: For all events more than 2 hours in duration, portable toilets and/or public or private restrooms will be required. Portable toilets / public or private restrooms will be required for any event where alcohol is served, regardless of time.
 - a. As required by the Georgia Department of Public Health, two toilets per 250 persons will be the ratio to determine the number needed. In compliance with the Americans with Disabilities Act, at least one restroom is to be handicap accessible.
 - b. It is the event organizer's responsibility to make all arrangements for drop-off and pick-up and paying of any fees associated with portable toilets and or the cleaning of any public or private restrooms.
 - c. Portable toilet placement and or public or private restroom facilities must be included on the event map. Portable toilets must be removed by the end of the next business day.
 - d. Use of public restrooms will be allowed if restrooms and staff are available and the event organizer hires City staff to open, manage, clean and close the public restroom during and after the special event. The Permit Review Committee reserves the right to determine the appropriate number of staff needed for use of the public restrooms.
- 7) Signage: City of Gainesville ordinances must be followed regarding sign regulations. Unified Development Code Article 9-18.
- 8) Surety and insurance: Prior to the issuance of a permit, the permit review committee may require one or more of the following from the event organizer:
 - a. An agreement that the city shall be compensated for any damage to public property, and that the site shall be cleaned and restored to the condition in which it was found prior to the holding of the special event.
 - b. The deposit of cash in an amount sufficient, in the opinion of the City, to guarantee the cleaning up of the site and the removal of any debris left as a result of the holding of the special event.
 - c. That the applicant provide general liability insurance and property damage insurance acceptable to the special events committee in minimum limits as set by the special events committee naming the city as an insured; or
 - d. Execution a hold harmless agreement, indemnifying the city for any personal injury or property damage arising from such special event.

- 9) Property owner permission: If the special event requires a special event permit and any portion of the event will take place on private property, a written letter from the private property owner giving permission to use the property is required, unless the applicant is the property owner. The letter must be signed by the property owner or a business manager, if the property owner is an entity.
- 10) Race Route: If the special event is a race, applicant must indicate which of the pre-approved City routes will be used for the event;
- 11) First aid: For events with 1,000 and more attendees, first aid stations will be required. The permit review committee must approve the plan and reserves the right to require additional services in the interest of public safety.
- 12) Signature of applicant: The application shall be signed by the applicant under penalty of perjury.
- 13) City services requested: A detailed description of City services being requested to support the event including, but not limited to, security, traffic control, solid waste, and/or power connections. The City shall determine if the services can be provided and shall charge the applicant for the service based upon the fee schedule. Additional detail regarding these services is outlined below:

a) Security:

An event security plan must be approved by the Police Department for events involving street closures, alcohol, or having over 250 attendees. The security plan should include, but not be limited to, crowd control, venue security and safety, the number of any extra duty Gainesville Police Officers expected to be hired. The Gainesville Police Department reserves the right to require additional services in the interest of public safety.

b) Street closures:

- a. An applicant may request a street, or portion of a street, be closed as part of a special event. Street closures, traffic control, or barricades must be outlined in the description of the event and on the event map. The permit review committee will determine if the street is to be closed, the portion of street to be closed, and the frequency of permitted road closures, based on impact to the public.
- b. No portion of any public street may be closed for a special event more than once every thirty (30) days, unless done so by the City. In order for the permit review committee to consider closing the same portion of a public street more than once during a thirty (30)-day period, a petition is required

bearing the signatures of ninety (90) percent of tenants that are located within 500 feet of the impacted area or boundaries of the street proposed to be closed. The permit review committee may designate the impacted areas to be included in the petition for street closure.

- c. Any street closures must allow for access by emergency vehicles and are subject to review by emergency personnel.
- d. Street closures may require additional permits and/or permission from the Georgia Department of Transportation and it is the responsibility of the event organizers to obtain all such permits/permission.
- e. If a street closure is approved, it is also the event organizer's responsibility to make arrangements for obtaining and placement of any barricades or traffic control devices and the paying of any applicable fees through Public Works. Barricades or traffic control devices shall not be put in place prior to the permitted start time of the event.
- f. Approved races and parades are exempt from the 30-day limitation on street closures.

c) Utility usage:

Specific requirements for the use of electricity and/or water must be submitted in the event description. The City may not be able to accommodate all requests for utilities. Electricity and/or water at publicly owned venues is not available without permission from the City of Gainesville. For events that utilize electricity and/or water, the City of Gainesville will require additional payment for such. If generators are to be used, their location and size shall be outlined in the event description and on the event map.

Events Fees and Charges

Event organizers will be held responsible for all costs and requirements set forth by the City to ensure the event is safe, well organized, and does not represent a burden to the taxpayer. Fees are outlined in the Fee Schedule adopted by the City and kept on file at the Police Department. These can include, but are not limited to:

- Special Event Permit Fee
- Use of Street Barricades
- Repairs or maintenance
- Security
- Additional Permits for vending/concessions/alcohol, etc. that may be required.
- Use of City Staff, including police officers, sanitation workers, traffic services, etc. (paid directly to the individual)

The event organizer is responsible for describing the proposed event as accurately as possible on the Special Event Application and attaching all required documentation before submitting the request. This will help the Permit Review Committee determine if any additional resources or requirements are necessary to ensure the event runs as smoothly as possible.

A refundable damage deposit is required for all special events and must be paid at the same time as the event fee. The event grounds and public space must be left in the same condition in which it was found. Any damages or needed repairs will be the sole responsibility of the event organizer and will be deducted from the event security deposit. If no damages occur, this deposit will be returned as soon as possible after the event date.

Payments are due 14 days prior to the event. Should the event be canceled due to weather, all fees and deposits can be applied to the rescheduled date of the event or be refunded. Should the event be canceled for any other reason besides weather, the City will retain all fees for services rendered per the date and time of cancellation.

Application Denial and Revocation

An application may be denied or revoked for the following reasons:

1. The application is not on the form provided or does not contain the required information;
2. Proof of insurance, or agreements and/or deposits regarding damage to public property, as may be required by this article as a prerequisite to the holding of a special event, has not been executed or filed with the city;
3. The applicant has knowingly made any false, misleading or fraudulent statement of material fact in the application for a permit or in the application for a prior permit;
4. The conduct of the special event will be contrary to law;
5. The special event does not comply with or fails to meet all of the health, zoning, fire and safety requirements or standards of all of the ordinances of the city, the county or the state applicable thereto;
6. The conduct of the special event will unreasonably interfere with the preservation of the public peace, health, safety or welfare of the public;
7. The activity or location of the activity interferes with or unreasonably obstructs the free flow of vehicular traffic or other means of travel on any public street, or with pedestrian traffic on the sidewalks;
8. The conduct of the special event will require the diversion of so great a number of public safety resources as to prevent normal protection of the City.

9. The applicant has had a similar special event permit denied or revoked for good cause within one (1) year prior to the application, and can show no material change in circumstances since such denial;
10. The applicant failed to abide by or comply with all conditions and regulations of a permit previously issued to the applicant in the past twelve (12) months.
11. The special event is to be held for the sole purpose of advertising or selling any product, goods, or services and is designed to be held purely for private profit.
12. The applicant refuses to agree to, abide by or comply with all conditions and regulations attendant upon such permit; and
13. Such event will interfere or conflict with another event for which a permit has already been issued, or will interfere or conflict with another event for which no permit is required by this Code.

Any users found to be in violation of the guidelines outlined in this policy or City ordinance will be subject to all applicable fines and penalties, including the immediate closure of the event and loss of future application use privileges. If an event is shut down due to violations, no refund will be given.

Special Event Use Rules and Regulations

1. No permit will be issued until a complete application with all supporting documents including, but not limited to, permits, liability insurance, security plan, sanitation plan, etc. (as applicable) have been received.
2. Events or activities organized by the City of Gainesville will take priority over other requests.
3. The event organizer is also responsible for restoring the event grounds and public space to its condition immediately prior to the event or the event set-up. Should damage to the streets, grounds, monuments, plantings, benches, or other infrastructure of the public space occur as a result of, or arise from the event, the event organizer is responsible for reimbursing the City for the cost of repairing the damage, or replacing the damaged item(s) if the City finds that replacement is necessary. A Damage Deposit will be charged.
4. No stake, post, pole, or any other device may be driven into the ground and no hole may be dug without written authorization from the City. No painting or permanent markings may be used or sprayed on any facility, including streets.
5. Absolutely no illegal substances are allowed on City property.
6. The City of Gainesville must be notified immediately of any serious injury, death, property damage, or vandalism.
7. No refunds will be given if the event is cancelled by the City for failure to obtain appropriate permits or failure to abide by the terms of an approved permit.

8. The event organizer must comply with all laws, ordinances and regulations adopted or established by federal, state, or local government agencies or bodies and by all facility policies and procedures as provided by the City of Gainesville.
9. The event organizer is responsible for notifying the City immediately of any changes to the information provided or requests made in the application. City staff may not be able to honor last minute changes or requests.

SPECIAL EVENT PERMIT APPLICATION

Application Procedures

Any person interested in hosting a special event on City property must submit a completed Special Event Permit Application and the \$25.00 application fee to the City Police Department. The Special Event Permit Review Committee will review the application and may request additional information from the applicant. If the application is approved, the City Police Department will issue a permit containing the terms of approval, any special conditions, and fees required to conduct the special event. The Fee Schedule is as follows:

Fee Schedule

SCHEDULE OF FEES	
Application Fee	\$ 25.00
Damage Deposit	\$ 200.00
Electricity (per hook up)	\$ 25.00
Water	\$ 25.00
Barricades (each)	\$ 5.00
Traffic Cones (each)	\$ 1.00
Public Works Personnel (per employee/minimum 4 hours)	\$ 150.00, \$25 per additional hour
Security (per officer/minimum 4 hours)	\$ 160.00, \$40 per additional hour
Traffic Direction (per officer/minimum 4 hours)	\$ 180.00, \$45 per additional hour
Vehicle Fee (patrol, sanitation, etc./per hour)	\$ 10.00

Fees and the damage deposit will be due at least 14 days prior to the date scheduled for the special event. Should the event be canceled due to weather, all fees and deposits can be applied to the rescheduled date of the special event or be refunded. Should the event be canceled for any other reason besides weather, the City will refund the damage deposit but retain all fees for services rendered as of the date and time of cancellation.

Per the City's special event ordinance, no person, including the applicant, shall advertise or promote a special event until a permit has been issued.

Application Information

Event Organizer

Name: _____

Group/Organization (if applicable): _____

Applicant's relationship to organization: _____

Address: _____

Primary phone: _____ Cell phone: _____ E-mail: _____

If applicant will not be present during the special event, list name with contact information of an individual who will be present:

Event Details

Date(s) of event: _____

Type of event: _____

Examples: Walk/Run, Tournament, Festival, Concert, Wedding, Reunion, Parade.

Name of event: _____

Purpose: _____

Location: _____

Event start time: _____ Event end time: _____

Set up and break down times: _____

Number of attendees expected: _____

Is this event open to the public? Yes No

Will admission be charged? Yes No

If annual event, number of years in this location: _____

Event description for public distribution:

Public Resources Requested

Please detail what public resources may be needed for the special event. The Permit Review Committee will review this application to determine whether public resources are necessary and/or available for the special event. See Fee Schedule where applicable.

- ☐ **Street/sidewalk closure:** _____
The Permit Review Committee will determine if a special event warrants closure of public property. The same portion of any public street may not be closed for any special event more than once during a 30 day period, unless the applicant submits a petition to the City bearing the signatures of 90 percent of property owners on or within 500 feet of the impacted area or boundaries of the street proposed to be closed and the permit review committee allows the portion of the public street to be included in the application for street closure.

If your event requires police officer presence, you will be contacted directly by the City Police Department to coordinate appropriate arrangements. If your event requires the use barricades, you must so indicate on the application, in the blank above, and coordinate with the City's Public Works Department. Fees will apply.

- ☐ **Water:** _____
Not all parks or public spaces have utility connections. Fees will apply.

- ☐ **Electricity:** _____
Not all parks or public spaces have utility connections. Fees will apply.

- ☐ **Sanitation:** _____
A sanitation plan must be provided for any special event. Additional sanitation staff or trash receptacles may be necessary. The Permit Review Committee will determine if additional services are necessary, and additional fees may apply.

- ☐ **Security:** _____
An event security plan must be approved by the Permit Review Committee for any event involving street closures, if alcohol is being consumed, or for events having over 250 attendees. The City Police Department may determine that additional security services are necessary and additional fees will apply.

- ☐ **First Aid:** _____
For events expecting more than 1,000 or more attendees, first aid stations will be required. The Permit Review Committee must approve the plan and may require additional services in the interest of public safety.

- ☐ **Parking:** _____
Demonstrate access to sufficient parking based on the estimated attendance number.

- ☐ **Other:** _____

Public Health and Safety Requirements

- ☐ **Emergency access:** _____
Emergency vehicles must be able to access the special event in case of fire or other emergency. Emergency access shall be shown on the attached event map.
- ☐ **Restroom facilities:** _____
For events more than 2 hours in duration or events that will serve alcohol, two toilets per 250 persons must be provided at the special event location. At least one restroom must be ADA accessible. It is the permittee's responsibility to make arrangements for placement and removal of portable toilets. Locations of all restroom facilities should be noted on the event map.
- ☐ **Amplified sound:** _____
All amplified sound must comply with the City's Code or Ordinances and Unified Land Development Code. An amplification permit will be included with a special event permit, if granted.
- ☐ **Alcohol consumption:** _____
If alcohol is approved for consumption at the special event, the alcohol vendor shall work directly with the City's Business Services Manager to ensure that all appropriate permits are obtained. However, it is ultimately the permittee's responsibility to make sure that all laws and permit conditions are followed. Security is required for any event where alcohol is consumed.
- ☐ **Caterers/Vendors (any type):** _____
Other permits may be required by the City. All vendors must have a valid business license. Food vendors must present proof of recent health inspection. Additional requirements apply to alcohol vendors. It is the responsibility of the permittee to obtain proper documentation from each vendor and pay the required vendor permit fees.
- ☐ **Certificate of Insurance:** _____
The Permit Review Committee may require proof of general liability insurance and property damage insurance in an amount to be determined by the Permit Review Committee. In such event, the City of Gainesville must be named as an additional insured under the insurance policy. A certificate of insurance must be provided to the City prior to issuance of a special event permit. Insurance is to be placed with a duly licensed or approved non-admitted insurer in the State of Georgia with an "A.M. Best" rating of no less than A-VI. The City in no way warrants that the above required minimum insurer rating is sufficient to protect the Applicant from potential insurer insolvency.
- ☐ **Tents or staging:** _____
Tents, canopies, or stages shall be shown on the event map. Tents larger than 400 square feet must be inspected by the Fire Marshal and have restroom access. All tents must be weighted and shall not be staked into the ground.
- ☐ **Amusements:** _____
A valid certificate of liability insurance written by a carrier licensed to write insurance listing City of Gainesville as an "additional insured" must be provided for all play structures, petting zoos, or amusement rides on City property.
- ☐ **Race Route:** _____
If the special event is a race, indicate which of the pre-approved City routes will be used for the event.

Acknowledgement

Please check each box to indicate that you have read and understand the application process and your responsibilities as the applicant.

- ☐ I have completed this form to the best of my ability and affirm that all statements are accurate as of this date.
- ☐ I have attached an event map that shows all required items.
- ☐ I understand that once the special event application is accepted, fees and deposits outlined below must be paid to secure my permit and hold my event date for the selected venue.
- ☐ I understand that I must submit the required information and permit fees for any vendors associated with my event. Alcohol vendors must contact the Gainesville Financial Services Department to obtain temporary licenses and permits, as well as necessary state permits.
- ☐ It is my responsibility to obtain other state permits that may be necessary, such as a Georgia Department of Transportation permit to close a state road.
- ☐ I will not promote this event publicly until I receive an approved Special Event Permit.
- ☐ I understand that if the event does not comply with all of the terms and/or conditions stated on the permit, the City has the right to deny future event permits and to revoke any current permits.
- ☐ I understand and agree that the City shall be compensated for any damage to public property, and that the special event location shall be cleaned and restored to the condition in which it was found prior to the holding of the special event.
- ☐ I agree to hold the City harmless and indemnify the City for any personal injury or property damage arising from this special event.
- ☐ I understand that it is my responsibility to pay City staff directly for services provided. Failure to do so may result in the City denying future event permits.
- ☐ I have read and understand the City of Gainesville's Policy regarding Special Events.

Signature

Date

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 12/2/2019

Presenter: Abb Hayes

Item of Business: Request from the **City of Gainesville** to amend the Unified Land Development Code for the City of Gainesville, Georgia to amend Table 9-6-1 of Article 9-6 entitled "Permitted and Special Uses for Nonresidential Zoning Districts"; to amend Table 9-6-2 of Article 9-6 entitled "Dimensional Requirements for Nonresidential Zoning Districts"; to amend Section 9-8-7-6 entitled "Prohibited and Permitted Uses" within the Midtown Overlay Zone; to amend Article 9-10 entitled "Specific Use Provisions"; to adopt a new Section 9-10-6-2 entitled "Hookah, E-Cigarette and/or Vapor Lounge/Bar"; to adopt a new Section 9-10-6-13 entitled "Special Event Facility"; to adopt a new Section 9-10-6-14 entitled "Food Processing Plant"; to adopt a new Section 9-10-6-15 entitled "Lodging Services"; to adopt a new Section 9-10-6-16 entitled "Extended Stay Lodging Services"; to amend Section 9-10-1-2 entitled "Fences and Walls"; to amend Section 9-20-14-15 entitled "Suspension of Permits and Certificates"; and to amend Section 9-9-1-4 entitled "General Requirements".

- Proposed Ordinance 2019-35

Meeting Date: 12/17/2019

Purpose of Request:

To hold a public hearing pertaining to the following amendment to the ULDC request as presented at the November 12, 2019 Planning and Appeals Board Meeting:

The proposed amendments are intended to better regulate and provide for the use and definition of a "Hookah, E-Cigarette and/or Vapor Lounge/Bar"; the use and definition of "Retail Sales of All Alternative Nicotine Products"; the amended use and definition of "Lodging Services"; the amended use and definition of "Extended Stay Lodging Services"; the amended use and definition of a "Special Event Facility"; and the amended use of a "Food Processing Plant". In addition, specific regulations have been added for a "Hookah, E-Cigarette and/or Vapor Lounge/Bar"; "Special Event Facility"; "Food Processing Plant"; "Lodging Services" and "Extended Stay Lodging Services". Additional amendments include clarifying the residential density requirements within the Central Business (C-B) zoning district and within the Midtown Overlay Zone; Increasing the setback and buffer requirements for Light Industrial (L-I) and Heavy Industrial (H-I) zoned properties when adjacent to residential property; Amendments to the height, location and composition for fences and walls; Amendments to the Suspension of Permits and Certificates to allow the revocation of a certificate of occupancy and business license for criminal offenses for a period of 12 months; Amendments the "General Requirements" of the Site and Architectural Design Review standards to add subsections (f), (g) and (h) to address demolition within the Central Business District.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff recommended approval of the Code Amendments as presented. PAB recommended approval with changes being made to the proposed Lodging Services and Extended Stay Lodging Services ordinance within the next 30 days before going to City Council. See PAB Recommendation Memo for details and excerpts from the meeting minutes.

SAMPLE MOTIONS

Approval of Ordinance 2019-35:

I move to approve the ordinance to amend the Unified Land Development Code as presented.

Denial of the Request:

I move to deny this request.

Department Director:

Rusty Ligon

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description		Type
☐	Legal Ad	Legal Ad
☐	PAB Recommendation Memo	Report
☐	Proposed Ordinance 2019-35 Amend ULDC	Ordinance
☐	Proposed ULDC Amendment Ordinance Highlighted	Backup Material
☐	Gainesville ULDC Amendments - PAB	Backup Material
☐	Parker Poe LLP - Constitutional Issues & Objection to Proposed ULDC Amendments	Cover Memo

LEGAL AD
Gainesville City Council

Publish Sunday, December 1, 2019
THE TIMES

**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 17, 2019 at 5:30 p.m.** in the **Gainesville Justice Center** (Municipal Courtroom at the Public Safety Complex), 701 Queen City Parkway in midtown Gainesville on the following request:

- 1) Request from the **City of Gainesville** to amend the Unified Land Development Code for the City of Gainesville, Georgia to amend Table 9-6-1 of Article 9-6 entitled "Permitted and Special Uses for Nonresidential Zoning Districts"; to amend Table 9-6-2 of Article 9-6 entitled "Dimensional Requirements for Nonresidential Zoning Districts"; to amend Section 9-8-7-6 entitled "Prohibited and Permitted Uses" within the Midtown Overlay Zone; to amend Article 9-10 entitled "Specific Use Provisions"; to adopt a new Section 9-10-6-2 entitled "Hookah, E-Cigarette and/or Vapor Lounge/Bar"; to adopt a new Section 9-10-6-13 entitled "Special Event Facility"; to adopt a new Section 9-10-6-14 entitled "Food Processing Plant"; to adopt a new Section 9-10-6-15 entitled "Lodging Services"; to adopt a new Section 9-10-6-16 entitled "Extended Stay Lodging Services"; to amend Section 9-10-1-2 entitled "Fences and Walls"; to amend Section 9-20-14-15 entitled "Suspension of Permits and Certificates"; and to amend Section 9-9-1-4 entitled "General Requirements".

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

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

Memo

TO: City Council
FROM: Planning and Appeals Board
SUBJECT: ULDC Amendments
DATE: November 12, 2019

The Community and Economic Development Department is proposing to amend the following areas of the Unified Land Development Code:

1. Add the use and definition of a “Hookah, E-Cigarette and/or Vapor Lounge/Bar”, and to provide for specific regulations regarding these uses.
2. Add the use and definition of “Retail Sales of All Alternative Nicotine Products”.
3. Amend the use and definition of “Lodging Services” and “Extended Stay Lodging Services”, and to provide for specific regulations regarding these uses.
4. Amend the use and definition of a “Special Event Facility” and provide for specific regulations regarding this use.
5. Amend the use of a “Food Processing Plant” and provide for specific regulations for this type of use.
6. Increase the setback and buffer requirements for Light Industrial (L-I) and Heavy Industrial (H-I) zoned properties when adjacent to residential property.
7. Amend the residential density requirements within the Central Business (C-B) zoning district to provide for a Floor Area Ratio (FAR).
8. Amend the residential density requirements and the prohibited uses within the Midtown Overlay Zone.
9. Amend the height, location and composition for fences and walls.
10. Amend the Suspension of Permits and Certificates to allow the revocation of a certificate of occupancy and business license for criminal offenses for a period of 12 months.
11. Amend the “General Requirements” of the Site and Architectural Design Review standards to address demolition within the Central Business District.

Excerpts from the November 12, 2019 PAB Meeting Minutes

Public Comments:

Joshua Silavent, 475 North Avenue, formerly local journalist and homeless advocate – actively involved in working with the homeless community and stated the proposal will cause afflictions upon the homeless and prohibit them to a stable life. The homeless count is up 20 percent since 2017. It will displace families and living in a hotel is their last refuge. Many of those family's students go to our local city schools. A two-week gap in not being able to stay in a hotel is going to overburden, under staffed and under resourced missions, ministries, shelters and non-profits trying to help. Shelter is a basic need such as food and water so he asked that we oppose this proposal.

Mike Freeman, retired pastor – was a resident for almost 30 years and does not live in Gainesville. He has dealt with people that live in these facilities and is their last resort. If you limit how long someone can live in a hotel, at least do it on an individual basis. Many people have no other opportunity of a place to live in this community than those kind of operations. He has knowledge of this by dealing with people during his ministry having no other place to live, homeless and often with children. Please do not deal with the symptom unless you are going to deal with the disease as well.

Christine Osasu, 1738 Lanier Springs Drive, Director of Community Outreach for Habitat for Humanity of Hall County - costly to renovate units and will pass the cost along to the tenants, in the last 6 months, almost 300 people reached out to Habitat for Humanity who are homeless in Hall County have needed place to go, and only 1 of those has qualified. This is the case with many non-profits systems in this county. There are a variety of obstacles blocking them from using the services because there are a there is an entire community that is not being served by the non-profits for one reason or another. All non-profits have a specific set of criteria and many people are not meeting them. Those people are urban camping, living in tents in the cold. They are living three-four-five-six to a bedroom, and literally living in their car. Any ordinance that passes, amending something to make it more difficult whether on its face or in its application, something that makes it more difficult for people to secure housing, hope you would recommend they do not pass any amendment that would make it more difficult for people to secure housing.

Dr. Ursula Harris, 508 Oak Street, Gainesville City School Social Worker and Gainesville homeless liaison – in the last five years, there have been an increasing number of homeless families. It includes families living in hotels and motels because there is no other adequate space for them and those who reside in our four shelters which includes our domestic violence shelter. Over the last few years our average numbers are at least 60 students in motel and hotels plus another 60 who are in our shelters. Last year there were 240 students who are homeless and this year we are already at 341. Across Georgia, 18 percent of homeless students live in hotel and motels. Almost 20 percent of these students across this state. The requirements of shelters eliminate many of our families as stated. You must be married, work first shift or the age of children would disqualify them from staying at a shelter. There are difficulties with families who have students with behavioral disabilities. Also, if you have young children and they are not school age, you can't stay in shelters during the day. If these proposed regulations are put into place and there are no plans to displace anybody currently living in these situations, what resources will be made available for these families who be required to vacate their rooms after 15 or 30 day stays? What shelter is going to be available during this two-week

timeframe between the hotel stays and are there conversations being held with our shelter programs to address these gaps? Students experiencing homelessness struggle to stay in school, to perform well and to form meaningful relationships with their peers and adults. Ultimately, they are much more likely to fall off track and eventually drop out of high school. As a community, we must insure we are not contributing to the instability of children and families and the downfall of that same community. Instead we should be creating policies, procedures and programs that support and train our families to maintain fixed adequate and stable home environments.

Willie Mitchell, 795 College Avenue, Vice-Chairman Gainesville City Schools Board of Education – Hotel owners that are made to improve living conditions, the cost will fall back on our kids. It prohibits them from learning, education is a civil right and by making some rules and some regulations that causes us to have homeless kids. It needs to stop somewhere or either address some resources to make things happen. He stated if we talk about progress, he challenges anyone to get one of those 341 kids and tell them that progress is being made.

Autro Adame, 224 Boulevard, NE - local homeless advocate – following city council and City of Gainesville, their initiatives for the homeless since 2017. Since 2017 to this year he has only seen city council find ways to get rid of homeless problem. Not so much as to find solutions but just keep finding ways to set them back and displace more people. That trend is still going on this year. He feels the conversation even though it is not the intention, is to displace the people for staying at these hotels and that's what will happen. This should not be discussed until thinking of solutions. We haven't been thinking about solutions before the consequences of displacing them or whatever the city has been doing to get rid of the homeless problem here. Since 2017, he has not seen any real plans for affordable housing to assist any of the homeless shelters here and if these shelters were sufficient, they would not be in hotels currently.

Donald Croupat, 766 Jesse Jewell - currently living at an extended stay lodging facility in Gainesville for two years. He doesn't want to have to move from one hotel to another every 30 to 60 days. He works 65 hours a week, 40 hours at one job and 25 hours at a hotel and he can't come up with money to move out if any other unexpected expenses occur. He is concerned about the city wanting hotels to keep records of guests. He doesn't understand the need to know who is living where and doesn't want to lose his home and is very unhappy. He asked if there can be a grandfathered law to allow them to stay.

Richard Labriola, 1735 Browns Bridge Road - Manager of Hilton Garden Inn, Gainesville – 1735 Browns Bridge Road, majority of his clients do not fall into extended stay but it is not uncommon for guests to stay 15 days or more. Currently, there is a large group staying more than 17 days that is working on a project in Dawsonville. Under this proposal there would be no hotel to accommodate them in the city of Gainesville resulting in loss of revenue for merchants and the city. Business transactions in the modern world are based on speed and convenience. Electronic keys and digital check-in are provided to customers to help speed them on their way. There is no way for hotels to know if information on the profiles of these guests is current without having it verified each and every time they stay in our city. Again, this seems to be a recipe for loss revenue for merchants and the city. Businesses have an obligation to protect the privacy of customers and does not agree with allowing the city and its officers to inspect hotel records for compliance. Hotels would be exposing themselves, their management companies and their respected brands to potential legal action by sharing this information without the expressed approval of the guests. He urged the board to vote against this proposal.

Michael Fisher, 308 Spring Street – Ninth District Opportunity Housing Manager, – This is an unnecessary burden put upon the poor and vulnerable population of this community. There is a serious lack of affordable housing that can be used for this population to put them in. These hotels are a final refuge for many of these individuals and families. Taking this away from them leaves us to ask where do we put them. Do we give them freedom to just go live on the street because this is the last refuge for them? Help us protect these most vulnerable citizens and this population and these children because being poor is not a crime.

Jay Singh, 520 Queen City Parkway, Owner of Guest Lodge, Gainesville – lives in City of Atlanta – He has a group of contractors from Texas and have been here six weeks and another six weeks. Should we turn down business from that aspect? There are people that come from all over the world to work here and stay three, six and nine months at a time and not practical for them to move hotels every 15 days. He recommends for the board, hotel owners and non-profits come together to find a healthy solution to the issue.

Kenneth Washington, 1745 and 1755 Browns Bridge Road, General Manager Marriott Courtyard, Fairfield Inn and Suites, and Towne Place Suites by Marriott, Gainesville – which is an extended stay hotel. We focus on extended stay guests and have a lot of guests from Germany and California. If they were told they could only stay for 15 days, there would be a lot of revenue the city would lose. Also, they work with Habitat for Humanity and power company employees from out of town that stay in Gainesville. They have training in place for security measures and is very important to protect guest's personal information. That is a priority. It is very important before passing the amendment, and it would be beneficial that we all sit down as a board and find the best way to execute this plan.

Chairman Carter - Public portion of the meeting closed and asked Deputy Director Tate to respond to some of the comments raised.

Planning and Appeals Board Comments:

Deputy Director Tate – It does not impact existing extended stay/hotels. It is for primarily new/proposed hotels and extended stays. The length of time of 15 days in a hotel and no more than 30 days in an extended stay is currently on the books. This is a complaint driven ordinance in terms of this particular section. It's a difficult thing to monitor and we are not proposing to force anyone out into a homeless situation and they can continue to live where they are now. There is a balance and we understand the human side of this. The staff talked about this and desire to find a happy median between the length of stay verses life safety standards such as fire or mold issues. We want to make sure people are safe. If there are life safety issues code enforcement needs to be able to respond. It is not our intent to force people out on the street that are currently residing in the hotels and extended stay hotels.

Board Member Martin – concerned if new people come in from out of town will they be able to stay here. We are not changing the rules of the people living there now.

Deputy Director Tate – Yes, as long as they operate and have a valid Certificate of Occupancy and a business license as a hotel or extended stay hotel, they'll be able to continue to do that. It doesn't change with occupancy with people coming and going but there is the code enforcement aspect. We

want to make sure everything is safe, not just hotels and motels and extended stays but all businesses. This just puts in place a better foundation for our code enforcement.

Chairman Carter – asked Deputy Director Tate to respond to the comment if a work crew comes in from out of town to stay for a month or two for a work situation, how will that be addressed.

Deputy Director Tate – We are all taking notes on all these great points and before going to Council there will be an amended version of the ordinance to address these concerns. As far as the extended amount of time, it is really a complaint driven code.

Vice-Chair Fleming – commented on what will be changing if it is already in place.

Deputy Director Tate – If new extended stay or hotel were to be built, from the date of this passage or ordinance if adopted, then these standards would provide for a better foundation of standards for hotels and extended stay hotels. It provides for the ability for code enforcement to better respond to a complaint. It's primarily for new facilities.

Board Member Simmons – We don't want anyone to walk out of here thinking this board wants to put people on the street. It's not our intention. Law is being grandfathered in. He wants to challenge the homeless organization, local ministries and Habitat to work with some of the community people with homeless people on their credit. They don't want to be there and we have some work to do. We are not here to put anybody out on the street. Help fix it.

Board Member Martin – was concerned if a new hotel is built will people coming in from out of town get to stay or not.

Deputy Director Tate – Yes, which will not change. Hearing from the public there is some concern about the length of stay so staff will propose an amendment to this portion of the code prior to city council.

Chairman Carter – This is a recommendation body and we wanted to get the public input on this. If we make a decision to move forward, the purpose is to spend the next thirty days before it makes it to our City Council members and for staff to work with some of these individuals here to tweak it because there have been some very good points made tonight.

There was a motion to recommend approval of the request with changes being made to the proposed Lodging Services and Extended Stay Lodging Services ordinance within next thirty days before going to City Council.

Motion made by Board Member Thompson

Motion seconded by Board Member Martin

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

AN ORDINANCE

No. 2019-35

AN ORDINANCE TO AMEND TABLE 9-6-1 ENTITLED “PERMITTED AND SPECIAL USES FOR NONRESIDENTIAL ZONING DISTRICTS” OF THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF GAINESVILLE, GEORGIA (THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF GAINESVILLE, GEORGIA HEREINAFTER REFERRED TO AS “THE ULDC”) AS SET FORTH BELOW; TO AMEND TABLE 9-6-2 ENTITLED “DIMENSIONAL REQUIREMENTS FOR NONRESIDENTIAL ZONING DISTRICTS” OF THE ULDC BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; TO AMEND SECTION 9-8-7-6 ENTITLED “PROHIBITED AND PERMITTED USES” OF THE ULDC BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; TO AMEND CHAPTER 9-10-6 ENTITLED “PRINCIPAL NONRESIDENTIAL USES” OF THE ULDC BY ADDING SECTION 9-10-6-12 ENTITLED “HOOKAH, E-CIGARETTE LOUNGE, AND/OR VAPOR LOUNGE/BAR,” SECTION 9-10-6-13 ENTITLED “SPECIAL EVENT FACILITY,” SECTION 9-10-6-14 ENTITLED “FOOD PROCESSING PLANT,” SECTION 9-10-6-15 ENTITLED “LODGING SERVICES,” AND SECTION 9-10-6-16 ENTITLED “EXTENDED STAY LODGING SERVICES” AS SET FORTH BELOW; TO AMEND SUBSECTIONS (a), (b), AND (c) OF SECTION 9-10-1-2 ENTITLED “FENCES AND WALLS” OF THE ULDC BY ELIMINATING THEM IN THEIR ENTIRETY AND SUBSTITUTING IN THEIR PLACE THE LANGUAGE SET FORTH BELOW; TO AMEND SECTION 9-20-14-15 ENTITLED “SUSPENSION OF PERMITS AND CERTIFICATES” OF THE ULDC BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; TO AMEND SECTION 9-9-1-4 ENTITLED “GENERAL REQUIREMENTS” OF THE ULDC BY ADDING SUBSECTIONS (f), (g), AND (h) AS SET FORTH BELOW; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

SECTION I.

Table 9-6-1 of the ULDC is hereby amended by eliminating the uses entitled “Lodging services,” “Lodging services, extended stay,” “Special event facility,” and “Food processing plant, including poultry and fish” in their entirety and substituting in their places the language set forth below, as well as by adding the uses entitled “Hookah, E-Cigarette and/or Vapor Lounge/Bar” and “Retail Sales of all Alternative Nicotine Products” as set forth below:

ORDINANCE NO. 2019-35

Use	Definition	Specific Regulations	O-I	N-B	C-B	R-B	G-B	L-I	H-I
OFFICE AND COMMERCIAL USES									
Hookah, E-Cigarette and/or Vapor Lounge/Bar	An establishment where patrons use a communal hookah or pipe to smoke, or where patrons vape, or where patrons use e-cigarettes to smoke or smoke other alternative nicotine products.	9-10-6-12	X	X	X	X	X	○	○
Retail Sales of all Alternative Nicotine Products	Retail sales of all alternative nicotine products and non-traditional tobacco paraphernalia including but not limited to hookah, vapes, vape pens, e-liquids, e-cigarettes, and bongs, excluding retail sales in convenience stores.		X	X	X	○	○	○	○
Lodging Services	Lodging services: A facility offering shelter accommodations, or place for such shelter, to the public for a fee for 15 days or less in one or more rooms within the same facility, with provisions for living, sanitation, and sleeping. Includes hotels and motels.	9-10-6-15	X	X	●	●	●	●	●
Lodging Services, Extended Stay (also referred to as Extended Stay Lodging Services)	Lodging services, extended stay (also referred to as Extended Stay Lodging Services): A facility offering shelter accommodations, or place for such shelter, to the public for a fee for more than 15 days but not to exceed 30 days in one or more rooms within the same facility, with provisions for living, sanitation, sleeping and fixed cooking appliances. Includes hotels and motels.	9-10-6-16	X	X	X	X	○	X	X
Special Event Facility	Special event facility: An independent facility, assembly hall, or restaurant event space capable of accommodating 100 patrons or more leased for the purpose of holding private parties or special events including but not limited to weddings. This term excludes an accessory special event facility that is part of a religious institution, educational facility, hotel, community recreation facility, and/or nonprofit club or lodge.	9-10-6-13	○	○	○	○	○	○	○
Use	Definition	Specific Regulations	O-I	N-B	C-B	R-B	G-B	L-I	H-I
INDUSTRIAL USES									
Food Processing Plant	Food processing plant: A manufacturing establishment producing or processing foods for human or animal consumption and certain related products or by-products, including but not limited to the following products: sugar, dairy, fruit and vegetable (including canning, preserving and processing), grain mill products and by-products, meat, poultry and seafood (including by-product processing but not including the slaughtering of animals), and miscellaneous food preparation from raw products.	9-10-6-14	X	X	X	X	X	X	●

ORDINANCE NO. 2019-35

SECTION II.

Table 9-6-2 of the ULDC is hereby amended by eliminating it in its entirety and substituting in its place the language set forth below:

**TABLE 9-6-2
DIMENSIONAL REQUIREMENTS FOR
NONRESIDENTIAL ZONING DISTRICTS**

BUILDING AND SITE REQUIREMENTS	O-I	N-B	C-B	R-B	G-B	L-I	H-I
Minimum site area to rezone to this district (square feet except as shown)	15,000	15,000	None	4 acres	15,000	15,000	15,000
Maximum building coverage (percent of lot area)	50%	50%**	None	50%	60%	70%	70%
Maximum impervious surface coverage (percent of lot area)	75%	75%	None	80%	80%	85%	85%
Minimum landscaped open space for non-single-family residential use (percent of lot area)	20%	20%	None	15%	10%	5%	5%
Minimum road frontage (feet)	40	40	40	40	40	40	40
Minimum lot width, all uses (feet)	75	75	None	100	100	100	100
Minimum lot size, detached single-family dwelling (square feet)	15,000	15,000	None	NP	NP	NP	NP
Minimum lot size, two-family dwelling (square feet)	30,000	30,000	NP	NP	NP	NP	NP
Minimum lot size, all other permitted uses (square feet)	15,000	15,000	None	15,000	15,000	15,000	15,000
Maximum residential density for residential uses	12.0 dwelling units per acre	12.0 dwelling units per acre	2.0 floor-area ratio	NP	NP	NP	NP
HEIGHT REQUIREMENTS	O-I	N-B	C-B	R-B	G-B	L-I	H-I
Maximum height (feet)	60	60	120	75	75	75	120
Maximum height (number of stories)	4	4	8	5	5	5	5
PRINCIPAL BUILDING SETBACKS AND BUFFERS	O-I	N-B	C-B	R-B	G-B	L-I	H-I
Front setback, all streets, minimum (feet)	30	40	None	40	40	30	40
Side setback, minimum (unless otherwise specified) (feet)	None	None	None	None	None	None	None
Rear setback, minimum (unless otherwise specified) (feet)	None	None	None	None	None	None	None
Side or rear setback abutting RR r/w or alley, minimum (feet)	25	15	None	15	None	None	None
	O-I	N-B	C-B	R-B	G-B	L-I	H-I
Side or rear vegetative/structural buffer* and building setback when abutting R-I-A, R-I, N-C, R-II or R-O districts	25	25	10	25	35	50	100
Side or rear vegetative/structural buffer* and setback when abutting O-I, N-B, R-B, C-B, G-B districts	None	None	None	None	None	10	10
Corps of Engineers property line (unless otherwise specified) (feet)	-	-	-	-	-	-	-
ACCESSORY BUILDING SETBACKS AND BUFFERS	O-I	N-B	C-B	R-B	G-B	L-I	H-I
	Shall meet the principal building setback and buffer standards unless otherwise specified within Chapter 9-10-7 of this Unified Land Development Code.						
Corps of Engineers property line (unless otherwise specified) (feet)	-	-	-	-	-	-	-
LANDSCAPE STRIPS	O-I	N-B	C-B	R-B	G-B	L-I	H-I
Minimum landscape strip required along right-of-ways for any non-single-family residential use (width in feet)	10	10	None	10	10	10	10
Minimum landscape strip required alongside property lines for any non-single-family residential use (width in feet)	10	10	None	None	None	None	None

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Minimum landscape strip required along right-of-way of existing street for any residential subdivision involving a new street with more than five lots (along that part of the frontage not used for the new street). Plantings within landscape strips shall not obstruct sight visibility triangle easements.	20	20	N/A	N/A	N/A	N/A	N/A
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NP = Not Permitted

* Required zoning buffers may be reduced in width with installation of a structural buffer as provided in Chapter 9-16-2-6 of this Unified Land Development Code.

** Within the N-B zoning district, no individual establishment shall exceed 50,000 square feet of gross floor area total or 18,000 square feet of gross floor area on the ground level floor.

SECTION III.

Section 9-8-7-6 of the ULDC is hereby amended by eliminating it in its entirety and substituting in its place the language set forth below:

Section 9-8-7-6. Prohibited and permitted uses.

All uses permitted by right or as Special Uses within the underlying zoning district shall be similarly permitted within the Midtown overlay zone, except the following uses shall not be permitted on any property within the Midtown overlay zone:

Automated or non-automated car washes.
Coin-laundry facilities.
Dollar-type stores or thrift stores.
Community donation boxes.
Gas stations (located on lots less than 2 acres in size).
Group homes, homeless shelters, rooming house or crisis centers.
Hookah, E-cigarette, and/or Vapor lounge/bars.
Industrial uses causing the emission of noise, vibration, smoke, dust, gas, fumes and odors.
Industrial uses with outdoor storage.
Jail/correctional facility.
Kennels.
Liquor stores.
Marine sales or repair stores.
Massage parlors.
Mini-warehouses including climate-controlled self-service storage facilities.
Motels or extended stay lodging.
Motor vehicle sales or service.
Pawn shops.
Psychics, fortune tellers, clairvoyants and the like.
Retail sales of alternative nicotine products.
Salvage yard.
Sanitation uses including the storage of trash cans, dumpsters and porta potties.
Sawmill.
Sexually-oriented adult uses.
Tattoo parlors.
Taxi-cab or limousine services.
Tobacco or vaping stores.
Truck stops.
Vehicle emission testing facility.
Veterinarian or animal hospitals with outdoor kennels.
Wireless telecommunication facility or cell towers excluding co-location.

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Wrecked motor vehicle compound.

In addition, loft dwellings, single-family homes, condominiums and townhouses shall be permitted by right in any non-residential district in the overlay zone, and shall not exceed a density of 12 dwelling units per acre unless approved as part of a Planned Unit Development.

SECTION IV.

Chapter 9-10-6 of the ULDC is hereby amended by adding Section 9-10-6-12 entitled "Hookah, E-Cigarette, and/or Vapor Lounge/Bar" to read as follows:

Section 9-10-6-12. - Hookah, E-Cigarette, and/or Vapor Lounge/Bar.

(a) Purpose and Findings.

- (1) The governing body finds that the use of hookah pipes, electronic cigarettes, vape pens, and other similar devices in hookah, e-cigarette, and/or vapor lounges/bars and the activities associated with such businesses (including loud music, large numbers of customers congregating for long periods, etc.) have been associated with increases in odors, noise, vapors, second-hand smoke, parking impacts, loitering, and disturbances in the peace. The purpose of this section is to prevent the overconcentration of this land use and to mitigate the negative impacts associated with this land use.
- (2) The governing body also finds that smoking and vaping land uses expose minors to dangerous secondhand-smoke by-products and increase the potential for minors to associate smoking of hookah pipes, electronic tobacco devices, and vaping devices with a normative or healthy lifestyle.
- (3) The U.S. Food and Drug Administration conducted laboratory analysis of electronic cigarette samples and found them to contain carcinogens and toxic chemicals to which users and bystanders could potentially be exposed, suggesting that the same health and public nuisance concerns present with conventional cigarettes exist with electronic cigarettes.
- (4) The U.S. Centers for Disease Control and Prevention reports that smoking a hookah has many of the same health risks as cigarette smoking; that hookah use by youth is increasing; that the charcoal used to heat hookah tobacco can have negative health risks because it produces high levels of carbon monoxide, metals, and carcinogens; that hookah smokers may absorb more of the toxic substances also found in cigarette smoke than cigarette smokers do; that secondhand smoke from hookahs can be a health risk for nonsmokers; and that new forms of electronic hookah smoking are now on the market and very little information is available on the health risks of electronic tobacco products.
- (5) Chapter 3-7 the Code of the City of Gainesville, Georgia entitled "Smokefree Air" bans smoking in all enclosed public places, subject to certain exceptions. In addition, the State of Georgia further regulates smoking in public areas under the Georgia Smokefree Air Act of 2005.

(b) Applicability.

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- (1) The provisions of this section shall apply in addition to other regulations of the City's Code of Ordinances and Unified Land Development Code. In the event of a conflict between other sections and this section, this section shall control.
- (2) The provisions of this section which apply to "nonconforming use," as defined in Section 9-11-3-1 of the City's Unified Land Development Code shall apply to new facilities established following the effective date of the ordinance codified in this section. All legal, code-compliant hookah, e-cigarette, and vapor lounges/bars currently located in the City shall become legal, nonconforming uses, and as such must comply with the regulations set forth in Chapter 9-11-3 of the City's Unified Land Development Code.

(c) Definitions.

A hookah lounge or bar is an establishment where patrons use a communal hookah or pipe to smoke.

An e-cigarette lounge or bar is an establishment where patrons use e-cigarettes to smoke or smoke other alternative nicotine or tobacco products.

A vapor lounge or bar is an establishment where patrons vape or smoke other alternative nicotine or tobacco products.

(d) Location.

Any hookah, e-cigarette, and/or vapor lounge/bar shall require special use approval by the governing body within the Light Industrial (L-I) and Heavy Industrial (H-I) zoning districts.

(e) Operational and Development Standards.

The following operational and development standards shall apply to all hookah, e-cigarette, and/or vapor lounges/bars in the City and shall be included as conditions imposed upon any license, permit, or other entitlement granted for such a business:

- (1) Distance Requirements. Any hookah, e-cigarette, and/or vapor lounge/bar shall be located at least 500 feet from any other hookah, e-cigarette, and/or vapor lounge/bar, or from any smokers' lounge, smoke shop, tobacco shop, and/or alternative nicotine product shop. Any hookah, e-cigarette, and/or vapor lounge/bar shall be located at least 1,000 feet from any public or private K-12 school or daycare, library, church, community and/or recreation center, liquor store, sexually oriented business, tattoo parlor, pawnshop, bar or nightclub, card room, check cashing business, park, and/or residential zoning district.
- (2) Any hookah, e-cigarette, and/or vapor lounge/bar shall operate in compliance with all federal, state, county, and local laws and regulations.
- (3) Minors Prohibited. No persons under 18 years of age shall be permitted within a hookah, e-cigarette, and/or vapor lounge/bar, including as employees. All employees must be at least 18 years of age. Business owners or operators shall require proof of identification to verify the age of customers, visitors, and employees.

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- (4) Indoor Operation Only. All business-related activity, including smoking, shall be conducted entirely within a building. Outdoor seating, operating outdoor barbecues, and/or lighting coals outdoors shall not be permitted.
- (5) Admission Charges Prohibited. No admission charges, including a cover charge or minimum purchase requirement, shall be permitted.
- (6) Food and beverages, including alcoholic beverages and prepackaged food and beverages, shall not be sold, served, or consumed on the premises of the lounge/bar.
- (7) Visibility and Illumination. No window coverings or signage shall prevent visibility of the interior of the establishment from the outside during operating hours. The interior of the establishment shall have lighting adequate to make the conduct of patrons within the establishment readily discernible from the outside of the establishment to people of normal visual capabilities.
- (8) Ventilation. Adequate ventilation must be provided in accordance with all standards imposed by the building official and fire department, and any other requirements applicable to the establishment by state or federal laws. The requirements imposed by the building official or fire department may be more comprehensive than current building codes to prevent negative health and nuisance impacts on neighboring properties, including a requirement for a separate system to prevent smoke and vapors from migrating to adjoining suites or buildings and to outdoor public areas.

SECTION V.

Chapter 9-10-6 of the ULDC is hereby amended by adding Section 9-10-6-13 entitled "Special Event Facility" to read as follows:

Section 9-10-6-13. - Special Event Facility.

- (a) Definition. Special event facility means an independent facility, assembly hall, or restaurant event space capable of accommodating 100 patrons or more leased for the purpose of holding private parties or special events including but not limited to weddings. This term excludes an accessory special event facility that is part of a religious institution, educational facility, hotel, community recreation facility, and/or nonprofit club or lodge.
- (b) Codes. A special event facility must meet all applicable building, occupancy, life safety, fire, parking, health and food service codes, rules and regulations.
- (c) Applicability.
 - (1) The provisions of this section shall apply in addition to other regulations of the City's Code of Ordinances and Unified Land Development Code. In the event of a conflict between other sections and this section, this section shall control.
 - (2) The provisions of this section which apply to "nonconforming use," as defined in Section 9-11-3-1 of the City's Unified Land Development Code shall apply to new special event facilities established following the effective date of the ordinance codified in this section. All legal, code-compliant special event facilities currently located in the City shall become legal, nonconforming uses, and as such must comply with the regulations set forth in Chapter 9-11-3 of the City's Unified Land Development Code.

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- (d) Location. A special event facility shall be located on an Arterial Street or Collector Street, as those terms are defined in Section 9-13-2-1. A special event facility shall require special use approval by the governing body.
- (e) Noise. Any amplified noise shall be subject to the regulations established in the City's Code of Ordinances and Unified Land Development Code, as may be amended from time to time.
- (f) Security. Uniformed security guard(s) shall be provided in such a level so as to ensure the safety of the public and all attendees within a special event facility.
- (g) Site Inspection. A site inspection by the building official shall be required prior to the issuance of a Certificate of Occupancy for any special event facility.

SECTION VI.

Chapter 9-10-6 of the ULDC is hereby amended by adding Section 9-10-6-14 entitled "Food Processing Plant" to read as follows:

Section 9-10-6-14. - Food Processing Plant.

- (a) Definition. Food processing plant means a manufacturing establishment producing or processing foods for human or animal consumption, and certain related products or by-products, including but not limited to the following products: sugar, dairy, fruit and vegetable (including canning, preserving and processing), grain mill products and by-products, meat, poultry and seafood (including by-product processing but not including the slaughtering of animals), and miscellaneous food preparation from raw products.
- (b) Minimum Lot Size. The minimum lot size for a food processing plant shall be 5 acres.
- (c) Parking. A minimum of 0.75 spaces per employee for the number of employees present during the largest shift must be provided within defined parking areas that meet the parking standards outlined in Chapter 9-17-5 of the City's Unified Land Development Code.
- (d) Loading Zones. Loading zones and areas for truck turnarounds and truck queuing must be designated separate from employee parking and must be provided on-site. No public right-of-way shall be used for these purposes.
- (e) Location. Access shall be from an Arterial Street or Collector Street, as that term is defined in Section 9-13-2-1.
- (f) Noise, Dust and Odors. Any noise, dust or odors shall be subject to the regulations established in the City's Code of Ordinances and the Unified Land Development Code, as may be amended from time to time.
- (g) Site Inspection. A site inspection by the building official shall be required prior to the issuance of a Certificate of Occupancy for any food processing plant.
- (h) Applicability.

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- (1) The provisions of this section shall apply in addition to other regulations of the City's Code of Ordinances and Unified Land Development Code. In the event of a conflict between other sections and this section, this section shall control.
- (2) The provisions of this section apply to new food processing plants established following the effective date of the ordinance codified in this section.

SECTION VII.

Chapter 9-10-6 of the ULDC is hereby amended by adding Section 9-10-6-15 entitled "Lodging Services" to read as follows:

Section 9-10-6-15. - Lodging Services.

(a) Purpose.

- (1) The purpose of this section is to ensure the continued availability of quality transient lodging within the City and proper maintenance of lodging services and to protect the health, safety and welfare of users of lodging services.
- (2) This section is essential to the public's interest, safety, health, and welfare and shall be liberally construed to effectuate its purposes.

(b) Applicability.

- (1) The provisions of this section shall apply in addition to other regulations of the City's Code of Ordinances and Unified Land Development Code. In the event of a conflict between other sections and this section, this section shall control.
- (2) The provisions of this section which apply to "nonconforming use," as defined in Section 9-11-3-1 of the City's Unified Land Development Code shall apply to new lodging services established following the effective date of the ordinance codified in this section. All legal, code-compliant lodging services currently located in the City shall become legal, nonconforming uses, and as such must comply with the regulations set forth in Chapter 9-11-3 of the City's Unified Land Development Code.

(c) Definitions.

Bona fide employee shall mean a person who works in the business of lodging services or extended stay lodging services under a contract of hire, whether express or implied, where the employer has the power or right to control or direct the details of what work is to be performed and the manner in which that work is to be performed.

Extended stay lodging services shall mean any facility consisting of one or more buildings, offering shelter accommodations, or a place for shelter, to the public for a fee for more than 15 days but not more than 30 days in one or more rooms within the same facility, with provisions for living, sanitation, sleeping, fixed cooking appliances, and/or kitchen facilities.

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Fixed cooking appliances shall mean a stove top burner; a hotplate that does not serve as an integral part of an appliance designed solely to produce coffee; a conventional oven; a convection oven; or any oven producing heat using resistance heating elements, induction heating, or infrared heating sources.

Guest shall mean a person who is not a Patron but is present on the premises of lodging services to accompany a Patron and with the express permission of the owner, operator, keeper or proprietor of the lodging services. Guests are required to register with the supporting Patron.

Lodging services shall mean any facility consisting of one or more buildings, offering shelter accommodations, or a place for shelter, to the public for a fee for 15 days or less in one or more rooms in the same facility, with provisions for living, sanitation, and sleeping.

Kitchen facilities shall mean kitchen amenities including, but not limited to, refrigerators, stoves, ovens, and kitchen-type sink. Amenities limited to a microwave, mini-refrigerator, and/or an appliance designed to produce coffee or tea do not constitute "kitchen facilities" for purposes of this definition.

Patron shall mean a person who pays a fee to the owner, operator, keeper or proprietor of the lodging services for the right to occupy one or more rooms.

(d) Provisions applicable to lodging services.

- (1) No more than five percent (5%) of rooms in lodging services shall have fixed cooking appliances and/or kitchen facilities located therein. If more than five percent (5%) of the rooms contain fixed cooking appliances and/or kitchen facilities, such lodging services shall be deemed extended stay lodging services, and subject to the regulations for extended stay lodging services.
- (2) No lodging services may be converted to and operated as extended stay lodging services unless the lodging services is in full compliance with each of the provisions applicable to extended stay lodging services, including but not limited to having the appropriate zoning for the property upon which the lodging services is located.
- (3) All lodging services must staff the lobby with a bona fide employee or manager twenty-four (24) hours a day.
- (4) No owner, operator, keeper, proprietor or employee of lodging services shall provide lodging at an hourly rate.
- (5) No owner, operator, keeper or proprietor of lodging services shall designate more than three (3) rooms for the purpose of allowing bona-fide employees and their family to reside on the premises.
- (6) Maximum length of occupancy.
 - i. No lodging services located within the City shall allow any person to stay at such lodging services for more than fifteen (15) consecutive days, nor more than thirty (30) days

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during a one hundred eighty (180) day period unless one of the following criteria apply.

- (a) Where there is a written agreement between lodging services and a business entity or governmental agency to house employees/contractors and family of employees/contractors of such business entity or governmental agency during times that said employees/contractors are performing services for such business entity or governmental agency; or
 - (b) Where there is documentation, consistent with HIPAA privacy rules, that a Patron and/or Guest(s) are family of or providing care for a patient who is admitted at a local hospital or other medical care facility; or
 - (c) Where an insurance company or governmental agency has provided documentation that a Patron and/or Guest has been displaced from the Patron and/or Guest's home by a natural disaster or fire.
- (7) Each room at lodging services shall be accessed through an interior hallway, and no person shall have access to the exterior of the building except through the central lobby or as otherwise determined by fire codes.
- (8) Each room at lodging services shall have a minimum of three-hundred (300) square feet.
- (9) Any outdoor recreational areas provided by lodging services shall be located to the rear or side of the building.
- (11) A fixed cooking appliance in any room at lodging services shall have a maximum sixty (60) minute automatic power-off timer for each such appliance.
- (12) Inspections of rooms and business records of lodging services may be performed by sworn officers of the City Police Department or the City Code Enforcement and their designated employees for the purpose of verifying compliance with the requirements of this section and state law.
- (e) Recordkeeping and registration requirements for lodging services.
 - (1) Every owner, operator, keeper or proprietor of any lodging services shall keep a record of all rental agreements between the lodging services and all Patrons and Guests and make these records available to the City upon request. For purpose of this subsection, the term "record" shall include the electronic registration system of the lodging services which stores Patron and Guest identifying information. In the event the lodging services does not have an electronic registration system, the lodging services shall manually record the Patron and Guest information in a paper record or registration book.
 - (2) The following information, at a minimum, must be recorded at the time of registration and maintained for a period of not less than one hundred and eighty (180) days after the rental agreement's termination:
 - (a) The number of occupants;
 - (b) The full name and phone number of the person responsible for payment;
 - (c) The room number assigned to each Patron and Guest;
 - (d) The day, month, year and time of arrival of each Patron and Guest;
 - (e) The day, month, and year each Patron and Guest are scheduled to depart;

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- (f) Upon departure, record of departure day, month, and year for each Patron and Guest;
- (g) The rate charge and amount collected for rental of the room.

- (3) No person shall procure or provide lodging in any lodging services, through misrepresentation or production of false identification, or identification which misrepresents the identity of the person procuring or sharing in such lodging.
- (4) All information required to be maintained pursuant to this section shall be provided to any federal, state, or local sworn law enforcement officer having the lawful power to arrest, upon demand of the officer and a representation by said officer that a reasonable suspicion exists that such information is relevant to a then-pending inquiry or investigation. Nothing in this requirement shall be construed as giving any such officer any greater right or license to enter a room or invade privacy that the officer shall otherwise possess as a matter of law, probable cause, constitutional law, statutory right, or warrant.

SECTION VIII.

Chapter 9-10-6 of the ULDC is hereby amended by adding Section 9-10-6-16 entitled "Extended Stay Lodging Services" to read as follows:

Section 9-10-6-16. - Extended Stay Lodging Services.

(a) Purpose.

- (1) The purpose of this section is to ensure the continued availability of quality transient lodging within the City and proper maintenance of extended stay lodging services and to protect the health, safety and welfare of users of extended stay lodging services.
- (2) This section is essential to the public's interest, safety, health, and welfare and shall be liberally construed to effectuate its purposes.

(b) Applicability.

- (1) The provisions of this section shall apply in addition to other regulations of the City's Code of Ordinances and Unified Land Development Code. In the event of a conflict between other sections and this section, this section shall control.
- (2) The provisions of this section which apply to "nonconforming use," as defined in Section 9-11-3-1 of the City's Unified Land Development Code shall apply to new extended stay lodging services established following the effective date of the ordinance codified in this section. All legal, code-compliant extended stay lodging services currently located in the City shall become legal, nonconforming uses, and as such must comply with the regulations set forth in Chapter 9-11-3 of the City's Unified Land Development Code.

(c) Definitions.

Bona fide employee shall mean a person who works in the business of lodging services or extended stay lodging services under a contract of hire, whether express or implied, where the employer has the power or right to control or direct the details of what work is to be performed and the manner in which that work is to be performed.

Extended stay lodging services shall mean any facility consisting of one or more buildings, offering shelter accommodations, or a place for shelter, to the public for a fee for more than

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15 days but not more than 30 days in one or more rooms within the same facility, with provisions for living, sanitation, sleeping, fixed cooking appliances, and/or kitchen facilities.

Fixed cooking appliances shall mean a stove top burner; a hotplate that does not serve as an integral part of an appliance designed solely to produce coffee; a conventional oven; a convection oven; or any oven producing heat using resistance heating elements, induction heating, or infrared heating sources.

Guest shall mean a person who is not a Patron but is present on the premises of lodging services or extended stay lodging services to accompany a Patron and with the express permission of the owner, operator, keeper or proprietor of the lodging services or extended stay lodging services. Guests are required to register with the supporting Patron.

Lodging services shall mean any facility consisting of one or more buildings, offering shelter accommodations, or a place for shelter, to the public for a fee for 15 days or less in one or more rooms in the same facility, with provisions for living, sanitation, and sleeping.

Kitchen facilities shall mean kitchen amenities including, but not limited to, refrigerators, stoves, ovens, and kitchen-type sink. Amenities limited to a microwave, mini-refrigerator, and/or an appliance designed to produce coffee or tea do not constitute "kitchen facilities" for purposes of this definition.

Patron shall mean a person who pays a fee to the owner, operator, keeper or proprietor of the lodging services or extended stay lodging services for the right to occupy one or more rooms.

(d) Provisions applicable to extended stay lodging services.

- (1) If more than five percent (5%) of the rooms contain fixed cooking appliances and/or kitchen facilities, such lodging services shall be deemed extended stay lodging services, and subject to the regulations for extended stay lodging services.
- (2) No lodging services may be converted to and operated as extended stay lodging services unless the lodging services is in full compliance with each of the provisions applicable to extended stay lodging services.
- (3) Any extended stay lodging services shall require special use approval by the governing body within the General Business (G-B) zoning district.
- (4) All extended stay lodging services must staff the lobby with a bona fide employee or manager twenty-four (24) hours a day
- (5) No owner, operator, keeper, proprietor or employee of extended stay lodging services shall provide lodging at an hourly rate.
- (6) No owner, operator, keeper or proprietor of extended stay lodging services shall designate more than three (3) rooms for the purpose of allowing bona-fide employees and their family to reside on the premises.
- (7) Maximum length of occupancy.

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- i. No extended stay lodging services located within the City shall allow any person to stay at such extended stay lodging services for more than thirty (30) consecutive days, nor more than sixty (60) days during a one hundred eighty (180) day period, unless one of the following criteria apply.
 - (a) Where there is a written agreement between lodging services and a business entity or governmental agency to house employees/contractors and family of employees/contractors of such business entity or governmental agency during times that said employees/contractors are performing services for such business entity or governmental agency; or
 - (b) Where there is documentation, consistent with HIPAA privacy rules, that a Patron and/or Guest(s) are family of or providing care for a patient who is admitted at a local hospital or other medical care facility; or
 - (c) Where an insurance company or governmental agency has provided documentation that a Patron and/or Guest has been displaced from the Patron and/or Guest's home by a natural disaster or fire; or
 - (d) Where there is official documentation from a local non-profit housing agency or shelter that no alternative housing is available for the Patron and/or Guest.
- (8) The minimum lot size for extended stay lodging services shall be two (2) acres.
- (9) Each room at extended stay lodging services shall be accessed through an interior hallway, and no person shall have access to the exterior of the building except through the central lobby or as otherwise determined by fire codes.
- (10) The size of the lobby at extended stay lodging services shall be a minimum of seven-hundred (700) square feet.
- (11) Each room at extended stay lodging services shall have a minimum of three-hundred (300) square feet.
- (12) Extended lodging services shall provide an enclosed heated and air-conditioned laundry space with a minimum of three (3) washers and three (3) dryers.
- (13) Any outdoor recreational areas provided by extended stay lodging services shall be located to the rear or side of the building.
- (14) Any extended stay lodging services adjacent to residentially zoned property or residential land uses shall provide at least a seventy-five (75) foot natural buffer, enhanced with an at least an additional twenty-five (25) foot landscaped buffer (total at least one-hundred (100) feet).
- (15) A fixed cooking appliance in any room at extended stay lodging services shall have a maximum sixty (60) minute automatic power-off timer for each such appliance.

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- (16) Inspections of rooms and business records of extended stay lodging services may be performed by sworn officers of the City Police Department or the City Code Enforcement and their designated employees for the purpose of verifying compliance with the requirements of this section and state law.
- (e) Recordkeeping and registration requirements for extended stay lodging services.
- (1) Every owner, operator, keeper or proprietor of any extended stay lodging services shall keep a record of all rental agreements between the extended stay lodging services and all Patrons and Guests and make these records available to the City upon request. For purpose of this subsection, the term "record" shall include the electronic registration system of the extended stay lodging services which stores Patron and Guest identifying information. In the event the extended stay lodging services does not have an electronic registration system, the extended stay lodging services shall manually record the Patron and Guest information in a paper record or registration book.
- (2) The following information, at a minimum, must be recorded at the time of registration and maintained for a period of not less than one hundred and eighty (180) days after the rental agreement's termination:
- (a) The number of occupants;
 - (b) The full name and phone number of the person responsible for payment;
 - (c) The room number assigned to each Patron;
 - (d) The day, month, year and time of arrival of each Patron and Guest;
 - (e) The day, month, and year each Patron and Guest are scheduled to depart;
 - (f) Upon departure, record of departure day, month, and year for each Patron and Guest;
 - (g) The rate charge and amount collected for rental of the room.
- (3) No person shall procure or provide lodging in any extended stay lodging services, through misrepresentation or production of false identification, or identification which misrepresents the identity of the person procuring or sharing in such lodging.
- (4) All information required to be maintained pursuant to this section shall be provided to any federal, state, or local sworn law enforcement officer having the lawful power to arrest, upon demand of the officer and a representation by said officer that a reasonable suspicion exists that such information is relevant to a then-pending inquiry or investigation. Nothing in this requirement shall be construed as giving any such officer any greater right or license to enter a room or invade privacy that the officer shall otherwise possess as a matter of law, probable cause, constitutional law, statutory right, or warrant.

SECTION VIII.

Subsections (a), (b), and (c) of Section 9-10-1-2 of the ULDC are hereby amended by eliminating them in their entirety and substituting in their place the language set forth below:

- (a) *Height.* If a fence or freestanding wall, other than a retaining wall or necessary fencing encompassing a tennis court, is to be placed in a yard, it shall be no more than eight (8) feet in height. Fences or freestanding walls constructed between the build-to-line and the front lot line in a front yard of a residential lot shall not exceed three and one-half (3.5) feet (42 inches) in height; provided, however, that this shall not apply to subdivision or project identification monuments at the entrance to a subdivision or development and wall or fence

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extensions thereof, where permitted, which shall not exceed eight (8) feet in height and columns shall not exceed ten (10) feet in height. Fences or walls on properties with nonresidential uses shall not exceed eight (8) feet in height and columns shall not exceed ten (10) feet in height in a front, side or rear yard.

- (b) *Location.* Fences and walls should be located along any side or rear common property line. No fence or freestanding wall shall be erected in a manner that obstructs visibility at street intersections (see also Chapter 9-17-4, "Site Visibility Triangle Easements"). Retaining walls and subdivision entrance monuments shall not be placed within the right-of-way of a local street.
- (c) *Composition.* Walls and fences shall present a finished and attractive surface to the exterior of the property and to the interior of the property where the interior wall or fence is visible from the right-of-way. The entire wall or fence must be consistent in form, shape, style and material and shall not be composed or constructed of exposed concrete block, tires, junk, or other discarded materials. In all residential zoning districts, fences or walls erected within the front yard shall be constructed of brick, stone, wood, stucco, wrought iron, split rail, vinyl plastic or chain-link coated with black in color vinyl. Chain-link fences installed in commercial and industrial zoning districts and visible from the public right-of-way shall be coated with black in color vinyl and the appearance softened with landscaping as approved by the Director. An additional two (2) feet of security wire may be placed on fences in commercial and industrial zoning districts, unless prevented by overlay zone regulations.

SECTION IX.

Section 9-20-14-15 of the ULDC is hereby amended by eliminating it in its entirety and substituting in its place the language set forth below:

The building official may withhold, revoke, or suspend a building permit or certificate of occupancy when violations occur.

The term "Violations" as used in the preceding sentence shall include violations of local, state, and/or federal law, including but not limited to criminal law.

If the certificate of occupancy is revoked for criminal violations, no new certificate of occupancy shall be issued at that location for the same use for 12 months immediately following revocation. Revocation of a certificate of occupancy shall automatically revoke the business/occupation tax (business license).

SECTION X.

Section 9-9-1-4 of the ULDC is hereby amended by adding Subsections (f), (g), and (h) as set forth below:

- (f) The Central Business District exhibits a significant historical, architectural and cultural character for our community. In accordance with the community visioning and Central Core character area delineation completed as part of the City's Comprehensive Planning Process, no demolition of building(s) or structure(s) within property zoned Central Business (C-B) shall commence, and no demolition permit shall be issued by the Community Development Department, prior to the approval of the demolition of said building(s) or structure(s) by the

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Community and Economic Development Director (see also Chapter 9-9-2, "Site and Architectural Design Review").

(g) A demolition permit may be denied for the following reasons:

- (1) The proposed new structure or use on the site is not compatible with the Central Core character area and the design guidelines as identified in Chapter 9-9-6.
- (2) The demolition permit allows the demolition of a historically significant building that contributes to the Central Core character area.

(h) If the demolition of the building(s) or structure(s) is denied by the Community and Economic Development Director, the applicant shall have the right to appeal to the governing body of the City of Gainesville.

SECTION XI.

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

SECTION XII.

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

SECTION XIII.

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

C. Danny Dunagan, Jr., Mayor

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

ATTEST:

Denise O. Jordan, City Clerk

AN ORDINANCE

No. 2019-

AN ORDINANCE TO AMEND TABLE 9-6-1 ENTITLED “PERMITTED AND SPECIAL USES FOR NONRESIDENTIAL ZONING DISTRICTS” OF THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF GAINESVILLE, GEORGIA (THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF GAINESVILLE, GEORGIA HEREINAFTER REFERRED TO AS “THE ULDC”) AS SET FORTH BELOW; TO AMEND TABLE 9-6-2 ENTITLED “DIMENSIONAL REQUIREMENTS FOR NONRESIDENTIAL ZONING DISTRICTS” OF THE ULDC BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; TO AMEND SECTION 9-8-7-6 ENTITLED “PROHIBITED AND PERMITTED USES” OF THE ULDC BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; TO AMEND CHAPTER 9-10-6 ENTITLED “PRINCIPAL NONRESIDENTIAL USES” OF THE ULDC BY ADDING SECTION 9-10-6-12 ENTITLED “HOOKAH, E-CIGARETTE LOUNGE, AND/OR VAPOR LOUNGE/BAR,” SECTION 9-10-6-13 ENTITLED “SPECIAL EVENT FACILITY,” SECTION 9-10-6-14 ENTITLED “FOOD PROCESSING PLANT,” SECTION 9-10-6-15 ENTITLED “LODGING SERVICES,” AND SECTION 9-10-6-16 ENTITLED “EXTENDED STAY LODGING SERVICES” AS SET FORTH BELOW; TO AMEND SUBSECTIONS (a), (b), AND (c) OF SECTION 9-10-1-2 ENTITLED “FENCES AND WALLS” OF THE ULDC BY ELIMINATING THEM IN THEIR ENTIRETY AND SUBSTITUTING IN THEIR PLACE THE LANGUAGE SET FORTH BELOW; TO AMEND SECTION 9-20-14-15 ENTITLED “SUSPENSION OF PERMITS AND CERTIFICATES” OF THE ULDC BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; TO AMEND SECTION 9-9-1-4 ENTITLED “GENERAL REQUIREMENTS” OF THE ULDC BY ADDING SUBSECTIONS (f), (g), AND (h) AS SET FORTH BELOW; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

SECTION I.

Table 9-6-1 of the ULDC is hereby amended by eliminating the uses entitled “Lodging services,” “Lodging services, extended stay,” “Special event facility,” and “Food processing plant, including poultry and fish” in their entirety and substituting in their places the language set forth below, as well as by adding the uses entitled “Hookah, E-Cigarette and/or Vapor Lounge/Bar” and “Retail Sales of all Alternative Nicotine Products” as set forth below:

Use	Definition	Specific Regulations	O-I	N-B	C-B	R-B	G-B	L-I	H-I
OFFICE AND COMMERCIAL USES									
Hookah, E-Cigarette and/or Vapor Lounge/Bar	An establishment where patrons use a communal hookah or pipe to smoke, or where patrons vape, or where patrons use e-cigarettes to smoke or smoke other alternative nicotine products.	9-10-6-12	X	X	X	X	X	○	○
Retail Sales of all Alternative Nicotine Products	Retail sales of all alternative nicotine products and non-traditional tobacco paraphernalia including but not limited to hookah, vapes, vape pens, e-liquids, e-cigarettes, and bongs, excluding retail sales in convenience stores.		X	X	X	○	○	○	○
Lodging Services	Lodging services: A facility offering shelter accommodations, or place for such shelter, to the public for a fee for 15 days or less in one or more rooms within the same facility, with provisions for living, sanitation, and sleeping. Includes hotels and motels.	9-10-6-15	X	X	●	●	●	●	●
Lodging Services, Extended Stay (also referred to as Extended Stay Lodging Services)	Lodging services, extended stay (also referred to as Extended Stay Lodging Services): A facility offering shelter accommodations, or place for such shelter, to the public for a fee for more than 15 days but not to exceed one month 30 days in one or more rooms within the same facility, with provisions for living, sanitation, sleeping and fixed cooking appliances. Includes hotels and motels.	9-10-6-16	X	X	●X	●X	●○	●X	●X
Special Event Facility	Special event facility: An independent facility, assembly hall, or restaurant event space capable of accommodating 100 patrons or more leased for the purpose of holding private parties or special events including but not limited to weddings. This term excludes an accessory special event facility that is part of a religious institution, educational facility, hotel, community recreation facility, and/or nonprofit club or lodge.	9-10-6-13	○	●○	●○	●○	●○	●○	●○
Use	Definition	Specific Regulations	O-I	N-B	C-B	R-B	G-B	L-I	H-I
INDUSTRIAL USES									
Food Processing Plant, including poultry and fish	Food processing plant: A manufacturing establishment producing or processing foods for human or animal consumption and certain related products or by-products, including but not limited to the following products: sugar, dairy, fruit and vegetable (including canning, preserving and processing), grain mill products and by-products, meat, poultry and seafood (including by-product processing but not including the slaughtering of animals), and miscellaneous food preparation from raw products.	9-10-6-14	X	X	X	X	X	●X	●

SECTION II.

Table 9-6-2 of the ULDC is hereby amended by eliminating it in its entirety and substituting in its place the language set forth below:

**TABLE 9-6-2
DIMENSIONAL REQUIREMENTS FOR
NONRESIDENTIAL ZONING DISTRICTS**

BUILDING AND SITE REQUIREMENTS	O-I	N-B	C-B	R-B	G-B	L-I	H-I
Minimum site area to rezone to this district (square feet except as shown)	15,000	15,000	None	4 acres	15,000	15,000	15,000
Maximum building coverage (percent of lot area)	50%	50%**	None	50%	60%	70%	70%
Maximum impervious surface coverage (percent of lot area)	75%	75%	None	80%	80%	85%	85%
Minimum landscaped open space for non-single-family residential use (percent of lot area)	20%	20%	None	15%	10%	5%	5%
Minimum road frontage (feet)	40	40	40	40	40	40	40
Minimum lot width, all uses (feet)	75	75	None	100	100	100	100
Minimum lot size, detached single-family dwelling (square feet)	15,000	15,000	None	NP	NP	NP	NP
Minimum lot size, two-family dwelling (square feet)	30,000	30,000	NP	NP	NP	NP	NP
Minimum lot size, all other permitted uses (square feet)	15,000	15,000	None	15,000	15,000	15,000	15,000
Maximum residential density for permitted residential uses (dwelling units per acre)	12.0 dwelling units per acre	12.0 dwelling units per acre	0.5 2.0 floor-area ratio	NP	NP	NP	NP
HEIGHT REQUIREMENTS	O-I	N-B	C-B	R-B	G-B	L-I	H-I
Maximum height (feet)	60	60	120	75	75	75	120
Maximum height (number of stories)	4	4	8	5	5	5	5
PRINCIPAL BUILDING SETBACKS AND BUFFERS	O-I	N-B	C-B	R-B	G-B	L-I	H-I
Front setback, all streets, minimum (feet)	30	40	None	40	40	30	40
Side setback, minimum (unless otherwise specified) (feet)	None	None	None	None	None	None	None
Rear setback, minimum (unless otherwise specified) (feet)	None	None	None	None	None	None	None
Side or rear setback abutting RR r/w or alley, minimum (feet)	25	15	None	15	None	None	None
	O-I	N-B	C-B	R-B	G-B	L-I	H-I
Side or rear vegetative/structural buffer* and building setback when abutting R-I-A, R-I, N-C, R-II or R-O districts	25	25	10	25	35	35 50	35 100
Side or rear vegetative/structural buffer* and setback when abutting O-I, N-B, R-B, C-B, G-B districts	None	None	None	None	None	10	10
Corps of Engineers property line (unless otherwise specified) (feet)	-	-	-	-	-	-	-
ACCESSORY BUILDING SETBACKS AND BUFFERS	O-I	N-B	C-B	R-B	G-B	L-I	H-I
	Shall meet the principal building setback and buffer standards unless otherwise specified within Chapter 9-10-7 of this Unified Land Development Code.						
Corps of Engineers property line (unless otherwise specified) (feet)	-	-	-	-	-	-	-
LANDSCAPE STRIPS	O-I	N-B	C-B	R-B	G-B	L-I	H-I
Minimum landscape strip required along right-of-ways for any non-single-family residential use (width in feet)	10	10	None	10	10	10	10
Minimum landscape strip required alongside property lines for any non-single-family residential use (width in feet)	10	10	None	None	None	None	None

Minimum landscape strip required along right-of-way of existing street for any residential subdivision involving a new street with more than five lots (along that part of the frontage not used for the new street). Plantings within landscape strips shall not obstruct sight visibility triangle easements.	20	20	N/A	N/A	N/A	N/A	N/A
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NP = Not Permitted

* Required zoning buffers may be reduced in width with installation of a structural buffer as provided in Chapter 9-16-2-6 of this Unified Land Development Code.

** Within the N-B zoning district, no individual establishment shall exceed 50,000 square feet of gross floor area total or 18,000 square feet of gross floor area on the ground level floor.

SECTION III.

Section 9-8-7-6 of the ULDC is hereby amended by eliminating it in its entirety and substituting in its place the language set forth below:

Section 9-8-7-6. Prohibited and permitted uses.

All uses permitted by right or as Special Uses within the underlying zoning district shall be similarly permitted within the Midtown overlay zone, except the following uses shall not be permitted on any property within the Midtown overlay zone:

Automated or non-automated car washes.

Coin-laundry facilities.

Dollar-type stores or thrift stores.

Community donation boxes.

Gas stations (located on lots less than 2 acres in size).

Group homes, homeless shelters, rooming house or crisis centers.

Hookah, E-cigarette, and/or Vapor lounge/bars.

Industrial uses causing the emission of noise, vibration, smoke, dust, gas, fumes and odors.

Industrial uses with outdoor storage.

Jail/correctional facility.

Kennels.

Liquor stores.

Marine sales or repair stores.

Massage parlors.

Mini-warehouses including climate controlled self-service storage facilities.

Motels or extended stay lodging.

Motor vehicle sales or service.

Pawn shops.

Psychics, fortune tellers, clairvoyants and the like.

Retail sales of alternative nicotine products.

Salvage yard.

Sanitation uses including the storage of trash cans, dumpsters and porta potties.

Sawmill.

Sexually-oriented adult uses.

Tattoo parlors.

Taxi-cab or limousine services.

Tobacco or vaping stores.

Truck stops.

Vehicle emission testing facility.

Veterinarian or animal hospitals with outdoor kennels.

Wireless telecommunication facility or cell towers excluding co-location.

Wrecked motor vehicle compound.

In addition, loft dwellings, single-family homes, condominiums and townhouses shall be permitted by right in any non-residential district in the overlay zone, and shall not exceed a density of 12 dwelling units per acre unless approved as part of a Planned Unit Development.

SECTION IV.

Chapter 9-10-6 of the ULDC is hereby amended by adding Section 9-10-6-12 entitled "Hookah, E-Cigarette, and/or Vapor Lounge/Bar" to read as follows:

Section 9-10-6-12. - Hookah, E-Cigarette, and/or Vapor Lounge/Bar.

(a) Purpose and Findings.

- (1) The governing body finds that the use of hookah pipes, electronic cigarettes, vape pens, and other similar devices in hookah, e-cigarette, and/or vapor lounges/bars and the activities associated with such businesses (including loud music, large numbers of customers congregating for long periods, etc.) have been associated with increases in odors, noise, vapors, second-hand smoke, parking impacts, loitering, and disturbances in the peace. The purpose of this section is to prevent the overconcentration of this land use and to mitigate the negative impacts associated with this land use.
- (2) The governing body also finds that smoking and vaping land uses expose minors to dangerous secondhand-smoke by-products and increase the potential for minors to associate smoking of hookah pipes, electronic tobacco devices, and vaping devices with a normative or healthy lifestyle.
- (3) The U.S. Food and Drug Administration conducted laboratory analysis of electronic cigarette samples and found them to contain carcinogens and toxic chemicals to which users and bystanders could potentially be exposed, suggesting that the same health and public nuisance concerns present with conventional cigarettes exist with electronic cigarettes.
- (4) The U.S. Centers for Disease Control and Prevention reports that smoking a hookah has many of the same health risks as cigarette smoking; that hookah use by youth is increasing; that the charcoal used to heat hookah tobacco can have negative health risks because it produces high levels of carbon monoxide, metals, and carcinogens; that hookah smokers may absorb more of the toxic substances also found in cigarette smoke than cigarette smokers do; that secondhand smoke from hookahs can be a health risk for nonsmokers; and that new forms of electronic hookah smoking are now on the market and very little information is available on the health risks of electronic tobacco products.
- (5) Chapter 3-7 the Code of the City of Gainesville, Georgia entitled "Smokefree Air" bans smoking in all enclosed public places, subject to certain exceptions. In addition, the State of Georgia further regulates smoking in public areas under the Georgia Smokefree Air Act of 2005.

(b) Applicability.

- (1) The provisions of this section shall apply in addition to other regulations of the City's Code of Ordinances and Unified Land Development Code. In the event of a conflict between other sections and this section, this section shall control.
- (2) The provisions of this section which apply to "nonconforming use," as defined in Section 9-11-3-1 of the City's Unified Land Development Code shall apply to new facilities established following the effective date of the ordinance codified in this section. All legal, code-compliant hookah, e-cigarette, and vapor lounges/bars currently located in the City shall become legal, nonconforming uses, and as such must comply with the regulations set forth in Chapter 9-11-3 of the City's Unified Land Development Code.

(c) Definitions.

A hookah lounge or bar is an establishment where patrons use a communal hookah or pipe to smoke.

An e-cigarette lounge or bar is an establishment where patrons use e-cigarettes to smoke or smoke other alternative nicotine or tobacco products.

A vapor lounge or bar is an establishment where patrons vape or smoke other alternative nicotine or tobacco products.

(d) Location.

Any hookah, e-cigarette, and/or vapor lounge/bar shall require special use approval by the governing body within the Light Industrial (L-I) and Heavy Industrial (H-I) zoning districts.

(e) Operational and Development Standards.

The following operational and development standards shall apply to all hookah, e-cigarette, and/or vapor lounges/bars in the City and shall be included as conditions imposed upon any license, permit, or other entitlement granted for such a business:

- (1) Distance Requirements. Any hookah, e-cigarette, and/or vapor lounge/bar shall be located at least 500 feet from any other hookah, e-cigarette, and/or vapor lounge/bar, or from any smokers' lounge, smoke shop, tobacco shop, and/or alternative nicotine product shop. Any hookah, e-cigarette, and/or vapor lounge/bar shall be located at least 1,000 feet from any public or private K-12 school or daycare, library, church, community and/or recreation center, liquor store, sexually oriented business, tattoo parlor, pawnshop, bar or nightclub, card room, check cashing business, park, and/or residential zoning district.
- (2) Any hookah, e-cigarette, and/or vapor lounge/bar shall operate in compliance with all federal, state, county, and local laws and regulations.
- (3) Minors Prohibited. No persons under 18 years of age shall be permitted within a hookah, e-cigarette, and/or vapor lounge/bar, including as employees. All employees must be at least 18 years of age. Business owners or operators shall require proof of identification to verify the age of customers, visitors, and employees.

- (4) Indoor Operation Only. All business-related activity, including smoking, shall be conducted entirely within a building. Outdoor seating, operating outdoor barbecues, and/or lighting coals outdoors shall not be permitted.
- (5) Admission Charges Prohibited. No admission charges, including a cover charge or minimum purchase requirement, shall be permitted.
- (6) Food and beverages, including alcoholic beverages and prepackaged food and beverages, shall not be sold, served, or consumed on the premises of the lounge/bar.
- (7) Visibility and Illumination. No window coverings or signage shall prevent visibility of the interior of the establishment from the outside during operating hours. The interior of the establishment shall have lighting adequate to make the conduct of patrons within the establishment readily discernible from the outside of the establishment to people of normal visual capabilities.
- (8) Ventilation. Adequate ventilation must be provided in accordance with all standards imposed by the building official and fire department, and any other requirements applicable to the establishment by state or federal laws. The requirements imposed by the building official or fire department may be more comprehensive than current building codes to prevent negative health and nuisance impacts on neighboring properties, including a requirement for a separate system to prevent smoke and vapors from migrating to adjoining suites or buildings and to outdoor public areas.

SECTION V.

Chapter 9-10-6 of the ULDC is hereby amended by adding Section 9-10-6-13 entitled “Special Event Facility” to read as follows:

Section 9-10-6-13. - Special Event Facility.

- (a) Definition. Special event facility means an independent facility, assembly hall, or restaurant event space capable of accommodating 100 patrons or more leased for the purpose of holding private parties or special events including but not limited to weddings. This term excludes an accessory special event facility that is part of a religious institution, educational facility, hotel, community recreation facility, and/or nonprofit club or lodge.
- (b) Codes. A special event facility must meet all applicable building, occupancy, life safety, fire, parking, health and food service codes, rules and regulations.
- (c) Applicability.
 - (1) The provisions of this section shall apply in addition to other regulations of the City’s Code of Ordinances and Unified Land Development Code. In the event of a conflict between other sections and this section, this section shall control.
 - (2) The provisions of this section which apply to “nonconforming use,” as defined in Section 9-11-3-1 of the City’s Unified Land Development Code shall apply to new special event facilities established following the effective date of the ordinance codified in this section. All legal, code-compliant special event facilities currently located in the City shall become legal, nonconforming uses, and as such must comply with the regulations set forth in Chapter 9-11-3 of the City’s Unified Land Development Code.

- (d) Location. A special event facility shall be located on an Arterial Street or Collector Street, as those terms are defined in Section 9-13-2-1. A special event facility shall require special use approval by the governing body.
- (e) Noise. Any amplified noise shall be subject to the regulations established in the City's Code of Ordinances and Unified Land Development Code, as may be amended from time to time.
- (f) Security. Uniformed security guard(s) shall be provided in such a level so as to ensure the safety of the public and all attendees within a special event facility.
- (g) Site Inspection. A site inspection by the building official shall be required prior to the issuance of a Certificate of Occupancy for any special event facility.

SECTION VI.

Chapter 9-10-6 of the ULDC is hereby amended by adding Section 9-10-6-14 entitled "Food Processing Plant" to read as follows:

Section 9-10-6-14. - Food Processing Plant.

- (a) Definition. Food processing plant means a manufacturing establishment producing or processing foods for human or animal consumption, and certain related products or by-products, including but not limited to the following products: sugar, dairy, fruit and vegetable (including canning, preserving and processing), grain mill products and by-products, meat, poultry and seafood (including by-product processing but not including the slaughtering of animals), and miscellaneous food preparation from raw products.
- (b) Minimum Lot Size. The minimum lot size for a food processing plant shall be 5 acres.
- (c) Parking. A minimum of 0.75 spaces per employee for the number of employees present during the largest shift must be provided within defined parking areas that meet the parking standards outlined in Chapter 9-17-5 of the City's Unified Land Development Code.
- (d) Loading Zones. Loading zones and areas for truck turnarounds and truck queuing must be designated separate from employee parking and must be provided on-site. No public right-of-way shall be used for these purposes.
- (e) Location. Access shall be from an Arterial Street or Collector Street, as that term is defined in Section 9-13-2-1.
- (f) Noise, Dust and Odors. Any noise, dust or odors shall be subject to the regulations established in the City's Code of Ordinances and the Unified Land Development Code, as may be amended from time to time.
- (g) Site Inspection. A site inspection by the building official shall be required prior to the issuance of a Certificate of Occupancy for any food processing plant.
- (h) Applicability.

(1) The provisions of this section shall apply in addition to other regulations of the City's Code of Ordinances and Unified Land Development Code. In the event of a conflict between other sections and this section, this section shall control.

(2) The provisions of this section apply to new food processing plants established following the effective date of the ordinance codified in this section.

SECTION VII.

Chapter 9-10-6 of the ULDC is hereby amended by adding Section 9-10-6-15 entitled "Lodging Services" to read as follows:

Section 9-10-6-15. - Lodging Services.

(a) Purpose.

(1) The purpose of this section is to ensure the continued availability of quality transient lodging within the City and proper maintenance of lodging services and to protect the health, safety and welfare of users of lodging services.

(2) This section is essential to the public's interest, safety, health, and welfare and shall be liberally construed to effectuate its purposes.

(b) Applicability.

(1) The provisions of this section shall apply in addition to other regulations of the City's Code of Ordinances and Unified Land Development Code. In the event of a conflict between other sections and this section, this section shall control.

(2) The provisions of this section which apply to "nonconforming use," as defined in Section 9-11-3-1 of the City's Unified Land Development Code shall apply to new lodging services established following the effective date of the ordinance codified in this section. All legal, code-compliant lodging services currently located in the City shall become legal, nonconforming uses, and as such must comply with the regulations set forth in Chapter 9-11-3 of the City's Unified Land Development Code.

(c) Definitions.

Bona fide employee shall mean a person who works in the business of lodging services or extended stay lodging services under a contract of hire, whether express or implied, where the employer has the power or right to control or direct the details of what work is to be performed and the manner in which that work is to be performed.

Extended stay lodging services shall mean any facility consisting of one or more buildings, offering shelter accommodations, or a place for shelter, to the public for a fee for more than 15 days but not more than 30 days in one or more rooms within the same facility, with provisions for living, sanitation, sleeping, fixed cooking appliances, and/or kitchen facilities.

Fixed cooking appliances shall mean a stove top burner; a hotplate that does not serve as an integral part of an appliance designed solely to produce coffee; a conventional oven; a

convection oven; or any oven producing heat using resistance heating elements, induction heating, or infrared heating sources.

Guest shall mean a person who is not a Patron but is present on the premises of lodging services to accompany a Patron and with the express permission of the owner, operator, keeper or proprietor of the lodging services. Guests are required to register with the supporting Patron.

Lodging services shall mean any facility consisting of one or more buildings, offering shelter accommodations, or a place for shelter, to the public for a fee for 15 days or less in one or more rooms in the same facility, with provisions for living, sanitation, and sleeping.

Kitchen facilities shall mean kitchen amenities including, but not limited to, refrigerators, stoves, ovens, and kitchen-type sink. Amenities limited to a microwave, mini-refrigerator, and/or an appliance designed to produce coffee or tea do not constitute "kitchen facilities" for purposes of this definition.

Patron shall mean a person who pays a fee to the owner, operator, keeper or proprietor of the lodging services for the right to occupy one or more rooms.

(d) Provisions applicable to lodging services.

(1) No more than five percent (5%) of rooms in lodging services shall have fixed cooking appliances and/or kitchen facilities located therein. If more than five percent (5%) of the rooms contain fixed cooking appliances and/or kitchen facilities, such lodging services shall be deemed extended stay lodging services, and subject to the regulations for extended stay lodging services.

(2) No lodging services may be converted to and operated as extended stay lodging services unless the lodging services is in full compliance with each of the provisions applicable to extended stay lodging services, including but not limited to having the appropriate zoning for the property upon which the lodging services is located.

(3) All lodging services must staff the lobby with a bona fide employee or manager twenty-four (24) hours a day.

(4) No owner, operator, keeper, proprietor or employee of lodging services shall provide lodging at an hourly rate.

(5) No owner, operator, keeper or proprietor of lodging services shall designate more than three (3) rooms for the purpose of allowing bona-fide employees and their family to reside on the premises.

(6) Maximum length of occupancy.

i. No lodging services located within the City shall allow any person to stay at such lodging services for more than fifteen (15) consecutive days, nor more than thirty (30) days during a one hundred eighty (180) day period unless one of the following criteria apply.

(a) Where there is a written agreement between lodging services and a business entity or governmental agency to house employees/contractors and family of

employees/contractors of such business entity or governmental agency during times that said employees/contractors are performing services for such business entity or governmental agency; or

(b) Where there is documentation, consistent with HIPAA privacy rules, that a Patron and/or Guest(s) are family of or providing care for a patient who is admitted at a local hospital or other medical care facility; or

(c) Where an insurance company or governmental agency has provided documentation that a Patron and/or Guest has been displaced from the Patron and/or Guest's home by a natural disaster or fire.

(7) Each room at lodging services shall be accessed through an interior hallway, and no person shall have access to the exterior of the building except through the central lobby or as otherwise determined by fire codes.

(8) Each room at lodging services shall have a minimum of three-hundred (300) square feet.

(9) Any outdoor recreational areas provided by lodging services shall be located to the rear or side of the building.

(11) A fixed cooking appliance in any room at lodging services shall have a maximum sixty (60) minute automatic power-off timer for each such appliance.

(12) Inspections of rooms and business records of lodging services may be performed by sworn officers of the City Police Department or the City Code Enforcement and their designated employees for the purpose of verifying compliance with the requirements of this section and state law.

(e) Recordkeeping and registration requirements for lodging services.

(1) Every owner, operator, keeper or proprietor of any lodging services shall keep a record of all rental agreements between the lodging services and all Patrons and Guests and make these records available to the City upon request. For purpose of this subsection, the term "record" shall include the electronic registration system of the lodging services which stores Patron and Guest identifying information. In the event the lodging services does not have an electronic registration system, the lodging services shall manually record the Patron and Guest information in a paper record or registration book.

(2) The following information, at a minimum, must be recorded at the time of registration and maintained for a period of not less than one hundred and eighty (180) days after the rental agreement's termination:

(a) The number of occupants;

(b) The full name and phone number of the person responsible for payment;

(c) The room number assigned to each Patron and Guest;

(d) The day, month, year and time of arrival of each Patron and Guest;

(e) The day, month, and year each Patron and Guest are scheduled to depart;

(f) Upon departure, record of departure day, month, and year for each Patron and Guest;

(g) The rate charge and amount collected for rental of the room.

(3) No person shall procure or provide lodging in any lodging services, through misrepresentation or production of false identification, or identification which misrepresents the identity of the person procuring or sharing in such lodging.

(4) All information required to be maintained pursuant to this section shall be provided to any federal, state, or local sworn law enforcement officer having the lawful power to arrest, upon demand of the officer and a representation by said officer that a reasonable suspicion exists that such information is relevant to a then-pending inquiry or investigation. Nothing in this requirement shall be construed as giving any such officer any greater right or license to enter a room or invade privacy that the officer shall otherwise possess as a matter of law, probable cause, constitutional law, statutory right, or warrant.

SECTION VIII.

Chapter 9-10-6 of the ULDC is hereby amended by adding Section 9-10-6-16 entitled “Extended Stay Lodging Services” to read as follows:

Section 9-10-6-16. - Extended Stay Lodging Services.

(a) Purpose.

(1) The purpose of this section is to ensure the continued availability of quality transient lodging within the City and proper maintenance of extended stay lodging services and to protect the health, safety and welfare of users of extended stay lodging services.

(2) This section is essential to the public's interest, safety, health, and welfare and shall be liberally construed to effectuate its purposes.

(b) Applicability.

(1) The provisions of this section shall apply in addition to other regulations of the City's Code of Ordinances and Unified Land Development Code. In the event of a conflict between other sections and this section, this section shall control.

(2) The provisions of this section which apply to “nonconforming use,” as defined in Section 9-11-3-1 of the City's Unified Land Development Code shall apply to new extended stay lodging services established following the effective date of the ordinance codified in this section. All legal, code-compliant extended stay lodging services currently located in the City shall become legal, nonconforming uses, and as such must comply with the regulations set forth in Chapter 9-11-3 of the City's Unified Land Development Code.

(c) Definitions.

Bona fide employee shall mean a person who works in the business of lodging services or extended stay lodging services under a contract of hire, whether express or implied, where the employer has the power or right to control or direct the details of what work is to be performed and the manner in which that work is to be performed.

Extended stay lodging services shall mean any facility consisting of one or more buildings, offering shelter accommodations, or a place for shelter, to the public for a fee for more than

15 days but not more than 30 days in one or more rooms within the same facility, with provisions for living, sanitation, sleeping, fixed cooking appliances, and/or kitchen facilities.

Fixed cooking appliances shall mean a stove top burner; a hotplate that does not serve as an integral part of an appliance designed solely to produce coffee; a conventional oven; a convection oven; or any oven producing heat using resistance heating elements, induction heating, or infrared heating sources.

Guest shall mean a person who is not a Patron but is present on the premises of lodging services or extended stay lodging services to accompany a Patron and with the express permission of the owner, operator, keeper or proprietor of the lodging services or extended stay lodging services. Guests are required to register with the supporting Patron.

Lodging services shall mean any facility consisting of one or more buildings, offering shelter accommodations, or a place for shelter, to the public for a fee for 15 days or less in one or more rooms in the same facility, with provisions for living, sanitation, and sleeping.

Kitchen facilities shall mean kitchen amenities including, but not limited to, refrigerators, stoves, ovens, and kitchen-type sink. Amenities limited to a microwave, mini-refrigerator, and/or an appliance designed to produce coffee or tea do not constitute "kitchen facilities" for purposes of this definition.

Patron shall mean a person who pays a fee to the owner, operator, keeper or proprietor of the lodging services or extended stay lodging services for the right to occupy one or more rooms.

(d) Provisions applicable to extended stay lodging services.

(1) If more than five percent (5%) of the rooms contain fixed cooking appliances and/or kitchen facilities, such lodging services shall be deemed extended stay lodging services, and subject to the regulations for extended stay lodging services.

(2) No lodging services may be converted to and operated as extended stay lodging services unless the lodging services is in full compliance with each of the provisions applicable to extended stay lodging services.

(3) Any extended stay lodging services shall require special use approval by the governing body within the General Business (G-B) zoning district.

(4) All extended stay lodging services must staff the lobby with a bona fide employee or manager twenty-four (24) hours a day.

(5) No owner, operator, keeper, proprietor or employee of extended stay lodging services shall provide lodging at an hourly rate.

(6) No owner, operator, keeper or proprietor of extended stay lodging services shall designate more than three (3) rooms for the purpose of allowing bona-fide employees and their family to reside on the premises.

(7) Maximum length of occupancy.

i. No extended stay lodging services located within the City shall allow any person to stay at such extended stay lodging services for more than thirty (30) consecutive days, nor

more than sixty (60) days during a one hundred eighty (180) day period, unless one of the following criteria apply.

- (a) Where there is a written agreement between lodging services and a business entity or governmental agency to house employees/contractors and family of employees/contractors of such business entity or governmental agency during times that said employees/contractors are performing services for such business entity or governmental agency; or
- (b) Where there is documentation, consistent with HIPAA privacy rules, that a Patron and/or Guest(s) are family of or providing care for a patient who is admitted at a local hospital or other medical care facility; or
- (c) Where an insurance company or governmental agency has provided documentation that a Patron and/or Guest has been displaced from the Patron and/or Guest's home by a natural disaster or fire; or
- (d) Where there is official documentation from a local non-profit housing agency or shelter that no alternative housing is available for the Patron and/or Guest.

(8) The minimum lot size for extended stay lodging services shall be two (2) acres.

(9) Each room at extended stay lodging services shall be accessed through an interior hallway, and no person shall have access to the exterior of the building except through the central lobby or as otherwise determined by fire codes.

(10) The size of the lobby at extended stay lodging services shall be a minimum of seven-hundred (700) square feet.

(11) Each room at extended stay lodging services shall have a minimum of three-hundred (300) square feet.

(12) Extended lodging services shall provide an enclosed heated and air-conditioned laundry space with a minimum of three (3) washers and three (3) dryers.

(13) Any outdoor recreational areas provided by extended stay lodging services shall be located to the rear or side of the building.

(14) Any extended stay lodging services adjacent to residentially zoned property or residential land uses shall provide at least a seventy-five (75) foot natural buffer, enhanced with an at least an additional twenty-five (25) foot landscaped buffer (total at least one-hundred (100) feet).

(15) A fixed cooking appliance in any room at extended stay lodging services shall have a maximum sixty (60) minute automatic power-off timer for each such appliance.

(16) Inspections of rooms and business records of extended stay lodging services may be performed by sworn officers of the City Police Department or the City Code Enforcement

and their designated employees for the purpose of verifying compliance with the requirements of this section and state law.

(e) Recordkeeping and registration requirements for extended stay lodging services.

(1) Every owner, operator, keeper or proprietor of any extended stay lodging services shall keep a record of all rental agreements between the extended stay lodging services and all Patrons and Guests and make these records available to the City upon request. For purpose of this subsection, the term "record" shall include the electronic registration system of the extended stay lodging services which stores Patron and Guest identifying information. In the event the extended stay lodging services does not have an electronic registration system, the extended stay lodging services shall manually record the Patron and Guest information in a paper record or registration book.

(2) The following information, at a minimum, must be recorded at the time of registration and maintained for a period of not less than one hundred and eighty (180) days after the rental agreement's termination:

- (a) The number of occupants;
- (b) The full name and phone number of the person responsible for payment;
- (c) The room number assigned to each Patron;
- (d) The day, month, year and time of arrival of each Patron and Guest;
- (e) The day, month, and year each Patron and Guest are scheduled to depart;
- (f) Upon departure, record of departure day, month, and year for each Patron and Guest;
- (g) The rate charge and amount collected for rental of the room.

(3) No person shall procure or provide lodging in any extended stay lodging services, through misrepresentation or production of false identification, or identification which misrepresents the identity of the person procuring or sharing in such lodging.

(4) All information required to be maintained pursuant to this section shall be provided to any federal, state, or local sworn law enforcement officer having the lawful power to arrest, upon demand of the officer and a representation by said officer that a reasonable suspicion exists that such information is relevant to a then-pending inquiry or investigation. Nothing in this requirement shall be construed as giving any such officer any greater right or license to enter a room or invade privacy that the officer shall otherwise possess as a matter of law, probable cause, constitutional law, statutory right, or warrant.

SECTION VIII.

Subsections (a), (b), and (c) of Section 9-10-1-2 of the ULDC are hereby amended by eliminating them in their entirety and substituting in their place the language set forth below:

- (a) *Height.* If a fence or freestanding wall, other than a retaining wall or necessary fencing encompassing a tennis court, is to be placed in a yard, it shall be no more than eight (8) feet in height. Fences or freestanding walls constructed **between the build-to-line and the front lot line** in a front yard of a residential lot shall not exceed three and one-half (3.5) feet (42 inches) in height; provided, however, that this shall not apply to subdivision or project identification monuments at the entrance to a subdivision or development and wall or fence extensions thereof, where permitted, which shall not exceed eight (8) feet in height and columns shall not exceed ten (10) feet in height. Fences or walls on properties with nonresidential uses

shall not exceed eight (8) feet in height and columns shall not exceed ten (10) feet in height in a front, side or rear yard.

- (b) ~~Setback and~~ Location. Fences and walls must be set back three (3) feet from ~~should be located along~~ any side or rear common property line, for purposes of maintenance; provided, however, that a fence may be established along a side or rear property line if there is a written and signed agreement between the property owners to permit the fence at or along a common property line. In such cases, the Director may require a letter, plat or deed as evidence of such agreement. No fence or freestanding wall shall be erected in a manner that obstructs visibility at street intersections (see also Chapter 9-17-4, "Site Visibility Triangle Easements"). Retaining walls and subdivision entrance monuments shall not be placed within the right-of-way of a local street.
- (c) Composition. Walls and fences shall present a finished and attractive surface to the exterior of the property and to the interior of the property where the interior wall or fence is visible from the right-of-way. The entire wall or fence must be consistent in form, shape, style and material and shall not be composed or constructed of exposed concrete block, tires, junk, or other discarded materials. In all residential zoning districts, fences or walls erected within the required front yard shall be constructed of brick, stone, wood, stucco, wrought iron, split rail, vinyl plastic or chain-link coated with black in color vinyl.; provided, however, that this shall not preclude wire fences (e.g., chain link, or barbed wire) within a required front yard, when a residential property contains a minimum of two (2) acres and such fencing is needed for permitted livestock. Chain-link fences installed in commercial and industrial zoning districts and visible from the public right-of-way shall be coated with black in color vinyl with a black color and the appearance softened with landscaping as approved by the Director. An additional two (2) feet of security wire may be placed on fences in commercial and industrial zoning districts, unless prevented by overlay zone regulations.

SECTION IX.

Section 9-20-14-15 of the ULDC is hereby amended by eliminating it in its entirety and substituting in its place the language set forth below:

The building official may withhold, revoke, or suspend a building permit or certificate of occupancy when violations occur.

The term "Violations" as used in the preceding sentence shall include violations of local, state, and/or federal law, including but not limited to criminal law.

If the certificate of occupancy is revoked for criminal violations, no new certificate of occupancy shall be issued at that location for the same use for 12 months immediately following revocation. Revocation of a certificate of occupancy shall automatically revoke the business/occupation tax (business license).

SECTION X.

Section 9-9-1-4 of the ULDC is hereby amended by adding Subsections (f), (g), and (h) as set forth below:

- (f) The Central Business District exhibits a significant historical, architectural and cultural character for our community. In accordance with the community visioning and Central Core

character area delineation completed as part of the City's Comprehensive Planning Process, no demolition of building(s) or structure(s) within property zoned Central Business (C-B) shall commence, and no demolition permit shall be issued by the Community Development Department, prior to the approval of the demolition of said building(s) or structure(s) by the Community and Economic Development Director (see also Chapter 9-9-2, "Site and Architectural Design Review").

(g) A demolition permit may be denied for the following reasons:

(1) The proposed new structure or use on the site is not compatible with the Central Core character area and the design guidelines as identified in Chapter 9-9-6.

(2) The demolition permit allows the demolition of a historically significant building that contributes to the Central Core character area.

(h) If the demolition of the building(s) or structure(s) is denied by the Community and Economic Development Director, the applicant shall have the right to appeal to the governing body of the City of Gainesville.

SECTION XI.

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

SECTION XII.

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

SECTION XIII.

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

C. Danny Dunagan, Jr., Mayor

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

ATTEST:

Denise O. Jordan, City Clerk

AN ORDINANCE

No. 2019-

AN ORDINANCE TO AMEND TABLE 9-6-1 ENTITLED “PERMITTED AND SPECIAL USES FOR NONRESIDENTIAL ZONING DISTRICTS” OF THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF GAINESVILLE, GEORGIA (THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF GAINESVILLE, GEORGIA HEREINAFTER REFERRED TO AS “THE ULDC”) AS SET FORTH BELOW; TO AMEND TABLE 9-6-2 ENTITLED “DIMENSIONAL REQUIREMENTS FOR NONRESIDENTIAL ZONING DISTRICTS” OF THE ULDC BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; TO AMEND SECTION 9-8-7-6 ENTITLED “PROHIBITED AND PERMITTED USES” OF THE ULDC BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; TO AMEND CHAPTER 9-10-6 ENTITLED “PRINCIPAL NONRESIDENTIAL USES” OF THE ULDC BY ADDING SECTION 9-10-6-12 ENTITLED “HOOKAH, E-CIGARETTE LOUNGE, AND/OR VAPOR LOUNGE/BAR,” SECTION 9-10-6-13 ENTITLED “SPECIAL EVENT FACILITY,” SECTION 9-10-6-14 ENTITLED “FOOD PROCESSING PLANT,” AND SECTION 9-10-6-15 ENTITLED “LODGING SERVICES AND EXTENDED STAY LODGING SERVICES” AS SET FORTH BELOW; TO AMEND SUBSECTIONS (a), (b), AND (c) OF SECTION 9-10-1-2 ENTITLED “FENCES AND WALLS” OF THE ULDC BY ELIMINATING THEM IN THEIR ENTIRETY AND SUBSTITUTING IN THEIR PLACE THE LANGUAGE SET FORTH BELOW; TO AMEND SECTION 9-20-14-15 ENTITLED “SUSPENSION OF PERMITS AND CERTIFICATES” OF THE ULDC BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; TO AMEND SECTION 9-9-1-4 ENTITLED “GENERAL REQUIREMENTS” OF THE ULDC BY ADDING SUBSECTIONS (f), (g), AND (h) AS SET FORTH BELOW; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

SECTION I.

Table 9-6-1 of the ULDC is hereby amended by eliminating the uses entitled “Lodging services,” “Lodging services, extended stay,” “Special event facility,” and “Food processing plant, including poultry and fish” in their entirety and substituting in their places the language set forth below, as well as by adding the uses entitled “Hookah, E-Cigarette and/or Vapor Lounge/Bar” and “Retail Sales of all Alternative Nicotine Products” as set forth below:

Use	Definition	Specific Regulations	O-I	N-B	C-B	R-B	G-B	L-I	H-I
OFFICE AND COMMERCIAL USES									
Hookah, E-Cigarette and/or Vapor Lounge/Bar	An establishment where patrons use a communal hookah or pipe to smoke, or where patrons vape, or where patrons use e-cigarettes to smoke or smoke other alternative nicotine products.	9-10-6-12	X	X	X	X	X	○	○
Retail Sales of all Alternative Nicotine Products	Retail sales of all alternative nicotine products and non-traditional tobacco paraphernalia including but not limited to hookah, vapes, vape pens, e-liquids, e-cigarettes, and bongs.		X	X	X	○	○	○	○
Lodging Services	Lodging services: A facility offering shelter accommodations, or place for such shelter, to the public for a fee for 15 days or less in one or more rooms within the same facility, with provisions for living, sanitation, and sleeping. Includes hotels and motels.	9-10-6-15	X	X	●	●	●	●	●
Lodging Services, Extended Stay (also referred to as Extended Stay Lodging Services)	Lodging services, extended stay (also referred to as Extended Stay Lodging Services): A facility offering shelter accommodations, or place for such shelter, to the public for a fee for more than 15 days but not to exceed one month 30 days in one or more rooms within the same facility, with provisions for living, sanitation, sleeping and fixed cooking appliances. Includes hotels and motels.	9-10-6-15	X	X	●X	●X	●○	●X	●X
Special Event Facility	Special event facility: An independent facility, assembly hall, or restaurant event space capable of accommodating 100 patrons or more leased for the purpose of holding private parties or special events including but not limited to weddings. This term excludes an accessory special event facility that is part of a religious institution, educational facility, hotel, community recreation facility, and/or nonprofit club or lodge.	9-10-6-13	○	●○	●○	●○	●○	●○	●○
Use	Definition	Specific Regulations	O-I	N-B	C-B	R-B	G-B	L-I	H-I
INDUSTRIAL USES									
Food Processing Plant, including poultry and fish	Food processing plant: A manufacturing establishment producing or processing foods for human or animal consumption and certain related products or by-products, including but not limited to the following products: sugar, dairy, fruit and vegetable (including canning, preserving and processing), grain mill products and by-products, meat, poultry and seafood (including by-product processing but not including the slaughtering of animals), and miscellaneous food preparation from raw products.	9-10-6-14	X	X	X	X	X	●X	●

SECTION II.

Table 9-6-2 of the ULDC is hereby amended by eliminating it in its entirety and substituting in its place the language set forth below:

**TABLE 9-6-2
DIMENSIONAL REQUIREMENTS FOR
NONRESIDENTIAL ZONING DISTRICTS**

BUILDING AND SITE REQUIREMENTS	O-I	N-B	C-B	R-B	G-B	L-I	H-I
Minimum site area to rezone to this district (square feet except as shown)	15,000	15,000	None	4 acres	15,000	15,000	15,000
Maximum building coverage (percent of lot area)	50%	50%**	None	50%	60%	70%	70%
Maximum impervious surface coverage (percent of lot area)	75%	75%	None	80%	80%	85%	85%
Minimum landscaped open space for non-single-family residential use (percent of lot area)	20%	20%	None	15%	10%	5%	5%
Minimum road frontage (feet)	40	40	40	40	40	40	40
Minimum lot width, all uses (feet)	75	75	None	100	100	100	100
Minimum lot size, detached single-family dwelling (square feet)	15,000	15,000	None	NP	NP	NP	NP
Minimum lot size, two-family dwelling (square feet)	30,000	30,000	NP	NP	NP	NP	NP
Minimum lot size, all other permitted uses (square feet)	15,000	15,000	None	15,000	15,000	15,000	15,000
Maximum residential density for permitted residential uses (dwelling units per acre)	12.0 dwelling units per acre	12.0 dwelling units per acre	0.5 2.0 floor-area ratio	NP	NP	NP	NP
HEIGHT REQUIREMENTS	O-I	N-B	C-B	R-B	G-B	L-I	H-I
Maximum height (feet)	60	60	120	75	75	75	120
Maximum height (number of stories)	4	4	8	5	5	5	5
PRINCIPAL BUILDING SETBACKS AND BUFFERS	O-I	N-B	C-B	R-B	G-B	L-I	H-I
Front setback, all streets, minimum (feet)	30	40	None	40	40	30	40
Side setback, minimum (unless otherwise specified) (feet)	None	None	None	None	None	None	None
Rear setback, minimum (unless otherwise specified) (feet)	None	None	None	None	None	None	None
Side or rear setback abutting RR r/w or alley, minimum (feet)	25	15	None	15	None	None	None
	O-I	N-B	C-B	R-B	G-B	L-I	H-I
Side or rear vegetative/structural buffer* and building setback when abutting R-I-A, R-I, N-C, R-II or R-O districts	25	25	10	25	35	35 50	35 100
Side or rear vegetative/structural buffer* and setback when abutting O-I, N-B, R-B, C-B, G-B districts	None	None	None	None	None	10	10
Corps of Engineers property line (unless otherwise specified) (feet)	-	-	-	-	-	-	-
ACCESSORY BUILDING SETBACKS AND BUFFERS	O-I	N-B	C-B	R-B	G-B	L-I	H-I
	Shall meet the principal building setback and buffer standards unless otherwise specified within Chapter 9-10-7 of this Unified Land Development Code.						
Corps of Engineers property line (unless otherwise specified) (feet)	-	-	-	-	-	-	-
LANDSCAPE STRIPS	O-I	N-B	C-B	R-B	G-B	L-I	H-I
Minimum landscape strip required along right-of-ways for any non-single-family residential use (width in feet)	10	10	None	10	10	10	10
Minimum landscape strip required along side property lines for any non-single-family residential use (width in feet)	10	10	None	None	None	None	None

Minimum landscape strip required along right-of-way of existing street for any residential subdivision involving a new street with more than five lots (along that part of the frontage not used for the new street). Plantings within landscape strips shall not obstruct sight visibility triangle easements.	20	20	N/A	N/A	N/A	N/A	N/A
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NP = Not Permitted

* Required zoning buffers may be reduced in width with installation of a structural buffer as provided in Chapter 9-16-2-6 of this Unified Land Development Code.

** Within the N-B zoning district, no individual establishment shall exceed 50,000 square feet of gross floor area total or 18,000 square feet of gross floor area on the ground level floor.

SECTION III.

Section 9-8-7-6 of the ULDC is hereby amended by eliminating it in its entirety and substituting in its place the language set forth below:

Section 9-8-7-6. Prohibited and permitted uses.

All uses permitted by right or as Special Uses within the underlying zoning district shall be similarly permitted within the Midtown overlay zone, except the following uses shall not be permitted on any property within the Midtown overlay zone:

Automated or non-automated car washes.

Coin-laundry facilities.

Dollar-type stores or thrift stores.

Community donation boxes.

Gas stations (located on lots less than 2 acres in size).

Group homes, homeless shelters, rooming house or crisis centers.

Hookah, E-cigarette, and/or Vapor lounge/bars.

Industrial uses causing the emission of noise, vibration, smoke, dust, gas, fumes and odors.

Industrial uses with outdoor storage.

Jail/correctional facility.

Kennels.

Liquor stores.

Marine sales or repair stores.

Massage parlors.

Mini-warehouses including climate controlled self-service storage facilities.

Motels or extended stay lodging.

Motor vehicle sales or service.

Pawn shops.

Psychics, fortune tellers, clairvoyants and the like.

Retail sales of alternative nicotine products.

Salvage yard.

Sanitation uses including the storage of trash cans, dumpsters and porta potties.

Sawmill.

Sexually-oriented adult uses.

Tattoo parlors.

Taxi-cab or limousine services.

Tobacco or vaping stores.

Truck stops.

Vehicle emission testing facility.

Veterinarian or animal hospitals with outdoor kennels.

Wireless telecommunication facility or cell towers excluding co-location.

Wrecked motor vehicle compound.

In addition, loft dwellings, single-family homes, condominiums and townhouses shall be permitted by right in any non-residential district in the overlay zone, and shall not exceed a density of 12 dwelling units per acre unless approved as part of a Planned Unit Development.

SECTION IV.

Chapter 9-10-6 of the ULDC is hereby amended by adding Section 9-10-6-12 entitled "Hookah, E-Cigarette, and/or Vapor Lounge/Bar" to read as follows:

Section 9-10-6-12. - Hookah, E-Cigarette, and/or Vapor Lounge/Bar.

(a) Purpose and Findings.

- (1) The governing body finds that the use of hookah pipes, electronic cigarettes, vape pens, and other similar devices in hookah, e-cigarette, and/or vapor lounges/bars and the activities associated with such businesses (including loud music, large numbers of customers congregating for long periods, etc.) have been associated with increases in odors, noise, vapors, second-hand smoke, parking impacts, loitering, and disturbances in the peace. The purpose of this section is to prevent the overconcentration of this land use and to mitigate the negative impacts associated with this land use.
- (2) The governing body also finds that smoking and vaping land uses expose minors to dangerous secondhand-smoke by-products and increase the potential for minors to associate smoking of hookah pipes, electronic tobacco devices, and vaping devices with a normative or healthy lifestyle.
- (3) The U.S. Food and Drug Administration conducted laboratory analysis of electronic cigarette samples and found them to contain carcinogens and toxic chemicals to which users and bystanders could potentially be exposed, suggesting that the same health and public nuisance concerns present with conventional cigarettes exist with electronic cigarettes.
- (4) The U.S. Centers for Disease Control and Prevention reports that smoking a hookah has many of the same health risks as cigarette smoking; that hookah use by youth is increasing; that the charcoal used to heat hookah tobacco can have negative health risks because it produces high levels of carbon monoxide, metals, and carcinogens; that hookah smokers may absorb more of the toxic substances also found in cigarette smoke than cigarette smokers do; that secondhand smoke from hookahs can be a health risk for nonsmokers; and that new forms of electronic hookah smoking are now on the market and very little information is available on the health risks of electronic tobacco products.
- (5) Chapter 3-7 the Code of the City of Gainesville, Georgia entitled "Smokefree Air" bans smoking in all enclosed public places, subject to certain exceptions. In addition, the State of Georgia further regulates smoking in public areas under the Georgia Smokefree Air Act of 2005.

(b) Applicability.

(1) The provisions of this section shall apply in addition to other regulations of the City's Code of Ordinances and Unified Land Development Code. In the event of a conflict between other sections and this section, this section shall control.

(2) The provisions of this section shall apply to new facilities established following the effective date of the ordinance codified in this title. All legal, code-compliant hookah, e-cigarette, and vapor lounges/bars currently located in the City shall become legal, nonconforming uses, and as such must comply with the regulations set forth in Chapter 9-11-3 of the City's Unified Land Development Code.

(c) Definitions.

A hookah lounge or bar is an establishment where patrons use a communal hookah or pipe to smoke.

An e-cigarette lounge or bar is an establishment where patrons use e-cigarettes to smoke or smoke other alternative nicotine or tobacco products.

A vapor lounge or bar is an establishment where patrons vape or smoke other alternative nicotine or tobacco products.

(d) Location.

Any hookah, e-cigarette, and/or vapor lounge/bar shall require special use approval by the governing body within the Light Industrial (L-I) and Heavy Industrial (H-I) zoning districts.

(e) Operational and Development Standards.

The following operational and development standards shall apply to all hookah, e-cigarette, and/or vapor lounges/bars in the City and shall be included as conditions imposed upon any license, permit, or other entitlement granted for such a business:

(1) Distance Requirements. Any hookah, e-cigarette, and/or vapor lounge/bar shall be located at least 500 feet from any other hookah, e-cigarette, and/or vapor lounge/bar, or from any smokers' lounge, smoke shop, tobacco shop, and/or alternative nicotine product shop. Any hookah, e-cigarette, and/or vapor lounge/bar shall be located at least 1,000 feet from any public or private K-12 school or daycare, library, church, community and/or recreation center, liquor store, sexually oriented business, tattoo parlor, pawnshop, bar or nightclub, card room, check cashing business, park, and/or residential zoning district.

(2) Any hookah, e-cigarette, and/or vapor lounge/bar shall operate in compliance with all federal, state, county, and local laws and regulations.

(3) Minors Prohibited. No persons under 18 years of age shall be permitted within a hookah, e-cigarette, and/or vapor lounge/bar, including as employees. All employees must be at least 18 years of age. Business owners or operators shall require proof of identification to verify the age of customers, visitors, and employees.

- (4) Indoor Operation Only. All business-related activity, including smoking, shall be conducted entirely within a building. Outdoor seating, operating outdoor barbecues, and/or lighting coals outdoors shall not be permitted.
- (5) Admission Charges Prohibited. No admission charges, including a cover charge or minimum purchase requirement, shall be permitted.
- (6) Food and beverages, including alcoholic beverages and prepackaged food and beverages, shall not be sold, served, or consumed on the premises of the lounge/bar.
- (7) Visibility and Illumination. No window coverings or signage shall prevent visibility of the interior of the establishment from the outside during operating hours. The interior of the establishment shall have lighting adequate to make the conduct of patrons within the establishment readily discernible from the outside of the establishment to people of normal visual capabilities.
- (8) Ventilation. Adequate ventilation must be provided in accordance with all standards imposed by the building official and fire department, and any other requirements applicable to the establishment by state or federal laws. The requirements imposed by the building official or fire department may be more comprehensive than current building codes to prevent negative health and nuisance impacts on neighboring properties, including a requirement for a separate system to prevent smoke and vapors from migrating to adjoining suites or buildings and to outdoor public areas.

SECTION V.

Chapter 9-10-6 of the ULDC is hereby amended by adding Section 9-10-6-13 entitled "Special Event Facility" to read as follows:

Section 9-10-6-13. - Special Event Facility.

- (a) Definition. Special event facility means an independent facility, assembly hall, or restaurant event space capable of accommodating 100 patrons or more leased for the purpose of holding private parties or special events including but not limited to weddings. This term excludes an accessory special event facility that is part of a religious institution, educational facility, hotel, community recreation facility, and/or nonprofit club or lodge.
- (b) Codes. A special event facility must meet all applicable building, occupancy, life safety, fire, parking, health and food service codes, rules and regulations.
- (c) Applicability.
 - (1) The provisions of this section shall apply in addition to other regulations of the City's Code of Ordinances and Unified Land Development Code. In the event of a conflict between other sections and this section, this section shall control.
 - (2) The provisions of this section shall apply to new special event established following the effective date of the ordinance codified in this title. All legal, code-compliant special event facilities currently located in the City shall become legal, nonconforming uses, and as such must comply with the regulations set forth in Chapter 9-11-3 of the City's Unified Land Development Code.

- (d) Location. A special event facility shall be located on an Arterial Street or Collector Street, as those terms are defined in Section 9-13-2-1. A special event facility shall require special use approval by the governing body.
- (e) Noise. Any amplified noise shall be subject to the regulations established in the City's Code of Ordinances and Unified Land Development Code, as may be amended from time to time.
- (f) Security. Uniformed security guard(s) shall be provided in such a level so as to ensure the safety of the public and all attendees within a special event facility.
- (g) Site Inspection. A site inspection by the building official shall be required prior to the issuance of a Certificate of Occupancy for any special event facility.

SECTION VI.

Chapter 9-10-6 of the ULDC is hereby amended by adding Section 9-10-6-14 entitled "Food Processing Plant" to read as follows:

Section 9-10-6-14. - Food Processing Plant.

- (a) Definition. Food processing plant means a manufacturing establishment producing or processing foods for human or animal consumption, and certain related products or by-products, including but not limited to the following products: sugar, dairy, fruit and vegetable (including canning, preserving and processing), grain mill products and by-products, meat, poultry and seafood (including by-product processing but not including the slaughtering of animals), and miscellaneous food preparation from raw products.
- (b) Minimum Lot Size. The minimum lot size for a food processing plant shall be 5 acres.
- (c) Parking. A minimum of 0.75 spaces per employee for the number of employees present during the largest shift must be provided within defined parking areas that meet the parking standards outlined in Chapter 9-17-5 of the City's Unified Land Development Code.
- (d) Loading Zones. Loading zones and areas for truck turnarounds and truck queuing must be designated separate from employee parking and must be provided on-site. No public right-of-way shall be used for these purposes.
- (e) Location. Access shall be from an Arterial Street or Collector Street, as that term is defined in Section 9-13-2-1.
- (f) Noise, Dust and Odors. Any noise, dust or odors shall be subject to the regulations established in the City's Code of Ordinances and the Unified Land Development Code, as may be amended from time to time.
- (g) Site Inspection. A site inspection by the building official shall be required prior to the issuance of a Certificate of Occupancy for any food processing plant.
- (h) Applicability.

- (1) The provisions of this section shall apply in addition to other regulations of the City's Code of Ordinances and Unified Land Development Code. In the event of a conflict between other sections and this section, this section shall control.
- (2) The provisions of this section shall apply to new food processing plants established following the effective date of the ordinance codified in this title. All legal, code-compliant food processing plants currently located in the City shall become legal, nonconforming uses, and as such must comply with the regulations set forth in Chapter 9-11-3 of the City's Unified Land Development Code.

SECTION VII.

Chapter 9-10-6 of the ULDC is hereby amended by adding Section 9-10-6-15 entitled "Lodging Services and Extended Stay Lodging Services" to read as follows:

Section 9-10-6-15. - Lodging Services and Extended Stay Lodging Services.

(a) Purpose.

- (1) The purpose of this section is to ensure the continued availability of quality transient lodging within the City and proper maintenance of lodging services and extended stay lodging services and to protect the health, safety and welfare of users of lodging services and extended stay lodging services.
- (2) This section is essential to the public's interest, safety, health, and welfare and shall be liberally construed to effectuate its purposes.

(b) Applicability. The provisions of this section shall apply in addition to other regulations of the City's Code of Ordinances and Unified Land Development Code. In the event of a conflict between other sections and this section, this section shall control.

(c) Definitions.

Bona fide employee shall mean a person who works in the business of lodging services or extended stay lodging services under a contract of hire, whether express or implied, where the employer has the power or right to control or direct the details of what work is to be performed and the manner in which that work is to be performed.

Extended stay lodging services shall mean any facility consisting of one or more buildings, offering shelter accommodations, or a place for shelter, to the public for a fee for more than 15 days but not more than 30 days in one or more rooms within the same facility, with provisions for living, sanitation, sleeping, fixed cooking appliances, and/or kitchen facilities.

Fixed cooking appliances shall mean a stove top burner; a hotplate that does not serve as an integral part of an appliance designed solely to produce coffee; a conventional oven; a convection oven; or any oven producing heat using resistance heating elements, induction heating, or infrared heating sources.

Guest shall mean a person who is not a Patron but is present on the premises of lodging services or extended stay lodging services to accompany a Patron and with the express

permission of the owner, operator, keeper or proprietor of the lodging services or extended stay lodging services. Guests are required to register with the supporting Patron.

Lodging services shall mean any facility consisting of one or more buildings, offering shelter accommodations, or a place for shelter, to the public for a fee for 15 days or less in one or more rooms in the same facility, with provisions for living, sanitation, and sleeping.

Kitchen facilities shall mean kitchen amenities including, but not limited to, refrigerators, stoves, ovens, and kitchen-type sink. Amenities limited to a microwave, mini-refrigerator, and/or an appliance designed to produce coffee or tea do not constitute "kitchen facilities" for purposes of this definition.

Patron shall mean a person who pays a fee to the owner, operator, keeper or proprietor of the lodging services or extended stay lodging services for the right to occupy one or more rooms.

Vehicle shall mean any car, truck, trailer, motorcycle, or other motorized vehicle used for transporting people and required to be registered with a state in order to be legally operated or towed on a public roadway.

(d) Provisions applicable to lodging services and extended stay lodging services.

(1) No more than five percent (5%) of rooms in lodging services shall have fixed cooking appliances and/or kitchen facilities located therein. If more than five percent (5%) of the rooms contain fixed cooking appliances and/or kitchen facilities, such lodging services shall be deemed extended stay lodging services, and subject to the regulations for extended stay lodging services.

(2) No lodging services may be converted to and operated as extended stay lodging services unless the lodging services is in full compliance with each of the provisions applicable to extended stay lodging services.

(3) Any extended stay lodging services shall require special use approval by the governing body within the General Business (G-B) zoning district.

(4) All lodging services and extended stay lodging services must staff the lobby with a bona fide employee or manager twenty-four (24) hours a day.

(5) No owner, operator, keeper, proprietor or employee of lodging services or extended stay lodging services shall provide lodging at an hourly rate.

(6) No owner, operator, keeper or proprietor of lodging services or extended stay lodging services shall designate more than three (3) rooms for the purpose of allowing bona-fide employees and their family to reside on the premises.

(7) Maximum length of occupancy.

i. No lodging services located within the City shall allow any person to stay at such lodging services for more than fifteen (15) consecutive days, nor more than thirty (30) days during a one hundred eighty (180) day period. No person who stays for fifteen (15)

consecutive days shall be permitted to stay at the lodging services until at least a two week period has elapsed since the person's last stay.

- ii. No extended stay lodging services located within the City shall allow any person to stay at such extended stay lodging services for more than thirty (30) consecutive days, nor more than sixty (60) days during a one hundred eighty (180) day period. No person who stays for thirty (30) consecutive days shall be permitted to stay at the extended stay lodging services until at least a two week period has elapsed since the person's last stay.

(8) The minimum lot size for lodging services and extended stay lodging services shall be two (2) acres.

(9) Lodging services and extended stay lodging services shall have a minimum of fifty (50) rooms.

(10) Each room at lodging services and/or extended stay lodging services shall be accessed through an interior hallway, and no person shall have access to the exterior of the building except through the central lobby or as otherwise determined by fire codes.

(11) The size of the lobby at lodging services or extended stay lodging services shall be a minimum of seven-hundred (700) square feet.

(12) Each room at lodging services or extended stay lodging services shall have a minimum of three-hundred (300) square feet.

(13) Any roof of any building of lodging services or extended stay lodging services shall have a minimum roof pitch of four in twelve (4:12).

(14) Lodging services or extended lodging services shall provide an enclosed heated and air-conditioned laundry space with a minimum of three (3) washers and three (3) dryers.

(15) Any outdoor recreational areas provided by lodging services or extended stay lodging services shall be located to the rear of the site.

(16) Any lodging services or extended stay lodging services adjacent to residentially zoned property or residential land uses shall provide at least a seventy-five (75) foot natural buffer, enhanced with an at least an additional twenty-five (25) foot landscaped buffer (total at least one-hundred (100) feet).

(17) A fixed cooking appliance in any room at lodging services or extended stay lodging services shall have a maximum sixty (60) minute automatic power-off timer for each such appliance.

(18) No room at lodging services or extended stay lodging service shall have connecting doors between the rooms.

(19) Inspections of rooms and business records of lodging services and extended stay lodging services may be performed by sworn officers of the City Police Department or the City Code Enforcement and their designated employees for the purpose of verifying compliance with the requirements of this section and state law.

(e) Recordkeeping and registration requirements for lodging services and extended stay lodging services.

(1) Every owner, operator, keeper or proprietor of any lodging services or extended stay lodging services shall keep a record of all rental agreements between the lodging services or extended stay lodging services and all Patrons and Guests and make these records available to the City upon request. For purpose of this subsection, the term "record" shall mean the electronic registration system of the lodging services or extended stay lodging services which stores Patron and Guest identifying information. In the event the lodging services or extended stay lodging services does not have an electronic registration system, the lodging services or extended stay lodging services shall manually record the Patron and Guest information in a paper record or registration book.

(2) The following information, at a minimum, must be recorded at the time of registration and maintained for a period of not less than one hundred and eighty (180) days after the rental agreement's termination:

- (a) The full name, phone number, and home address of each Patron and Guest;
- (b) The room number assigned to each Patron and Guest;
- (c) The day, month, year and time of arrival of each Patron and Guest;
- (d) The day, month, and year each Patron and Guest are scheduled to depart;
- (e) Upon departure, record of departure day, month, and year for each Patron and Guest;
- (f) The rate charge and amount collected for rental of the room;
- (g) The method of payment for each room;
- (h) The make, model, year, color, license plate number, and license plate state of the Patron's and Guests' vehicle(s) if the vehicle(s) will be parked on the premises; and
- (i) Documentation used to verify a stay in excess of one hundred and eighty (180) consecutive days as stated in Section 9-10-6-15(d)(7).

(3) Every owner, operator, keeper or proprietor of any lodging services and extended stay lodging services shall require each Patron to provide proper identification prior to renting a room when registering in person. Proper identification is defined as a current and valid government issued photo identification card such as a driver's license, military identification card, state identification card, or passport. A record of the provided identification shall be kept on file for the duration of the occupancy and for one hundred eighty (180) days thereafter. Any failure to verify such identification or to knowingly allow an individual to receive lodging services without such verification shall be in violation of this section.

(4) No person shall procure or provide lodging in any lodging services or extended stay lodging services, through misrepresentation or production of false identification, or identification which misrepresents the identity of the person procuring or sharing in such lodging.

(5) All information required to be maintained pursuant to this section shall be provided to any federal, state, or local sworn law enforcement officer having the lawful power to arrest, upon demand of the officer and a representation by said officer that a reasonable suspicion exists that such information is relevant to a then-pending inquiry or investigation. Nothing in this requirement shall be construed as giving any such officer any greater right or license to enter a room or invade privacy that the officer shall otherwise possess as a matter of law, probable cause, constitutional law, statutory right, or warrant.

SECTION VIII.

Subsections (a), (b), and (c) of Section 9-10-1-2 of the ULDC are hereby amended by eliminating them in their entirety and substituting in their place the language set forth below:

- (a) *Height.* If a fence or freestanding wall, other than a retaining wall or necessary fencing encompassing a tennis court, is to be placed in a yard, it shall be no more than eight (8) feet in height. Fences or freestanding walls constructed **between the build-to-line and the front lot line** in a front yard of a residential lot shall not exceed three and one-half (3.5) feet (42 inches) in height; provided, however, that this shall not apply to subdivision or project identification monuments at the entrance to a subdivision or development and wall or fence extensions thereof, where permitted, which shall not exceed eight (8) feet in height and columns shall not exceed ten (10) feet in height. Fences or walls on properties with nonresidential uses shall not exceed eight (8) feet in height and columns shall not exceed ten (10) feet in height in a front, side or rear yard.
- (b) ~~Setback and~~ *Location.* Fences and walls **must be set back three (3) feet from** ~~should be located along any side or rear common property line. for purposes of maintenance; provided, however, that a fence may be established along a side or rear property line if there is a written and signed agreement between the property owners to permit the fence at or along a common property line. In such cases, the Director may require a letter, plat or deed as evidence of such agreement.~~ No fence or freestanding wall shall be erected in a manner that obstructs visibility at street intersections (see also Chapter 9-17-4, "Site Visibility Triangle Easements"). Retaining walls and subdivision entrance monuments shall not be placed within the right-of-way of a local street.
- (c) *Composition.* Walls and fences shall present a finished and attractive surface to the exterior of the property **and to the interior of the property where the interior wall or fence is visible from the right-of-way.** ~~The entire wall or fence must be consistent in form, shape, style and material and shall not be~~ composed or constructed of exposed concrete block, tires, junk, or other discarded materials. In all residential zoning districts, fences or walls erected within the ~~required~~ front yard shall be constructed of brick, stone, wood, stucco, wrought iron, split rail, vinyl plastic or chain-link coated with black in color vinyl.; ~~provided, however, that this shall not preclude wire fences (e.g., chain link, or barbed wire) within a required front yard, when a residential property contains a minimum of two (2) acres and such fencing is needed for permitted livestock.~~ Chain-link fences installed in commercial and industrial zoning districts and visible from the public right-of-way shall be coated **with black in color** vinyl ~~with a black color~~ and the appearance softened with landscaping as approved by the Director. An additional two (2) feet of security wire may be placed on fences in commercial and industrial zoning districts, unless prevented by overlay zone regulations.

SECTION IX.

Section 9-20-14-15 of the ULDC is hereby amended by eliminating it in its entirety and substituting in its place the language set forth below:

The building official may withhold, revoke, or suspend a building permit or certificate of occupancy when violations occur.

If the certificate of occupancy is revoked for criminal violations, no new certificate of occupancy shall be issued at that location for the same use for 12 months immediately following revocation.

Revocation of a certificate of occupancy shall automatically revoke the business/occupation tax (business license).

SECTION X.

Section 9-9-1-4 of the ULDC is hereby amended by adding Subsections (f), (g), and (h) as set forth below:

(f) The Central Business District exhibits a significant historical, architectural and cultural character for our community. In accordance with the community visioning and Central Core character area delineation completed as part of the City's Comprehensive Planning Process, no demolition of building(s) or structure(s) within property zoned Central Business (C-B) shall commence, and no demolition permit shall be issued by the Community Development Department, prior to the approval of the demolition of said building(s) or structure(s) by the Community and Economic Development Director (see also Chapter 9-9-2, "Site and Architectural Design Review").

(g) A demolition permit may be denied for the following reasons:

(1) The proposed new structure or use on the site is not compatible with the Central Core character area and the design guidelines as identified in Chapter 9-9-6.

(2) The demolition permit allows the demolition of a historically significant building that contributes to the Central Core character area.

(h) If the demolition of the building(s) or structure(s) is denied by the Community and Economic Development Director, the applicant shall have the right to appeal to the governing body of the City of Gainesville.

SECTION XI.

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

SECTION XII.

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

SECTION XIII.

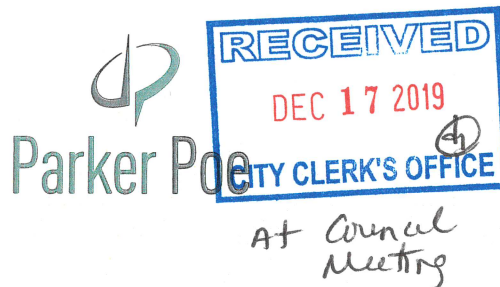
The effective date of this ordinance shall be upon approval by the governing body of the City of Gainesville, Georgia.

C. Danny Dunagan, Jr., Mayor

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

ATTEST:

Denise O. Jordan, City Clerk



Ellen W. Smith
Partner
Telephone: 678.690.5720
Direct Fax: 404.869.6972
ellensmith@parkerpoe.com

Atlanta, GA
Charleston, SC
Charlotte, NC
Columbia, SC
Greenville, SC
Raleigh, NC
Spartanburg, SC
Washington, DC

December 13, 2019

BY EMAIL AND HAND DELIVERY

Mayor Danny Dunagan
Councilmember Ruth H. Bruner
Councilmember Sam Couvillon
Councilmember Zack Thompson
Councilmember Barbara B. Brooks
Councilmember George Wangemann
Public Safety Complex
701 Queen City Parkway
Gainesville, Georgia 30501

BY EMAIL AND HAND DELIVERY

Ms. Denise Jordan, City Clerk
Public Safety Complex
701 Queen City Parkway
Gainesville, Georgia 30501
Email: djordan@gainesville.org

Re: Budgetel Inn and Suites – 726 Jesse Jewell Parkway, Gainesville, Georgia 30501
(the “**Property**”)

**PRESENTATION OF CONSTITUTIONAL ISSUES RAISED BY AND OBJECTION TO THE
CITY OF GAINESVILLE’S PROPOSED AMENDMENT TO THE ULDC RELATING TO
LODGING SERVICES AND EXTENDED STAY LODGING SERVICES**

Ladies and Gentlemen:

This law firm represents M B D Properties LLC, owner of the Property, and its parent company, Nelkin Real Estate (collectively, “**Owner**”), in connection with Owner’s opposition to the City of Gainesville’s (the “**City’s**”) proposed amendments to the portions of the Unified Land Development Code of the City of Gainesville, Georgia (the “**ULDC**”) relating to lodging and extended stay lodging services, which amendments are scheduled to be considered by the City on December 17, 2019. We write to notify the City that the current iterations of the ULDC amendments that Owner has received and reviewed¹, if adopted by the City and applied to Owner and the Property, would defeat our client’s existing permit and land use entitlements and would violate our client’s constitutional rights.

¹ Owner objects to the City’s consideration or adoption of the proposed ULDC amendments at its December 17, 2019 City Council meeting because, upon information and belief, the published ULDC amendments have been further amended without publication. Specifically, on November 12, 2019, the Gainesville Planning and Appeals Board recommended approval of the ULDC amendments “with changes being made to the proposed Lodging Services and Extended Stay Lodging Services ordinance within next thirty days before going to City Council.” (See Agenda notes.) As of 11:30 a.m. on December 17, 2019, and despite requests to the City Clerk, the revised proposed ULDC amendments have not been published or distributed. Accordingly, Owner and other similarly situated owners have not had time to review or understand how the further revised proposed ULDC amendments impact their rights.

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BACKGROUND

Since acquiring the Property in July 2015, Owner has invested more than \$1,300,000.00 in the 130 unit hotel (formerly known as the "Gainesville Inn & Suites") including rebranding to a nationally recognized hotel brand, repainting the interior and exterior and revitalizing landscaping to enhance the Property's appearance in the Community. Owner has contributed over \$137,109.00 in ad valorem property taxes and more than \$510,000 in additional city, hotel/motel and sales taxes to the City since it acquired the Property. Occupancy levels have averaged 90% this year, compared to 30% when Owner acquired the hotel. Since Owner's acquisition of the Property, there has been no crime reported at the Property and Owner works well with law enforcement to ensure that its hotel is safe. In addition to a grandfathered use of the Property, Owner has and maintains a valid and duly issued business license to operate the hotel on the Property. In short, Owner has ensured that this asset is one in which the community can be proud and which is contributing to the City by providing much needed accommodations at an affordable price.

Furthermore, since it acquired the Property (and even before it did), Owner has been attempting to work with the City to allow the installation of kitchenettes in rooms, engaging architects and other experts to provide information to the City. Owner desires to further invest in the Property, ensuring improvements add value to the Property and its operation while serving a need within the community. To date, the City has refused to consider this request, without valid reason to do so.

Finally, Owner is under contract to sell the Property to an operator who would run a similar hotel operation to that currently in place. The sale transaction was scheduled to close last week but, solely as a result of the City's consideration of the proposed ULDC amendments, the proposed buyer is considering terminating the transaction. If buyer terminates the transaction, the result will be significant damages to Owner.

CONSTITUTIONAL ISSUES

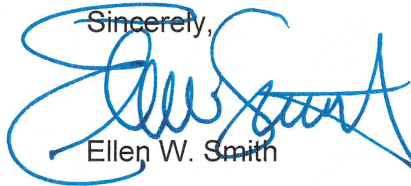
First, Owner has vested rights in the ongoing operation of the Property as it is currently permitted and entitled. Proposed ULDC amendments including those to Tables 9-6-1 and 9-6-2 and the addition of Section 9-10-6-15, would, at best, make Owner's use of the Property legally non-conforming. Moreover, many of the provisions of Section 9-10-6-15 appear to be an unlawful attempt by the City to implement new business licensing and operations limitations (rather than legitimate land use restrictions) to apply to lodging property owners like Owner. Although we believe that the ongoing operations of the Property and properly issued business licenses provide our client with vested rights, we believe it prudent to raise this issue formally and in writing before the City adopts the proposed amendments to the ULDC. Similarly, we object to the extent that the City may attempt to use these proposed ULDC amendments to withhold business license renewal or issuance with respect to otherwise grandfathered operations. Any such attempt would unduly restrict and violate our client's property rights in violation of Georgia law.

Second, to the extent that the proposed ULDC amendments would bar continued operation of the Property in accordance with all prior permits and land use entitlements, they are unconstitutional as applied to Owner, future owners and the Property. Without all prior development approvals for the overall development and continued investment and updates, the Property cannot be operated or further developed for its highest and best use and will not have

December 13, 2019
Page 3

a reasonable economic use under the amended ULDC—especially given the work already done on the initial phases of the overall development on the Property. In that case, the proposed amendments to the ULDC would exceed the City's police power and would result in the unconstitutional taking of our client's property rights in violation of Article 1, Section 3, Paragraph 1 of the Constitution of the State of Georgia of 1983 and the Fifth and Fourteenth Amendments to the United States Constitution; would unconstitutionally discriminate between our client and owners of similarly situated properties in violation of Article 1, Section 1, Paragraph 2 of the Constitution of the State of Georgia of 1983 and the Fifth and Fourteenth Amendments to the United States Constitution; and would constitute a gross abuse of discretion and an unconstitutional violation of our client's rights to substantive and procedural due process in violation of Article 1, Section 1, Paragraph 1 of the Constitution of the State of Georgia of 1983 and the Fifth and Fourteenth Amendments to the United States Constitution.

We hope that the City will decide not to adopt the proposed ULDC amendments to lodging services and that the constitutional issues presented here never need to be reached. Nevertheless, we present them out of an abundance of caution.

Sincerely,

Ellen W. Smith

EWS

cc: Mr. Mark Nelkin (by email only)