



Mayor/Council Meeting Agenda
Tuesday, December 19, 2023, 5:30 PM
Public Safety Complex, Municipal Court Room
701 Queen City Parkway, Gainesville, GA 30501
Mayor or Mayor Pro Tem Presides

INVOCATION:

PLEDGE OF ALLEGIANCE:

OATH OF OFFICE:

- A. Council Member Zack Thompson, Ward 2
- B. Council Member Barbara Brooks, Ward 3
- C. Council Member Juli Hayes, Ward 5

PUBLIC COMMENTS: (20 minutes maximum)

CONSENT AGENDA:

Minutes

- A. November 30, 2023 Work Session
- B. December 5, 2023 Mayor/Council Meeting

Resolutions

- A. BR-2023-44 Approval of Agreement Regarding Term of Municipal Court Judge
- B. GR-2023-12 FY2024 Local Maintenance and Improvement Grant (LMIG)

CITY MANAGER ISSUES:

CITY ATTORNEY ISSUES:

CITY CLERK ISSUES:

EXECUTIVE SESSION:

ADJOURNMENT:

Final: Friday, December 15, 2023, 3:24 PM



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: December 13, 2023
Date Submitted: December 15, 2023
Final Approval Date: December 19, 2023
Presenter:
Item of Business: Council Member Zack Thompson, Ward 2
Meeting Date: December 19, 2023

Purpose of Request:

The purpose of this request is to administer the oath. In accordance with the City Charter, Section 2.19 entitled Organizational Meetings, the Oath of Office shall be administered by a judicial officer authorized to administer oaths or by the City Clerk.

Facts & Issues / History & Background:

Zackry Ames Thompson was elected to serve as the Council Member for Ward 2 during the November 7, 2023 Municipal Election. There was no opposition.

Department Recommendation:

Comply with the City Charter.

Department Director:

Bryan Lackey

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

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. Council Member Oath of Office - Zack Thompson



COUNCIL MEMBER OATH OF OFFICE

I, **Zackry Ames Thompson**, do hereby solemnly swear that I will faithfully perform the duties of **Council Member for the City of Gainesville** and that I will support and defend the Charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America; that I am not the holder of any unaccounted for public money due this State or any political subdivision or authority thereof; that I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding; that I am otherwise qualified to hold said office according to the Constitution and laws of Georgia; that I have been a resident of Ward 2 and the City of Gainesville for the time required by the Constitution and laws of this State and by the Municipal Charter; and that I will perform the duties of my office in the best interest of the City of Gainesville to the best of my ability without fear, favor, affection, reward, or expectation thereof."

Zackry Ames Thompson

OATH ADMINISTERED BY

The Honorable Judge John Breakfield

Sworn, subscribed and witnessed before me
this 19th day of *December*, 2023

Signature of Witness



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: December 13, 2023
Date Submitted: December 15, 2023
Final Approval Date: December 19, 2023
Presenter: Denise Jordan, City Clerk
Item of Business: Council Member Barbara Brooks, Ward 3
Meeting Date: December 19, 2023

Purpose of Request:

The purpose of this request is to administer the oath. In accordance with the City Charter, Section 2.19 entitled Organizational meetings, the Oath of Office shall be administered by a judicial officer authorized to administer oaths or by the City Clerk.

Facts & Issues / History & Background:

Barbara B. Brooks was elected to serve as the Council Member representing Ward 3 during the November 7, 2023 General Election. There was no opposition.

Department Recommendation:

Comply with the City Charter.

Department Director:

Bryan Lackey

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

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. Council Member Oath of Office - Barbara Brooks



COUNCIL MEMBER OATH OF OFFICE

I, **Barbara B. Brooks**, do hereby solemnly swear that I will faithfully perform the duties of **Council Member for the City of Gainesville** and that I will support and defend the Charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America; that I am not the holder of any unaccounted for public money due this State or any political subdivision or authority thereof; that I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding; that I am otherwise qualified to hold said office according to the Constitution and laws of Georgia; that I have been a resident of Ward 3 and the City of Gainesville for the time required by the Constitution and laws of this State and by the Municipal Charter; and that I will perform the duties of my office in the best interest of the City of Gainesville to the best of my ability without fear, favor, affection, reward, or expectation thereof."

Barbara B. Brooks

OATH ADMINISTERED BY

The Honorable Judge John Breakfield

**Sworn, subscribed and witnessed before me
this 19th day of December, 2023**

Signature of Witness



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: December 13, 2023
Date Submitted: December 15, 2023
Final Approval Date: December 19, 2023
Presenter: Denise Jordan, City Clerk
Item of Business: Council Member Juli Hayes, Ward 5
Meeting Date: December 19, 2023

Purpose of Request:

The purpose of this request is to administer the oath. In accordance with the City Charter, Section 2.19 entitled Organizational Meetings, the Oath of Office shall be administered by a judicial officer authorized to administer oaths or by the City Clerk.

Facts & Issues / History & Background:

Julia Gesch Clay was elected to serve as the Council Member representing Ward 5 during the November 7, 2023 General Election. There was no opposition. Marriage after the election prompted a name change.

Department Recommendation:

Comply with the City Charter.

Department Director:

Bryan Lackey

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

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. Council Member Oath of Office - Julia Hayes



COUNCIL MEMBER OATH OF OFFICE

I, **Julia Gesch Hayes**, do hereby solemnly swear that I will faithfully perform the duties of **Council Member for the City of Gainesville** and that I will support and defend the Charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America; that I am not the holder of any unaccounted for public money due this State or any political subdivision or authority thereof; that I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding; that I am otherwise qualified to hold said office according to the Constitution and laws of Georgia; that I have been a resident of Ward 5 and the City of Gainesville for the time required by the Constitution and laws of this State and by the Municipal Charter; and that I will perform the duties of my office in the best interest of the City of Gainesville to the best of my ability without fear, favor, affection, reward, or expectation thereof."

Julia Gesch Hayes

OATH ADMINISTERED BY

The Honorable Judge John Breakfield

Sworn, subscribed and witnessed before me
this 19th day of December, 2023

Signature of Witness



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: April 14, 2023
Date Submitted: December 15, 2023
Final Approval Date: December 19, 2023
Presenter: Denise Jordan, City Clerk
Item of Business: November 30, 2023 Work Session
Meeting Date: December 19, 2023

Purpose of Request:

The purpose of this request is to allow the governing body to approve the minutes from the referenced meeting.

Facts & Issues / History & Background:

Draft minutes were distributed to the governing body, City Manager, City Attorney and Department Directors for comments/corrections.

Department Recommendation:

Approve the minutes accepting edits as presented.

Department Director:

Bryan Lackey

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

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

None



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: April 14, 2023

Date Submitted:

Final Approval Date:

Presenter: Denise Jordan, City Clerk

Item of Business: December 5, 2023 Mayor/Council Meeting

Meeting Date: December 19, 2023

Purpose of Request:

The purpose of this request is to allow the governing body to approve the minutes from the referenced meeting.

Facts & Issues / History & Background:

Draft minutes were distributed to the governing body, City Manager, City Attorney and Department Directors for comments/corrections.

Department Recommendation:

Approve the minutes accepting edits as presented.

Department Director:

Bryan Lackey

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

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

None



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: December 14, 2023
Date Submitted: December 14, 2023
Final Approval Date: December 14, 2023
Presenter: Bryan Lackey, City Manager
Item of Business: BR-2023-44 Approval of Agreement Regarding Term of Municipal Court Judge
Meeting Date: December 19, 2023

Purpose of Request:

Per O.C.G.A. 36-32-2(a) the Municipal Court Judge must be appointed yearly. This Agreement appoints Judge Law for the January 1, 2024 - December 31, 2024 term.

Facts & Issues / History & Background:

Required by state law.

Department Recommendation:

Approve the Resolution.

Department Director:

Janeann Allison

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

n/a

Administrative Comments:

Attachments:

1. BR-2023-44 Approval of Agreement Regarding Term of Municipal Court Judge
2. Attachment: 2024 Agreement for Term of Municipal Court Judge

RESOLUTION BR-2023-44

Approval of Agreement Regarding Term of Municipal Court Judge

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 O.C.G.A 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 December, 2023.

W. Samuel Couvillon, Mayor

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

ATTEST:

Denise O. Jordan, City Clerk

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

This Agreement is made as of the 1st day of January, 2024.

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. § 36-32-2.1. 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, 2024, and ending on December 31, 2024. 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. § 36-32-2.1.

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: W. Samuel Couvillon, Mayor

G. Hammond Law, III

Attest: Denise O. Jordan, City Clerk

(CITY SEAL)
ASH/mmk/11400/W187799



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: December 14, 2023
Date Submitted: December 14, 2023
Final Approval Date: December 14, 2023
Presenter: Bryan Lackey, City Manager
Item of Business: GR-2023-12 FY2024 Local Maintenance and Improvement Grant (LMIG)
Meeting Date: December 19, 2023

Purpose of Request:

To authorize the Public Works Department to prepare and submit the application necessary to apply for and accept the FY2024 Local Maintenance and Improvement Grant Program (LMIG) and further authorize the Mayor, City Manager, and City Attorney to sign all necessary documents for executing the grant application.

Facts & Issues / History & Background:

The City has identified portions of Valley Road, Rainey Street, Virginia Street, Dunbar Avenue, Elm Street, Holly Drive, Summit Street, and Parker Street as meeting the state criteria and will be submitted as part of the LMIG application.

Department Recommendation:

Adopt Resolution.

Department Director:

Chris Rotalsky

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

Amount Requested:

Sources of Funds: SPLOST VIII

Finance Comments:

Administrative Comments:

Attachments:

1. GR-2023-12 FY2024 Local Maintenance and Improvement Grant -LMIG
2. Backup Material: FY24 LMIG Cover Letter
3. Backup Material: LMIG Application

RESOLUTION GR-2023-12

FY2024 LOCAL MAINTENANCE AND IMPROVEMENT GRANT (LMIG)

WHEREAS, the Georgia Department of Transportation has announced the FY2024 Local Maintenance and Improvement Grant (LMIG) Program; and

WHEREAS, the identified grant amount for the City of Gainesville is \$460,498.38; and

WHEREAS, the City has identified portions of Valley Road, Rainey Street, Virginia Street, Dunbar Avenue, Elm Street, Holly Drive, Summit Street, and Parker Street as meeting the state criteria and will be submitted as part of the LMIG application; and

WHEREAS, the required matching funds are available from SPLOST as provided in the budgeted Capital Improvements Project entitled FY2024 Street Resurfacing Program.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby authorizes the Public Works Department to prepare and submit the application necessary for the project identified by staff, and further authorizes the Mayor and/or City Manager to sign all necessary documents for executing this grant application.

BE IT FURTHER RESOLVED THAT the governing body for the City of Gainesville hereby accepts the LMIG funding in the amount of \$460,498.38.

Adopted this _____ day of _____, 2023.

W. Samuel Couvillon, Mayor

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

ATTEST:

Denise O. Jordan, City Clerk

CITY OF
GAINESVILLE

MAYOR AND COUNCIL

Sam Couvillon
Mayor

C. Danny Dunagan, Jr.
Ward One

Zack Thompson
Ward Two

Barbara B. Brooks
Ward Three

George Wangemann
Ward Four

Juli Clay
Ward Five

January 11, 2024

Mr. Charles Arnhart
District State Aid Coordinator
1475 Jesse Jewell Parkway NE
Suite 100
Gainesville, GA 30501

RE: City of Gainesville – Fiscal Year 2024 Local Maintenance and Improvement Grant

Dear Mr. Arnhart:

Please accept this letter as part of the City of Gainesville's application for the Local Maintenance and Improvement Grant (LMIG) for Fiscal Year (FY) 2024. The streets and resurfacing work identified in the project list meet the requirements set forth in the LMIG General Rules and Guidelines. Also, City funds in excess of the 30% match requirement have been approved for this work as part of our FY2024 Capital Improvement Program.

The work approved for FY2021 and FY2022 is complete. The work approved for FY2023 is underway and will be complete by the end of FY2023.

The City of Gainesville appreciates the opportunities afforded by this program. Should there be any questions with the application, please contact Corey Jones with our Public Works Department at 770-535-6882.

Sincerely,

W. Samuel Couvillon
Mayor

Cc Angela Sheppard
Chris Rotalsky
Corey Jones

**GEORGIA DEPARTMENT OF TRANSPORTATION LOCAL MAINTENANCE & IMPROVEMENT
GRANT (LMIG) APPLICATION FOR FISCAL YEAR 2024
TYPE OR PRINT LEGIBLY. ALL SECTIONS MUST BE COMPLETED.**

LOCAL GOVERNMENT AFFIDAVIT AND CERTIFICATION

I, _____ (Name), the _____ (Title), on behalf of _____ (Local Government), who being duly sworn do swear that the information given herein is true to the best of his/her knowledge and belief. Local Government swears and certifies that it has read and understands the LMIG General Guidelines and Rules and that it has complied with and will comply with the same.

Local government further swears and certifies that it has read and understands the regulations for the Georgia Planning Act of 1989 (O.C.G.A. § 45-12-200, et seq.), Service Delivery Strategy Act (O.C.G.A. § 36-70-20, et seq.), and the Local Government Budgets and Audits Act (O.C.G.A. 36-81-7 et seq.) and will comply in full with said provisions. Local government further swears and certifies that the roads or sections of roads described and shown on the local government's Project List are dedicated public roads and are part of the Public Road System in said county/city. Local government further swears and certifies that it complied with federal and/or state environmental protection laws and at the completion of the project(s), it met the match requirements as stated in the Transportation Investment ACT (TIA).

Further, the local government shall be responsible for any claim, damage, loss or expense that is attributable to negligent acts, errors, or omissions related to the designs, drawings, specifications, work and other services furnished by or on behalf of the local government pursuant to this Application ("Loss"). To the extent provided by law, the local government further agrees to hold harmless and indemnify the DEPARTMENT and the State of Georgia from all suits or claims that may arise from said Loss.

If the local government fails to comply with these General Guidelines and Rules, or fails to comply with its Application and Certification, or fails to cooperate with the auditor(s) or fails to maintain and retain sufficient records, the DEPARTMENT may, at its discretion, prohibit the local government from participating in the LMIG program in the future and may pursue any available legal remedy to obtain reimbursement of the LMIG funds. Furthermore, if in the estimation of the DEPARTMENT, a roadway or bridge shows evidence of failure(s) due to poor workmanship, the use of substandard materials, or the failure to follow the required design and construction guidelines as set forth herein, the Department may pursue any available legal remedy to obtain reimbursement of the allocated LMIG funds or prohibit local government from participating in the LMIG program until such time as corrections are made to address the deficiencies or reimbursement is made. All projects identified on the Project list shall be constructed in accordance with the Department's Standard Specifications of Transportation Systems (Current Edition), Supplemental Specifications (Current Edition), and Special Provisions.

Local Government:

E-Verify Number

(Signature)

Sworn to and subscribed before me,

(Print)

This ____ day of _____, 20____.

Mayor / Commission Chairperson

In the presence of:

(Date)

NOTARY PUBLIC

LOCAL GOVERNMENT SEAL:

My Commission Expires:

NOTARY PUBLIC SEAL: