



Mayor/Council Meeting Agenda
Tuesday, June 4, 2024, 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 Abigail Guzman, Ward 4

COUNCIL ANNOUNCEMENTS:

PUBLIC COMMENTS: (20 minutes maximum)

CONSENT AGENDA:

Appointments

- A. Housing Authority Ex-Officio Member
- Appoint Council Member Abigail Guzman
- B. Keep Hall Beautiful/Hall County Green Alliance Ex-Officio Member
- Appoint Council Member Abigail Guzman
- C. Parks & Recreation Foundation Ex-Officio Member
- Appoint Council Member Abigail Guzman
- D. Ethics Committee
- Reappoint Johnny Nivens, Darrell Rochester and Linda Hutchens
- E. Housing Authority
- Appoint Michael Thurmond
- F. Loan Review Committee
- Appoint Joy Griffin

Minutes

- A. May 16, 2024 Work Session
- B. May 21, 2024 Mayor/Council Meeting

Resolution

- A. BR-2024-24 Adoption of Revised Gainesville/Hall Area Transit Drug and Alcohol Policy

PUBLIC HEARING(S):

Annexation/Zoning Items

- A. Request from **Holly Owens / Gainesville Life Group** to rezone a 0.53 acre tract located on the east side of Bradford Street, between West Academy Street and Forrest Avenue (a/k/a **416 Bradford Street, NW**) from Office and Institutional (O-I) to Residential and Office (R-O). **Ward Number: Five**. Tax Parcel Number(s): 01-024-004-015. **Request: Mixed-use building.**

- Proposed Rezoning Ordinance 2024-14

- B. Request from **Clayton Properties Group, Inc – Matt Stokes** to amend a portion of an existing Planned Unit Development (P-U-D) zoning totaling 29.77± acres located on the southeast side of the intersection of Millside Parkway and Continental Drive and west of the intersection of Old Oakwood Road and Mountain View Road (a/k/a **2930 Old Oakwood Road, SW and 4102 Mundy Mill Road, SW**). **Ward Number: Four**. Tax Parcel Number(s): 08-024-005-363 and 08-030-000-009 (Part). **Request: Residential townhomes.**

- Proposed Zoning Amendment Ordinance 2024-15

CITY MANAGER ISSUES:

CITY ATTORNEY ISSUES:

CITY CLERK ISSUES:

EXECUTIVE SESSION:

ADJOURNMENT:

Final: Friday, May 31, 2024, 2:10 PM



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: May 29, 2024
Date Submitted: May 29, 2024
Final Approval Date: June 4, 2024
Presenter: Denise Jordan, City Clerk
Item of Business: Council Member Abigail Guzman, Ward 4
Meeting Date: June 4, 2024

Purpose of Request:

The purpose of this request is to present the certified election results and administer the oath of office to Council Member Abigail Guzman.

Facts & Issues / History & Background:

A special election was held on May 21, 2024 to fill the Ward 4 seat addressing the unexpired term of the late George Wangemann.

Department Recommendation:

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. 2024 Certified Election Results - Summary Report
2. Council Member Oath of Office - Abigail Guzman

Election Summary Report

Closed Primary

Hall

May 21, 2024

OFFICIAL & COMPLETE

City of Gainesville

Precincts Reported: 31 of 31 (100.00%)

Registered Voters: 24,150 of 0 (N/A)

Ballots Cast: 24,150

Special City Council Ward 4 - Gainesville (Vote for 1)

NP

Precincts Reported: 16 of 16 (100.00%)

	Election Day	Advance Voti	Absentee by	Provisional	Total	
Times Cast	1,844	1,643	264	1	3,752 / 0	N/A
Undervotes	131	94	30	0	255	
Overvotes	0	0	0	0	0	

Candidate	Party	Election Day	Advance Voting	Absentee by Mail	Provisional	Total	
Abigail Guzman		1,218	1,101	139	1	2,459	70.32%
Devin Pandy		495	448	95	0	1,038	29.68%
Total Votes		1,713	1,549	234	1	3,497	

		Election Day	Advance Voting	Absentee by Mail	Provisional	Total	
Unresolved Write-In		6	1	0	0	7	



COUNCIL MEMBER OATH OF OFFICE

I, **Abigail Guzman**, 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 4 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."

Abigail Guzman

OATH ADMINISTERED BY

City Clerk Denise Jordan

**Sworn, subscribed and witnessed before me
this 4th day of June, 2024**

Signature of Witness



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: May 30, 2024
Date Submitted: May 30, 2024
Final Approval Date: June 4, 2024
Presenter: Sam Couvillon
Item of Business: Housing Authority Ex-Officio Member

- Appoint Council Member Abigail Guzman

Meeting Date: June 4, 2024

Purpose of Request:

The purpose of this request is to appoint an ex-officio member to serve on the Housing Authority.

Facts & Issues / History & Background:

The governing body makes these appointments. Council Member Abigail Guzman was nominated by the Mayor.

Department Recommendation:

Accept the nomination as submitted by the Mayor at the May 30, 2024 Work Session.

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. 2024 Ex-Officio Appointment 2-7-24 Update

EX-OFFICIO APPOINTMENTS

COMMITTEE	Meeting Schedule	2024
Airport Advisory Committee	Quarterly	Brooks & Hayes
American Red Cross	Monthly	Mayor
Board of Health	Quarterly	Brooks
Chattahoochee Golf Course Advisory Committee	Bi-Monthly	Thompson
Chicopee Woods Area Park Commission	Quarterly	Hayes
Economic Development Council	Monthly	Mayor
Gainesville-Hall County Development Authority	As Needed	Mayor
Gainesville-Hall County Land Bank Board		Brooks
Gainesville Non-Profit Development Authority	Quarterly	Brooks
Gainesville Redevelopment Authority	As Needed	Thompson
Greater Hall Chamber of Commerce Board of Directors	Monthly	Mayor
HALLmark Initiative		Mayor
Historic Preservation Commission	Monthly	Dunagan
Housing Authority	Monthly	Thompson
Keep Hall Beautiful/Hall County Green Alliance		Thompson
Main Street Gainesville Advisory Board	Monthly	Dunagan
Parks & Recreation Board	Monthly	Hayes
Parks & Recreation Foundation (formerly Friends of the Parks)	Monthly	Hayes
Planning and Appeals Board	Monthly	Brooks

Appointed: 1/16/2024

Updated: 2/7/2024 ag



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: May 30, 2024
Date Submitted: May 30, 2024
Final Approval Date: June 4, 2024
Presenter: Sam Couvillon
Item of Business: Keep Hall Beautiful/Hall County Green Alliance Ex-Officio Member

- Appoint Council Member Abigail Guzman

Meeting Date: June 4, 2024

Purpose of Request:

The purpose of this request is to appoint an ex-officio member to serve on the Keep Hall Beautiful / Hall County Green Alliance board.

Facts & Issues / History & Background:

The governing body makes these appointments. Council Member Abigail Guzman was nominated by the Mayor.

Department Recommendation:

Accept the nomination as presented by the Mayor at the May 30, 2024 Work Session.

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. 2024 Ex-Officio Appointments

EX-OFFICIO APPOINTMENTS

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Gainesville-Hall County Land Bank Board		Brooks
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Historic Preservation Commission	Monthly	Dunagan
Housing Authority	Monthly	Thompson
Keep Hall Beautiful/Hall County Green Alliance		Thompson
Main Street Gainesville Advisory Board	Monthly	Dunagan
Parks & Recreation Board	Monthly	Hayes
Parks & Recreation Foundation (formerly Friends of the Parks)	Monthly	Hayes
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Appointed: 1/16/2024

Updated: 2/7/2024 ag



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: May 30, 2024
Date Submitted: May 30, 2024
Final Approval Date: June 4, 2024
Presenter: Sam Couvillon
Item of Business: Parks & Recreation Foundation Ex-Officio Member

- Appoint Council Member Abigail Guzman

Meeting Date: June 4, 2024

Purpose of Request:

The purpose of this request is to appoint an ex-officio member to serve on the Parks & Recreation Foundation.

Facts & Issues / History & Background:

The governing body makes these appointments. Council Member Abigail Guzman was nominated by the Mayor.

Department Recommendation:

Accept the nomination as presented by the Mayor at the May 30, 2024 Work Session.

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. 2024 Ex-Officio Appointment 2-7-24 Update

EX-OFFICIO APPOINTMENTS

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Gainesville-Hall County Land Bank Board		Brooks
Gainesville Non-Profit Development Authority	Quarterly	Brooks
Gainesville Redevelopment Authority	As Needed	Thompson
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Parks & Recreation Foundation (formerly Friends of the Parks)	Monthly	Hayes
Planning and Appeals Board	Monthly	Brooks

Appointed: 1/16/2024

Updated: 2/7/2024 ag



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: May 30, 2024
Date Submitted: May 30, 2024
Final Approval Date: May 30, 2024
Presenter: Sam Couvillon
Item of Business: Ethics Committee

- Reappoint Johnny Nivens, Darrell Rochester and Linda Hutchens

Meeting Date: June 4, 2024

Purpose of Request:

The purpose of this request is to address the upcoming expiring term positions held by Johnny Nivens, Darrell Rochester and Linda Hutchens.

Facts & Issues / History & Background:

The Ethics Committee follows the guidelines of the City Charter and the Code of Ordinances. Members serve a four-year term. Johnny Nivens, Darrell Rochester and Linda Hutchens have confirmed a willingness to serve another term on the Ethics Committee. The verification process was completed and all appear to be in order.

Department Recommendation:

To approve the nominations of Johnny Nivens, Darrell Rochester and Linda Hutchens as submitted by the Mayor at the May 30, 2024 Work Session.

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. Ethics Committee Members

ETHICS COMMITTEE

POST	LAST NAME	FIRST NAME	APPOINTED	REAPPOINTED	EXPIRES
Ward 1	Nivens	Johnny	5/1/2012	6/21/2016 6/16/2020	6/21/2024
Ward 2	Rochester Business: Rochester & Assoc.	Darrell	3/3/2020 UE	6/16/2020	6/21/2024
Ward 3	Hutchens	Linda	7/5/2016	6/16/2020	7/5/2024
Ward 4	Bruner	Ruth	12/15/2020 <i>Term Begins: 1/1/2021</i>		1/1/2025
Ward 5	Sanders	William (Bill)	2/18/2020 UE	10/6/2020	10/4/2024

TERM: Four-year terms

Update via Ordinance 2017-04 adopted 4/4/2017

Created via Ordinance 2007-37 adopted 9/4/2007

CONTACT: City Clerk Denise Jordan

UE: Unexpired Term

UPDATED: 5/23/2024



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: May 30, 2024
Date Submitted: May 30, 2024
Final Approval Date: May 30, 2024
Presenter: Sam Couvillon
Item of Business: Housing Authority

- Appoint Michael Thurmond

Meeting Date: June 4, 2024

Purpose of Request:

The purpose of this request is to address the vacant position previously held by Myrtle Figueras.

Facts & Issues / History & Background:

The Housing Authority follows the guidelines within the Georgia Code (Section 8-3-50) as well as the City Charter and the City Code of Ordinances. Authority Commissioners terms are for five-years and the Housing Commissioner term is for one-year.

Michael Thurmond has confirmed a willingness to serve on the board. The verification of outstanding debt was completed and all appear to be in order.

Department Recommendation:

To approve the nomination of Michael Thumond as presented by the Mayor at the May 30, 2024 Work Session.

Department Director:

Sam Couvillon

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

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. Housing Authority Board Members

HOUSING AUTHORITY

POST	LAST NAME	FIRST NAME	APPOINTED	REAPPOINTED	EXPIRES
Commissioner Vice Chair	Thompson	Faron	8/16/2011 UE	8/18/2015 7/21/2020	8/18/2025
Commissioner	Griffin	Joy	11/2/21 UE		5/19/2025
Commissioner Chair	Smallwood	Darryl	10/1/1997	8/20/2002 9/2/2008 3/4/2014 2/19/2019 2/20/2024	3/4/2029
Resident Commissioner	Harper	Kimberly	10/18/2022	10/17/2023	10/18/2024
Commissioner	Figueras Vacant	Myrtle	1/19/2016 UE	1/22/2019	2/4/2024
Ex-Officio	Thompson	Zack	1/4/2022	1/17/2023 1/16/2024	1/7/2025

TERM: Five year terms

CONTACT: Beth Brown, Executive Director
Housing Authority
P.O. Box 653
Gainesville, GA 30503
770-536-1294
bbrown@gainesvillehousing.org
www.gainesvillehousing.org

UPDATED: 2/21/24 ag



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: May 30, 2024
Date Submitted: May 30, 2024
Final Approval Date: May 30, 2024
Presenter: Sam Couvillon
Item of Business: Loan Review Committee

- Appoint Joy Griffin

Meeting Date: June 4, 2024

Purpose of Request:

The purpose of this request is to address the vacant position previously held by Broughton Cochran (Gainesville Non-Profit Development Foundation member).

Facts & Issues / History & Background:

The LRC follows the guidelines from the City Charter and Code of Ordinances as well as the requirements set forth in Business Resolutions 2006-08. Members serve indefinite terms. The position held by a GNPDF Member became vacant upon the retirement of Broughton Cochran. The GNPDF Board nominated Board Member Joy Griffin to fill the position.

Department Recommendation:

To approve the nomination of Joy Griffin as submitted by the Mayor at the May 30, 2024 Work Session.

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. Loan Review Committee Members

LOAN REVIEW COMMITTEE

POST	LAST NAME	FIRST NAME	APPOINTED
City Staff Member	Perry	Jeremy	5/2/2017
City Staff Member	Sheppard	Angela	8/18/2015
Council Member	Hayes	Juli	2/18/2020
GNPDF	Cochran Vacant	Broughton	12/7/2004
GNPDF	Simmons Chair	Audrey	12/7/2004

TERM: Indefinite

CONTACT: Rusty Ligon, Community Development Director

GNPDF: Gainesville Non-Profit Development Foundation

UPDATED: 5/17/2024 ag



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: January 9, 2024
Date Submitted: May 21, 2024
Final Approval Date: May 31, 2024
Presenter: Denise Jordan, City Clerk
Item of Business: May 16, 2024 Work Session
Meeting Date: June 4, 2024

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: January 9, 2024
Date Submitted: May 31, 2024
Final Approval Date: May 31, 2024
Presenter: Denise Jordan, City Clerk
Item of Business: May 21, 2024 Mayor/Council Meeting
Meeting Date: June 4, 2024

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: May 30, 2024
Date Submitted: May 30, 2024
Final Approval Date: May 30, 2024
Presenter: Bryan Lackey, City Manager
Item of Business: BR-2024-24 Adoption of Revised Gainesville/Hall Area Transit Drug and Alcohol Policy
Meeting Date: June 4, 2024

Purpose of Request:

Funding for Gainesville/Hall Area Transit is provided by the Federal Transit Administration and the Georgia Department of Transportation. The amended policy contains mandated changes from the USDOT-FTA.

Facts & Issues / History & Background:

The FTA mandates a drug and alcohol policy for covered employees. The existing policy has been updated to reflect that mouth swab testing is now available, changes in position titles within Department, change to Program Manager and updates to the definitions.

Department Recommendation:

Approval of Resolution adopting the revised Gainesville/Hall Area Transit Drug & Alcohol Policy

Department Director:

Janeann Allison

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

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. BR-2024-24 Adoption of Revised GainesvilleHAT Drug and Alcohol Policy
2. Attachment: Revised Gainesville /Hall Area Transit Drug and Alcohol Policy June 2024 - CLEAN COPY
3. Revised Gainesville HAT Drug and Alcohol Policy - TRACKED CHANGES

RESOLUTION BR-2024-24

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

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

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

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

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

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

WHEREAS, the City of Gainesville's policy needs to incorporate the most current revisions.

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

Adopted this ____ day of _____, 2024.

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



Gainesville/Hall Area Transit
City of Gainesville Drug & Alcohol Policy
Zero Tolerance



Purpose

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

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

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

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

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

Signature: _____
W. Samuel Couvillon
Mayor
City of Gainesville, Georgia

Date: _____

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- 8. Employee Responsibility to Notify Gainesville/Hall Area Transit of Criminal Offense**
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1. **Background**

Pursuant to the Omnibus Transportation Employee Testing Act of 1991, the Federal Transit Administration (FTA) published regulations prohibiting drug use and alcohol misuse by transit employees and required transit agencies to test for prohibited drug use and alcohol misuse.

49 Code of Federal Regulations Part 655, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations" mandates drug and alcohol testing for all employees in safety-sensitive positions. These regulations prohibit the performance of safety-sensitive functions when there is a positive drug or positive alcohol test result or an employee refuses to submit to DOT required drug or alcohol testing.

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

2. **Purpose**

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

3. **Covered Employees**

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

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

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

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

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

4. Prohibited Substances

Prohibited substances addressed by this policy include the following.

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

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

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

5. Prescription and Over the Counter Medications

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

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

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

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

6. Prohibited Conduct

- 1) Illegal use of the drugs listed in this policy and as defined in 49 CFR Part 40, as amended is prohibited at all times. All covered employees are prohibited from reporting for duty or remaining on duty if they have used a prohibited drug as defined in 49 CFR Part 40, as amended.
- 2) Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline for not fulfilling his/her on-call responsibilities.
- 3) The Gainesville/Hall Area Transit shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol.
- 4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater regardless of when the alcohol was consumed.
- 5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
- 6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.
- 7) Gainesville/Hall Area Transit, under its own authority, also prohibits the consumption of alcohol at all times the employee is on duty, or anytime the employee is in uniform.
- 8) Consistent with the Drug-free Workplace Act of 1988, all Gainesville/Hall Area Transit employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including transit system premises and transit vehicles.

7. Employee Protections

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

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

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

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

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

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

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

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

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

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

Any employee who is arrested for a drug and/or alcohol related offense must notify his/her department director of the arrest before the end of his/her next shift. The City will make a determination at that time whether the arrest causes temporary or permanent disqualification from remaining in the current position or constitutes grounds for disciplinary action.

9. Employee Training

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

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

10. Pre-employment Drug and Alcohol Background Checks

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

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

11. Pre-Employment Testing

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

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

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

All applicants/transferees are required to provide a written release allowing Gainesville/Hall Area Transit to request from prior USDOT-regulated employers information regarding the applicant's drug and alcohol testing results over the previous two years. Failure to do so will result in the employment offer being rescinded. If the applicant has tested positive or refused to test on a pre-employment

test for a DOT covered employer, the applicant must provide Gainesville/Hall Area Transit proof of having successfully completed a referral evaluation and treatment plan as described in Section 655.62 of subpart G.

12. Random Testing

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

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

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

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

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

13. Reasonable Suspicion Testing

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

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

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

14. Post-Accident Testing

Fatal Accident: A safety-sensitive employee shall be required to undergo drug and alcohol testing

if involved in an accident that results in a fatality (regardless of whether the vehicle is in revenue service). As soon as practical following an accident involving the loss of human life, surviving covered employees shall undergo drug and breath alcohol testing. Any other employee(s), i.e., maintenance personnel, or persons controlling the dispatch or the movement of revenue service vehicles and any transit employee who operates a non-revenue service vehicle that requires a Commercial Driver's License to operate whose performance could have contributed to the accident, shall also be tested.

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

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

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

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

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

15. Return-to-Duty Testing

Gainesville/Hall Area Transit will terminate the employment of any employee that tests positive or refuses a test. However, in the rare event an employee is reinstated with court order or other action beyond the control of the transit system, the employee must complete the return-to-duty process prior to the performance of safety-sensitive functions. All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02

for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no undue concerns for public safety. The SAP will determine if the Return-To-Duty test will be a drug test, alcohol test, or both.

16. Follow-up Testing

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

17. Refusal to Submit to Drug Testing

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

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

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

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

(13) A covered employee who leaves the scene of an accident without a legitimate explanation prior to submission to drug/alcohol tests.

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

18. Observed Drug Collections

Observed collections are required in the following circumstances:

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

During an observed collection, the employee who is being observed will be required to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show the collector, by turning around, that they do not have a prosthetic device. Urine collections that are required to be directly observed will be conducted by a person of the same gender as the donor as required by 49 CFR Part 40.67.

19. Specimen Validity Testing

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

20. Dilute Test Results

Following a negative dilute, the employee will be required to undergo another test. Should this second test result in a negative-dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO. The result of the second drug test will be considered the test of record. Gainesville/Hall Area Transit will exercise this right uniformly for all pre-employment and random tests that produce a negative-dilute test result.

Upon receipt of a **positive-dilute** drug test result, Gainesville/Hall Area Transit will immediately remove the employee from safety-sensitive duty and provide the employee with a referral to a list of

DOT qualified Substance Abuse Professionals. A positive dilute result is always deemed as a final positive result.

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

21. Medical Review Officer's Role and Responsibilities

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

David L. Hocker, M.D., M.R.O.

1990 Limestone Circle #100

Gainesville, Georgia 30501

Phone: 770.536.1004 Fax: 770.536.0905

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

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

22. Verified Positive Results

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

23. Cancelled/Invalid Test Results

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

When a negative drug test result is required (as is the case with pre-employment, return to duty and follow up test types) the employer must conduct another drug test on the individual. For some categories of cancelled drug tests, the MRO will indicate that a re-collection of a specimen using direct observation specimen collection procedures is required, regardless of test type. Direct observation collection procedures will be in accordance with 49 CFR Part 40.67 as amended. The MRO may also direct an employee to undergo a medical evaluation to determine whether or not clinical evidence of drug use exists when there are documented medical explanations for an individual producing invalid specimens and a negative result is needed for a pre-employment, return to duty or follow-up test.

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

24. Split Specimen Testing

Split specimen collection procedures will be followed in obtaining specimens. An employee is entitled

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

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

Payment of Split Specimen Testing:

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

25. Alcohol

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

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

26. Alcohol Use and Breath Alcohol Testing

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

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

printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended.

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

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

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

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

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

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

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

27. Refusal to Submit to Alcohol Testing

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

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer;
- (2) Fail to remain at the collection site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test;
- (3) Fail to provide an adequate amount of saliva or breath for any alcohol test required by this part or DOT agency regulations. An employee who does not provide a specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test;
- (4) Fail to provide a sufficient breath specimen, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- (5) Fail to sign the certification at Step 2 of the Alcohol Testing Form (ATF); or
- (6) Fail to cooperate with any part of the testing process;

(7) Leaving the scene of an accident without a legitimate explanation prior to submission to an alcohol test.

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

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

28. Policy Violations

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

29. Grievance and Appeal

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

30. Proper Application of the Policy

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

31. Information Disclosure

- 1) Drug/alcohol testing records shall be maintained by the Gainesville/Hall Area Transit Drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.
- 2) The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP follow-up testing plans.
- 3) Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager and Department Director on a need to know basis.
- 4) Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- 5) Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding.

- 6) Records will be released to the National Transportation Safety Board during an accident investigation.
- 7) Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.
- 8) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- 9) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over Gainesville/Hall Area Transit or the employee.
- 10) If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended necessary legal steps to contest the issuance of the order will be taken
- 11) In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

32. System Contacts

Designated Employer Representative

Director of Human Resources
300 Henry Ward Way, Gainesville, GA 30501
770.535.6887

Drug and Alcohol Program Manager

Human Resources Administrative Specialist
300 Henry Ward Way, Gainesville, GA 30501
770.535.6887

Alternate

Deputy Director of Human Resources – Employee Relations
300 Henry Ward Way, Gainesville, GA 30501
770.535.6887

Substance Abuse Professionals

Cheran Bodry-Stone, LCSW, CE, TP, SAP
1435 Oglethorpe Ave., Athens, GA 30606
706-549-7755
Christa S. Harris, Director
FVIP, CAMS, CADC-II, ICADC, SAP, DUI Instructor
Georgia Life Center
3235 Satellite Boulevard, Building 400, Suite 300, Duluth, GA 30096
470-395-1397

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

770-889-1023

National Hot-Line Numbers and Help Lines:

1-800-COCAINE

The American Council on Alcoholism Help Line 1-800-527-5344

The National Institute on Drug Abuse Hot Line 1-800-662 HELP

Alcoholics Anonymous 1-212-686-1100

Attachment A

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

Attachment B

DEFINITIONS

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

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

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

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

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

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

Alternate specimen: An authorized specimen, other than the type of specimen previously collected or attempted to be collected.

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

Collection Site: A place selected by the employer where employees present themselves for the purpose of providing a specimen for a drug test.

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

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

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

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

Cutoff: The analytical value (e.g., drug or drug metabolite concentration) used as the decision point to determine a result (e.g., negative, positive, adulterated, invalid, or substituted) or the need for further testing.

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

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

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

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

Employee: Any person who is designated in a DOT agency regulation as subject to drug testing and/or alcohol testing. The term includes individuals currently performing safety-sensitive functions designated in DOT agency regulations and applicants for employment subject to pre-employment testing. For purposes of drug testing under 49 CFR Part 40, the term employee has the same meaning as the term "donor" as found on CCF and related guidance materials produced by the Department of Health and Human Services.

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

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

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

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

Laboratory: Any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standards of HHS or, in the case of foreign laboratories, a laboratory approved for participation by DOT under 49 CFR Part 40.

Limit of Detection (LOD): The lowest concentration at which the analyte (e.g., drug or drug metabolite) can be identified.

Limit of Quantification (LOQ): For quantitative assays, the lowest concentration at which the identity and

concentration of the analyte (e.g., drug or drug metabolite) can be accurately established.

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

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

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

Non-negative specimen: A specimen that is reported as adulterated, substituted, positive (for drug(s) or drug metabolite(s)), or invalid.

Oral Fluid Specimen: A specimen that is collected from an employee's oral cavity and is a combination of physiological fluids produced primarily by the salivary glands. An oral fluid specimen is considered to be a direct observation collection for all purposes of 49 CFR Part 40, as amended.

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

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

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

Primary specimen: In drug testing, the specimen bottle that is opened and tested by a first laboratory to determine whether the employee has a drug or drug metabolite in his or her system; and for the purpose of specimen validity testing. The primary specimen is the portion of the donor's subdivided specimen designated as the primary ("A") specimen by the collector to distinguish it from the split ("B") specimen, as defined in 49 CFR Part 40, as amended.

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

Reconfirmed: The result reported for a split (Bottle B) specimen when the second HHS-certified laboratory corroborates the original result reported for the primary (Bottle A) specimen.

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

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

Safety-sensitive functions: Employee duties identified as:

- (1) The operation of a transit revenue service vehicle even when the vehicle is not in revenue service.

- (2) The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers License (CDL).
- (3) Maintaining a revenue service vehicle or equipment used in revenue service.
- (4) Controlling the movement of a revenue service vehicle and
- (5) Carrying a firearm for security purposes.

Specimen: Fluid, breath, or other material collected from an employee at the collection site for the purpose of a drug or alcohol test.

Specimen Bottle: The bottle that, after being sealed and labeled according to the procedures in 49 CFR Part 40, is used to hold a primary ("A") or split ("B") specimen during the transportation to the laboratory. In the context of oral fluid testing, it may be referred to as a "vial," "tube," or "bottle."

Split specimen: In drug testing, the specimen that is sent to a first laboratory and stored with its original seal intact, and which is transported to a second laboratory for retesting at the employee's request following MRO verification of the primary specimen as positive, adulterated or substituted.

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

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

Substituted specimen: An employee's specimen not consistent with a normal human specimen, as determined by HHS (e.g., a urine specimen, with creatinine and specific gravity values that are so diminished, or so divergent that they are not consistent with normal human urine).

Test Refusal: The following are considered a refusal to test if the employee:

- (1) Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, after being directed to do so by the employer;
- (2) Fails to remain at the collection site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.;
- (3) Fails to provide a specimen for any drug or alcohol test required by Part 40 or DOT agency regulations. An employee who does not provide a specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test;
- (4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen;
- (5) Fails to provide a sufficient amount of specimen when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- (6) Fails or declines to take an additional test the employer or collector has directed you to take;
- (7) Fails to undergo a medical examination or evaluation, as directed by the MRO, or as directed by the DER;
- (8) Fails to cooperate with any part of the testing process;
- (9) If the MRO reports that there is verified adulterated or substituted test result;
- (10) Failure or refusal to sign Step 2 of the alcohol testing form;
- (11) Failure to follow the observer's instructions during an observed collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere

- with the collection process;
- (12) Possess or wear a prosthetic or other device that could be used to interfere with the collection Process; or
 - (13) Admit to the collector or MRO that you adulterated or substituted the specimen.
 - (14) Fail to remain readily available following an accident.

Undiluted (neat) oral fluid: An oral fluid specimen to which no other solid or liquid has been added. For example: A collection device that uses a diluent (or other component, process, or method that modifies the volume of the testable specimen) must collect at least 1 mL of undiluted (neat) oral fluid.

Urine specimen: Urine collected from an employee at the collection site for the purpose of a drug test.

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

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

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

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



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



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

Employee Name: _____

Employee Signature: _____

Date: _____

Supervisor Name: _____

Supervisor Signature: _____

Date: _____



Gainesville/Hall Area Transit
City of Gainesville Drug & Alcohol Policy
Zero Tolerance



Purpose

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

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

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

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

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

Signature: _____

W. Samuel Couvillon
Mayor
City of Gainesville, Georgia

Date: _____

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1. Background

Pursuant to the Omnibus Transportation Employee Testing Act of 1991, the Federal Transit Administration (FTA) published regulations prohibiting drug use and alcohol misuse by transit employees and required transit agencies to test for prohibited drug use and alcohol misuse.

49 Code of Federal Regulations Part 655, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations" mandates urine-drug and alcohol testing ~~and breath-alcohol testing~~ for all employees in safety-sensitive positions. These regulations prohibit the performance of safety-sensitive functions when there is a positive drug or positive alcohol test result or an employee refuses to submit to DOT required drug or alcohol testing.

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

2. Purpose

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

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3. Covered Employees

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

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

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

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

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

4. Prohibited Substances

Prohibited substances addressed by this policy include the following.

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

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

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

5. Prescription and Over the Counter Medications

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

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

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

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

6. Prohibited Conduct

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

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

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

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

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

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

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

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

7. Employee Protections

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

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

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

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

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

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

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

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

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

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

Any employee who is arrested for a drug and/or alcohol related offense must notify his/her department director of the arrest before the end of his/her next shift. The City will make a determination at that time whether the arrest causes temporary or permanent disqualification from remaining in the current

position or constitutes grounds for disciplinary action.

9. Employee Training

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

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

10. Pre-employment Drug and Alcohol Background Checks

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

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

11. Pre-Employment Testing

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

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

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

All applicants/transferees are required to provide a written release allowing Gainesville/Hall Area Transit to request from prior USDOT-regulated employers information regarding the applicant's drug

and alcohol testing results over the previous two years. Failure to do so will result in the employment offer being rescinded. If the applicant has tested positive or refused to test on a pre-employment test for a DOT covered employer, the applicant must provide Gainesville/Hall Area Transit proof of having successfully completed a referral evaluation and treatment plan as described in Section 655.62 of subpart G.

12. Random Testing

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

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

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

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

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

13. Reasonable Suspicion Testing

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

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

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

14. Post-Accident Testing

Fatal Accident: A safety-sensitive employee shall be required to undergo urine-drug and breath alcohol testing if involved in an accident that results in a fatality (regardless of whether the vehicle is in revenue service). As soon as practical following an accident involving the loss of human life, surviving covered employees shall undergo drug and breath alcohol testing. Any other employee(s), i.e., maintenance personnel, or dispatchers, persons controlling the dispatch or the movement of revenue service vehicles and any transit employee who operates a non-revenue service vehicle that requires a Commercial Driver's License to operate. controllers, whose performance could have contributed to the accident, shall also be tested.

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

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

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

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

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

15. Return-to-Duty Testing

Gainesville/Hall Area Transit will terminate the employment of any employee that tests positive or refuses a test. However, in the rare event an employee is reinstated with court order or other action

beyond the control of the transit system, the employee must complete the return-to-duty process prior to the performance of safety-sensitive functions. All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no undue concerns for public safety. The SAP will determine if the Return-To-Duty test will be a drug test, alcohol test, or both.

16. Follow-up Testing

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

17. Refusal to Submit to ~~Urine~~ Drug Testing

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

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

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

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

process.

(10) Possess or wear a prosthetic or other device that could be used to interfere with the collection process.

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

(12) If the MRO reports that there is a verified adulterated or substituted test result.

(13) A covered employee who leaves the scene of an accident without a legitimate explanation prior to submission to drug/alcohol tests.

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

18. Observed Urine-Drug Collections

Observed collections are required in the following circumstances:

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

During an observed collection, the employee who is being observed will be required to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show the collector, by turning around, that they do not have a prosthetic device. The collector/observer, a person of the same gender, must witness the employee's urine leave the body and enter the collection cup. Urine collections that are required to be directly observed will be conducted by a person of the same gender as the donor as required by 49 CFR Part 40.67.

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19. Specimen Validity Testing

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

20. Dilute Test Results

Following a negative dilute, the employee will be required to undergo another test. Should this second test result in a negative-dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO. Upon receipt of ~~negative-dilute~~ pre-employment and random drug test results, Gainesville/Hall Area Transit will exercise the right to require that applicants/employees submit to a secondary urine collection as provided in 49 CFR Part 40.197. The result of the second ~~urine~~ drug test will be ~~accepted as the final result~~ considered the test of record. Gainesville/Hall Area Transit will exercise this right uniformly for all pre-employment and random tests that produce a negative-dilute test result.

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

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

21. Medical Review Officer's Role and Responsibilities

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

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

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

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

22. Verified Positive Results

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

23. Cancelled/Invalid Test Results

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

When a negative ~~urine~~ drug test result is required (as is the case with pre-employment, return to duty and follow up test types) the employer must conduct another drug test on the individual. For some

categories of cancelled drug tests, the MRO will indicate that a re-collection of a specimen using direct observation specimen collection procedures is required, regardless of test type. Direct observation collection procedures will be in accordance with 49 CFR Part 40.67 as amended. The MRO may also direct an employee to undergo a medical evaluation to determine whether or not clinical evidence of drug use exists when there are documented medical explanations for an individual producing invalid specimens and a negative result is needed for a pre-employment, return to duty or follow-up test.

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

24. Split Specimen Testing

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

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

Payment of Split Specimen Testing:

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

25. Alcohol

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

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

26. Alcohol Use and Breath Alcohol Testing

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

No safety-sensitive employee shall use alcohol within eight (8) hours following an accident or until the employee undergoes a post-accident test, whichever occurs first.

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

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

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

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

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

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

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

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

27. Refusal to Submit to Alcohol Testing

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

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

directed to do so by the employer;

(2) Fail to remain at the [testing-collection](#) site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test;

(3) Fail to provide an adequate amount of saliva or breath for any alcohol test required by this part or DOT agency regulations. An employee who does not provide a [urine-or-breath](#) specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test;

(4) Fail to provide a sufficient breath specimen, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;

(5) Fail to sign the certification at Step 2 of the Alcohol Testing Form (ATF); or

(6) Fail to cooperate with any part of the testing process;

(7) Leaving the scene of an accident without a legitimate explanation prior to submission to an alcohol test.

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

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

28. Policy Violations

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

29. Grievance and Appeal

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

30. Proper Application of the Policy

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

31. Information Disclosure

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

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

- 3) Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager and Department Director on a need to know basis.
- 4) Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- 5) Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding.
- 6) Records will be released to the National Transportation Safety Board during an accident investigation.
- 7) Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.
- 8) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- 9) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over Gainesville/Hall Area Transit or the employee.
- 10) If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended necessary legal steps to contest the issuance of the order will be taken
- 11) In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

32. System Contacts

Designated Employer Representative

Director of Human Resources

300 Henry Ward Way, Gainesville, GA 30501

770.535.6887

Drug and Alcohol Program Manager or Designated Employer Representative

Human Resources Administrative Specialist

300 Henry Ward Way, Gainesville, GA 30501

770.535.6887

Janeann Allison, Director of Human Resources

300 Henry Ward Way, Gainesville, GA 30501

770.535.6887

jallison@gainesvillega.gov

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Alternate

[Deputy Director of Human Resources – Employee Relations](#)

[April Trammell, Human Resources Administrative Specialist](#)

300 Henry Ward Way, Gainesville, GA 30501

770.535.6887

atrammell@gainesvillega.gov

Substance Abuse Professionals

Cheran Bodry-Stone, LCSW, CE, TP, SAP

1435 Oglethorpe Ave., Athens, GA 30606

706-549-7755

Christa S. Harris, Director

FVIP, CAMS, CADC-II, ICADC, SAP, DUI Instructor

Georgia Life Center

3235 Satellite Boulevard, Building 400, Suite 300, Duluth, GA 30096

470-395-1397

Robert A. Haynes, SAP

AA Academy of Action Driving School, Inc.

216 Atlanta Road, Suite E, Cumming, GA 30041

770-889-1023

National Hot-Line Numbers and Help Lines:

1-800-COCAINE

The American Council on Alcoholism Help Line 1-800-527-5344

The National Institute on Drug Abuse Hot Line 1-800-662 HELP

Alcoholics Anonymous 1-212-686-1100

Attachment A

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

Attachment B

DEFINITIONS

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

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

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

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

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

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

Alternate specimen: An authorized specimen, other than the type of specimen previously collected or attempted to be collected.

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

Collection Site: A place selected by the employer where employees present themselves for the purpose of providing a specimen for a drug test.

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

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

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

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

Cutoff: The analytical value (e.g., drug or drug metabolite concentration) used as the decision point to determine a result (e.g., negative, positive, adulterated, invalid, or substituted) or the need for further testing.

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

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

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

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

Employee: Any person who is designated in a DOT agency regulation as subject to drug testing and/or alcohol testing. The term includes individuals currently performing safety-sensitive functions designated in DOT agency regulations and applicants for employment subject to pre-employment testing. For purposes of drug testing under 49 CFR Part 40, the term employee has the same meaning as the term "donor" as found on CCF and related guidance materials produced by the Department of Health and Human Services.

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

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

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

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

Laboratory: Any U.S. laboratory certified by HHS under the National Laboratory Certification ~~program~~ Program as meeting the minimum standards of ~~Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs;~~ or, in the case of foreign laboratories, a laboratory approved for participation by DOT ~~under this part under 49 CFR Part 40.~~

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

Limit of Detection (LOD): The lowest concentration at which the analyte (e.g., drug or drug metabolite) can be identified.

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Limit of ~~Quantitation~~ Quantification (LOQ): For quantitative assays, the lowest concentration at which the identity and concentration of the ~~measurand-analyte (e.g., drug or drug metabolite)~~ can be accurately established.

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

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

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

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

Non-negative specimen: A specimen that is reported as adulterated, substituted, positive (for drug(s) or drug metabolite(s)), or invalid.

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Oral Fluid Specimen: A specimen that is collected from an employee's oral cavity and is a combination of physiological fluids produced primarily by the salivary glands. An oral fluid specimen is considered to be a direct observation collection for all purposes of 49 CFR Part 40, as amended.

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

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

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

Primary specimen: In drug testing, the specimen bottle that is opened and tested by a first laboratory to determine whether the employee has a drug or drug metabolite in his or her system; and for the purpose of specimen validity testing. The primary specimen is the portion of the donor's subdivided specimen designated as the primary ("A") specimen by the collector to distinguish it from the split ("B") specimen, as defined in 49 CFR Part 40, as amended.

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

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

Reconfirmed: The result reported for a split (Bottle B) specimen when the second HHS-certified laboratory corroborates the original result reported for the primary (Bottle A) specimen.

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

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

Safety-sensitive functions: Employee duties identified as:

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

Specimen: Fluid, breath, or other material collected from an employee at the collection site for the purpose of a drug or alcohol test.

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Specimen Bottle: The bottle that, after being sealed and labeled according to the procedures in 49 CFR Part 40, is used to hold a primary ("A") or split ("B") specimen during the transportation to the laboratory. In the context of oral fluid testing, it may be referred to as a "vial," "tube," or "bottle."

Split Specimen: In drug testing, the specimen that is sent to a first laboratory and stored with its original seal intact, and which is transported to a second laboratory for retesting at the employee's request following MRO verification of the primary specimen as positive, adulterated or substituted.

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

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

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

Substituted specimen: An employee's specimen not consistent with a normal human specimen, as determined by HHS (e.g., a urine specimen, with creatinine and specific gravity values that are so diminished, or so divergent that they are not consistent with normal human urine).

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Test Refusal: The following are considered a refusal to test if the employee:

- (1) Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, after being directed to do so by the employer;
- (2) Fails to remain at the ~~testing-collection~~ site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.;
- (3) Fails to provide a ~~urine or breath~~ specimen for any drug or alcohol test required by Part 40 or DOT

agency regulations. An employee who does not provide a ~~urine or breath~~ specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test;

- (4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen;
- (5) Fails to provide a sufficient amount of ~~urine or breath specimen~~ when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- (6) Fails or declines to take an ~~additional second~~ test the employer or collector has directed you to take;
- (7) Fails to undergo a medical examination or evaluation, as directed by the MRO, or as directed by the DER;
- (8) Fails to cooperate with any part of the testing process;
- (9) If the MRO reports that there is verified adulterated or substituted test result;
- (10) Failure or refusal to sign Step 2 of the alcohol testing form;
- (11) Failure to follow the observer's instructions during an observed collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process;
- (12) Possess or wear a prosthetic or other device that could be used to interfere with the collection Process; or
- (13) Admit to the collector or MRO that you adulterated or substituted the specimen.
- (14) Fail to remain readily available following an accident.

~~Undiluted (neat) oral fluid: An oral fluid specimen to which no other solid or liquid has been added. For example: A collection device that uses a diluent (or other component, process, or method that modifies the volume of the testable specimen) must collect at least 1 mL of undiluted (neat) oral fluid.~~

~~Urine specimen: Urine collected from an employee at the collection site for the purpose of a drug test.~~

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

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

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

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

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

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

Employee Name: _____

Employee Signature: _____

Date: _____

Supervisor Name: _____

Supervisor Signature: _____

Date: _____



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: May 30, 2024

Date Submitted: May 30, 2024

Final Approval Date: May 30, 2024

Presenter: Abb Hayes, City Attorney

Item of Business: Request from **Holly Owens / Gainesville Life Group** to rezone a 0.53 acre tract located on the east side of Bradford Street, between West Academy Street and Forrest Avenue (a/k/a **416 Bradford Street, NW**) from Office and Institutional (O-I) to Residential and Office (R-O). **Ward Number: Five**. Tax Parcel Number(s): 01-024-004-015. **Request: Mixed-use building.**

- Proposed Rezoning Ordinance 2024-14

Meeting Date: June 4, 2024

Purpose of Request:

To conduct a public hearing regarding the following zoning request as presented at the May 14, 2024, Planning and Appeals Board meeting.

Facts & Issues / History & Background:

The applicant is proposing to rezone the subject property for a mixed-use building consisting of a property management office and six residential apartments. The building is 7,096 square feet in size and includes a main level and two sub-levels previously occupied by Paul Smith Cleaners. The renovations are to include two apartments on each of the three floors and a storefront office on the street level facing Bradford Street. The driveway, parking, landscaping and exterior facade of the building will be improved. The property borders a stream and the surrounding properties include the BCA Studios Architects office, Forrest Hills single-family subdivision, a single-family home, Patton Land Surveying and a Chiropractors office.

Department Recommendation:

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

SAMPLE MOTIONS:

Approval of Ordinance 2024-14:

I move to approve the ordinance to rezone the subject property from Office and Institutional (O-I) to Residential and Office (R-O) with eight conditions as presented.

Denial of the Request:

I move to deny the request.

Department Director:

Rusty Ligon

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

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. Legal ad
2. PAB Recommendation Report
3. Proposed Rezoning Ordinance 2024-14
4. Location Maps
5. Narrative
6. Site plan
7. Survey
8. Floor Plan
9. Architectural Renderings
10. Existing Pictures

such authority, the Department of Transportation has deposited with the Clerk of the Superior Court of said County \$500.00 as the just compensation for the said lands described; and all persons claiming such fund or any interest therein, are hereby required to make known their claims to the Court;

In accordance with the provisions of the Official Code of Georgia Annotated, the Plaintiff-Condemnor has prayed the Court for Immediate possession of said property, and all persons having any interest in or claim against such property, as above set forth, are required by the Order of the Judge of said Court to surrender possession of the property to the Department of Transportation no later than 30 days from filing of the Declaration of Taking.

That in accordance with the Official Code of Georgia Annotated Section 32-3-13 through 32-3-19, if the owner, or any of the owners, or any person having a claim against or interest in said property, shall be dissatisfied with the compensation, as estimated in the Declaration of Taking and deposited in Court, such person or persons, or any of them, shall have the right, at any time subsequent to the filing of the Declaration and the deposit of the fund into Court but not later than 30 days following the date of service as provided for in the Official Code of Georgia Annotated Sections 32-3-8 through 32-3-10 to file with the Court a notice of appeal, the same to be in writing and made a part of the record in the proceedings. The said property, as thus affected, is described as follows: SEE PAGE 20-A; 20-B; and 20-C FOR DESCRIPTION. This 22nd day of April, 2024.

/s/ Lisa W. Cook (Deputy) Clerk Superior Court HALL COUNTY Parcel No. 168

20. Project Number: P . I . 122060, HALL COUNTY Parcel Number: 168 To be acquired: Certain Easement Rights P r o p e r t y Owners: Atlanta Gas Light Company; and Darla Eden, Hall County Tax Commissioner, Individually All that tract or parcel of land lying and being in Land Lot 25 of the 12th Land District of Hall County, Georgia, being more particularly described as follows:

Permanent Easement for the Construction and Maintenance of Slopes:

To be acquired by condemnation is a permanent easement for the right to construct and maintain slopes within the area described as follows: Beginning at a point 111.41 feet left of and opposite Station 388+06.76 on the construction centerline of SR 11 / US 129 on Georgia Highway Project No. STP00-0002-06(048); running thence N 76°51'22.2" W a distance of 25.65 feet to a point 137.00 feet left of and opposite Station 388+08.48 on said construction centerline laid out for SR 11/US 129; thence N 9°17'33.3" E a distance of 49.99 feet to a point 137.00 feet left of and opposite Station 388+58.48 on said construction centerline laid out for SR 11/US 129; thence S 76°51'37.1" E a distance of 25.86 feet to a point 111.20 feet left of and opposite Station 388+56.74 on said construction centerline laid out for SR 11/US 129; thence S 9°32'09.4" W a distance of 49.98 feet back to the point of beginning. Containing Parcel No. 168

20-A. 0.029 acres more or less. Said described land being a permanent easement and is condemned for the right to construct and maintain slopes as shown on the plats attached hereto as Annex 1-A. **Temporary Driveway Easement:** Also to be acquired by

condemnation is the right to an easement for the construction of a driveway being described as follows: Beginning at a point 137.00 feet left of and opposite Station 388+08.48 on the construction centerline of SR 11 / US 129 on Georgia Highway Project No. STP00-0002-06(048); running thence N 76°51'22.1" W a distance of 18.04 feet to a point 155.00 feet left of and opposite Station 388+09.69 on said construction centerline laid out for SR 11/US 129; thence N 9°17'33.3" E a distance of 49.99 feet to a point 155.00 feet left of and opposite Station 388+59.69 on said construction centerline laid out for SR 11/US 129; thence S 76°51'23.9" E a distance of 18.04 feet to a point 137.00 feet left of and opposite Station 388+58.48 on said construction centerline laid out for SR 11/US 129; thence S 9°17'33.3" W a distance of 49.99 feet back to the point of beginning. Containing 0.021 acres more or less. The title, estate or interest in the above described lands, required by condemnor and now taken by condemnor for public use is as follows: A permanent easement is condemned Parcel No. 168

20-B. for the right to construct and maintain slopes as shown described within on the attached plats dated the 6th day of June, 2018; Sheet No. 26, last revised September 26, 2023; Sheet No. 42, last revised March 12, 2024; and attached hereto as Annex 1-A.

A driveway easement is condemned for the right to construct a driveway to connect the newly constructed road and right of way to the condemnees' remaining land for driveway purposes. Said easement shall expire on April 1, 2029 and is as shown described within on the attached plats marked Annex 1-A. Upon completion of the project, the driveway will remain in place for use by the condemnees. Parcel No. 168

20-C.

134314 5/8, 5/15 NE GA SORBA on behalf of the CWAPC announces plans to rehabilitate the mtb trails at Chicopee Woods MTB Trails in Gainesville. The project will include remaking the Coyote trail and machine maintenance on sections of the other trails. Email comments to negasorba@gmail.com

134806 5/15, 5/22



NEW SEX OFFENDER TO HALL COUNTY NAME: Anthony Wayne Jordan ADDRESS: 1630 Atlanta Hwy #103 Gainesville GA 30504 DATE OF OFFENSE: 10/07/2017 OFFENSE: Attempt Child Molestation, Electronic Enticement of a Minor, Obscene Contact with a Minor COURT OF CONVICTION: Hall County WEBSITE: https://gbi.georgia.gov/georgia-sex-offender-registry **134860 5/15**

NOTICE OF ABANDONED PROPERTY Re: 2000 Grand Marquis Serial / VIN: 2MEFM74W9YX73 1902 Color: Silver / Gray To Whom It May Concern: The above Property is presently in the possession of the City of Gainesville's Police Department, contact number is 770-538-2426. Attempts to locate the owner have been unsuccessful. The property is deemed abandoned under O.C.G.A. 40-11-2 and will be disposed of if not redeemed. This notice is given pursuant to

Georgia Law **134800 05/15,22**

NOTICE OF SERVICE BY PUBLICATION Petitioner: Sherette Jackson Respondents: Heirs of Ernest Butts Caption: Sherette Jackson vs. All Persons Known or Unknown Who Claim or Might Claim Adversely to Petitioner's Title to a Certain Parcel of Land Located in Hall County, Georgia, Being Lot 57, John D. Black Subdivision Per Plat Book 10, Page 51, Hall County, Georgia Records, Civil Action File No. 2024CV000255. Nature of the Action: Quiet Title to a certain Parcel of Land located in Hall County, Georgia, being Lot 57, John D. Black Subdivision Per Plat Book 10, Page 51, Hall County, Georgia Records and commonly known as 928 Black Drive, Gainesville, Georgia 30501 Date of Filing: February 13, 2024 Date of Order for Service by Publication: April 30, 2024 TO: Ernestine Butts, James Edward Butts, Joseph Butts, Annie Butts, Billy Joe Butts, Gerald Butts, Sarah Eunice May Williams and all heirs at law of Ernest Butts By virtue of the Order of Special Master Directing Service of Process and Notice of Hearing on the Merits, you are hereby commanded to appear at the Superior Court of Hall County in the above captioned action within thirty (30) days of the above referenced Order for Service of Publication and to appear at a hearing to be held by the Special Master at 10:00 a.m. on the 14" day of June, 2024, at the offices of D. Thomas LeFevre, Stewart, Melvin & Frost, LLP, 200 Main Street, Suite 600, Gainesville, GA 30503, to make your claims known. **1 3 4 7 5 4 05/15,22,29 06/05**

NOTICE TO THE PUBLIC YOU ARE HEREBY NOTIFIED that the Presiding Judge of the Superior Court of Hall County, Georgia, on the 30th day of May, 2024, at 2:00 o'clock p.m., at the Courthouse in the City of Gainesville, Georgia, will hear the case of STATE OF GEORGIA v. GAINESVILLE AND HALL COUNTY DEVELOPMENT AUTHORITY and SCHOOL DISTRICT OF THE CITY OF GAINESVILLE in the Superior Court of Hall County, the same being a proceeding to confirm and validate \$10,240,000 aggregate principal amount Gainesville and Hall County Development Authority Revenue Bonds (School District of the City of Gainesville Project), Series 2024 (the "Series 2024 Bonds" or the "Bonds"), to be issued by the Gainesville and Hall County Development Authority (the "Authority"). The Series 2024 Bonds are being issued by the Authority for the purpose of paying (1) acquisition, renovation, and equipping of an existing office building, including real property and infrastructure, to be used for classrooms and administrative offices by the School District, located at 332 Washington Street, NW, Gainesville, Hall County, Georgia, 30501 (the "Project"), and (2) the costs of issuance of the Series 2024 Bonds. In said proceeding, said Presiding Judge will also pass upon the constitutionality and legality of an Intergovernmental Installment Sale Agreement, dated as of May 1, 2024 (the "Agreement"), entered into by and between the Authority and the School District, and a Trust Indenture, dated as of May 1, 2024, between the Authority and Regions Bank, Atlanta, Georgia, as trustee, and the respective rights, duties and obligations of each of said defendants, and any citizen of the State of Georgia residing in the City of Gainesville, or any other person wherever residing who has a right to object, may intervene and become a party

to these proceedings. **THE AUTHORITY HAS WAIVED THE PERFORMANCE AUDIT AND PERFORMANCE REVIEW REQUIREMENTS PROVIDED IN O.C.G.A. § 36-82-100 AND WILL CONDUCT NO PERFORMANCE AUDIT OR PERFORMANCE REVIEW WITH RESPECT TO THE SERIES 2024 BONDS.** This 8th day of May, 2024. /s/Lisa W. Cook Deputy Clerk of the Superior Court of Hall County, Georgia **134859 5/15, 5/22**

NOTICE Bobby Claar, you are hereby notified that the mobile home, Capella, GEO072931, white with brown trim, located at 3277 LaPrad Circle, Gainesville, GA 30507, has been deemed abandoned and derelict per a local agent with Hall County Building and Planning on 5/1/2024. You are entitled to a hearing in magistrate court to contest this determination. If you fail to request a hearing before July 30, 2024, which is 90 days from the date of the 5/1/2024 determination, or if it is confirmed by a court that this abandoned mobile home is derelict, the owner of the land upon which this mobile home sits shall be entitled to dispose of the mobile home. **134667 5/8, 5/15**

STATE OF WISCONSIN CIRCUIT COURT RACINE COUNTY EDUCATORS CREDIT UNION 1326 Willow Road Mt. Pleasant, WI 53177 Plaintiff, v. Hands of Hope Residential LLC 1429 Oregon St Racine, WI 53405 Shanta McKinney 2854 Pleasant Oak Dr Buford, GA 30519 Defendant(s). Case No: 2024CV000366 Classification Code: 30301

"The amount claimed is in excess of \$10,000.00" **PUBLICATION and NOTICE OF FILING** To each person named above as a defendant: You are hereby notified that the plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action. A copy of the claim has been sent to you at your address as stated in the caption above

Within twenty (20) days of receiving this Summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the Court, whose address is: Racine County Courthouse Clerk of Circuit Court 730 Wisconsin Ave Racine, WI 53403 and to the plaintiff's attorney, whose address is: W. Richard Chiapete, Corporate Counsel Educators Credit Union 1326 Willow Road Mt. Pleasant, WI 53177 You may have an attorney help or represent you If you do not provide a proper written answer within twenty (20) days, the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property. Dated this 24th day of April 2024.

EDUCATORS CREDIT UNION BY: /s/ Electronically signed W. Richard Chiapete Attorney for the Plaintiff State Bar No.: 1017926 1326 Willow Road Mt. Pleasant, WI 53177 (262)321-7274 rchiapete@ecu.com

134329 5/1, 8, 15

Name Changes **IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA** In re the Name Change of: Brittany Lee Walker, Petitioner Civil Action File No. 2024CV000730BCO **NOTICE OF PETITION TO CHANGE NAME** An action was filed in the Superior Court of Hall County on April 26, 2024, to change the Petitioner's name as follows: Petitioner's name: Brittany Lee Walker Desired new name: Brittany Lee Johns Any interested party has the right to appear in this case and file objection before the final judgment is ordered in this case. Dated: 04/26/24 Brittany Lee Walker Petitioner, Pro se Name: Brittany L. Walker Address: 3511 Bob Bryant Rd Gainesville, GA 30507 Phone: 419-250-8934 E m a i l : brittanylee73373@gmail.com **134471 5/8, 15, 22, 29** **IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA** **IN RE THE NAME CHANGE: ALEXANDER ANDREW SIBO,** Petitioner. **CIVIL ACTION FILE NO.:** 2024CV000525 **NOTICE OF PETITION TO CHANGE NAME OF ADULT** The Petitioner has filed a petition in the Superior Court of Hall County on March 28th, 2024, to change her name from ALEXANDER ANDREW SIBO to ALEXIS ANNE SHELLEY. Any interested party has the right to appear in this case and file objections within the time prescribed in O.C.G.A. §§ 19-12-1(f)(2) and (3). This 28th day of March, 2024. /s/ Jennifer McCall JENNIFER MCCALL GA Bar No. 561012 Attorney for Petitioner Jennifer McCall, Attorney at Law, LLC 201 Forrest Ave, Suite A Gainesville, GA 30501 Phone (678) 696-5348 jennifer@mccallatlaw.com **134628 5/8, 15, 22, 29**

SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA In re the Name Change of: Vivian Kobayashi Petitioner. Civil Action Case Number: 2024CV000742 **NOTICE OF PETITION TO CHANGE NAME OF ADULT** Vivian Kobayashi filed a petition in the Superior Court of Hall County on April 29, 2024, to change the name from: Vivian Kobayashi to Naomi Vivian Miguel. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed. Dated: 4/29/2024 Vivian Kobayashi Petitioner, Prose Name: Vivian Kobayashi Address: 2235 Autumn Dr. Gainesville, GA 30507 Email: naovivi573@gmail.com Phone (day) 949-899-7550 **134513 5/8, 15, 22, 29**

SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA In re the Name Change of Child(ren): Manyaha Delbridge Mariaka Aaron, Petitioner, v. Respondent. Civil Action File No: 2024CV000766CGB **NOTICE OF FILING PETITION TO CHANGE NAME(S) OF MINOR CHILD(REN)** A petition was filed in the Superior Court of Hall County on May 2nd, 2024, to change the name of the following minor child(ren): **From:** Manyaha Serenity Delbridge **Proposed New Name:** Manyaha Serenity Aaron Any interested party has the right to appear in this case and file objections within the time prescribed in OCGA sec. 19-12-1(f)(2) and (3). Dated: 5/2/24 Mariak Aaron Petitioner, Pro se

Name: Mariaka Aaron Address: 5144 Spring St Apt A1 Flowery Branch, GA 30542 Phone: 470-778-8884 Email: mariakaaaron9@gmail.com **134893 5/15,22,29,6/5**

SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA In re the Name Change of: Arturo Alejandro Varela Larrainzar III, Petitioner. Civil Action Case Number: 2024CV000684FFG **NOTICE OF PETITION TO CHANGE NAME OF ADULT** Arturo Alejandro Varela Larrainzar III filed a petition in the Superior Court of Hall County on , 2024, to change the name from: Arturo Alejandro Varela Larrainzar III to Arturo Alejandro Varela. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed. Dated: 04/18/2024 Arturo Varela, Petitioner, Pro se Name: Arturo Varela Address: 4467 N. Gate Dr. Gainesville, GA 30506 Email: arturoLvarela@gmail.com Phone (day) 404-934-3887 **134252 5/1, 8, 15, 22**

SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA In re the Name Change of: Ashley Leania Bulloch-Graham Civil Action Case Number: 2024CV000677CCGB **NOTICE OF PETITION TO CHANGE NAME OF ADULT** Ashley Leania Bulloch-Graham filed a petition in the Superior Court of Hall County on April 18, 2024, to change name from: Ashley Leania Bulloch-Graham to Leania Bulloch Graham. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed. Dated: April 18, 2024. Ashley Leania Bulloch-Graham Petition, Pro se Name: Ashley Leania Bulloch-Graham Address: 4385 Martin Rd Flowery Branch, GA 30542 Email: leania.bulloch@gmail.com Phone (day): 770-815-5710 **134106 4/24, 5/1, 8, 15**

Public Hearings

NOTICE is hereby given that the **Hall County Planning Commission** shall conduct a public hearing at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia, at 5:15 p.m. on **Monday, June 17, 2024** to consider the following: **1.5231 Whitehall Road | Appeal of an administrative official** | on a 1.45± acre tract located on the south side of Whitehall Road, approximately 2,300 feet from its intersection with Noah Martin Road | Zoned AR-IV; Tax Parcel 15007 000290 | **Proposed Use: Pole barn** | * Commission District 3 | **Julian Cantrell, applicant.** **2.448 West Highland Drive | Use Subject to County Commission Approval** | 17.160.040 Food processing involving animals | on a 2.57± acre tract located at the terminus of West Highland Drive | Zoned I-I, Tax Parcel 00128 002009G | **Proposed Use: Food processing involving animals** | ** Commission District 4 | **Jose Luis Bauza Faria 3.4336, 4370, & 4420 Benefield Road | Rezone** | from Agricultural Residential IV (AR-IV) and Planned Commercial Development (PCD) to Planned Residential Development (PRD) | on a combined 68.83± acre tract located on the south side of Benefield Road, approximately 900 feet from its intersection with Village South Drive | Zoned AR-IV and PCD; Tax Parcels 15028 000014, 000070, & 000090 (pt.) | **Proposed Use: 302-unit residential development** | ** Commission District 1 | **Edge City Properties, Inc., applicant** NOTE: In accordance with Georgia law,

anyone who (a) wishes to express opposition to the proposed rezoning and (b) has made, within two years immediately preceding the filing of the proposed rezoning, campaign contributions aggregating \$250 or more to a member of the County Commission shall file a disclosure of contributions with the Planning Department at least five (5) days prior to the first hearing of the proposed rezoning by the County Commission. (OCGA § 36-67A-3[C]). *The Planning Commission's decision will be the final action taken unless appealed to the Board of Commissioners. To do so, file an application with the Planning Department within 30 days of the Planning Commission's decision. The Hall County Board of Commissioners will hear appeals at a public hearing Thursday, July 25, 2024, at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia. **The Planning Commission's recommendation will be forwarded to the Board of Commissioners for final action at a public hearing on Thursday, July 25, 2024. The Board will meet at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia. **134848 5/15**

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, June 4, 2024 at 5:30 p.m.** in the **Gainesville Justice Center** (Municipal Courtroom at the Public Safety Complex), 701 Queen City Parkway in Gainesville on the following requests: 1) Request from **Holly Owens / Gainesville Life Group** to rezone a 0.53 acre tract located on the east side of Bradford Street, between West Academy Street and Forrest Avenue (a/k/a **416 Bradford Street, NW**) from Office and Institutional (O-I) to Residential and Office (R-O). Ward Number: Five Tax Parcel Number(s): 01-024-004-015 Request: **Mixed-use building** 2) Request from **Clayton Properties Group, Inc – Matt Stokes** to amend a portion of an existing Planned Unit Development (P-U-D) zoning totaling 29.77± acres located on the southeast side of the intersection of Millside Parkway and Continental Drive and west of the intersection of Old Oakwood Road and Mountain View Road (a/k/a **2930 Old Oakwood Road, SW and 4102 Mundy Mill Road, SW**). Ward Number: Four Tax Parcel Number(s): 08-024-005-363 and 08-030-000-009 (Part) Request: **Residential townhomes** 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]) **134919 5/15**

NOTICE OF PUBLIC HEARING UPON APPLICATION FOR ANNEXATION AND REZONING

**GAINESVILLE PLANNING and APPEALS BOARD
RECOMMENDATION**

Applicant Holly Owens / Gainesville Life Group
Property Owner John Francis Werner, Jr.
Location 416 Bradford Street, NW
Request Rezone from O-I to R-O
Total Acres 0.53± acre
Ward Five
Proposed Use Mixed-use building
Planning Division Staff Recommendation **Approval, with conditions**
Planning & Appeals Board Recommendation **Approval, with conditions**
Date May 14, 2024

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

The applicant is proposing to rezone the subject property from Office and Institutional (O-I) to Residential and Office (R-O) which would effectively downzone the property. The proposal includes renovating the existing building previously occupied by Paul Smith Dry Cleaners for a mixed-use building to include the applicant's property management business and six residential apartments. According to tax records, the building is 7,096 square feet in size and is three levels including a main level and two sub-levels. Specifically, each level will have two apartments. While the final layout and square footage of each apartment unit has not been determined at this time, it is anticipated the apartments will consist of 1 bed/1 bath or 2 bed/2 bath units. In addition, a 1,500 to 1,600± square foot office is proposed on the front half of the top level facing Bradford Street. Aside from the building, other exterior upgrades will include improvements to the driveway, parking areas, signage and landscaping. The existing gravel parking at the rear of the building will be landscaped and refreshed with new gravel to reduce any impacts to the adjacent stream that borders the property to the north.

Adjacent Land Use and Zoning

Location	Use	Zoning
North	Forrest Hills Subdivision	Planned Unit Development (P-U-D)
South	BCA Studios (Architects)	Central Business (C-B)
East	Sylvan Wood Office Park (undeveloped)	Residential and Office (R-O)
West	Patton Land Surveying; Chiropractor Office	Office and Institutional (O-I)
	Rental Home	Office and Institutional (O-I)
	Residential Condominiums;	Central Business (C-B)

▪ **Other Departmental Comments**

There were no other departmental comments regarding this request.

▪ **Zoning History**

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

2022 - A request by Ricky and Janice Hames to rezone a 0.24± acre tract located at 721 Oak Street, NW from General Business (G-B) to Residential-I (R-I) was conditionally approved for a single-family residence.

2022 - A request by Fred & Olivia Skey to rezone with a special use a 0.65± acre tract located at 352 Northside Drive, NW, from General Business (G-B) to Office and Institutional (O-I) was conditionally approved for a single-family home.

2021 - A request by Dave Odom to rezone a 0.50± acre tract located at 341 and 361 Oak Street, NW, from General Business (G-B) to Planned Unit Development (P-U-D) was conditionally approved for mixed-use residential and commercial.

▪ **Staff Analysis**

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

The proposed mixed-use building appears suitable given the adjacent and nearby mixture of uses which include the Forrest Hills Subdivision, a rental home, residential condominiums, BCA Studios, Patton Land Surveying, Chiropractor Office and Sylvan Wood Office Park. These properties are zoned Planned Unit Development (P-U-D), Central Business (C-B), Office and Institutional (O-I) and Residential and Office (R-O).

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

The subject property has been unoccupied for approximately 4 years and is in need of significant improvement. Based on the applicant's site plan and architectural renderings, the function and aesthetics of the property will be much improved, better addressing access parking while protecting the adjacent perennial stream. The location of the property is ideal for a mixed-use building given its proximity to downtown Gainesville. The vehicle trips generated are minimal given the small scale of the project.

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

The Future Development Map for the City of Gainesville places the property within the *General Mixed-Use* land use category which includes areas containing or planned for a mixture of land uses including office, neighborhood retail, detached residential and attached residential.

According to the Character Area map for the City of Gainesville, the subject property is located within the *Traditional Neighborhoods Character Area*. Land uses allowed include Parks and recreation, single-family residential, multi-family residential, limited general mixed-use, commercial (retail and office), and public and institutional uses. Although the area is mostly built-out, opportunities for infill development should be promoted as they arise and neighborhood-serving businesses are encouraged.

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

The property is zoned Office and Institutional (O-I) which is considered more aggressive than the proposed Residential and Office (R-O) zoning. The property was previously occupied for a dry cleaner business and has remained unoccupied for approximately 4 years. A zoning of O-I

allows for professional offices, small daycare center, clinic, club, assisted living/nursing home/convalescent homes and business service establishments such as an interior decorator. The property would retain its right to be occupied or redeveloped for these purposes if the rezoning were to be denied. A property maintenance office and six residential apartment units are planned for the mixed-use building. The proposed 6 apartment units will provide for additional housing options within walking distance of downtown at an overall density of 11.32 dwelling units per acre.

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

City water, sewer and public safety services are currently provided to the property. Gainesville Fire Station #1 is located off of Queen City Parkway and is approximately 1.2± miles from the subject property.

The proposal will slightly increase ingress and egress traffic movements along Bradford Street. According to the Institute of Transportation Engineers (ITE) Trip Generation Handbook (9th Edition), the duplex apartments on average could generate 58± new trips per day, 7± A.M. and 8± P.M. peak hour trips.

The proposed use will have minimal impact on the Gainesville City School System given there are only 6 residential units proposed that are not designed as family units. The school system currently provides school bus transportation within the immediate area, if there were to be school-aged children living within the building.

(6) Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?

The Comprehensive Plan identifies the need for quality housing within the downtown area. The subject property is conducive for both residential and nonresidential purposes as it is walkable to various office, retail, restaurant and public uses. Development along the Bradford Street corridor has consisted of small specialty shops, professional offices, as well as a mixture of residential single-family, condominium and multi-family apartments.

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

Based on the Comprehensive Plan and the adjacent mixture of uses, the proposed rezoning request with the recommended conditions appears to reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property.

▪ **Staff Recommendation**

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

Conditions

- 1. The proposed mixed-use building shall be limited to professional office uses and a maximum of six (6) residential units.**

2. The proposed development shall closely reflect the applicant's site plan and architectural renderings submitted with this rezoning request. The final design and architecture of the building shall be subject to the approval of the Community & Economic Development Director.
3. An 8-foot tall opaque fence shall be required along the north side of the rear yard parking area.
4. A mixture of evergreen and deciduous buffer trees shall be planted between the required 8-foot tall opaque fence and the State 25-foot undisturbed stream buffer. The minimum installation height of the trees shall be 7-feet. The location, spacing, size and type of trees planted shall be subject to the approval of the Community & Economic Development Director.
5. All trash receptacles shall be screened from view from the road and adjacent properties. Service access to any proposed dumpster shall be restricted to one day a week, and limited to the hours of 7:00 a.m. and 9:00 p.m.
6. Outdoor lighting used in this development shall be of non-spill design and placed in a manner so as to minimize direct visibility by the adjacent properties.
7. The rear yard parking area shall consist of gravel or other pervious material approved by the Community & Economic Development Director.
8. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director, and approval of said design shall be required prior to issuance of a development permit. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.

Excerpts from the May 14, 2024 PAB Meeting Minutes

Applicant Presentation: Holly Owens, 4841 Highland Road, stated Gainesville Life Group is a successful property management company owned by them since 2011 and have a limited number of properties they manage which is the reason they consider it a boutique company. She stated they prefer it to be small to maintain a level of customer service for the residents and investors. Their office was previously renovated and located at 564 Parkhill Drive but sold it and has renovated the property at 400 Northside Drive. Mrs. Owens stated the property at 416 Bradford Street was a great opportunity to be close to downtown and after inspection realized the building was three levels and only needs a small portion for their office. She said they considered other options with the zoning for the building such as daycare, assisted living and offices. She mentioned spending many hours working with different professionals and complimented the City of Gainesville staff. The first priority she stated will be to clean up the exterior of the property from being neglected for many years including removing all the old mechanical equipment. Mrs. Owens stated the design involves reconfiguring the front parking with the back portion of the lot gravel. She mentioned receiving questions from neighbors regarding the design and confirmed it would look like the renderings submitted. She described the layout of the building with the offices on the west side with two residences on the right side consisting of two bedroom / two bath flats at street level with 1,400 square feet each. She stated the lower level would be one bedroom / one bath flats of 1,000 square feet with the terrace level consisting of one bedroom / one bath flats with 800 square feet. She said there are no plans to add any additions to the existing structure. She stated the street and lower-level apartments will have built-in / open office space with the idea of targeting those residents who want a live/work/play lifestyle. They were unsure of the rent range but are planning to be at market rate and in line with nearby apartment complexes. Assigned parking spaces will be close to

the entrance and limited to two registered vehicles per unit offering an onsite property manager and a luxury loft-style environment. She stated the occupancy limitations would be determined by the final floor plans but thought it to be one to three persons depending upon the floor plan. The guest parking would be at a nearby parking garage or on-street parking currently authorized by the city. They are excited about the project and consider it to be a great location for their office.

FAVOR: None

OPPOSE: Ellen DeFoor, 403 Forrest Lane, stated she is not in favor or oppose the project but as president of Forrest Hills HOA wants to share concerns from the neighbors. There were three primary concerns for the projecting with one being the target market of people residing in them and the overall market rate rent. The second concern mentioned was the number of residents and vehicles allowed per apartment and stated the street parking is an issue in the neighborhood along Forrest Avenue and Bradford Street. The third concern was the overall use of the space along with development of anything on the exterior perimeter of the property such as a common area. She stated the overall priority is to ensure safety, livability, property values of the immediate neighborhood.

Board Comments: President Carter asked Deputy Director Tate to address the concern regarding usability of the space, additions to exterior and said condition two covers the design of the project. Mr. Carter stated the concern of the number of residents per unit was addressed by Mrs. Owens being 1 to 3 depending upon the size of the unit. Mr. Carter stated the concern regarding parking would be on-site parking which was addressed by Mrs. Owens along with the target market rental rate being competitive with other apartment complexes and would not be a subsidized project.

Deputy Director Tate stated condition two is common for proposed rezoning requests and protects surrounding property owners regarding the end result of the project with final approval from the C&ED Director.

Vice Chair Thompson stated he has personally seen a project completed by the Owens of a home nearby and done an incredible job and is confident it will be a major upgrade for the area.

Board Member Fleming asked about minimum square footage in regards to the number of persons allowed and Deputy Tate stated it is regulated by the building code but in terms of zoning there is no specified minimum square footage per unit.

There was a motion to recommend conditional approval to rezone the subject property for a mixed-use building from Office and Institutional (O-I) to Residential and Office (R-O) with the following conditions:

- 1. The proposed mixed-use building shall be limited to professional office uses and a maximum of six (6) residential units.**
- 2. The proposed development shall closely reflect the applicant's site plan and architectural renderings submitted with this rezoning request. The final design and architecture of the building shall be subject to the approval of the Community & Economic Development Director.**
- 3. An 8-foot tall opaque fence shall be required along the north side of the rear yard parking area.**
- 4. A mixture of evergreen and deciduous buffer trees shall be planted between the required 8-foot tall opaque fence and the State 25-foot undisturbed stream buffer. The minimum installation height of the trees shall be 7-feet. The location, spacing,**

size and type of trees planted shall be subject to the approval of the Community & Economic Development Director.

5. All trash receptacles shall be screened from view from the road and adjacent properties. Service access to any proposed dumpster shall be restricted to one day a week, and limited to the hours of 7:00 a.m. and 9:00 p.m.
6. Outdoor lighting used in this development shall be of non-spill design and placed in a manner so as to minimize direct visibility by the adjacent properties.
7. The rear yard parking area shall consist of gravel or other pervious material approved by the Community & Economic Development Director.
8. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director, and approval of said design shall be required prior to issuance of a development permit. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.

Motion made by Vice Chair Thompson

Motion seconded by Board Member Young

Vote – 6 favor, 1 vacant

Passed: _____

AN ORDINANCE

No. 2024-14

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A 0.53 ACRE TRACT LOCATED ON THE EAST SIDE OF BRADFORD STREET, BETWEEN WEST ACADEMY STREET AND FORREST AVENUE (A/K/A 416 BRADFORD STREET, NW) FROM OFFICE AND INSTITUTIONAL (O-I) TO RESIDENTIAL AND OFFICE, WITH CONDITIONS (R-O-c); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

SECTION I

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

Conditions

- 1. The proposed mixed-use building shall be limited to professional office uses and a maximum of six (6) residential units.**
- 2. The proposed development shall closely reflect the applicant's site plan and architectural renderings submitted with this rezoning request. The final design and architecture of the building shall be subject to the approval of the Community & Economic Development Director.**
- 3. An 8-foot tall opaque fence shall be required along the north side of the rear yard parking area.**
- 4. A mixture of evergreen and deciduous buffer trees shall be planted between the required 8-foot tall opaque fence and the State 25-foot undisturbed stream buffer. The minimum installation height of the trees shall be 7-feet. The location, spacing, size and type of trees planted shall be subject to the approval of the Community & Economic Development Director.**
- 5. All trash receptacles shall be screened from view from the road and adjacent properties. Service access to any proposed dumpster shall be restricted to one day a week, and limited to the hours of 7:00 a.m. and 9:00 p.m.**
- 6. Outdoor lighting used in this development shall be of non-spill design and placed in a manner so as to minimize direct visibility by the adjacent properties.**

ORDINANCE NO. 2024-14

- 7. The rear yard parking area shall consist of gravel or other pervious material approved by the Community & Economic Development Director.**
- 8. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director, and approval of said design shall be required prior to issuance of a development permit. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.**

Legal Description

All that tract or parcel of land lying in Land Lot 148 of the 9th District, Gainesville, Hall County, Georgia and fronting 104.5 feet on the East side of North Bradford Street, and being more fully described as follows:

BEGINNING at a corner on the East side of North Bradford Street which beginning corner bears 30° 13' West, a distance of 154.5 feet from the center line of an unnamed street and running thence from said beginning corner along the Eastern side of North Bradford Street, running North 30° 13' West 104.5 feet to an iron pin; thence, running North 63° 6' East 96.1 feet to a branch; thence, running North 32° 50' East along a fence line just West of the branch 75.4 feet to a corner which corner is the centerline of said branch; thence, crossing said branch and running North 46° 41' East 30.4 feet to an iron pin located on the line of property owned by 311 Green Street LLC; thence, running South 29° 28' East along the shared property line 136.37 feet to an iron pin corner; thence, running South 59° 00' West 191.2 feet to the point of beginning on North Bradford Street.

Said property contains 0.53 acre more or less, and is further identified as Hall County Tax Map Number 01024 004015, and as 416 Bradford Street, Gainesville, GA 30501.

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 or unconstitutional.

SECTION IV

This Ordinance is enacted as an amendment to the Code of the City of Gainesville, Georgia, and is to be codified as a part of Section 9-1-1-5.

SECTION V

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

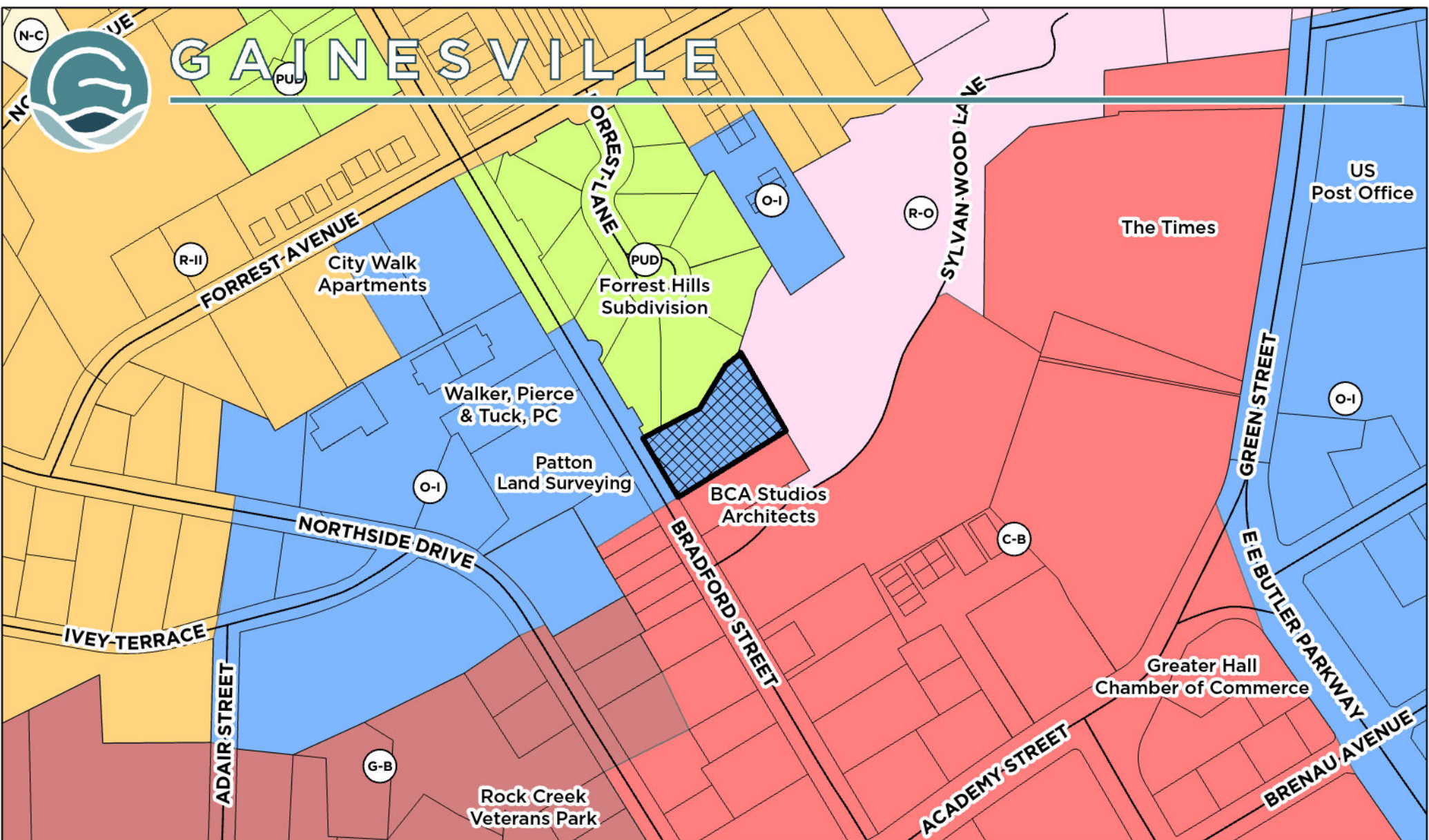
ORDINANCE NO. 2024-14

W. Samuel Couvillon, Mayor

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

ATTEST:

Denise O. Jordan, City Clerk

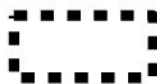
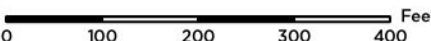


Applicant: HOLLY OWENS / GAINESVILLE LIFE GROUP		Request: Rezoning +/- 0.53 AC currently zoned Office & Institutional (O-I) to Residential & Office (R-O) for a mixed use building.	
REZONING REQUEST			
Subject Property Address: 416 Bradford Street, NW	Tax Parcel: 01-024-004-015	 Subject Property	
Meeting Date: 5/14/2024 Map Prepared: 4/11/2024			
			Scale: 1" = 200'



GAINESVILLE



Applicant: HOLLY OWENS / GAINESVILLE LIFE GROUP		Request: Rezone +/- 0.53 AC currently zoned Office & Institutional (O-I) to Residential & Office (R-O) for a mixed use building.	
REZONING REQUEST			
Subject Property Address: 416 Bradford Street, NW	Tax Parcel: 01-024-004-015	 Subject Property  0 100 200 300 400 Feet	Aerial from 2023 
Meeting Date: 5/14/2024 Map Prepared: 4/11/2024		Scale: 1" = 200'	

416 NW Bradford Street – Project Narrative

Building History and Original Construction

The building was constructed in approximately 1947 per Hall County tax records. Minimally for 50 years, the building was home to a dry-cleaning business. It was sold to an individual in 2021 who has used it for storage purposes.

The property is approximately 0.53 acre and is within two blocks of the Gainesville square. The structure consists of a main level and two sub-terranean levels with an approximate total square footage of 7,096. Each sub-terranean level has existing exterior access.

Current Property Condition

The property has experienced significant deterioration throughout the years. The exterior is overgrown with ivy and is dilapidated. There are multiple holes in the roof. The asphalt driveway to the right of the property has disintegrated.

There are very few interior walls, features or fixtures – a nice open floor plan. There is an old elevator shaft that will be removed.

Proposed Building Use

The building is proposed to be renovated for mixed-use purposes. Ideally, there would be an office space for our property management business and 6 residential apartments. We are working with an architect to determine the best layout of these components.

Site Improvements

Immediately, the exterior of the building will be cleaned up and secured. We will work with the architect to design the new façade of the building to make it more modern and congruent with other surrounding buildings and residences. The front parking lot will be revamped to allow for ample parking for the building, as well as the driveway to the rear will be repaved. Our plan is to keep the back parking lot gravel for overflow parking, if necessary.

The interior of the building will look completely different. The office will be approximately 1500-1600 square feet. There will be two 1- or 2-bedroom apartments on each floor. The overall intent will be to celebrate the building's industrial past by exposing the structural elements to the extent possible.

PROJECT NUMBER 2024 03

ISSUE RECORD

NUMBER	DATE	ISSUE REVISION
1	03/2/24	Zoning Site Plan Preliminary

27 March, 2024

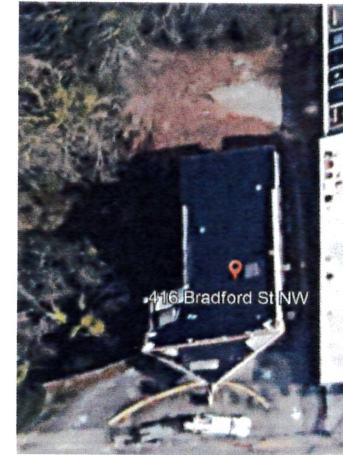
BUILDING IMPROVEMENTS +
ADAPTIVE RUSE STUDY

416 BRADFORD

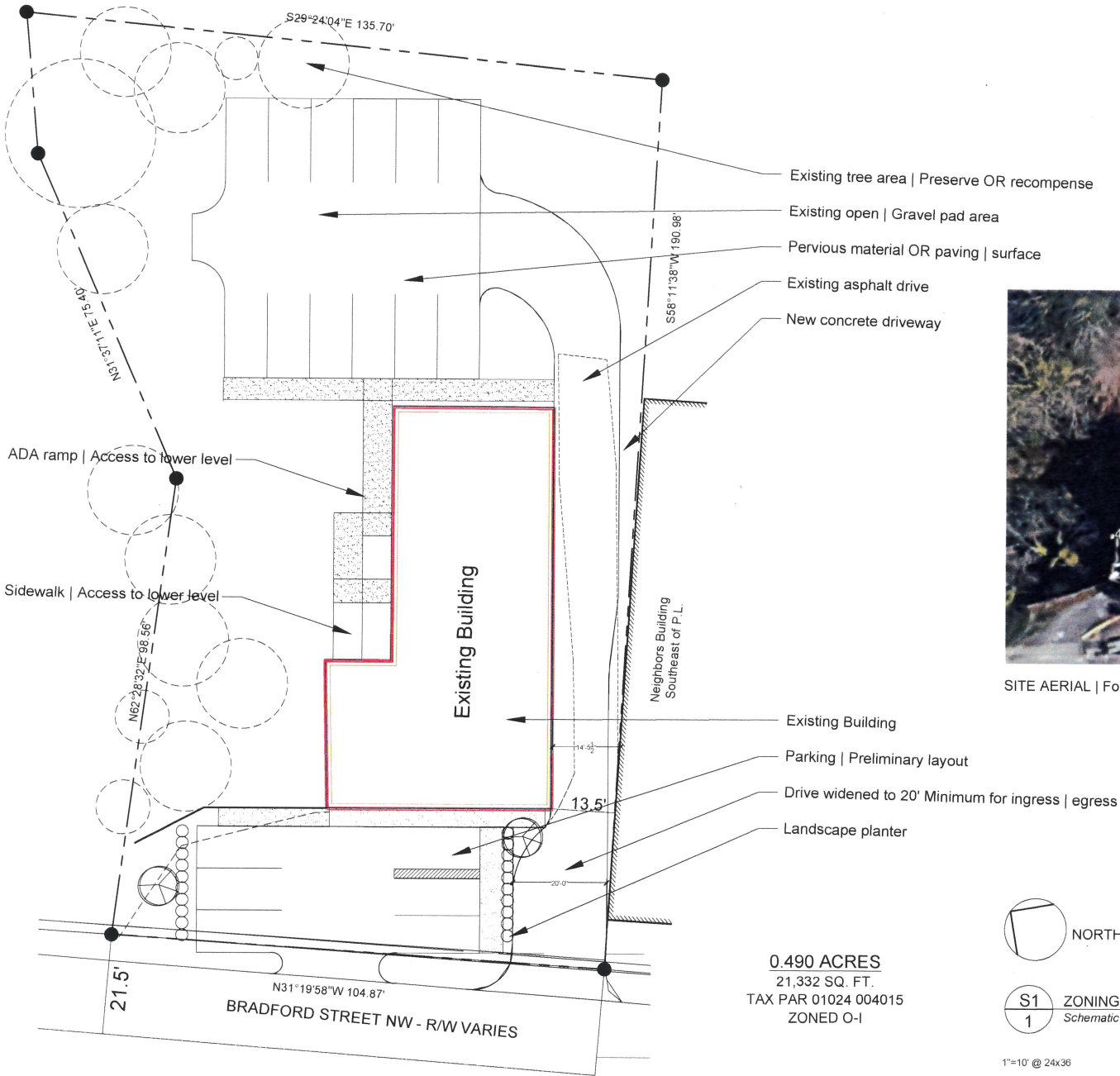
416 Bradford Street NW
Gainesville, GA 30501
Tax Parcel #01-00024-04-015

PREPARED FOR |

Rhel -1 Properties LLC



SITE AERIAL | For Reference



0.490 ACRES
21,332 SQ. FT.
TAX PAR 01024 004015
ZONED O-I



S1 ZONING SITE PLAN
1 Schematic

1"=10' @ 24x36

P

DESIGN | ENGINEERING | INTERIOR

Post Oak Partners, LLC

1205 Peachtree Parkway

Suite 1104

Cumming, Georgia 30042

T 678 858 7101

F 678 512 8044

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DISCREPANCIES SHALL BE REPORTED TO POST OAK
PARTNERS, LLC BY THE CONTRACTOR PRIOR TO THE
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DRAWING

S1

HDHP3/27/2024 10:38 AM 2024 039 416 Bradford Owens BASE 032724 4.dwg

eFiled and eRecorded
 DATE: 10/06/2023
 TIME: 8:45 AM
 PLAT BOOK: 884
 PAGE: 72 - 72
 FILING FEES: \$10.00
 PART ID: 3383484929
 RECORDED BY: EAR
 Charles Baker, C.S.C
 Hall County, GA

NOTES:

- 1.) Field Data: Closure Precision-1/78,243. Angular Error = 3"/STA.
- 2.) Measurements were taken with a Carlson BRX7 on 3-8-2023 and were balanced using the Least Square.
- 3.) Bearings are based on Grid North - Ga West Zone
- 4.) Plat Precision: 1/369,321.
- 5.) The public records referenced hereon reflect only those records necessary to establish the boundaries hereon, and reference to the same does not and is not intended to constitute a title search or title opinion.
- 6.) NO PORTION OF THIS PROPERTY LIES IN A SPECIAL FLOOD AREA AS INDICATED ON F.I.R.M. MAP NO. 13139C0187G, DATED 04-04-2018.

REFERENCE:

- 1.) PLAT BOOK 841 PAGE 227
- 2.) PLAT BOOK 27 PAGE 61
- 3.) PLAT BOOK 106 PAGE 194

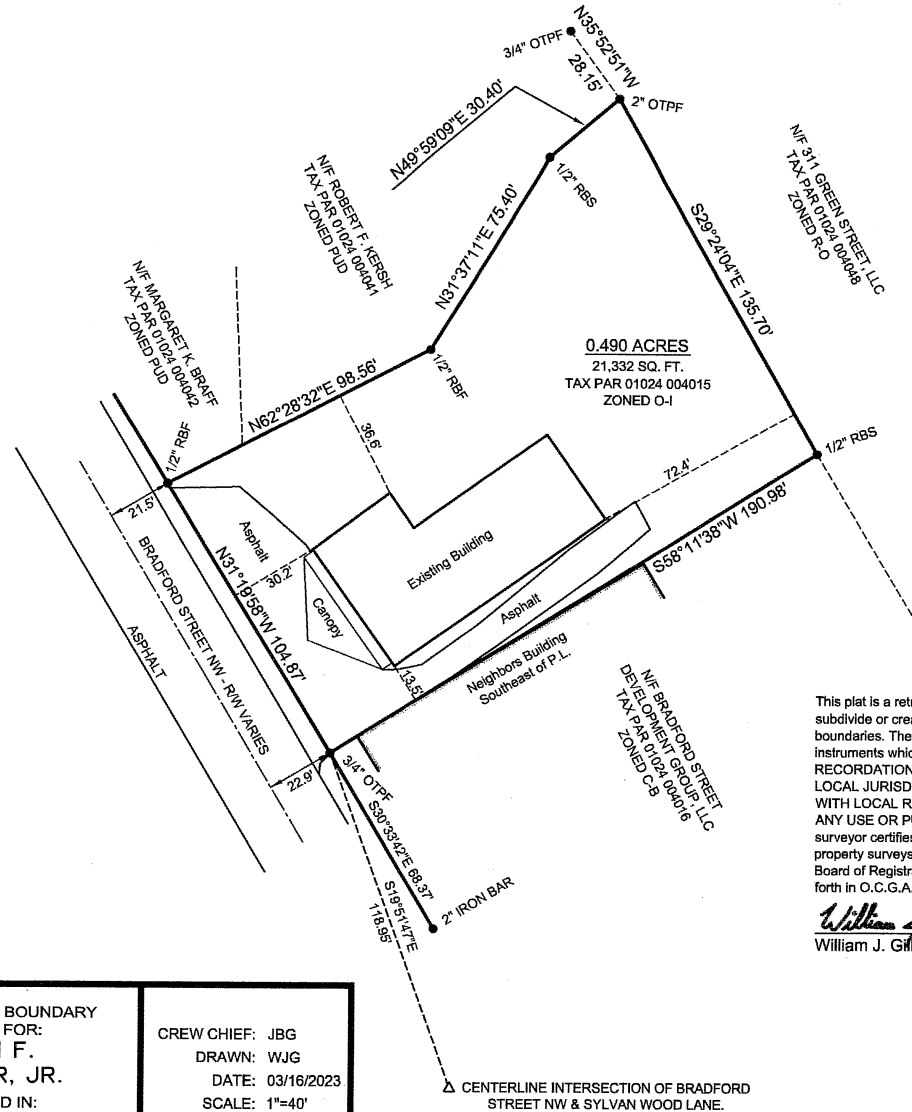
0 40 80
 SCALE: 1" = 40'

LandTec
 Surveying

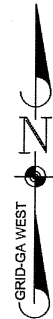
205 WILLIAMS BRIDGE ROAD,
 TOCCOA, GEORGIA 30577
 PHONE: (678)780-8832
 JGILBERT@LANDTECCO.COM

RETRACEMENT BOUNDARY
 SURVEY FOR:
**JOHN F.
 WERNER, JR.**
 LOCATED IN:
 LAND LOT 148, 9TH DISTRICT
 CITY OF GAINESVILLE
 HALL COUNTY, GEORGIA

CREW CHIEF: JBG
 DRAWN: WJG
 DATE: 03/16/2023
 SCALE: 1"=40'
 JOB #: 23-019



LEGEND	
OTPF	Open Top Pin Found
CTPF	Crimp Top Pin Found
CTPS	Crimp Top Pin Set
RBF	Rebar Found
RBS	Rebar Set
B/L	Building Line
UP	Utility Pole
N or F	Now or Formerly
+	Fence
—	Overhead Wire
—	Not to Scale
•	Calculated Point
⊠	Communication Box
● FH	Fire Hydrant
wv	Water Valve
• GW	Guy Wire



This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-8-67.

William J. Gilbert
 William J. Gilbert Ga. RLS # 2843

Dated: March 16, 2023



ISSUE RECORD

NUMBER	DATE	ISSUE REVISION
1	040524	Base Drawing

BUILDING IMPROVEMENTS +
ADAPTIVE REUSE STUDY

416 BRADFORD

416 Bradford Street NW
Gainesville, GA 30501
Tax Parcel #01-00024-04-015

PREPARED FOR |

Robb + Holly Owens
OWENS MANAGEMENT GROUP

DESIGN | INTERIORS | ENGINEERING

Post Oak Partners, LLC
1205 Peachtree Parkway
Suite 1104
Cumming, Georgia 30042

T 678.858.7101
F 678.513.6044

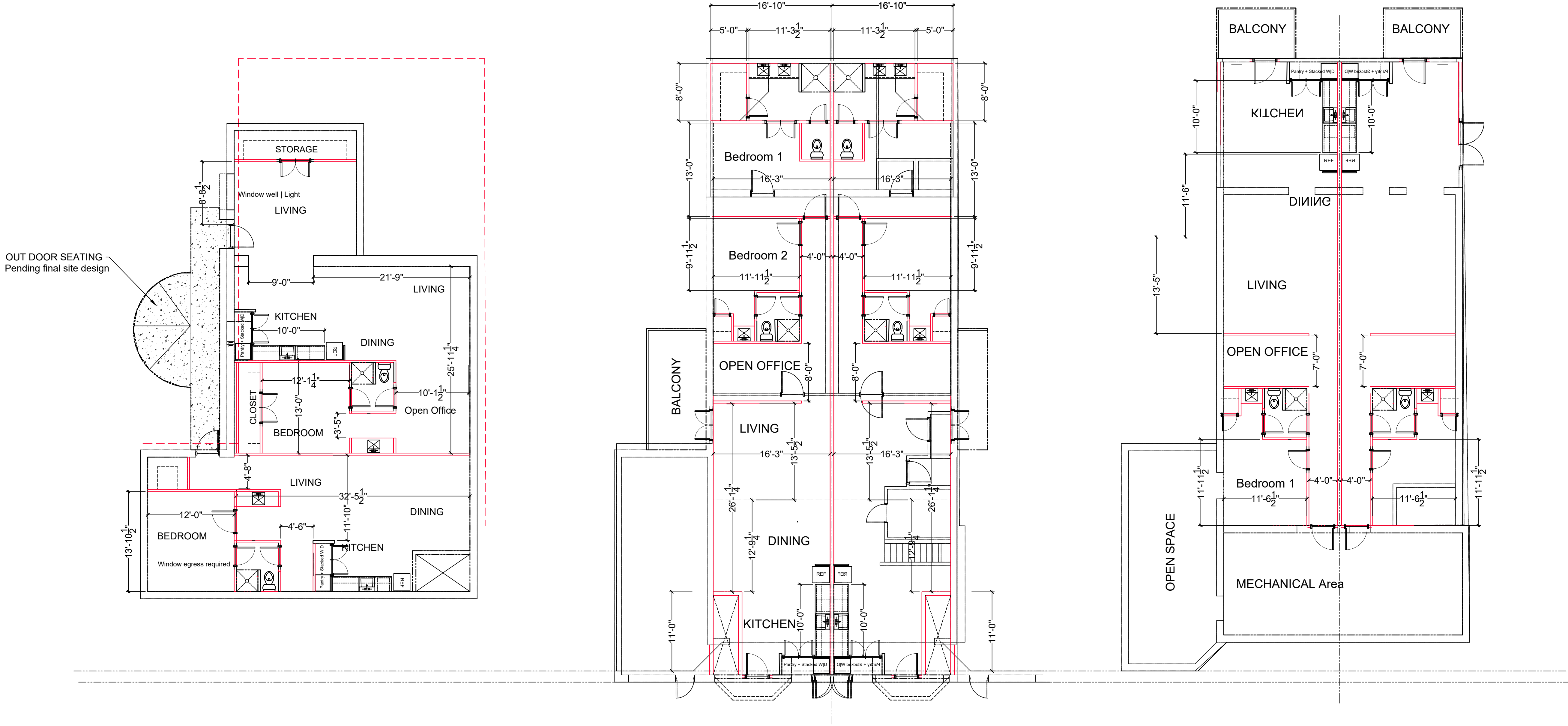
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DISCREPANCIES SHALL BE REPORTED TO POST OAK
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DRAWING

A0

HDHP5/14/2024 4:34 PM2024 039 416 Bradford Owens BASE 051424.43.dwg

416 Bradford | PRELIMINARY FLOOR PLAN CONCEPTS | For Review 051424.1



FLOOR 0 | Terrace Level

FLOOR 2 | Street Level

FLOOR 1 | Lower level

A0
1

FLOOR PLATES | Preliminary Concept
Schematic

1|8"@ 24x36

Preliminary Floor Area SF | Calculations |
BOMA EGA Criteria

Floor 0	2,253 SF
Floor 2	3,464 SF
Floor 1	3,230 SF

Total EGA 8,947 SF

Preliminary Schematic Plan | NOTES |

- 1.Structural improvements TBD
- 2.Existing exterior wall composition + thickness vary
- 3.Code mandated F-floor + roof load calculations TBD
- 4.Dimensions are approximate
- 5.LSC | Egress doors | windows + point of refuge requirements TBD























CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: May 30, 2024

Date Submitted: May 30, 2024

Final Approval Date: May 30, 2024

Presenter: Abb Hayes, City Attorney

Item of Business: Request from **Clayton Properties Group, Inc – Matt Stokes** to amend a portion of an existing Planned Unit Development (P-U-D) zoning totaling 29.77± acres located on the southeast side of the intersection of Millside Parkway and Continental Drive and west of the intersection of Old Oakwood Road and Mountain View Road (a/k/a **2930 Old Oakwood Road, SW and 4102 Mundy Mill Road, SW**). **Ward Number: Four**. Tax Parcel Number(s): 08-024-005-363 and 08-030-000-009 (Part). **Request: Residential townhomes.**

- Proposed Zoning Amendment Ordinance 2024-15

Meeting Date: June 4, 2024

Purpose of Request:

To conduct a public hearing regarding the following zoning request as presented at the May 14, 2024, Planning and Appeals Board meeting.

Facts & Issues / History & Background:

The applicant is proposing to amend the P-U-D zoning for a total of 196 fee-simple townhome units. The proposed zoning amendment involves two separate tracts of land (Pod's "E" and "F") within the 604.0± acres Mundy Mill mixed-use development originally approved in 2004. The overall development is approved for 2,443 residential units but only 2,206 units have been permitted with no developable area left within the residential pods.

Specifically, the 17.25± acres tract (Pod "E") currently has zoning approval for up to 210,000 square feet of warehouse/distribution space. Instead, the applicant desires to build 128 townhome units with access from Mountain View Road. The 12.52± acres tract (Pod "F") has zoning approval for up to 263,000 square feet of office and 41,000 square feet of commercial space. Instead, the applicant desires to build 68 townhome units on a portion of this pod with access off of Millside Parkway. The proposed townhomes are two-stories, 1,200 square feet, with 3 bedrooms and 2 ½ baths and a two-car garage. Amenities for each include a dog park, mail kiosk and guest parking. The townhome subdivisions will have a Home Owners Association (HOA) providing for the financial management, architectural controls, enforcement of community standards and management of all common areas. The surrounding uses include a Family Dollar Store, Hydro Extrusion USA, RWH Trucking, Maple Park Mundy Mill subdivision, Mundy Mill Academy and residential homes in the county.

Department Recommendation:

Staff and PAB recommended conditional approval with thirty-one conditions. See the PAB Recommendation report for details and excerpts from the meeting minutes.

SAMPLE MOTIONS:

Approval of Ordinance 2024-15 :

I move to approve the ordinance to amend a portion of the existing Planned Unit Development (P-U-D) for the subject property for residential townhomes.

Denial of the Request:

I move to deny the request.

Department Director:

Rusty Ligon

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

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. Legal ad
2. PAB Recommendation Report
3. Proposed Zoning Amendment Ordinance 2024-15
4. Location Maps
5. Narrative / Letter of Intent
6. Master Plan
7. 17.25± Acres (Pod E Site Plan)
8. 12.52± Acres (Pod F Site Plan)
9. Architectural Renderings

such authority, the Department of Transportation has deposited with the Clerk of the Superior Court of said County \$500.00 as the just compensation for the said lands described; and all persons claiming such fund or any interest therein, are hereby required to make known their claims to the Court;

In accordance with the provisions of the Official Code of Georgia Annotated, the Plaintiff-Condemnor has prayed the Court for Immediate possession of said property, and all persons having any interest in or claim against such property, as above set forth, are required by the Order of the Judge of said Court to surrender possession of the property to the Department of Transportation no later than 30 days from filing of the Declaration of Taking.

That in accordance with the Official Code of Georgia Annotated Section 32-3-13 through 32-3-19, if the owner, or any of the owners, or any person having a claim against or interest in said property, shall be dissatisfied with the compensation, as estimated in the Declaration of Taking and deposited in Court, such person or persons, or any of them, shall have the right, at any time subsequent to the filing of the Declaration and the deposit of the fund into Court but not later than 30 days following the date of service as provided for in the Official Code of Georgia Annotated Sections 32-3-8 through 32-3-10 to file with the Court a notice of appeal, the same to be in writing and made a part of the record in the proceedings. The said property, as thus affected, is described as follows: SEE PAGE 20-A; 20-B; and 20-C FOR DESCRIPTION. This 22nd day of April, 2024.

/s/ Lisa W. Cook (Deputy) Clerk Superior Court HALL COUNTY Parcel No. 168

20. Project Number: P . I . 122060, HALL COUNTY Parcel Number: 168 To be acquired: Certain Easement Rights P r o p e r t y Owners: Atlanta Gas Light Company; and Darla Eden, Hall County Tax Commissioner, Individually All that tract or parcel of land lying and being in Land Lot 25 of the 12th Land District of Hall County, Georgia, being more particularly described as follows:

Permanent Easement for the Construction and Maintenance of Slopes:

To be acquired by condemnation is a permanent easement for the right to construct and maintain slopes within the area described as follows: Beginning at a point 111.41 feet left of and opposite Station 388+06.76 on the construction centerline of SR 11 / US 129 on Georgia Highway Project No. STP00-0002-06(048); running thence N 76°51'22.2" W a distance of 25.65 feet to a point 137.00 feet left of and opposite Station 388+08.48 on said construction centerline laid out for SR 11/US 129; thence N 9°17'33.3" E a distance of 49.99 feet to a point 137.00 feet left of and opposite Station 388+58.48 on said construction centerline laid out for SR 11/US 129; thence S 76°51'37.1" E a distance of 25.86 feet to a point 111.20 feet left of and opposite Station 388+56.74 on said construction centerline laid out for SR 11/US 129; thence S 9°32'09.4" W a distance of 49.98 feet back to the point of beginning. Containing Parcel No. 168

20-A. 0.029 acres more or less. Said described land being a permanent easement and is condemned for the right to construct and maintain slopes as shown on the plats attached hereto as Annex 1-A. **Temporary Driveway Easement:** Also to be acquired by

condemnation is the right to an easement for the construction of a driveway being described as follows: Beginning at a point 137.00 feet left of and opposite Station 388+08.48 on the construction centerline of SR 11 / US 129 on Georgia Highway Project No. STP00-0002-06(048); running thence N 76°51'22.1" W a distance of 18.04 feet to a point 155.00 feet left of and opposite Station 388+09.69 on said construction centerline laid out for SR 11/US 129; thence N 9°17'33.3" E a distance of 49.99 feet to a point 155.00 feet left of and opposite Station 388+58.48 on said construction centerline laid out for SR 11/US 129; thence S 9°17'33.3" W a distance of 49.99 feet back to the point of beginning. Containing 0.021 acres more or less. The title, estate or interest in the above described lands, required by condemnor and now taken by condemnor for public use is as follows: A permanent easement is condemned Parcel No. 168

20-B. for the right to construct and maintain slopes as shown described within on the attached plats dated the 6th day of June, 2018; Sheet No. 26, last revised September 26, 2023; Sheet No. 42, last revised March 12, 2024; and attached hereto as Annex 1-A.

A driveway easement is condemned for the right to construct a driveway to connect the newly constructed road and right of way to the condemnees' remaining land for driveway purposes. Said easement shall expire on April 1, 2029 and is as shown described within on the attached plats marked Annex 1-A. Upon completion of the project, the driveway will remain in place for use by the condemnees. Parcel No. 168

20-C.

134314 5/8, 5/15

NE GA SORBA on behalf of the CWAPC announces plans to rehabilitate the mtb trails at Chicopee Woods MTB Trails in Gainesville. The project will include remaking the Coyote trail and machine maintenance on sections of the other trails. Email comments to negasorba@gmail.com

134806 5/15, 5/22



NEW SEX OFFENDER TO HALL COUNTY

NAME: Anthony Wayne Jordan ADDRESS: 1630 Atlanta Hwy #103 Gainesville GA 30504 DATE OF OFFENSE: 10/07/2017 OFFENSE: Attempt Child Molestation, Electronic Enticement of a Minor, Obscene Contact with a Minor COURT OF CONVICTION: Hall County WEBSITE: https://gbi.georgia.gov/georgia-sex-offender-registry **134860 5/15**

NOTICE OF ABANDONED PROPERTY

Re: 2000 Grand Marquis Ser / VIN: 2MEFM74W9YX73 1902 Color: Silver / Gray To Whom It May Concern: The above Property is presently in the possession of the City of Gainesville's Police Department, contact number is 770-538-2426. Attempts to locate the owner have been unsuccessful. The property is deemed abandoned under O.C.G.A. 40-11-2 and will be disposed of if not redeemed. This notice is given pursuant to

Georgia Law **134800 05/15,22**

NOTICE OF SERVICE BY PUBLICATION

P e t i t i o n e r : Sherette Jackson R e s p o n d e n t s : Heirs of Ernest Butts Caption: Sherette Jackson vs. All Persons Known or Unknown Who Claim or Might Claim Adversely to Petitioner's Title to a Certain Parcel of Land Located in Hall County, Georgia, Being Lot 57, John D. Black Subdivision Per Plat Book 10, Page 51, Hall County, Georgia Records, Civil Action File No. 2024CV000255. Nature of the Action: Quiet Title to a certain Parcel of Land located in Hall County, Georgia, being Lot 57, John D. Black Subdivision Per Plat Book 10, Page 51, Hall County, Georgia Records and commonly known as 928 Black Drive, Gainesville, Georgia 30501 Date of Filing: February 13, 2024 Date of Order for Service by Publication: April 30, 2024 TO: Ernestine Butts, James Edward Butts, Joseph Butts, Annie Butts, Billy Joe Butts, Gerald Butts, Sarah Eunice May Williams and all heirs at law of Ernest Butts By virtue of the Order of Special Master Directing Service of Process and Notice of Hearing on the Merits, you are hereby commanded to appear at the Superior Court of Hall County in the above captioned action within thirty (30) days of the above referenced Order for Service of Publication and to appear at a hearing to be held by the Special Master at 10:00 a.m. on the 14" day of June, 2024, at the offices of D. Thomas LeFevre, Stewart, Melvin & Frost, LLP, 200 Main Street, Suite 600, Gainesville, GA 30503, to make your claims known. **1 3 4 7 5 4 05/15,22,29 06/05**

NOTICE TO THE PUBLIC YOU ARE HEREBY NOTIFIED

that the Presiding Judge of the Superior Court of Hall County, Georgia, on the 30th day of May, 2024, at 2:00 o'clock p.m., at the Courthouse in the City of Gainesville, Georgia, will hear the case of STATE OF GEORGIA v. GAINESVILLE AND HALL COUNTY DEVELOPMENT AUTHORITY and SCHOOL DISTRICT OF THE CITY OF GAINESVILLE in the Superior Court of Hall County, the same being a proceeding to confirm and validate \$10,240,000 aggregate principal amount Gainesville and Hall County Development Authority Revenue Bonds (School District of the City of Gainesville Project), Series 2024 (the "Series 2024 Bonds" or the "Bonds"), to be issued by the Gainesville and Hall County Development Authority (the "Authority"). The Series 2024 Bonds are being issued by the Authority for the purpose of paying (1) acquisition, renovation, and equipping of an existing office building, including real property and infrastructure, to be used for classrooms and administrative offices by the School District, located at 332 Washington Street, NW, Gainesville, Hall County, Georgia, 30501 (the "Project"), and (2) the costs of issuance of the Series 2024 Bonds. In said proceeding, said Presiding Judge will also pass upon the constitutionality and legality of an Intergovernmental Installment Sale Agreement, dated as of May 1, 2024 (the "Agreement"), entered into by and between the Authority and the School District, and a Trust Indenture, dated as of May 1, 2024, between the Authority and Regions Bank, Atlanta, Georgia, as trustee, and the respective rights, duties and obligations of each of said defendants, and any citizen of the State of Georgia residing in the City of Gainesville, or any other person wherever residing who has a right to object, may intervene and become a party

to these proceedings. **THE AUTHORITY HAS WAIVED THE PERFORMANCE AUDIT AND PERFORMANCE REVIEW REQUIREMENTS PROVIDED IN O.C.G.A. § 36-82-100 AND WILL CONDUCT NO PERFORMANCE AUDIT OR PERFORMANCE REVIEW WITH RESPECT TO THE SERIES 2024 BONDS.** This 8th day of May, 2024.

/s/Lisa W. Cook Deputy Clerk of the Superior Court of Hall County, Georgia **134859 5/15, 5/22**

NOTICE

Bobby Claar, you are hereby notified that the mobile home, Capella, GEO072931, white with brown trim, located at 3277 LaPrad Circle, Gainesville, GA 30507, has been deemed abandoned and derelict per a local agent with Hall County Building and Planning on 5/1/2024. You are entitled to a hearing in magistrate court to contest this determination. If you fail to request a hearing before July 30, 2024, which is 90 days from the date of the 5/1/2024 determination, or if it is confirmed by a court that this abandoned mobile home is derelict, the owner of the land upon which this mobile home sits shall be entitled to dispose of the mobile home. **134667 5/8, 5/15**

STATE OF WISCONSIN CIRCUIT COURT

RACINE COUNTY EDUCATORS CREDIT UNION 1326 Willow Road Mt. Pleasant, WI 53177 Plaintiff, v. Hands of Hope Residential LLC 1429 Oregon St Racine, WI 53405 Shanta McKinney 2854 Pleasant Oak Dr Buford, GA 30519 Defendant(s). Case No: 2024CV000366 Classification Code: 30301 "The amount claimed is in excess of \$10,000.00"

P U B L I C A T I O N SUMMONS and NOTICE OF FILING

To each person named above as a defendant: You are hereby notified that the plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action. A copy of the claim has been sent to you at your address as stated in the caption above Within twenty (20) days of receiving this Summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the Court, whose address is: Racine County Courthouse Clerk of Circuit Court 730 Wisconsin Ave Racine, WI 53403 and to the plaintiff's attorney, whose address is: W. Richard Chiapete, Corporate Counsel Educators Credit Union 1326 Willow Road Mt. Pleasant, WI 53177 You may have an attorney help or represent you If you do not provide a proper written answer within twenty (20) days, the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property. Dated this 24th day of April 2024

EDUCATORS CREDIT UNION BY: /s/ Electronically signed W. Richard Chiapete Attorney for the Plaintiff State Bar No.: 1017926 1326 Willow Road Mt. Pleasant, WI 53177 (262)321-7274 rchiapete@ecu.com

134329 5/1, 8, 15

NAME CHANGES

IN THE SUPERIOR COURT OF HALL COUNTY

STATE OF GEORGIA In re the Name Change of: Brittany Lee Walker, Petitioner Civil Action File No. 2024CV000730BCO

NOTICE OF PETITION TO CHANGE NAME

An action was filed in the Superior Court of Hall County on April 26, 2024, to change the Petitioner's name as follows:

Petitioner's name: Brittany Lee Walker Desired new name: Brittany Lee Johns Any interested party has the right to appear in this case and file objection before the final judgment is ordered in this case. Dated: 04/26/24 Brittany Lee Walker Petitioner, Pro se Name: Brittany L. Walker Address: 3511 Bob Bryant Rd Gainesville, GA 30507 Phone: 419-250-8934 E m a i l : brittanylee73373@gmail.com **134471 5/8, 15, 22, 29**

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA

IN RE THE NAME CHANGE: ALEXANDER ANDREW SIBO, Petitioner. CIVIL ACTION FILE NO.: 2024CV000525

NOTICE OF PETITION TO CHANGE NAME OF ADULT

The Petitioner has filed a petition in the Superior Court of Hall County on March 28th, 2024, to change her name from ALEXANDER ANDREW SIBO to ALEXIS ANNE SHELLEY. Any interested party has the right to appear in this case and file objections within the time prescribed in O.C.G.A. §§ 19-12-1(f)(2) and (3). This 28th day of March, 2024.

/s/ Jennifer McCall JENNIFER MCCALL GA Bar No. 561012 Attorney for Petitioner Jennifer McCall, Attorney at Law, LLC 201 Forrest Ave, Suite A Gainesville, GA 30501 Phone (678) 696-5348 jennifer@mccallatlaw.com **134628 5/8, 15, 22, 29**

SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA

In re the Name Change of: Vivian Kobayashi Petitioner. Civil Action Case Number: 2024CV000742

NOTICE OF PETITION TO CHANGE NAME OF ADULT

Vivian Kobayashi filed a petition in the Superior Court of Hall County on April 29, 2024, to change the name from: Vivian Kobayashi to Naomi Vivian Miguel. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed. Dated: 4/29/2024 Vivian Kobayashi Petitioner, Prose Name: Vivian Kobayashi Address: 2235 Autumn Dr. Gainesville, GA 30507 Email: naovivi573@gmail.com Phone (day) 949-899-7550 **134513 5/8, 15, 22, 29**

SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA

In re the Name Change of Child(ren): Manyaha Delbridge Mariaka Aaron, Petitioner, v. Respondent. Civil Action File No: 2024CV000766CGB

NOTICE OF FILING PETITION TO CHANGE NAME(S) OF MINOR CHILD(REN)

A petition was filed in the Superior Court of Hall County on May 2nd, 2024, to change the name of the following minor child(ren): **From:** Manyaha Serenity Delbridge **Proposed New Name:** Manyaha Serenity Aaron Any interested party has the right to appear in this case and file objections within the time prescribed in OCGA sec. 19-12-1(f)(2) and (3). Dated: 5/2/24 Mariak Aaron Petitioner, Pro se

Name: Mariaka Aaron Address: 5144 Spring St Apt A1 Flowery Branch, GA 30542 Phone: 470-778-8884 Email: mariakaaaron9@gmail.com **134893 5/15,22,29,6/5**

SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA

In re the Name Change of: Arturo Alejandro Varela Larrainzar III, Petitioner. Civil Action Case Number: 2024CV000684FFG

NOTICE OF PETITION TO CHANGE NAME OF ADULT

Arturo Alejandro Varela Larrainzar III filed a petition in the Superior Court of Hall County on , 2024, to change the name from: Arturo Alejandro Varela Larrainzar III to Arturo Alejandro Varela. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed. Dated: 04/18/2024 Arturo Varela, Petitioner, Pro se Name: Arturo Varela Address: 4467 N. Gate Dr. Gainesville, GA 30506 Email: arturoLvarela@gmail.com Phone (day) 404-934-3887 **134252 5/1, 8, 15, 22**

SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA

In re the Name Change of: Ashley Leania Bulloch-Graham Civil Action Case Number: 2024CV000677CCGB

NOTICE OF PETITION TO CHANGE NAME OF ADULT

Ashley Leania Bulloch-Graham filed a petition in the Superior Court of Hall County on April 18, 2024, to change name from: Ashley Leania Bulloch-Graham to Leania Bulloch Graham. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed. Dated: April 18, 2024. Ashley Leania Bulloch-Graham Petition, Pro se Name: Ashley Leania Bulloch-Graham Address: 4385 Martin Rd Flowery Branch, GA 30542 Email: leania.bulloch@gmail.com Phone (day): 770-815-5710 **134106 4/24, 5/1, 8, 15**

PUBLIC HEARINGS

NOTICE is hereby given that the **Hall County Planning Commission** shall conduct a public hearing at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia, at 5:15 p.m. on **Monday, June 17, 2024** to consider the following: **1.5231 Whitehall Road | Appeal of an administrative official** | on a 1.45± acre tract located on the south side of Whitehall Road, approximately 2,300 feet from its intersection with Noah Martin Road | Zoned AR-IV; Tax Parcel 15007 000290 | **Proposed Use: Pole barn** | * Commission District 3 | **Julian Cantrell, applicant.** **2.448 West Highland Drive | Use Subject to County Commission Approval** | 17,160.040 Food processing involving animals | on a 2.57± acre tract located at the terminus of West Highland Drive | Zoned I-I, Tax Parcel 00128 002009G | **Proposed Use: Food processing involving animals** | ** Commission District 4 | **Jose Luis Bauza Faria 3.4336, 4370, & 4420 Benefield Road | Rezone** | from Agricultural Residential IV (AR-IV) and Planned Commercial Development (PCD) to Planned Residential Development (PRD) | on a combined 68.83± acre tract located on the south side of Benefield Road, approximately 900 feet from its intersection with Village South Drive | Zoned AR-IV and PCD; Tax Parcels 15028 000014, 000070, & 000090 (pt.) | **Proposed Use: 302-unit residential development** | ** Commission District 1 | **Edge City Properties, Inc., applicant** NOTE: In accordance with Georgia law,

anyone who (a) wishes to express opposition to the proposed rezoning and (b) has made, within two years immediately preceding the filing of the proposed rezoning, campaign contributions aggregating \$250 or more to a member of the County Commission shall file a disclosure of contributions with the Planning Department at least five (5) days prior to the first hearing of the proposed rezoning by the County Commission. (OCGA § 36-67A-3[C]).

*The Planning Commission's decision will be the final action taken unless appealed to the Board of Commissioners. To do so, file an application with the Planning Department within 30 days of the Planning Commission's decision. The Hall County Board of Commissioners will hear appeals at a public hearing Thursday, July 25, 2024, at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

The Planning Commission's recommendation will be forwarded to the Board of Commissioners for final action at a public hearing on Thursday, July 25, 2024. The Board will meet at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia. **134848 5/15

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, June 4, 2024 at 5:30 p.m.** in the **Gainesville Justice Center** (Municipal Courtroom at the Public Safety Complex), 701 Queen City Parkway in Gainesville on the following requests: 1) Request from **Holly Owens / Gainesville Life Group** to rezone a 0.53 acre tract located on the east side of Bradford Street, between West Academy Street and Forrest Avenue (a/k/a **416 Bradford Street, NW**) from Office and Institutional (O-I) to Residential and Office (R-O).

Ward Number: Five Tax Parcel Number(s): 01-024-004-015 Request: **Mixed-use** building 2) Request from **Clayton Properties Group, Inc – Matt Stokes** to amend a portion of an existing Planned Unit Development (P-U-D) zoning totaling 29.77± acres located on the southeast side of the intersection of Millside Parkway and Continental Drive and west of the intersection of Old Oakwood Road and Mountain View Road (a/k/a **2930 Old Oakwood Road, SW and 4102 Mundy Mill Road, SW**). Ward Number: Four Tax Parcel Number(s): 08-024-005-363 and 08-030-000-009 (Part) Request: **Residential** townhomes 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]) **134919 5/15**

NOTICE OF PUBLIC HEARING UPON APPLICATION FOR ANNEXATION AND REZONING

Applicant	Clayton Properties Group, Inc. - Matt Stokes
Property Owner	Butler Property, LLC
Location	2930 Old Oakwood Road, SW; 4102 Mundy Mill Road, SW
Request	Amend P-U-D zoning
Size	17.25± acres – 2930 Old Oakwood Road 12.52± acres – 4102 Mundy Mill Road 29.77± acres Total
Ward	Four
Proposed Use	Residential Townhomes
Planning Division Staff Recommendation	Approval, with conditions
Planning & Appeals Board Recommendation	Approval, with conditions
Date	May 14, 2024

▪ **Adjacent Land Use and Zoning**

17.25 Acres Tract	Use	Zoning
North	Maple Park at Mundy Mill Single-Family Homes	Planned Unit Development (P-U-D) -Gainesville Residential-I (R-I) -County
South	Undeveloped Land Single-Family Home	Light Industrial (L-I) -Gainesville Residential-I (R-I) -County
East	Hydro Extrusion USA Family Dollar Store Vacant Land	Light Industrial (L-I) -Gainesville Highway Business (H-B) -County Agricultural Residential-III (AR-III) -County
West	RWH Trucking Maple Park at Mundy Mill	Light Industrial (M-1) -Oakwood Planned Unit Development -Gainesville
12.52 Acres Tract	Use	Zoning
North	Mundy Mill Academy	Planned Unit Development (P-U-D) -Gainesville
South	Vacant Land Performance Foodservice	Highway Business (C-2) -Oakwood Heavy Industrial (M-2) -Oakwood
East	Farm Land	Agricultural Residential-III (AR-III) -County
West	Detention Pond Cedars Preschool	Highway Business (C-2) -Oakwood Highway Business (C-2) -Oakwood

▪ **Other Departmental Comments**

There were no other departmental comments regarding this request.

▪ **Zoning History**

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

2022 – A request by CA Holdings, LLC to amend a 17.25± acres tract (subject property) located within the Mundy Mill development at 2930 Old Oakwood Road, SW zoned Planned Unit Development (P-U-D) was conditionally approved for an industrial warehouse/distribution facility

2021 – A request by Scott Stringer to amend a 57.29± acres tract located within the Mundy Mill development at 0 Mundy Mill Road, SW and 0 Old Oakwood Road, SW zoned Planned Unit Development (P-U-D) was conditionally approved to change the location of multi-family apartments and industrial/ office/ warehouse uses.

2020 – A request by Smith, Gambrell & Russell, LLP to annex a 4.01± acres tract with a zoning of Light Industrial (L-I) located at 2500 West Park Drive was conditionally approved for an existing industrial warehouse use.

2018 – A request by Hydro Extruder, LLC to annex a 10.98± acres tract and a 11.29± acres tract with a zoning of Light Industrial (L-I) located at 2829 Mountain View Road and 2949 Old Oakwood Road was conditionally approved to expand the existing industrial use.

2016 – A request by Butler Property, LLC to amend a 92.06± acres tract located within the Mundy Mill development at 3035 Old Oakwood Road SW and 3523 Mountain View Road SW zoned Planned Unit Development (P-U-D) was approved to change the location of some of the single-family homes, multi-family apartments, commercial and industrial uses.

▪ **Staff Analysis**

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

The proposed townhomes appear to be suitable with the adjacent and nearby properties. Specifically, the 17.25± acres tract (Pod “E”) is adjacent to the Maple Park at Mundy Mill subdivision, residential homes in the county, Family Dollar Store, Hydro Extrusion USA and RWH Trucking. The 12.52± acres tract (Pod “F”) is adjacent to undeveloped property and the Mundy Mill Academy located within the Mundy Mill master planned community. In addition, a preschool, industrial food service use and farm land are located in Oakwood and Hall County.

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

The proposed residential townhomes will provide for more of a natural transition between the adjacent single-family residential uses and commercial uses. While additional vehicular and pedestrian traffic will occur on Old Oakwood Road, Mountain View Road and Millside Parkway, the existing road network appears sufficient to support the proposed townhomes. Sidewalks will be provided within each townhome pod and will connect to the existing Mundy Mill community.

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

The Gainesville Future Development Map places the 17.25± acres tract (Pod “E”) within the *Industrial* land use which includes a wide range of office, business, light industrial, manufacturing, research, and development uses; and commercial uses that directly support or are otherwise linked to the dominant business use. The 12.52± acres tract (Pod “F”) is located within the *General Mixed-Use* category which includes areas containing or planned for a mixture of land uses including office, neighborhood retail, detached residential and attached residential.

According to the Character Area map for the City of Gainesville, the subject properties are both located within the *Suburban Neighborhoods* Character Area which places a priority in access to parks and greenspace, environmental sustainability, housing choices, connectivity, safety and security. Appropriate land uses and development types normally found in this area include parkway and recreation, single-family residential, limited multi-family residential, limited general mixed-use, limited commercial (retail and office and public and institutional).

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

The 17.25± acres tract (Pod “E”) is currently approved for 210,000 square feet of industrial warehouse / distribution space. The 12.52± acres tract (Pod “F”) is approved for up to 263,000 square feet of office space. While the approved uses for both tracts are suitable and could be developed as such, the proposed townhomes appear to be more consistent with the surrounding residential uses within the Mundy Mill mixed-use development. As well, the addition of the proposed townhomes would still be under the number of residential units currently approved for the overall master planned development.

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

The proposed zoning amendment request should not cause an excessive or burdensome use of public facilities or services above what is currently approved for the property.

City water, sewer, and public safety services are currently provided to the properties and have the capacity to serve the proposed townhomes. Gainesville Fire Station #4 off of Memorial Park Drive is located approximately 1.3± miles away from the 17.25± acres tract (Pod “E”) and 2.9± miles from the 12.52± acres tract (Pod “F”).

According to the Institute of Transportation Engineers (ITE) Trip Generation Handbook (9th Edition), the total estimated trips for the 196 proposed townhomes are 1,139± trips per weekday, 86 A.M. and 102 P.M. peak hour trips. (Pod “E” = 743 trips per weekday / 56 A.M. & 67 P.M.); (Pod “F” = 30 trips per weekday / 30 A.M. & 35 P.M.)

The proposed townhomes are designed as family units made up of 3 bedrooms and 2 ½ bathrooms. It is anticipated there will be school age children living within the proposed townhomes that will attend Gainesville City Schools. Mundy Mill Academy elementary school is located within the master planned community.

(6) Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?

The proposed zoning amendment appears consistent with the original scope of the Mundy Mill master planned development. In addition, the proposal is harmonious with the surrounding uses and does not exceed the current approved residential density.

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

The proposed zoning amendment request appears to reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property.

▪ **Staff Recommendation**

The Planning Division staff is recommending **conditional approval** of this zoning amendment request based on the Comprehensive Plan and the surrounding mixture of uses. The existing zoning conditions from Ordinance 2022-29 are recommended with highlighted amendments to zoning conditions 17, 19, 20 and the deletion of condition 32 in its entirety. The highlighted amendments have been made to reflect the existing uses and proposed amendments.

Conditions

Transportation/Traffic

1. All road improvements associated within the scope of the proposed development shall be at the full expense of the developer(s). The scope of the development shall be defined as those roads/intersections directly within, adjacent to, and within 1,500 feet of the subject property as studied within the Traffic Impact Study (TIS) submitted with this application. These road improvements are to include additional signalization, turn lanes, widening of roads, striping, and signage as stated in the TIS. This may include all or portions of Mundy Mill Road, Meeks Road, Fairbanks Drive, Old Oakwood Road, Old Flowery Branch Road, and Mountain View Road. The cost of the required road improvements shall be prorated based on developed property values of the residential, commercial, retail, office and industrial properties.
2. The developer(s) shall work with the Georgia Department of Transportation, Hall County Traffic Engineering, the City of Oakwood, and the City of Gainesville Public

Works Department to ensure that these improvements are performed in a timely manner so as to not conflict with any of the existing or planned road projects that are scheduled to take place outside the scope of the proposed development.

3. All sign locations, access point (new and existing) designations for *new* roads, sight distances, and sight triangles shall be reviewed and clarified, in the beginning stages of plans and submittals with GDOT and the Public Works Director so as to limit the number of access points in that area.
4. A signal warrant study will be required for the major intersections of internal streets within the development. If a signal light is warranted at a specific intersection, such installation shall be completed at the expense of the developer(s) and shall meet all specifications as determined by the Public Works Department. A signal light shall not be installed until traffic volumes actually meet the levels as determined by the warrant study.
5. The developer(s) shall meet with Public Works prior to initiating the final civil design to discuss a traffic calming plan. A traffic calming plan consisting of tools such as landscaped traffic circles at intersections, raised crosswalks, landscaped center medians, chicanes, or other measures that aid in keeping the average speed on residential streets approximately 25 mph or below shall be prepared and approved by Public Works. Specific measures in the approved plan shall be constructed at the same time the streets are constructed.
6. All roads dedicated to the City of Gainesville shall meet City specifications, and all private roads shall be constructed with materials that meet City specifications.
7. All interpretations relating to transportation and/or traffic improvement conditions shall be subject to approval of the Gainesville Public Works Director.
8. The new four lane parkway as reflected on the site plan shall be constructed and designed so as to allow a connection to the Tumbling Creek Connector across Old Oakwood Road.

Development Standards

9. Sidewalks shall be required along both sides of the streets within the development and shall be a minimum of four feet (4') wide along streets classified as residential streets and six feet (6') wide along collector streets and streets in the commercial zones. Alternatively, sidewalks shall be permitted along one side of the street in parkway areas at a minimum width of eight feet (8') and a minimum of five feet (5') along roads classified as residential streets.
10. All proposed single-family lots within the development shall only be allowed to access new interior roads within the subdivision. Direct access shall not be allowed onto roads that existed prior to this development.
11. Access to all service areas adjacent to single-family detached homes, including dumpster pads, shall be limited to the hours of between 9:00 a.m. and 6:00 p.m., unless an emergency situation warrants access to these areas.
12. Upon completion of the development, no outside storage of any materials shall be allowed. No storage of hazardous chemicals, as listed in the Standard Fire Code, shall be permitted.
13. Outdoor lighting used in this development; be it for recreational, security or general purposes, shall be of non-spill design and placed in a manner so as to minimize direct visibility by adjoining or adjacent properties.
14. The proposed residential, office, commercial, and accessory structures shall be similar in scale and architecture to the elevation drawings and pictures as submitted with the application.
15. The subject property shall be developed substantially in accordance with the site plan with minor engineering deviations excepted. All site plan, architectural renderings,

pedestrian/trail access plan, and traffic impact studies shall become a part of the annexation, zoning and rezoning ordinances.

16. The number of *single-family detached homes* shall not exceed 1208 units and shall contain a minimum of 1,500 square feet of heated space. Front facades shall consist of masonry, stacked stone, cedar shake or stucco, architectural accents excluded. The remaining three facades shall consist of these materials or cementeous siding such as hardiplank. Single-family lots shall be no less than 6,000 square feet in size, with 60 feet of lot width at the building setback line and minimum lot width at right-of-way line of 20 feet, with the exception of Pod M of the concept plan which shall have a minimum lot width at the building setback line reduced to 50-feet.

Pod L of the concept plan dated 10/06/04 shall be the highest-end product proposed by the developer and shall contain a minimum of 1,800 square feet of heated space. Single-family lots shall be no less than 6,000 square feet in size, with 60 feet of lot width at the building setback line, and minimum lot width at right-of-way line of 20 feet. Front and side facades shall consist of masonry, stacked stone, cedar shake or stucco, architectural accents excluded. The rear facade may consist of these materials or cementeous siding such as hardiplank.

Each home within all single-family residential detached pods will have an attached garage for at least two cars. The front yard of each lot shall be sodded and planted with at least one hardwood tree. Monument signage shall be used for the entrance to any detached single-family residential pod as per the attached site plan, and each entrance shall have plantings or other architectural accents.

17. The number of attached *single-family condominiums*, fee simple townhomes or apartments shall not exceed 1,235 total units to include a total of 775 units for Pod's C, **E, F** and I and 460 units for Pod's J and K. The minimum unit/lot width for each condominium or fee simple townhome unit shall be 16 feet, and each unit shall contain a minimum of 1,200 feet of heated space. Building separations shall be as reflected on the site plan, and private drives built to City specs will be used within these communities. Front, side and rear facades shall consist of masonry, stacked stone, cedar shake, stucco, cementeous siding or a mixture thereof. No vinyl siding shall be allowed excluding soffit areas. No fewer than three or more than ten condominium or fee simple townhome units shall exist within one continuous structure, and front facades will be staggered. All single-family condominiums shall contain one car garages. Monument signage shall be used for the entrance to any attached single-family residential pod as per the sign plan.
18. The height of an apartment building shall not exceed three stories, although $\frac{3}{4}$ splits will be allowed. Each apartment unit will contain a minimum of 650 square feet for Pod's C, I, J and K. Each unit shall have at least 1.75 parking spaces. Front, side and rear facades shall consist of masonry, stacked stone, cedar shake, stucco, cementeous siding or a mixture thereof. No vinyl siding shall be allowed excluding soffit areas. Minimum building separations shall be as depicted on the site plan. Signage shall be as per the attached sign plan.
19. The subject property may be developed for up to **87,200** square feet of traditional office, mid-rise office, and office warehouse space within **Pod B, which may also include commercial and retail uses**. At no such time shall the maximum allowed square footage within those pods exceed what is specified on the approved concept plan. This space may be developed for these uses but sold in a condominium format. Height of such structures shall be limited to 3 stories from average finished grade. Parking spaces will be provided at a minimum ratio of 3.5 spaces per 1000 square feet of useable office space. Monument signage shall be required in any office pod as per Exhibit B, and lights shall be shielded and angled so as to minimize glare onto adjacent properties. Minimum setbacks shall be as per the site plan, but there shall be no minimum lot, lot width or lot frontage required.

20. The subject property may be developed for up to 802,000 square feet of commercial and retail space. Within the 802,000 square feet, up to 87,200 square feet shall be permitted within Pod B, up to 41,000 square feet within Pod F, up to 84,000 square feet within Pod G, up to 10,000 square feet within Pod H, and up to 580,000 square feet of commercial space within Pod I. The maximum height of any structure, excluding architectural accents; such as clocks, cupolas and bell towers; shall be 50 feet. Use of pitched roofs shall be encouraged. Minimum setbacks shall be as per the site plan, but there shall be no minimum lot, lot width or lot frontage required. Parking shall be provided at a minimum of four spaces per 1,000 square feet of space. Lights shall be shielded and angled so as to minimize glare onto adjacent properties, and dumpsters shall be screened. Under no circumstances shall the following uses be allowed: Pawn shops, adult entertainment, adult bookstores, extended-stay hotel, rooming house, or boarding house. Signage shall be as per the attached sign plan.
21. Architectural treatment shall be of consistent design throughout the community and as per the renderings.
22. A minimum of 100 acres shall be maintained as green space, with passive recreation and trails as per the plan. Sidewalks shall connect the residential and non-residential components of this community.
23. A Mandatory Property Owners Association will be created for the single-family detached community to insure that these conditions are observed during development and in terms of architectural consistency thereafter. Separate mandatory associations will be set up for the single-family detached and single-family attached products to own and manage open space, common areas, and architectural controls. Open space elsewhere in the project shall be maintained as common area by the overall Property Owner's Association, or by a separate Association within whose boundaries the common area is located. Maintenance of the amenities package set forth on the site plan shall be the responsibility of the owners of single-family detached homes. However, at the option of those residents, memberships may be extended to other Mundy Mill residents for a fee to cover maintenance. Amenities packages also may be established in the individual townhome or apartment pods, but shall be the responsibility of the owners of land therein.

Buffers

24. A 100 foot wide buffer shall be provided against Balus Creek and all other blue-line streams. The first 50 feet of the buffer shall be measured from the top of the creek bank and shall be undisturbed. The remaining 50 feet of the buffer, if disturbed, shall be stabilized and replanted with vegetation subject to Planning Department approval.
25. A 25 foot minimum perimeter buffer will be created and infilled as necessary with plant material. However, this buffer will not be required along any Mundy Mill Road frontages. Landscaped buffers of at least 25 feet are also required along any road frontages. A staggered row of evergreen trees consisting of a mixture of Cryptomeria, Thuja Green Giant Arborvitae, Eastern Red Cedar and/or Holly trees shall be required adjacent to the entire perimeter buffer of Pod E excluding the westerly boundary adjacent to the city limits of Oakwood. The location, size and type of buffer trees shall be subject to the approval of the Community and Economic Development Department Director.
26. Landscaped buffers of at least 25 feet also shall separate any non-residential pod or existing non-residential use from a residential pod. The buffer shall be subject to Planning Department approval.
27. All proposed detention ponds shall be sufficiently fenced and buffered from view from all roads and adjacent properties. All buffer materials shall be approved by the Planning Department.

Gainesville City Board of Education

28. As agreed to by the owner/developer, the 17.0 acre tract of land identified on the plat/site plan attached as Exhibit A shall be reserved for use as an elementary school site. At that time (or earlier at the owner/developer's discretion), and presupposing the School Board still wants the property for an elementary school, the owner/developer shall promptly convey to it, without charge. In the event the School Board does not secure a building permit and begin construction of an elementary school before December 31, 2012, then the developer shall retain all rights to development of the entire 17.0 acres tract as per the original terms of zoning approval except for this condition, and the School Board shall promptly convey marketable title to the property back to the owner/developer at no charge. Additionally, if no elementary school is actually constructed on this site by December 31, 2013, then the School Board shall return marketable title to the property to the developer without charge. The conveyance documents executed by the owner/developer to the School Board will contain these terms and requirements. This agreement to reserve the 17.0 acres tract shall not prohibit the owner/developer from including it in any plat it may prepare for its development of a single-family residential pod and also will allow the owner/developer to put on it any necessary utility or other storm water easements which may be required for the development as a whole, provided such improvements do not materially affect the Board's ability to use the site for a school. This agreement also shall not prohibit the owner/developer from earlier transferring the 17.0 acres site to the City to be held for the School Board, subject to the requirements of this paragraph. Finally, but for utility/drainage easements or right-of-way dedicated as part of the road system in or along the frontages of the Mundy Mill development, the owner/developer shall not be required to dedicate or give to the City of Gainesville any additional property incidental to this development. However, if the School Board fails to acquire this property, then the owner/developer shall convey three acres of land to the City for a public safety use.

Notwithstanding any of the foregoing, if at such time as the School Board has acquired the 17.0 acres site and is ready to begin feasibility assessments, and if the State Board of Education should determine that the site is not then suitable for use as a school under the applicable state standards, then the Board of Education may sell the 17.0 acres tract and retain the proceeds for use in purchasing an alternative site. Provided, however, that once an arms length transaction for a fair market value purchase of the site has been secured by the School Board, the owner/developer shall have a right of first refusal to repurchase the tract at the exact same purchase price. Provided further, that the proceeds from such sale must be expended on a new school site within 60 days of closing, otherwise it shall be remitted instantly to the owner/developer.

The City notes that this condition may be imposed only because the owner/developer has agreed to it.

Quality Enhancement

29. In order to further enhance and assure the quality of development, the City expects the developer shall perform/provide the following:
- Detailed landscape plan for parkway, subject to approval by the Department of Planning and Development.
 - Reconstruction of Mundy Mill as focal point for community, subject to approval of the Georgia Department of Transportation.
 - A minimum of two amenity locations shall be provided for the entire development of the detached single-family residential pods. At minimum the amenity sites shall include a pool house, swimming pool and playground.
 - Sidewalks and streetlights throughout community.

- All products within the development shall contain exterior construction materials limitation; must use brick, masonry stucco, stacked stone, cedar shake, or hardiplank.
 - Open space - 18%.
 - Pedestrian trail plan (3.5± miles) connecting entire community.
 - Parkway plan sidewalk width sufficient to create a bicycle lane.
 - Every single-family home built on the subject property shall contain ceramic tiled bathroom floors.
 - Every single-family home shall be built to accommodate at least one fireplace.
 - No vinyl siding on any product within development excluding soffit areas.
 - Each pod of townhouses and apartments will have its own amenities package.
 - All underground utilities.
 - Uniform mailboxes will be provided for each detached single-family residential pod.
 - Uniform street signs will be provided throughout the development.
30. Along Balus Creek, the developer shall reserve for the City, by way of easement, a ten-foot strip of land for use as a bicycle path. At such time as the City or County constructs an element of its bike path system to which this easement might connect, the City and/or County, at its/their expense, may pave this strip. No development shall occur on the property which would interfere with the eventual construction of this path by the appropriate governmental entity, except for the boulevard which will cross the creek.
31. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director and Hall County Traffic Engineering. All required access/traffic/sidewalk improvements associated with the proposal shall be at the full expense of the property owner.

Excerpts from the May 14, 2024 PAB Meeting Minutes

Applicant Presentation: Clint Dixon, 5230 Bellewood Court, Buford, with Clayton Properties Group complimented Mr. Tate on the overview of the project and stated Clayton Properties having been building mostly single-family and townhomes in the community since 2015, but none of the multifamily. Mr. Dixon stated they are excited about the project and sad to see it coming to an end but have built two-story homes, single story and townhomes with different product lines being introduced and hope to continue with the two pods.

FAVOR: None

OPPOSE: None

Board Comments: Board Member Simmons asked if the project would complete the residential section and was confirmed by Mr. Dixon.

There was a motion to recommend conditional approval of the zoning amendment request for residential townhomes with Planned Unit Development zoning with the following conditions including amendments to conditions 17, 19, 20 and deletion of condition 32:

Transportation/Traffic

1. All road improvements associated within the scope of the proposed development shall be at the full expense of the developer(s). The scope of the development shall be defined as those roads/intersections directly within, adjacent to, and within 1,500 feet of the subject property as studied within the Traffic Impact Study (TIS) submitted with this application. These road improvements are to include additional signalization, turn lanes, widening of roads, striping, and signage as stated in the TIS. This may include all or portions of Mundy Mill Road, Meeks Road, Fairbanks Drive, Old Oakwood Road, Old Flowery Branch Road, and Mountain View Road. The cost of the required road improvements shall be prorated based on developed property values of the residential, commercial, retail, office and industrial properties.
2. The developer(s) shall work with the Georgia Department of Transportation, Hall County Traffic Engineering, the City of Oakwood, and the City of Gainesville Public Works Department to ensure that these improvements are performed in a timely manner so as to not conflict with any of the existing or planned road projects that are scheduled to take place outside the scope of the proposed development.
3. All sign locations, access point (new and existing) designations for *new* roads, sight distances, and sight triangles shall be reviewed and clarified, in the beginning stages of plans and submittals with GDOT and the Public Works Director so as to limit the number of access points in that area.
4. A signal warrant study will be required for the major intersections of internal streets within the development. If a signal light is warranted at a specific intersection, such installation shall be completed at the expense of the developer(s) and shall meet all specifications as determined by the Public Works Department. A signal light shall not be installed until traffic volumes actually meet the levels as determined by the warrant study.
5. The developer(s) shall meet with Public Works prior to initiating the final civil design to discuss a traffic calming plan. A traffic calming plan consisting of tools such as landscaped traffic circles at intersections, raised crosswalks, landscaped center medians, chicanes, or other measures that aid in keeping the average speed on residential streets approximately 25 mph or below shall be prepared and approved by Public Works. Specific measures in the approved plan shall be constructed at the same time the streets are constructed.
6. All roads dedicated to the City of Gainesville shall meet City specifications, and all private roads shall be constructed with materials that meet City specifications.
7. All interpretations relating to transportation and/or traffic improvement conditions shall be subject to approval of the Gainesville Public Works Director.
8. The new four lane parkway as reflected on the site plan shall be constructed and designed so as to allow a connection to the Tumbling Creek Connector across Old Oakwood Road.

Development Standards

9. Sidewalks shall be required along both sides of the streets within the development and shall be a minimum of four feet (4') wide along streets classified as residential streets and six feet (6') wide along collector streets and streets in the commercial zones. Alternatively, sidewalks shall be permitted along one side of the street in parkway areas at a minimum width of eight feet (8') and a minimum of five feet (5') along roads classified as residential streets.
10. All proposed single-family lots within the development shall only be allowed to access new interior roads within the subdivision. Direct access shall not be allowed onto roads that existed prior to this development.

11. Access to all service areas adjacent to single-family detached homes, including dumpster pads, shall be limited to the hours of between 9:00 a.m. and 6:00 p.m., unless an emergency situation warrants access to these areas.
12. Upon completion of the development, no outside storage of any materials shall be allowed. No storage of hazardous chemicals, as listed in the Standard Fire Code, shall be permitted.
13. Outdoor lighting used in this development; be it for recreational, security or general purposes, shall be of non-spill design and placed in a manner so as to minimize direct visibility by adjoining or adjacent properties.
14. The proposed residential, office, commercial, and accessory structures shall be similar in scale and architecture to the elevation drawings and pictures as submitted with the application.
15. The subject property shall be developed substantially in accordance with the site plan with minor engineering deviations excepted. All site plan, architectural renderings, pedestrian/trail access plan, and traffic impact studies shall become a part of the annexation, zoning and rezoning ordinances.
16. The number of *single-family detached homes* shall not exceed 1208 units and shall contain a minimum of 1,500 square feet of heated space. Front facades shall consist of masonry, stacked stone, cedar shake or stucco, architectural accents excluded. The remaining three facades shall consist of these materials or cementeous siding such as hardiplank. Single-family lots shall be no less than 6,000 square feet in size, with 60 feet of lot width at the building setback line and minimum lot width at right-of-way line of 20 feet, with the exception of Pod M of the concept plan which shall have a minimum lot width at the building setback line reduced to 50-feet.

Pod L of the concept plan dated 10/06/04 shall be the highest-end product proposed by the developer and shall contain a minimum of 1,800 square feet of heated space. Single-family lots shall be no less than 6,000 square feet in size, with 60 feet of lot width at the building setback line, and minimum lot width at right-of-way line of 20 feet. Front and side facades shall consist of masonry, stacked stone, cedar shake or stucco, architectural accents excluded. The rear facade may consist of these materials or cementeous siding such as hardiplank.

Each home within all single-family residential detached pods will have an attached garage for at least two cars. The front yard of each lot shall be sodded and planted with at least one hardwood tree. Monument signage shall be used for the entrance to any detached single-family residential pod as per the attached site plan, and each entrance shall have plantings or other architectural accents.

17. The number of attached *single-family condominiums*, fee simple townhomes or apartments shall not exceed 1,235 total units to include a total of 775 units for Pod's C, **E, F** and I and 460 units for Pod's J and K. The minimum unit/lot width for each condominium or fee simple townhome unit shall be 16 feet, and each unit shall contain a minimum of 1,200 feet of heated space. Building separations shall be as reflected on the site plan, and private drives built to City specs will be used within these communities. Front, side and rear facades shall consist of masonry, stacked stone, cedar shake, stucco, cementeous siding or a mixture thereof. No vinyl siding shall be allowed excluding soffit areas. No fewer than three or more than ten condominium or fee simple townhome units shall exist within one continuous structure, and front facades will be staggered. All single-family condominiums shall contain one car garages. Monument signage shall be used for the entrance to any attached single-family residential pod as per the sign plan.
18. The height of an apartment building shall not exceed three stories, although $\frac{3}{4}$ splits will be allowed. Each apartment unit will contain a minimum of 650 square feet for Pod's C, I, J and K. Each unit shall have at least 1.75 parking spaces.

Front, side and rear facades shall consist of masonry, stacked stone, cedar shake, stucco, cementeous siding or a mixture thereof. No vinyl siding shall be allowed excluding soffit areas. Minimum building separations shall be as depicted on the site plan. Signage shall be as per the attached sign plan.

19. The subject property may be developed for up to ~~806,000~~ 87,200 square feet of traditional office, mid-rise office, and office warehouse space within Pod B, which may also include commercial and retail uses. ~~Within the 806,000 square foot maximum, commercial and retail uses may be allowed within Pods B and N.~~ At no such time shall the maximum allowed square footage within those pods exceed what is specified on the approved concept plan. This space may be developed for these uses but sold in a condominium format. Height of such structures shall be limited to 3 stories from average finished grade. Parking spaces will be provided at a minimum ratio of 3.5 spaces per 1000 square feet of useable office space. Monument signage shall be required in any office pod as per Exhibit B, and lights shall be shielded and angled so as to minimize glare onto adjacent properties. Minimum setbacks shall be as per the site plan, but there shall be no minimum lot, lot width or lot frontage required.
20. The subject property may be developed for up to ~~240,000 square feet of industrial/office/warehouse space within Pod E and~~ 802,000 square feet of commercial and retail space. Within the 802,000 square feet, up to 87,200 square feet shall be permitted within Pod B, up to 41,000 square feet within Pod F, up to 84,000 square feet within Pod G, up to 10,000 square feet within Pod H, and up to 580,000 square feet of commercial space within Pod I. The maximum height of any structure, excluding architectural accents; such as clocks, cupolas and bell towers; shall be 50 feet. Use of pitched roofs shall be encouraged. Minimum setbacks shall be as per the site plan, but there shall be no minimum lot, lot width or lot frontage required. Parking shall be provided at a minimum of four spaces per 1,000 square feet of space. Lights shall be shielded and angled so as to minimize glare onto adjacent properties, and dumpsters shall be screened. Under no circumstances shall the following uses be allowed: Pawn shops, adult entertainment, adult bookstores, extended-stay hotel, rooming house, or boarding house. Signage shall be as per the attached sign plan.
21. Architectural treatment shall be of consistent design throughout the community and as per the renderings.
22. A minimum of 100 acres shall be maintained as green space, with passive recreation and trails as per the plan. Sidewalks shall connect the residential and non-residential components of this community.
23. A Mandatory Property Owners Association will be created for the single-family detached community to insure that these conditions are observed during development and in terms of architectural consistency thereafter. Separate mandatory associations will be set up for the single-family detached and single-family attached products to own and manage open space, common areas, and architectural controls. Open space elsewhere in the project shall be maintained as common area by the overall Property Owner's Association, or by a separate Association within whose boundaries the common area is located. Maintenance of the amenities package set forth on the site plan shall be the responsibility of the owners of single-family detached homes. However, at the option of those residents, memberships may be extended to other Mundy Mill residents for a fee to cover maintenance. Amenities packages also may be established in the individual townhome or apartment pods, but shall be the responsibility of the owners of land therein.

Buffers

24. A 100 foot wide buffer shall be provided against Balus Creek and all other blue-line streams. The first 50 feet of the buffer shall be measured from the top of the

creek bank and shall be undisturbed. The remaining 50 feet of the buffer, if disturbed, shall be stabilized and replanted with vegetation subject to Planning Department approval.

25. A 25 foot minimum perimeter buffer will be created and infilled as necessary with plant material. However, this buffer will not be required along any Mundy Mill Road frontages. Landscaped buffers of at least 25 feet are also required along any road frontages. A staggered row of evergreen trees consisting of a mixture of Cryptomeria, Thuja Green Giant Arborvitae, Eastern Red Cedar and/or Holly trees shall be required adjacent to the entire perimeter buffer of Pod E excluding the westerly boundary adjacent to the city limits of Oakwood. The location, size and type of buffer trees shall be subject to the approval of the Community and Economic Development Department Director.
26. Landscaped buffers of at least 25 feet also shall separate any non-residential pod or existing non-residential use from a residential pod. The buffer shall be subject to Planning Department approval.
27. All proposed detention ponds shall be sufficiently fenced and buffered from view from all roads and adjacent properties. All buffer materials shall be approved by the Planning Department.

Gainesville City Board of Education

28. As agreed to by the owner/developer, the 17.0 acre tract of land identified on the plat/site plan attached as Exhibit A shall be reserved for use as an elementary school site. At that time (or earlier at the owner/developer's discretion), and presupposing the School Board still wants the property for an elementary school, the owner/developer shall promptly convey to it, without charge. In the event the School Board does not secure a building permit and begin construction of an elementary school before December 31, 2012, then the developer shall retain all rights to development of the entire 17.0 acres tract as per the original terms of zoning approval except for this condition, and the School Board shall promptly convey marketable title to the property back to the owner/developer at no charge. Additionally, if no elementary school is actually constructed on this site by December 31, 2013, then the School Board shall return marketable title to the property to the developer without charge. The conveyance documents executed by the owner/developer to the School Board will contain these terms and requirements. This agreement to reserve the 17.0 acres tract shall not prohibit the owner/developer from including it in any plat it may prepare for its development of a single-family residential pod and also will allow the owner/developer to put on it any necessary utility or other storm water easements which may be required for the development as a whole, provided such improvements do not materially affect the Board's ability to use the site for a school. This agreement also shall not prohibit the owner/developer from earlier transferring the 17.0 acres site to the City to be held for the School Board, subject to the requirements of this paragraph. Finally, but for utility/drainage easements or right-of-way dedicated as part of the road system in or along the frontages of the Mundy Mill development, the owner/developer shall not be required to dedicate or give to the City of Gainesville any additional property incidental to this development. However, if the School Board fails to acquire this property, then the owner/developer shall convey three acres of land to the City for a public safety use.

Notwithstanding any of the foregoing, if at such time as the School Board has acquired the 17.0 acres site and is ready to begin feasibility assessments, and if the State Board of Education should determine that the site is not then suitable for use as a school under the applicable state standards, then the Board of Education may sell the 17.0 acres tract and retain the proceeds for use in purchasing an alternative site. Provided, however, that once an arms length transaction for a fair market value purchase of the site has been secured by the School Board, the

owner/developer shall have a right of first refusal to repurchase the tract at the exact same purchase price. Provided further, that the proceeds from such sale must be expended on a new school site within 60 days of closing, otherwise it shall be remitted instantly to the owner/developer.

The City notes that this condition may be imposed only because the owner/developer has agreed to it.

Quality Enhancement

29. In order to further enhance and assure the quality of development, the City expects the developer shall perform/provide the following:
- Detailed landscape plan for parkway, subject to approval by the Department of Planning and Development.
 - Reconstruction of Mundy Mill as focal point for community, subject to approval of the Georgia Department of Transportation.
 - A minimum of two amenity locations shall be provided for the entire development of the detached single-family residential pods. At minimum the amenity sites shall include a pool house, swimming pool and playground.
 - Sidewalks and streetlights throughout community.
 - All products within the development shall contain exterior construction materials limitation; must use brick, masonry stucco, stacked stone, cedar shake, or hardiplank.
 - Open space - 18%.
 - Pedestrian trail plan (3.5± miles) connecting entire community.
 - Parkway plan sidewalk width sufficient to create a bicycle lane.
 - Every single-family home built on the subject property shall contain ceramic tiled bathroom floors.
 - Every single-family home shall be built to accommodate at least one fireplace.
 - No vinyl siding on any product within development excluding soffit areas.
 - Each pod of townhouses and apartments will have its own amenities package.
 - All underground utilities.
 - Uniform mailboxes will be provided for each detached single-family residential pod.
 - Uniform street signs will be provided throughout the development.
30. Along Balus Creek, the developer shall reserve for the City, by way of easement, a ten-foot strip of land for use as a bicycle path. At such time as the City or County constructs an element of its bike path system to which this easement might connect, the City and/or County, at its/their expense, may pave this strip. No development shall occur on the property which would interfere with the eventual construction of this path by the appropriate governmental entity, except for the boulevard which will cross the creek.
31. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director and Hall County Traffic Engineering. All required access/traffic/sidewalk improvements associated with the proposal shall be at the full expense of the property owner.

~~32. The proposed truck bays, truck court and trailer storage shall be located in front of the building facing Old Oakwood Road. The rear of the proposed building adjacent to the Maple Park subdivision shall be limited to employee parking only.~~

Motion made by Board Member Martin

Motion seconded by Board Member Young

Vote – 6 favor, 1 vacant

Passed: _____

AN ORDINANCE

No. 2024-15

AN ORDINANCE AMENDING A PORTION OF AN EXISTING PLANNED UNIT DEVELOPMENT, WITH CONDITIONS (P-U-D-c) ZONING TOTALING 29.77± ACRES LOCATED ON THE SOUTHEAST SIDE OF THE INTERSECTION OF MILLSIDE PARKWAY AND CONTINENTAL DRIVE AND WEST OF THE INTERSECTION OF OLD OAKWOOD ROAD AND MOUNTAIN VIEW ROAD (A/K/A 2930 OLD OAKWOOD ROAD, SW AND 4102 MUNDY MILL ROAD, SW); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

SECTION I

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

Conditions

Transportation/Traffic

- 1. All road improvements associated within the scope of the proposed development shall be at the full expense of the developer(s). The scope of the development shall be defined as those roads/intersections directly within, adjacent to, and within 1,500 feet of the subject property as studied within the Traffic Impact Study (TIS) submitted with this application. These road improvements are to include additional signalization, turn lanes, widening of roads, striping, and signage as stated in the TIS. This may include all or portions of Mundy Mill Road, Meeks Road, Fairbanks Drive, Old Oakwood Road, Old Flowery Branch Road, and Mountain View Road. The cost of the required road improvements shall be prorated based on developed property values of the residential, commercial, retail, office and industrial properties.**
- 2. The developer(s) shall work with the Georgia Department of Transportation, Hall County Traffic Engineering, the City of Oakwood, and the City of Gainesville Public Works Department to ensure that these improvements are performed in a timely manner so as to not conflict with any of the existing or planned road projects that are scheduled to take place outside the scope of the proposed development.**
- 3. All sign locations, access point (new and existing) designations for *new* roads, sight distances, and sight triangles shall be reviewed and clarified, in the beginning stages of plans and submittals with GDOT and the Public Works Director so as to limit the number of access points in that area.**
- 4. A signal warrant study will be required for the major intersections of internal streets within the development. If a signal light is warranted at a specific intersection, such installation shall be completed at the expense of the developer(s) and shall meet all**

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specifications as determined by the Public Works Department. A signal light shall not be installed until traffic volumes actually meet the levels as determined by the warrant study.

5. The developer(s) shall meet with Public Works prior to initiating the final civil design to discuss a traffic calming plan. A traffic calming plan consisting of tools such as landscaped traffic circles at intersections, raised crosswalks, landscaped center medians, chicanes, or other measures that aid in keeping the average speed on residential streets approximately 25 mph or below shall be prepared and approved by Public Works. Specific measures in the approved plan shall be constructed at the same time the streets are constructed.
6. All roads dedicated to the City of Gainesville shall meet City specifications, and all private roads shall be constructed with materials that meet City specifications.
7. All interpretations relating to transportation and/or traffic improvement conditions shall be subject to approval of the Gainesville Public Works Director.
8. The new four lane parkway as reflected on the site plan shall be constructed and designed so as to allow a connection to the Tumbling Creek Connector across Old Oakwood Road.

Development Standards

9. Sidewalks shall be required along both sides of the streets within the development and shall be a minimum of four feet (4') wide along streets classified as residential streets and six feet (6') wide along collector streets and streets in the commercial zones. Alternatively, sidewalks shall be permitted along one side of the street in parkway areas at a minimum width of eight feet (8') and a minimum of five feet (5') along roads classified as residential streets.
10. All proposed single-family lots within the development shall only be allowed to access new interior roads within the subdivision. Direct access shall not be allowed onto roads that existed prior to this development.
11. Access to all service areas adjacent to single-family detached homes, including dumpster pads, shall be limited to the hours of between 9:00 a.m. and 6:00 p.m., unless an emergency situation warrants access to these areas.
12. Upon completion of the development, no outside storage of any materials shall be allowed. No storage of hazardous chemicals, as listed in the Standard Fire Code, shall be permitted.
13. Outdoor lighting used in this development; be it for recreational, security or general purposes, shall be of non-spill design and placed in a manner so as to minimize direct visibility by adjoining or adjacent properties.
14. The proposed residential, office, commercial, and accessory structures shall be similar in scale and architecture to the elevation drawings and pictures as submitted with the application.
15. The subject property shall be developed substantially in accordance with the site plan with minor engineering deviations excepted. All site plan, architectural renderings, pedestrian/trail access plan, and traffic impact studies shall become a part of the annexation, zoning and rezoning ordinances.
16. The number of *single-family detached homes* shall not exceed 1208 units and shall contain a minimum of 1,500 square feet of heated space. Front facades shall consist of masonry, stacked stone, cedar shake or stucco, architectural accents excluded. The remaining three facades shall consist of these materials or cementeous siding such as hardiplank. Single-family lots shall be no less than 6,000 square feet in size,

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with 60 feet of lot width at the building setback line and minimum lot width at right-of-way line of 20 feet, with the exception of Pod M of the concept plan which shall have a minimum lot width at the building setback line reduced to 50-feet.

Pod L of the concept plan dated 10/06/04 shall be the highest-end product proposed by the developer and shall contain a minimum of 1,800 square feet of heated space. Single-family lots shall be no less than 6,000 square feet in size, with 60 feet of lot width at the building setback line, and minimum lot width at right-of-way line of 20 feet. Front and side facades shall consist of masonry, stacked stone, cedar shake or stucco, architectural accents excluded. The rear facade may consist of these materials or cementeous siding such as hardiplank.

Each home within all single-family residential detached pods will have an attached garage for at least two cars. The front yard of each lot shall be sodded and planted with at least one hardwood tree. Monument signage shall be used for the entrance to any detached single-family residential pod as per the attached site plan, and each entrance shall have plantings or other architectural accents.

17. The number of attached *single-family condominiums*, fee simple townhomes or apartments shall not exceed 1,235 total units to include a total of 775 units for Pod's C, E, F and I and 460 units for Pod's J and K. The minimum unit/lot width for each condominium or fee simple townhome unit shall be 16 feet, and each unit shall contain a minimum of 1,200 feet of heated space. Building separations shall be as reflected on the site plan, and private drives built to City specs will be used within these communities. Front, side and rear facades shall consist of masonry, stacked stone, cedar shake, stucco, cementeous siding or a mixture thereof. No vinyl siding shall be allowed excluding soffit areas. No fewer than three or more than ten condominium or fee simple townhome units shall exist within one continuous structure, and front facades will be staggered. All single-family condominiums shall contain one car garages. Monument signage shall be used for the entrance to any attached single-family residential pod as per the sign plan.
18. The height of an apartment building shall not exceed three stories, although $\frac{3}{4}$ splits will be allowed. Each apartment unit will contain a minimum of 650 square feet for Pod's C, I, J and K. Each unit shall have at least 1.75 parking spaces. Front, side and rear facades shall consist of masonry, stacked stone, cedar shake, stucco, cementeous siding or a mixture thereof. No vinyl siding shall be allowed excluding soffit areas. Minimum building separations shall be as depicted on the site plan. Signage shall be as per the attached sign plan.
19. The subject property may be developed for up to 87,200 square feet of traditional office, mid-rise office, and office warehouse space within Pod B, which may also include commercial and retail uses. At no such time shall the maximum allowed square footage within those pods exceed what is specified on the approved concept plan. This space may be developed for these uses but sold in a condominium format. Height of such structures shall be limited to 3 stories from average finished grade. Parking spaces will be provided at a minimum ratio of 3.5 spaces per 1000 square feet of useable office space. Monument signage shall be required in any office pod as per Exhibit B, and lights shall be shielded and angled so as to minimize glare onto adjacent properties. Minimum setbacks shall be as per the site plan, but there shall be no minimum lot, lot width or lot frontage required.
20. The subject property may be developed for up to 802,000 square feet of commercial and retail space. Within the 802,000 square feet, up to 87,200 square feet shall be permitted within Pod B, up to 41,000 square feet within Pod F, up to 84,000 square feet within Pod G, up to 10,000 square feet within Pod H, and up to 580,000 square

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feet of commercial space within Pod I. The maximum height of any structure, excluding architectural accents; such as clocks, cupolas and bell towers; shall be 50 feet. Use of pitched roofs shall be encouraged. Minimum setbacks shall be as per the site plan, but there shall be no minimum lot, lot width or lot frontage required. Parking shall be provided at a minimum of four spaces per 1,000 square feet of space. Lights shall be shielded and angled so as to minimize glare onto adjacent properties, and dumpsters shall be screened. Under no circumstances shall the following uses be allowed: Pawn shops, adult entertainment, adult bookstores, extended-stay hotel, rooming house, or boarding house. Signage shall be as per the attached sign plan.

21. Architectural treatment shall be of consistent design throughout the community and as per the renderings.
22. A minimum of 100 acres shall be maintained as green space, with passive recreation and trails as per the plan. Sidewalks shall connect the residential and non-residential components of this community.
23. A Mandatory Property Owners Association will be created for the single-family detached community to insure that these conditions are observed during development and in terms of architectural consistency thereafter. Separate mandatory associations will be set up for the single-family detached and single-family attached products to own and manage open space, common areas, and architectural controls. Open space elsewhere in the project shall be maintained as common area by the overall Property Owner's Association, or by a separate Association within whose boundaries the common area is located. Maintenance of the amenities package set forth on the site plan shall be the responsibility of the owners of single-family detached homes. However, at the option of those residents, memberships may be extended to other Mundy Mill residents for a fee to cover maintenance. Amenities packages also may be established in the individual townhome or apartment pods, but shall be the responsibility of the owners of land therein.

Buffers

24. A 100 foot wide buffer shall be provided against Balus Creek and all other blue-line streams. The first 50 feet of the buffer shall be measured from the top of the creek bank and shall be undisturbed. The remaining 50 feet of the buffer, if disturbed, shall be stabilized and replanted with vegetation subject to Planning Department approval.
25. A 25 foot minimum perimeter buffer will be created and infilled as necessary with plant material. However, this buffer will not be required along any Mundy Mill Road frontages. Landscaped buffers of at least 25 feet are also required along any road frontages. A staggered row of evergreen trees consisting of a mixture of Cryptomeria, Thuja Green Giant Arborvitae, Eastern Red Cedar and/or Holly trees shall be required adjacent to the entire perimeter buffer of Pod E excluding the westerly boundary adjacent to the city limits of Oakwood. The location, size and type of buffer trees shall be subject to the approval of the Community and Economic Development Department Director.
26. Landscaped buffers of at least 25 feet also shall separate any non-residential pod or existing non-residential use from a residential pod. The buffer shall be subject to Planning Department approval.
27. All proposed detention ponds shall be sufficiently fenced and buffered from view from all roads and adjacent properties. All buffer materials shall be approved by the Planning Department.

Gainesville City Board of Education

28. As agreed to by the owner/developer, the 17.0 acre tract of land identified on the plat/site plan attached as Exhibit A shall be reserved for use as an elementary school site. At that time (or earlier at the owner/developer's discretion), and presupposing the School Board still wants the property for an elementary school, the owner/developer shall promptly convey to it, without charge. In the event the School Board does not secure a building permit and begin construction of an elementary school before December 31, 2012, then the developer shall retain all rights to development of the entire 17.0 acres tract as per the original terms of zoning approval except for this condition, and the School Board shall promptly convey marketable title to the property back to the owner/developer at no charge. Additionally, if no elementary school is actually constructed on this site by December 31, 2013, then the School Board shall return marketable title to the property to the developer without charge. The conveyance documents executed by the owner/developer to the School Board will contain these terms and requirements. This agreement to reserve the 17.0 acres tract shall not prohibit the owner/developer from including it in any plat it may prepare for its development of a single-family residential pod and also will allow the owner/developer to put on it any necessary utility or other storm water easements which may be required for the development as a whole, provided such improvements do not materially affect the Board's ability to use the site for a school. This agreement also shall not prohibit the owner/developer from earlier transferring the 17.0 acres site to the City to be held for the School Board, subject to the requirements of this paragraph. Finally, but for utility/drainage easements or right-of-way dedicated as part of the road system in or along the frontages of the Mundy Mill development, the owner/developer shall not be required to dedicate or give to the City of Gainesville any additional property incidental to this development. However, if the School Board fails to acquire this property, then the owner/developer shall convey three acres of land to the City for a public safety use.

Notwithstanding any of the foregoing, if at such time as the School Board has acquired the 17.0 acres site and is ready to begin feasibility assessments, and if the State Board of Education should determine that the site is not then suitable for use as a school under the applicable state standards, then the Board of Education may sell the 17.0 acres tract and retain the proceeds for use in purchasing an alternative site. Provided, however, that once an arms length transaction for a fair market value purchase of the site has been secured by the School Board, the owner/developer shall have a right of first refusal to repurchase the tract at the exact same purchase price. Provided further, that the proceeds from such sale must be expended on a new school site within 60 days of closing, otherwise it shall be remitted instantly to the owner/developer.

The City notes that this condition may be imposed only because the owner/developer has agreed to it.

Quality Enhancement

29. In order to further enhance and assure the quality of development, the City expects the developer shall perform/provide the following:
- Detailed landscape plan for parkway, subject to approval by the Department of Planning and Development.
 - Reconstruction of Mundy Mill as focal point for community, subject to approval of the Georgia Department of Transportation.

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- A minimum of two amenity locations shall be provided for the entire development of the detached single-family residential pods. At minimum the amenity sites shall include a pool house, swimming pool and playground.
 - Sidewalks and streetlights throughout community.
 - All products within the development shall contain exterior construction materials limitation; must use brick, masonry stucco, stacked stone, cedar shake, or hardiplank.
 - Open space - 18%.
 - Pedestrian trail plan (3.5± miles) connecting entire community.
 - Parkway plan sidewalk width sufficient to create a bicycle lane.
 - Every single-family home built on the subject property shall contain ceramic tiled bathroom floors.
 - Every single-family home shall be built to accommodate at least one fireplace.
 - No vinyl siding on any product within development excluding soffit areas.
 - Each pod of townhouses and apartments will have its own amenities package.
 - All underground utilities.
 - Uniform mailboxes will be provided for each detached single-family residential pod.
 - Uniform street signs will be provided throughout the development.
30. Along Balus Creek, the developer shall reserve for the City, by way of easement, a ten-foot strip of land for use as a bicycle path. At such time as the City or County constructs an element of its bike path system to which this easement might connect, the City and/or County, at its/their expense, may pave this strip. No development shall occur on the property which would interfere with the eventual construction of this path by the appropriate governmental entity, except for the boulevard which will cross the creek.
31. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director and Hall County Traffic Engineering. All required access/traffic/sidewalk improvements associated with the proposal shall be at the full expense of the property owner.

Legal Description

"Pod E"

All that tract or parcel of land lying and being in Land Lot 25, 8th Land District, City of Gainesville, Hall County, Georgia as shown on a Sketch and description prepared by Patton Land Surveying, LLC, for Butler Property, LLC, dated March 27th, 2018 and being more particularly described as follows:

Beginning at the Southerly mitered right-of-way corner at the Northeasterly intersection of Millside Parkway (varying width right-of-way) & Old Oakwood Road (varying width right-of-way) as recorded in Deed Book 8027, Pages 437-443 and shown on Plat Book 875, Page 229, Hall County Georgia records and located at Georgia State Plane Coordinate Northing 1544833.48, Easting 2388397.69, Georgia West Zone, North American Datum of 1983/2007 adjustment; Thence North 42 degrees 09 minutes 26 seconds East for a

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distance of 1,771.53 feet to a point on the Northerly right-of-way line of said Old Oakwood Road and said point being the TRUE POINT OF BEGINNING;

Thence North 31 degrees 11 minutes 18 seconds West for a distance of 1214.82 feet to a 1/2" open top pin found;

Thence North 26 degrees 22 minutes 17 seconds East for a distance of 620.32 feet to a point on the Westerly right-of-way line of Mountain View Road;

Thence South 52 degrees 54 minutes 10 seconds East for a distance of 51.94 feet to a point; Thence South 54 degrees 26 minutes 08 seconds East for a distance of 52.96 feet to a point; Thence South 57 degrees 13 minutes 54 seconds East for a distance of 92.13 feet to a point; Thence South 58 degrees 50 minutes 28 seconds East for a distance of 28.41 feet to a point; Thence South 60 degrees 43 minutes 19 seconds East for a distance of 67.02 feet to a point; Thence South 61 degrees 41 minutes 35 seconds East for a distance of 50.15 feet to a point; Thence South 63 degrees 11 minutes 46 seconds East for a distance of 68.83 feet to a point; Thence South 64 degrees 45 minutes 33 seconds East for a distance of 58.24 feet to a point; Thence South 66 degrees 52 minutes 17 seconds East for a distance of 41.42 feet to a point;

Thence leaving said Mountain View Road the following courses:

Thence South 17 degrees 49 minutes 52 seconds East for a distance of 54.72 feet to a point; Thence South 17 degrees 20 minutes 32 seconds East for a distance of 30.67 feet to a point; Thence South 13 degrees 31 minutes 01 seconds East for a distance of 112.07 feet to a point; Thence South 16 degrees 44 minutes 15 seconds East for a distance of 80.77 feet to a point; Thence South 16 degrees 19 minutes 16 seconds East for a distance of 62.06 feet to a point; Thence South 04 degrees 46 minutes 48 seconds East for a distance of 53.08 feet to a point; Thence South 05 degrees 16 minutes 35 seconds West for a distance of 54.63 feet to a point; Thence South 05 degrees 57 minutes 09 seconds East for a distance of 117.63 feet to a point; Thence South 11 degrees 58 minutes 03 seconds East for a distance of 43.66 feet to a point; Thence South 26 degrees 52 minutes 36 seconds East for a distance of 44.34 feet to a on the Northerly right-of-way line of said Old Oakwood Road;

Thence following said Old Oakwood Road the following courses:

Thence along a curve to the left having a radius of 596.55 feet and an arc length of 61.01 feet, being subtended by a chord of South 15 degrees 19 minutes 36 seconds West for a distance of 60.99 feet to a point; Thence along a curve to the left having a radius of 806.43 feet and an arc length of 53.82 feet, being subtended by a chord of South 11 degrees 09 minutes 42 seconds West for a distance of 53.81 feet to a point; Thence South 10 degrees 25 minutes 44 seconds West for a distance of 134.64 feet to a point; Thence along a curve to the right having a radius of 1260.51 feet and an arc length of 159.08 feet, being subtended by a chord of South 15 degrees 02 minutes 26 seconds West for a distance of 158.97 feet to a point; Thence along a curve to the right having a radius of 1172.82 feet and an arc length of 101.87 feet, being subtended by a chord of South 21 degrees 16 minutes 45 seconds West for a distance of 101.84 feet to a point; Thence South 23 degrees 46 minutes 13 seconds West for a distance of 99.75 feet to a point; Thence along a curve to the left having a radius of 1945.43 feet and an arc length of 132.51 feet, being subtended by a chord of South 22 degrees 33 minutes 57 seconds West for a distance of 132.49 feet to a

ORDINANCE NO. 2024-15

point and said point being the POINT OF BEGINNING. Said property contains 17.25 acres more or less.

“Pod F”

All that tract or parcel of land lying and being Tract “A” located in Land Lot 30, 8th Land District, City of Gainesville, Hall County, Georgia as shown on a plat prepared by Patton Land Surveying, LLC, for Clayton Properties Group, LLC, dated March 3rd, 2021 and being more particularly described as follows:

Commencing at a PK Nail set at the centerline intersection of Millside Parkway (varying width right-of-way) and the future right-of-way of Continental Drive (varying width proposed right-of-way), THENCE North 85 degrees 02 minutes 19 seconds East for a distance of 71.51 feet to a 1/2” rebar pin set located at the Northeast right-of-way line intersection of said Millside Parkway and said Continental Drive, and said point being the TRUE POINT OF BEGINNING.

Thence following the Easterly right-of-way line of said Millside Parkway the following course:

Thence along a curve to the left having a radius of 655.00 feet and an arc length of 61.16 feet, being subtended by a chord of North 30 degrees 02 minutes 54 seconds East for a distance of 61.13 feet to a 1/2” rebar pin set on the Southerly boundary line of Balus Creek as described in Deed Book 1696, pages 165-173, Hall County, Georgia deed records;

Thence leaving the Easterly right-of-way line of said Millside Parkway and following the Southerly line of said Balus Creek the following courses:

Thence North 72 degrees 28 minutes 33 seconds East for a distance of 22.52 feet to a point;
Thence North 82 degrees 47 minutes 45 seconds East for a distance of 66.40 feet to a point;
Thence North 75 degrees 17 minutes 16 seconds East for a distance of 48.01 feet to a point;
Thence North 83 degrees 57 minutes 17 seconds East for a distance of 37.33 feet to a point;
Thence North 79 degrees 30 minutes 55 seconds East for a distance of 76.55 feet to a point;
Thence North 59 degrees 11 minutes 17 seconds East for a distance of 61.91 feet to a point;
Thence North 33 degrees 26 minutes 11 seconds East for a distance of 34.02 feet to a point;
Thence North 85 degrees 11 minutes 36 seconds East for a distance of 27.82 feet to a point;
Thence South 85 degrees 51 minutes 54 seconds East for a distance of 49.50 feet to a point;
Thence South 76 degrees 04 minutes 22 seconds East for a distance of 68.29 feet to a point;
Thence South 80 degrees 54 minutes 55 seconds East for a distance of 49.26 feet to a point;
Thence South 69 degrees 26 minutes 44 seconds East for a distance of 63.79 feet to a point;
Thence South 80 degrees 50 minutes 07 seconds East for a distance of 58.44 feet to a point;
Thence South 79 degrees 49 minutes 39 seconds East for a distance of 52.57 feet to a point;
Thence South 82 degrees 45 minutes 20 seconds East for a distance of 37.44 feet to a point;
Thence South 71 degrees 12 minutes 09 seconds East for a distance of 36.04 feet to a point;
Thence South 72 degrees 04 minutes 55 seconds East for a distance of 47.43 feet to a point;
Thence South 86 degrees 14 minutes 47 seconds East for a distance of 49.04 feet to a point;
Thence South 89 degrees 27 minutes 56 seconds East for a distance of 62.98 feet to a point;
Thence South 88 degrees 10 minutes 41 seconds East for a distance of 16.65 feet to a point;
Thence South 60 degrees 06 minutes 18 seconds East for a distance of 37.28 feet to a point;
Thence South 58 degrees 50 minutes 40 seconds East for a distance of 53.95 feet to a point;
Thence South 58 degrees 20 minutes 24 seconds East for a distance of 43.22 feet to a point;
Thence South 57 degrees 09 minutes 13 seconds East for a distance of 37.90 feet to a 1/2” rebar pin set;

ORDINANCE NO. 2024-15

Thence leaving the Southerly line of said Balus Creek the following course: Thence South 44 degrees 31 minutes 24 seconds West for a distance of 1125.31 feet to a point in the centerline of a branch; Thence following the centerline of the branch the following courses:

Thence North 19 degrees 41 minutes 12 seconds West for a distance of 15.60 feet to a point;
Thence North 28 degrees 09 minutes 37 seconds West for a distance of 21.00 feet to a point;
Thence North 03 degrees 13 minutes 23 seconds West for a distance of 23.44 feet to a point;
Thence North 11 degrees 07 minutes 35 seconds West for a distance of 25.00 feet to a point;
Thence North 17 degrees 17 minutes 46 seconds West for a distance of 59.49 feet to a point;
Thence North 07 degrees 11 minutes 29 seconds West for a distance of 72.78 feet to a point;
Thence North 05 degrees 05 minutes 33 seconds West for a distance of 45.48 feet to a point;
Thence North 28 degrees 46 minutes 59 seconds West for a distance of 48.08 feet to a point;
Thence North 30 degrees 39 minutes 47 seconds West for a distance of 31.24 feet to a point;
Thence North 12 degrees 18 minutes 36 seconds East for a distance of 41.58 feet to a point;
Thence North 14 degrees 32 minutes 55 seconds West for a distance of 19.59 feet to a point;
Thence North 63 degrees 52 minutes 32 seconds West for a distance of 20.33 feet to a point;
Thence North 02 degrees 41 minutes 02 seconds East for a distance of 21.23 feet to a point;
Thence North 34 degrees 27 minutes 32 seconds West for a distance of 16.10 feet to a point;
Thence North 22 degrees 26 minutes 47 seconds East for a distance of 8.89 feet to a point;
Thence North 26 degrees 51 minutes 12 seconds West for a distance of 32.96 feet to a point;
Thence North 08 degrees 51 minutes 48 seconds West for a distance of 6.41 feet to a point;
Thence North 83 degrees 23 minutes 36 seconds East for a distance of 7.94 feet to a point;
Thence North 72 degrees 16 minutes 15 seconds East for a distance of 8.72 feet to a point;
Thence North 09 degrees 20 minutes 16 seconds West for a distance of 24.86 feet to a point;
Thence North 01 degrees 21 minutes 21 seconds West for a distance of 20.66 feet to a point;
Thence North 00 degrees 33 minutes 42 seconds West for a distance of 11.19 feet to a point;
Thence leaving the centerline branch the following courses: Thence South 69 degrees 12 minutes 25 seconds West for a distance of 102.90 feet to a 1/2" rebar pin set on the Easterly right-of-way line of said Continental Drive; Thence following the Easterly right-of-way line of said Continental Drive the following courses: Thence along a curve to the left having a radius of 300.00 feet and an arc length of 341.03 feet, being subtended by a chord of North 17 degrees 30 minutes 12 seconds West for a distance of 322.96 feet to a 1/2" rebar pin set; Thence along a curve to the right having a radius of 25.00 feet and an arc length of 36.13 feet, being subtended by a chord of North 08 degrees 40 minutes 23 seconds West for a distance of 33.06 feet to a 1/2" rebar pin set and said point being the POINT OF BEGINNING.

Said property contains 12.52 acres more or less.

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 or unconstitutional.

SECTION IV

ORDINANCE NO. 2024-15

This Ordinance is enacted as an amendment to the Code of the City of Gainesville, Georgia, and is to be codified as a part of Section 9-1-1-5.

SECTION V

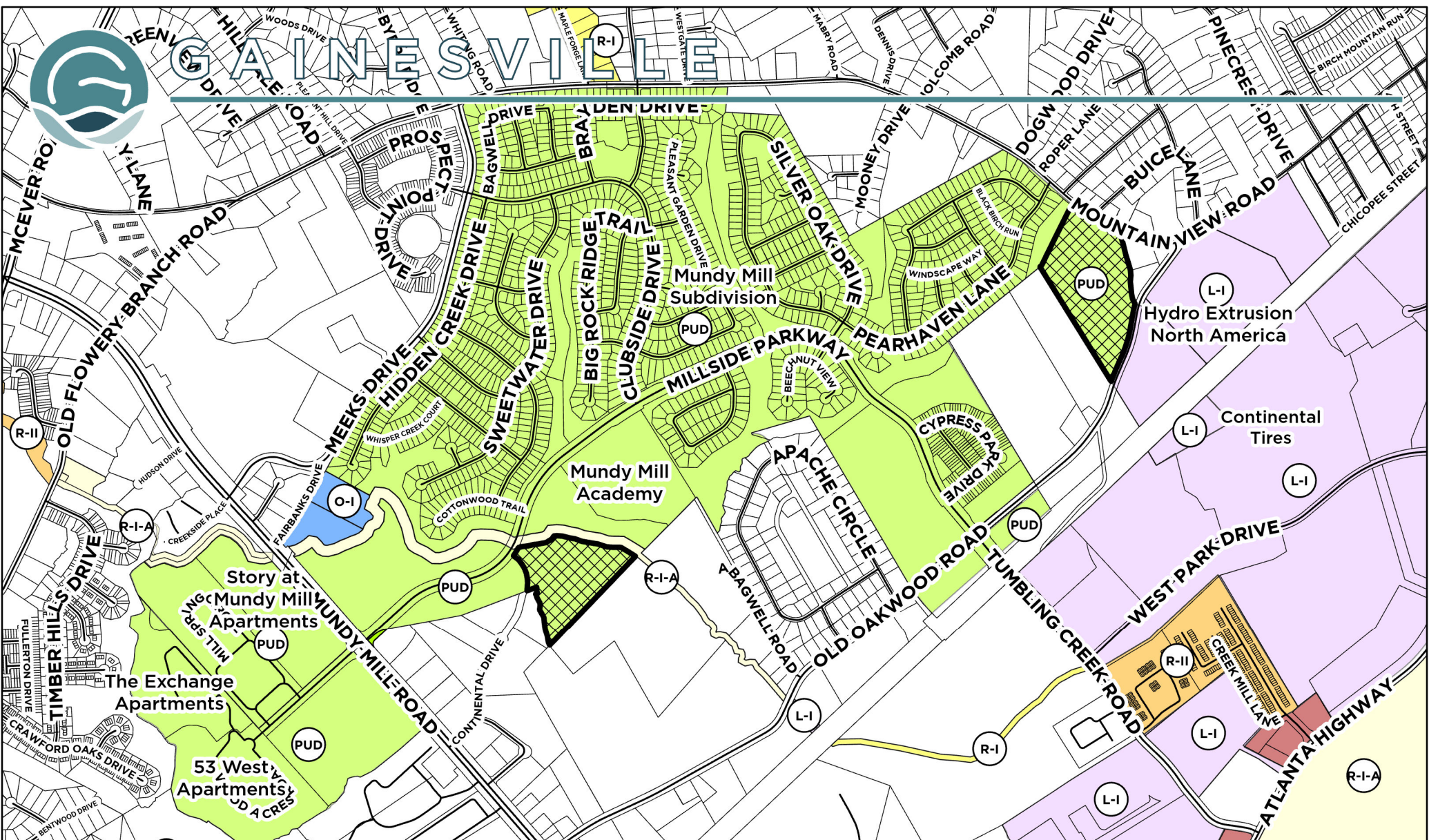
The effective date of this Ordinance shall be upon approval by the governing body of the City of Gainesville, Georgia.

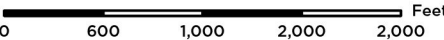
W. Samuel Couvillon, Mayor

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

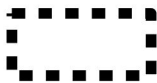
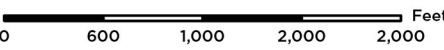
ATTEST:

Denise O. Jordan, City Clerk



Applicant: CLAYTON PROPERTIES GROUP, INC - MATT STOKES		Request: Amend existing Planned Unit Development (P-U-D) on +/- 29.77 AC for residential townhomes.	
ZONING AMENDMENT REQUEST			
Subject Property Address: 2930 Old Oakwood Rd. SW 4102 Mundy Mill Rd. SW		Tax Parcel: 08-024-005-363 08-030-000-009 (Part)	
Meeting Date: 5/14/2024		Map Prepared: 4/11/2024	
		 Subject Property	
		 Feet 0 600 1,000 2,000 2,000	
		Scale: 1" = 1000'	
			



Applicant: CLAYTON PROPERTIES GROUP, INC - MATT STOKES		Request: Amend existing Planned Unit Development (P-U-D) on +/- 29.77 AC for residential townhomes.	
ZONING AMENDMENT REQUEST			
Subject Property Address: 2930 Old Oakwood Rd. SW 4102 Mundy Mill Rd. SW	Tax Parcel: 08-024-005-363 08-030-000-009 (Part)	 Subject Property	Aerial from 2023
Meeting Date: 5/14/2024		Map Prepared: 4/11/2024	
			Scale: 1" = 1000'

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LETTER OF INTENT FOR ZONING AMENDMENT APPLICATION

Clayton Properties Group, Inc. dba Chafin Land Development (the "Applicant") submits this Letter of Intent and attached Zoning Amendment Application for the purpose of requesting a zoning amendment to the PUD at Mundy Mill. The subject property of this zoning amendment is approximately 29.77 acres and includes portions of tax parcels 08030-000009 and 08024-005363. Specifically, the Applicant is requesting to amend 12.52 acres of parcel 08030-000009 from Comm-3 to MF and 17.25 acres of parcel 08024-005363 Comm-6 to MF to allow the construction of single-family attached townhomes.

The proposed development represents a re-allocation of previously- approved residential units and would not increase the overall density of the PUD as originally envisioned. The proposed development is in line with the intent of the original PUD and would increase the diversity of housing types within Mundy Mill while maintaining adequate commercial land in appropriate locations. As proposed, commercial pods would be located along major transportation corridors and/or at specified activity nodes. The proposed amendment would also provide land uses that are more compatible with surrounding uses of property and would provide appropriate transitions from more intense to less intense uses. Specifically, the Comm-3 area has limited access to Mundy Mill Road (State Highway 53) which frustrates its viability as a commercial pod and is located adjacent to the Mundy Mill Arts Academy. The proposed single-family attached townhomes are more compatible with this institutional use and would actually complement the school by fostering pedestrian activity and providing attractive housing within walking distance of the school. Similarly, the proposed amendment from Comm-6 to MF would provide for a more appropriate transition of land uses from the existing single-family detached homes in the PUD towards more intense commercial uses located at the intersection of Old Oakwood Road and Mountain View Road.

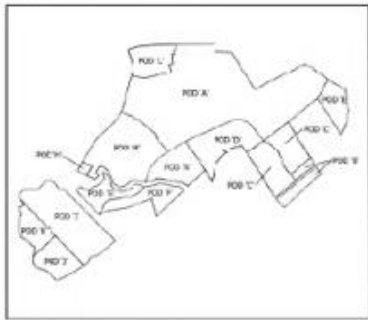
The proposed homes are compatible with the existing land use mix of Mundy Mill and provide additional housing options in an area with close proximity to major activity centers including downtown Gainesville and the University of North Georgia – Gainesville Campus. Residents of the proposed homes would have convenient access to shopping, dining, and employment uses in the surrounding area as well as regional employment centers via Interstate 985. Homes would feature attractive building materials including brick, stone, cedar shake, stucco, cementitious siding, or a mixture thereof. Homes would include two-car garages and a minimum of 1,200 square feet of floor area on a building pad of approximately 24 feet wide by 60 feet deep. Guest parking and sidewalks would also be provided within each proposed townhome pod.

The Applicant and its representatives welcome the opportunity to meet with staff of the City of Gainesville Community and Economic Development Department to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Zoning Amendment Application filed herewith. The proposed amendment would enhance the PUD and provide additional housing options that further the spirit and intent of the original PUD without increasing density. The Applicant respectfully requests your approval of this Application.

Respectfully submitted this 12th day of March, 2024.



Locality Map (Scale: 1" = 300')

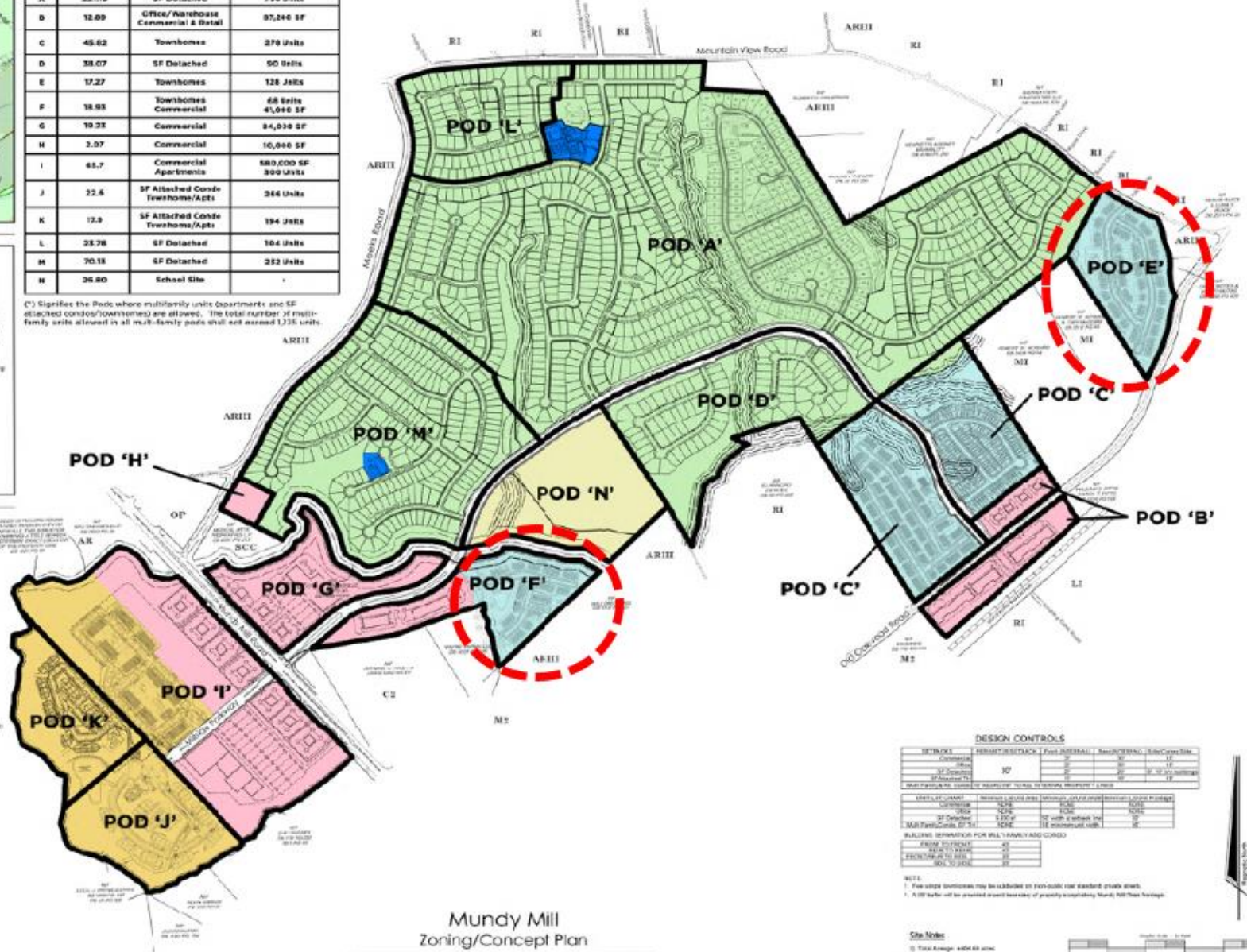


Proposed Setting/Neighborhood Chart (not to scale)

LAND USE CHART

POD	APPROX. AC.	USE	APPROX. SF OR UNITS
A	221.10	SP Detached	756 Units
B	12.89	Office/Warehouse Commercial & Retail	97,240 SF
C	45.62	Townhomes	279 Units
D	38.07	SP Detached	90 Units
E	17.27	Townhomes	128 Units
F	18.93	Townhomes Commercial	68 Units 41,040 SF
G	19.72	Commercial	94,030 SF
H	2.57	Commercial	10,000 SF
I	65.7	Commercial Apartments	680,000 SF 300 Units
J	22.4	SP Attached Condo Townhome/Apts	264 Units
K	17.9	SP Attached Condo Townhome/Apts	194 Units
L	25.78	SP Detached	104 Units
M	70.18	SP Detached	252 Units
N	36.80	School Site	-

(*) Signifies the Pods where multifamily units (apartments and SP attached condos/townhomes) are allowed. The total number of multifamily units allowed in all multi-family pods shall not exceed 1,335 units.



LEGEND

- Pod Boundary
- Apartments
- Commercial
- Recreational
- Residential
- School/Institutional
- Townhomes

Mundy Mill
Zoning/Concept Plan

5/14/2024

DESIGN CONTROLS			
STREET	REQUIREMENT	POD	REQUIREMENT
Mountain View Road	10'	AR11	10'
Meigs Road	10'	AR11	10'
Old Oak Road	10'	AR11	10'
POD 'A'	10'	AR11	10'
POD 'B'	10'	AR11	10'
POD 'C'	10'	AR11	10'
POD 'D'	10'	AR11	10'
POD 'E'	10'	AR11	10'
POD 'F'	10'	AR11	10'
POD 'G'	10'	AR11	10'
POD 'H'	10'	AR11	10'
POD 'I'	10'	AR11	10'
POD 'J'	10'	AR11	10'
POD 'K'	10'	AR11	10'
POD 'L'	10'	AR11	10'
POD 'M'	10'	AR11	10'
POD 'N'	10'	AR11	10'

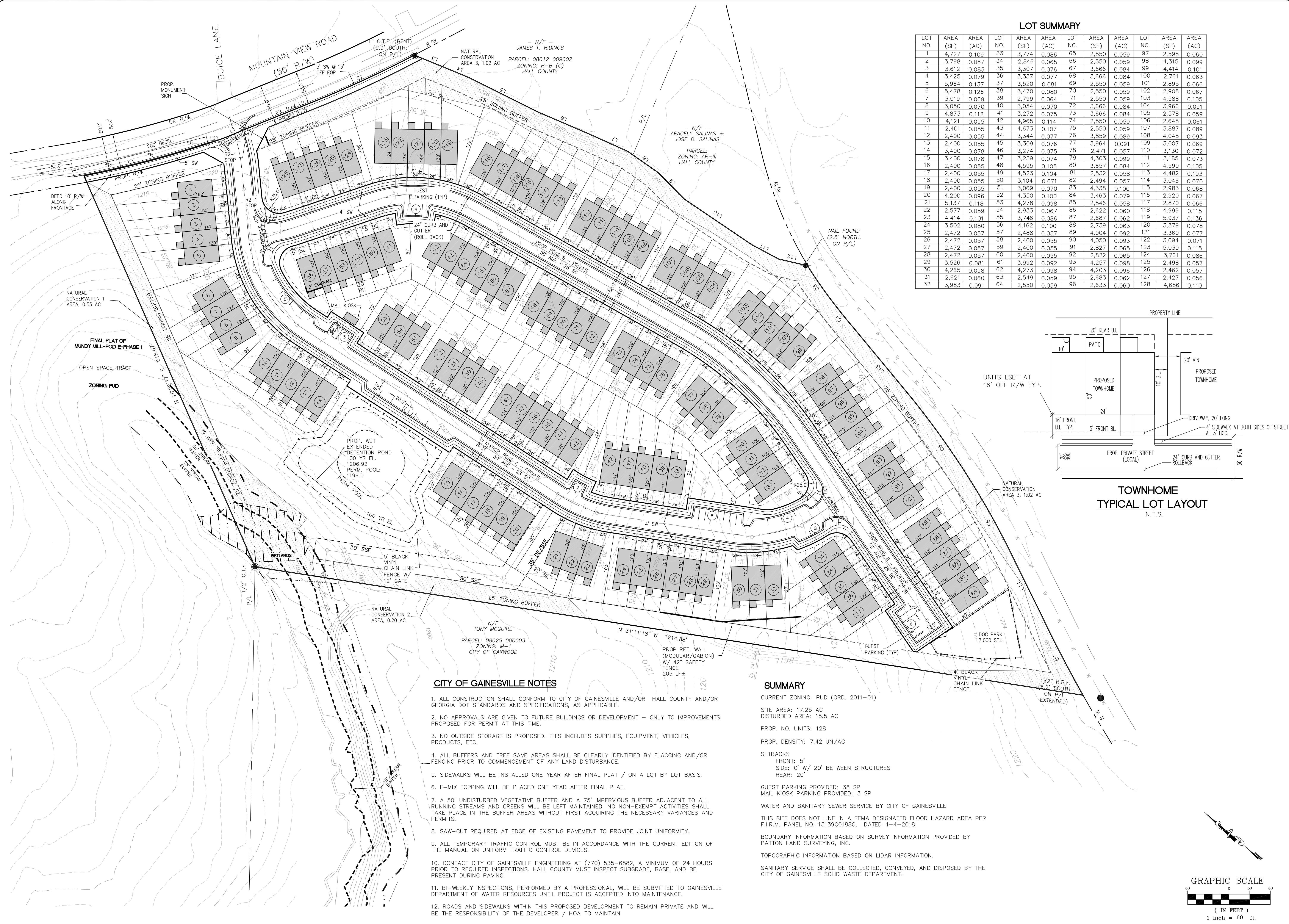
NOTE:
1. For single lotlines may be subdivided on 100' wide road standard grade street.
2. A 100' buffer will be provided around boundary of property encompassing boundary, not these setbacks.

Site Notes

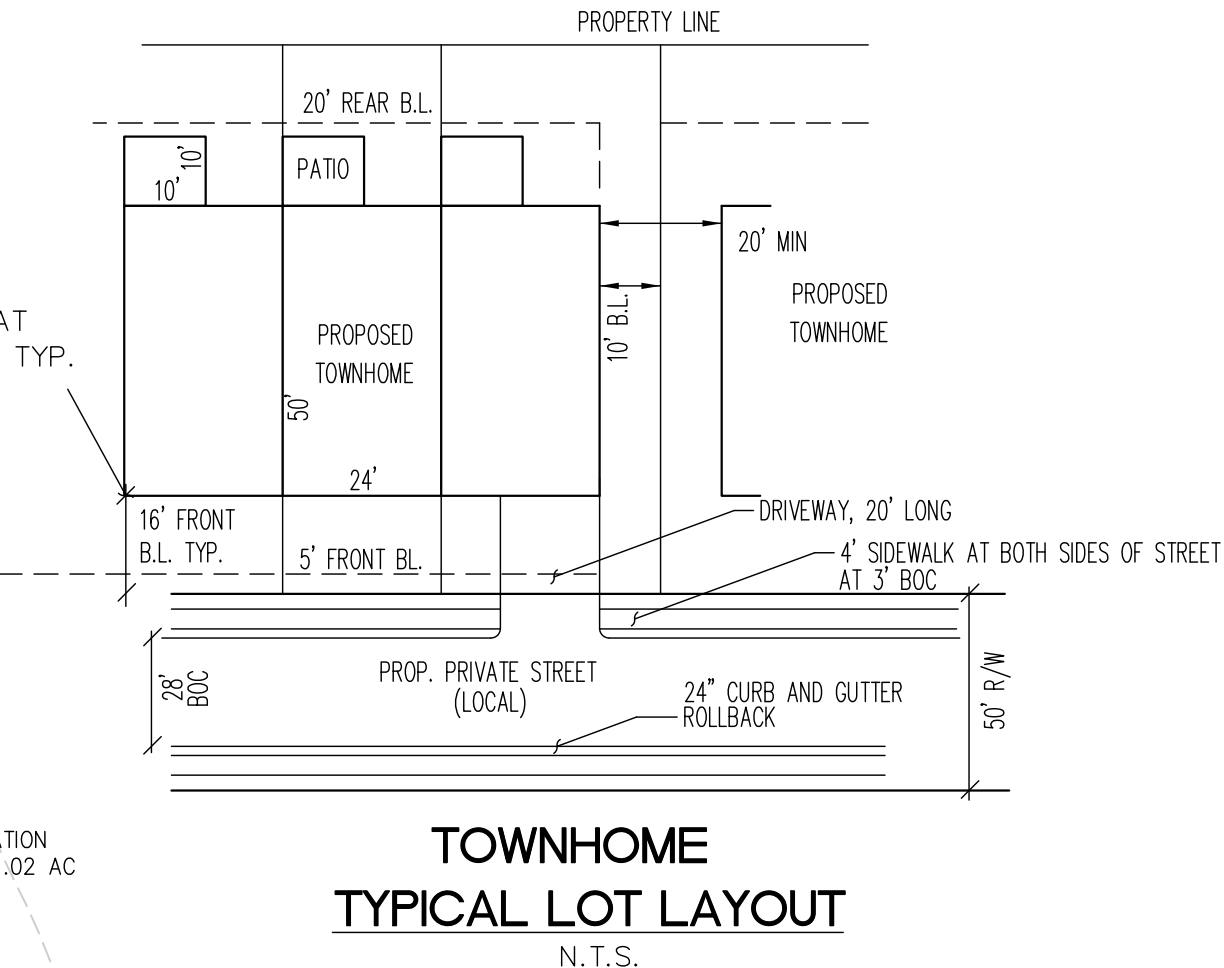
- 1) Total Area: 404.80 acres
- 2) Building Zoning: R1



Scale: 1" = 300'



LOT SUMMARY											
LOT NO.	AREA (SF)	AREA (AC)	LOT NO.	AREA (SF)	AREA (AC)	LOT NO.	AREA (SF)	AREA (AC)	LOT NO.	AREA (SF)	AREA (AC)
1	4,727	0.109	33	3,774	0.086	65	2,550	0.059	97	2,598	0.060
2	3,798	0.087	34	2,846	0.065	66	2,550	0.059	98	4,315	0.099
3	3,612	0.083	35	3,307	0.076	67	3,666	0.084	99	4,414	0.101
4	3,425	0.079	36	3,337	0.077	68	3,666	0.084	100	2,761	0.063
5	5,964	0.137	37	3,520	0.081	69	2,550	0.059	101	2,895	0.066
6	5,478	0.126	38	3,470	0.080	70	2,550	0.059	102	2,908	0.067
7	3,019	0.069	39	2,799	0.064	71	2,550	0.059	103	4,588	0.105
8	3,050	0.070	40	3,054	0.070	72	3,666	0.084	104	3,966	0.091
9	4,873	0.112	41	3,272	0.075	73	3,666	0.084	105	2,578	0.059
10	4,121	0.095	42	4,965	0.114	74	2,550	0.059	106	2,648	0.061
11	2,401	0.055	43	4,673	0.107	75	2,550	0.059	107	3,887	0.089
12	2,400	0.055	44	3,344	0.077	76	3,859	0.089	108	4,045	0.093
13	2,400	0.055	45	3,309	0.076	77	3,964	0.091	109	3,007	0.069
14	3,400	0.078	46	3,274	0.075	78	2,471	0.057	110	3,130	0.072
15	3,400	0.078	47	3,239	0.074	79	4,303	0.099	111	3,185	0.073
16	2,400	0.055	48	4,595	0.105	80	3,657	0.084	112	4,590	0.105
17	2,400	0.055	49	4,523	0.104	81	2,532	0.058	113	4,482	0.103
18	2,400	0.055	50	3,104	0.071	82	2,494	0.057	114	3,046	0.070
19	2,400	0.055	51	3,069	0.070	83	4,338	0.100	115	2,983	0.068
20	4,200	0.096	52	4,350	0.100	84	3,463	0.079	116	2,920	0.067
21	5,137	0.118	53	4,278	0.098	85	2,546	0.058	117	2,870	0.066
22	2,577	0.059	54	2,933	0.067	86	2,622	0.060	118	4,999	0.115
23	4,414	0.101	55	3,746	0.086	87	2,687	0.062	119	5,937	0.136
24	3,502	0.080	56	4,162	0.100	88	2,739	0.063	120	3,379	0.078
25	2,472	0.057	57	2,488	0.057	89	4,004	0.092	121	3,360	0.077
26	2,472	0.057	58	2,400	0.055	90	4,050	0.093	122	3,094	0.071
27	2,472	0.057	59	2,400	0.055	91	2,827	0.065	123	5,030	0.115
28	2,472	0.057	60	2,400	0.055	92	2,822	0.065	124	3,761	0.086
29	3,526	0.081	61	3,992	0.092	93	4,257	0.098	125	2,498	0.057
30	4,265	0.098	62	4,273	0.098	94	4,203	0.096	126	2,462	0.057
31	2,621	0.060	63	2,549	0.059	95	2,683	0.062	127	2,427	0.056
32	3,983	0.091	64	2,550	0.059	96	2,633	0.060	128	4,656	0.110

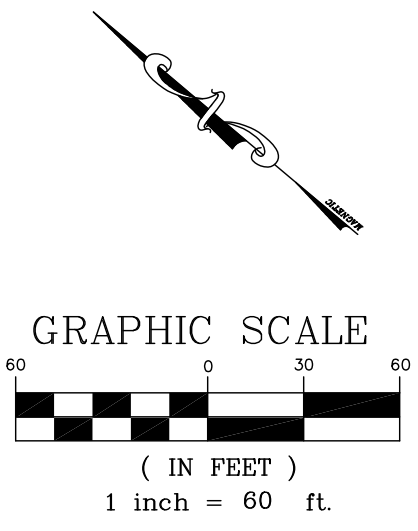


CITY OF GAINESVILLE NOTES

- ALL CONSTRUCTION SHALL CONFORM TO CITY OF GAINESVILLE AND/OR HALL COUNTY AND/OR GEORGIA DOT STANDARDS AND SPECIFICATIONS, AS APPLICABLE.
- NO APPROVALS ARE GIVEN TO FUTURE BUILDINGS OR DEVELOPMENT - ONLY TO IMPROVEMENTS PROPOSED FOR PERMIT AT THIS TIME.
- NO OUTSIDE STORAGE IS PROPOSED. THIS INCLUDES SUPPLIES, EQUIPMENT, VEHICLES, PRODUCTS, ETC.
- ALL BUFFERS AND TREE SAVE AREAS SHALL BE CLEARLY IDENTIFIED BY FLAGGING AND/OR FENCING PRIOR TO COMMENCEMENT OF ANY LAND DISTURBANCE.
- SIDEWALKS WILL BE INSTALLED ONE YEAR AFTER FINAL PLAT / ON A LOT BY LOT BASIS.
- F-MIX TOPPING WILL BE PLACED ONE YEAR AFTER FINAL PLAT.
- A 50' UNDISTURBED VEGETATIVE BUFFER AND A 75' IMPERVIOUS BUFFER ADJACENT TO ALL RUNNING STREAMS AND CREEKS WILL BE LEFT MAINTAINED. NO NON-EXEMPT ACTIVITIES SHALL TAKE PLACE IN THE BUFFER AREAS WITHOUT FIRST ACQUIRING THE NECESSARY VARIANCES AND PERMITS.
- SAW-CUT REQUIRED AT EDGE OF EXISTING PAVEMENT TO PROVIDE JOINT UNIFORMITY.
- ALL TEMPORARY TRAFFIC CONTROL MUST BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
- CONTACT CITY OF GAINESVILLE ENGINEERING AT (770) 535-6882, A MINIMUM OF 24 HOURS PRIOR TO REQUIRED INSPECTIONS. HALL COUNTY MUST INSPECT SUBGRADE, BASE, AND BE PRESENT DURING PAVING.
- BI-WEEKLY INSPECTIONS, PERFORMED BY A PROFESSIONAL, WILL BE SUBMITTED TO GAINESVILLE DEPARTMENT OF WATER RESOURCES UNTIL PROJECT IS ACCEPTED INTO MAINTENANCE.
- ROADS AND SIDEWALKS WITHIN THIS PROPOSED DEVELOPMENT TO REMAIN PRIVATE AND WILL BE THE RESPONSIBILITY OF THE DEVELOPER / HOA TO MAINTAIN

SUMMARY

CURRENT ZONING: PUD (ORD. 2011-01)
SITE AREA: 17.25 AC
DISTURBED AREA: 15.5 AC
PROP. NO. UNITS: 128
PROP. DENSITY: 7.42 UN/AC
SETBACKS
FRONT: 5'
SIDE: 0' W/ 20' BETWEEN STRUCTURES
REAR: 20'
GUEST PARKING PROVIDED: 38 SP
MAIL KIOSK PARKING PROVIDED: 3 SP
WATER AND SANITARY SEWER SERVICE BY CITY OF GAINESVILLE
THIS SITE DOES NOT LINE IN A FEMA DESIGNATED FLOOD HAZARD AREA PER F.I.R.M. PANEL NO. 13139C0188G, DATED 4-4-2018
BOUNDARY INFORMATION BASED ON SURVEY INFORMATION PROVIDED BY PATTON LAND SURVEYING, INC.
TOPOGRAPHIC INFORMATION BASED ON LIDAR INFORMATION.
SANITARY SERVICE SHALL BE COLLECTED, CONVEYED, AND DISPOSED BY THE CITY OF GAINESVILLE SOLID WASTE DEPARTMENT.



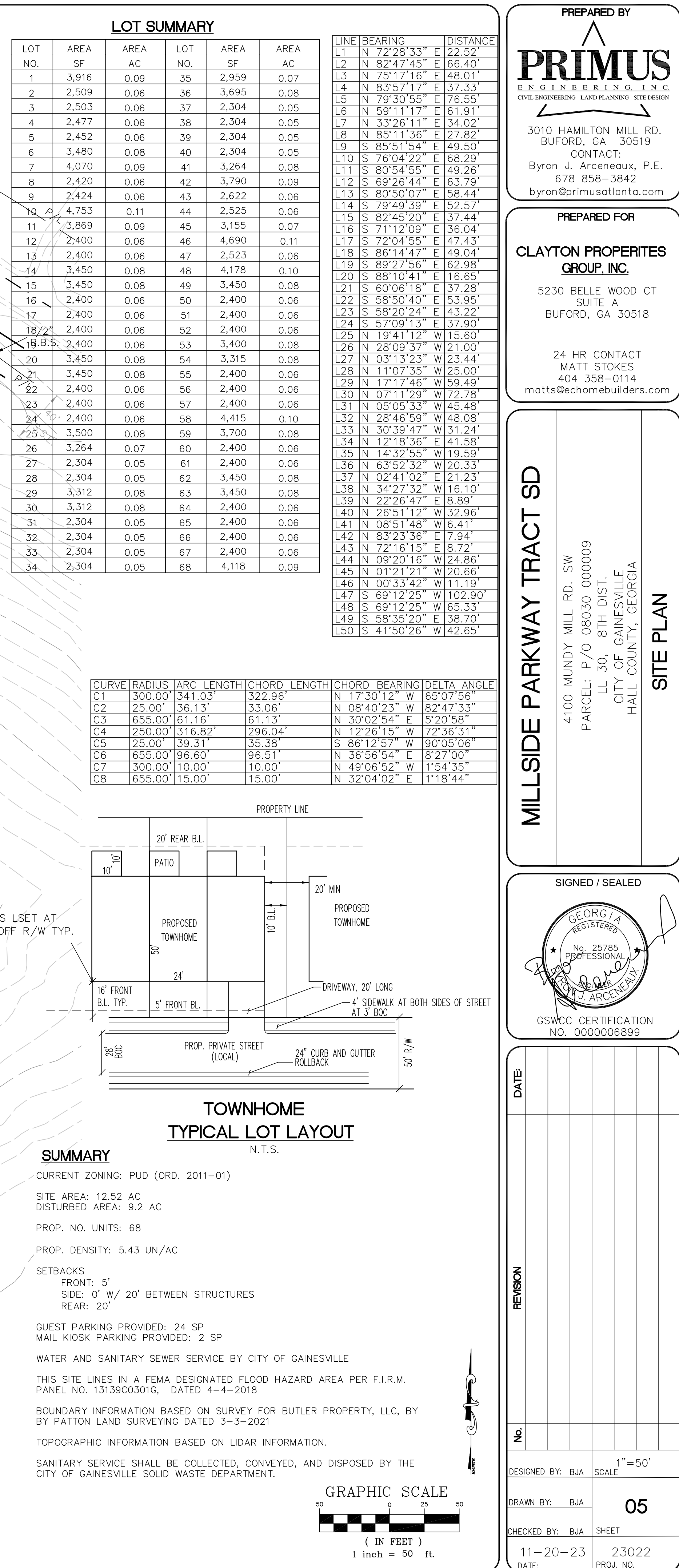
PREPARED BY
PRIMUS
ENGINEERING, INC.
CIVIL ENGINEERING - LAND PLANNING - SITE DESIGN
3010 HAMILTON MILL RD.
BUFORD, GA 30519
CONTACT:
Byron J. Arceneaux, P.E.
678 858-3842
byron@primusatlanta.com

PREPARED FOR
CLAYTON PROPERTIES GROUP, INC.
5230 BELLE WOOD CT
SUITE A
BUFORD, GA 30518
24 HR CONTACT
MATT STOKES
404 358-0114
matts@echomebuilders.com

OLD OAKWOOD TRACT SD
PARCEL: 08024 005363
2930 OLD OAKWOOD RD.
LL 24, 8TH DIST.
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA
SITE PLAN

SIGNED / SEALED
GEORGIA REGISTERED PROFESSIONAL
No. 25785
Byron J. Arceneaux
GSWCC CERTIFICATION NO. 000006899

DATE											
REVISION											
No.											
DESIGNED BY: BJA						1"=60' SCALE					
DRAWN BY: BJA						05					
CHECKED BY: BJA						SHEET					
11-15-23						23023					
DATE						PROJ. NO.					





Pod "E" 17.25± Acres Tract



Pod "F" 12.52± Acres Tract