



LAWRENCEVILLE

GEORGIA

CITY COUNCIL REGULAR MEETING MINUTES

Monday, September 28, 2020
7:00 PM

Council Assembly Room
70 S. Clayton St, GA 30046

Call to Order

PRESENT

Mayor David Still

Council Member Glenn Martin

Council Member Victoria Jones

Mayor Pro Tem Bob Clark

Council Member Keith Roche

Prayer

Justin Taylor delivered the prayer.

Pledge of Allegiance

Mayor Still led the group in the Pledge of Allegiance.

Agenda Additions / Deletions

Council added 3 additional items to the agenda.

Item #22 - Consideration of agreement with Gwinnett County for CARES Act Funding

Item #23 - Consideration of Submittal and Expenses Budget for CARES Act Funding

Item #24 - Consideration of Change Orders for COVID Related Expenses for the Lawrenceville Performing Arts Center and Bobby Sikes Center

Motion to accept agenda as amended made by Council Member Martin, Seconded by Council Member Roche.

Voting Yea: Mayor Still, Council Member Martin, Council Member Jones, Mayor Pro Tem Clark, Council Member Roche

Approval of Prior Meeting Minutes

Motion to accept the minutes as amended made by Council Member Jones, Seconded by Council Member Roche.

Voting Yea: Mayor Still, Council Member Martin, Council Member Jones, Mayor Pro Tem Clark, Council Member Roche

1. August 24, 2020 Regular and Executive Session
2. August 31, 2020 Special Call and Executive Session
3. September 16, 2020 Work Session and Executive Session

Recognitions

4. Police Department

During a routine work shift Officer Brad Ehaz and Lieutenant Gary Kotkiewicz employed an AED (defibrillator) to successfully restore the heartbeat of a gentleman in cardiac arrest.

Announcements

Victoria Jones reminded the audience to complete their Census. Mayor Still pointed out the slide with all of the upcoming City events.

Public Comment

Presentations will be limited to 2 minutes per person and Council will not respond to the comment.

Reverend Evelyn Johnson came up and spoke about she does not want to defund the Police and how greatly appreciative she is of their service and how they help the community.

Consent Agenda

These are items on which the Mayor and Council are in agreement to approve and are placed on the agenda to be approved in one vote.

Lee Thompson read the Consent Agenda into record.

Motion to approve the Consent Agenda as read into record made by Council Member Roche, Seconded by Council Member Jones.

Voting Yea: Mayor Still, Council Member Martin, Council Member Jones, Mayor Pro Tem Clark, Council Member Roche

5. Trittech/Zuercher/Central Square
6. Right-of-Way Tree Trimming on an Annual Contract
7. Change Order 1 to Wood Pole Replacement Service on an Annual Contract
8. Provision of Landscape and Maintenance Services on an Annual Contract
9. Janitorial Maintenance Services on an Annual Contract
10. Insulation Replacement in the Aurora Theatre Roof
11. Purchase of Parking Guidance System

12. Building Authority Board Appointments
13. Downtown Development Board Appointment

Public Hearing Old Business

Discussion will be limited to 7 minutes per side including rebuttal. Discussions on Zoning issues will be limited to 10 minutes per side including rebuttal. Questions and answers from Council Members will not infringe on the time limit.

14. RZC2020-00016 & SUP2020-00032; Family Promise of Gwinnett County; 757 Moon Road

Todd Hargrave delivered the presentation. The applicant, Carol Love, also came up and spoke. Marie Bieser came up and stated her concern for proper fencing. Stephanie Potra came up and spoke her opinion on how she is for Family Promise and how it has positively effected her life. Finally, Tressie Harwin came up and spoke how she is for Family Promise and gave many postive examples of how it impacts lives.

Motion to approve RZC2020-00016 & SUP2020-00032 with Council conditions made by Council Member Martin, Seconded by Council Member Roche.

Voting Yea: Mayor Still, Council Member Martin, Council Member Jones, Mayor Pro Tem Clark, Council Member Roche

Public Hearing New Business

Discussion will be limited to 7 minutes per side including rebuttal. Discussions on Zoning issues will be limited to 10 minutes per side including rebuttal. Questions and answers from Council Members will not infringe on the time limit.

15. ANNX2020-00002; TPRF Marathon, LLC, c/o Michael A. Swink; UPS Ground Freight Inc., c/o Robert P. Harder; TR Tipton Corporation, c/o CBRE, Inc, Michael A. Latham; 525 Marathon Parkway, 775 Marathon Parkway and 770 Marathon Parkway
Todd Hargrave delivered the presentation.

Motion to approve ANNX2020-00002 with conditions as presented in packet by Council Member Roche, Seconded by Mayor Pro Tem Clark.

Voting Yea: Mayor Still, Council Member Martin, Council Member Jones, Mayor Pro Tem Clark, Council Member Roche

16. RZC2020-00017 & SUP2020-00036; Highlands Residential, LLC, c/o David Loeffel; 77 East Pike Street, 250 McArthur Street and Georgia Department of Transportation Property

Todd Hargrave delivered the presentation. The applicant, David Loeffel, also came up and spoke.

Motion to approve RZC2020-000 & 17 SUP2020-00036 with conditions as amended made by Mayor Still, Seconded by Mayor Pro Tem Clark.

Voting Yea: Mayor Still, Council Member Martin, Council Member Jones, Mayor Pro Tem Clark,

Council Member Roche

17. RZM2020-00004 & SUP2020-00035; Universal Planning and Development, LLC c/o Eric Johansen; along the southern right-of-way of Gwinnett Drive, east of Scenic Highway

Todd Hargrave delivered the presentation. The applicant, Eric Johansen, also came up and spoke.

Motion to approve RZM2020-00004 with conditions as amended in the motion made by Mayor Still, Seconded by Council Member Roche.

Voting Yea: Mayor Still, Council Member Martin, Council Member Jones, Mayor Pro Tem Clark, Council Member Roche

Motion to deny SUP2020-00035 without prejudice made by Council Member Roche, Seconded by Mayor Pro Tem Clark.

Voting Yea: Mayor Still, Council Member Martin, Council Member Jones, Mayor Pro Tem Clark, Council Member Roche

18. ZOA2020-00001 - City of Lawrenceville Zoning Ordinance 2020 Amendment; Article 1 Districts, Section(s) 102.5 RM-8 Townhouse Residential District, 102.6 RM-12 Multifamily Residential District, 102.7 RM-24 Multifamily Residential District , 102.9 CMU Community Mixed-Use District, and 103.2 Use Table; and Article 2 Supplementary Regulations, Section 200.3 Supplemental Use Standards.

Todd Hargrave delivered the presentation. Derek Cheek came up and asked questions, but remained neutral.

Motion to approve ZOA2020-00001 - City of Lawrenceville Zoning Ordinance 2020 Amendment made by Council Member Roche, Seconded by Council Member Martin.

Voting Yea: Mayor Still, Council Member Martin, Council Member Jones, Mayor Pro Tem Clark, Council Member Roche

Council Business Old Business

There is no public comment during this section of the agenda unless formally requested by the Mayor and the Council.

19. Ordinance Amendment to Chapter 18 Emergency Management
Chuck Warbington delivered the presentation.

Motion to approve Ordinance Amendment to Chapter 18 Emergency Management made by Council Member Roche, Seconded by Council Member Jones.

Voting Yea: Mayor Still, Council Member Martin, Council Member Jones, Mayor Pro Tem Clark, Council Member Roche

20. Paper Mill Road Construction, Engineering and Inspection Agreement
Chuck Warbington delivered the presentation.

Motion to approve Paper Mill Road Construction, Engineering and Inspection Agreement made by Mayor Pro Tem Clark, Seconded by Council Member Jones.

Voting Yea: Mayor Still, Council Member Martin, Council Member Jones, Mayor Pro Tem Clark, Council Member Roche

Council Business New Business

There is no public comment during this section of the agenda unless formally requested by the Mayor and the Council.

21. Termination of Water Remediation Technology Contract
Barry Mock delivered the presentation.

Motion to approve Termination of Water Remediation Technology Contract made by Mayor Pro Tem Clark, Seconded by Council Member Martin.

Voting Yea: Mayor Still, Council Member Martin, Council Member Jones, Mayor Pro Tem Clark, Council Member Roche

22. Consideration of agreement with Gwinnett County for CARES Act Funding

Motion to approve the Resolution and agreement with Gwinnett County for CARES Act Funding made by Council Member Roche, Seconded by Council Member Martin.

Voting Yea: Mayor Still, Council Member Martin, Council Member Jones, Mayor Pro Tem Clark, Council Member Roche

23. Consideration of Submittal and Expenses Budget for CARES Act Funding

Motion to approve the Submittal and Expenses Budget for CARES Act Funding made by Council Member Roche, Seconded by Council Member Jones.

Voting Yea: Mayor Still, Council Member Martin, Council Member Jones, Mayor Pro Tem Clark, Council Member Roche

24. Consideration of Change Orders for COVID Related Expenses for the Lawrenceville Performing Arts Center and Bobby Sikes Center

Motion to approve the Change Orders for COVID Related Expenses for the Lawrenceville Performing Arts Center and the Bobby Sikes Center made by Council Member Roche, Seconded by Council Member Martin.

Voting Yea: Mayor Still, Council Member Martin, Council Member Jones, Mayor Pro Tem Clark, Council Member Roche

Executive Session - Personnel, Litigation, Real Estate

Motion to enter Executive Session made by Mayor Pro Tem Clark, Seconded by Council Member Jones.

Voting Yea: Mayor Johnson, Council Member Jones, Council Member Roche, Council Member Still, Mayor Pro Tem Clark

Motion to adjourn Executive Session made by Council Member Roche, Seconded by Mayor Pro Tem Clark.

Voting Yea: Mayor Still, Council Member Jones, Council Member Roche, Mayor Pro Tem Clark, Council Member Martin

Report of items discussed in Executive Session

1 Real Estate

1 Personnel

No Votes Taken

Final Adjournment

Motion to adjourn made by Mayor Pro Tem Clark, Seconded by Council Member Roche.

Voting Yea: Mayor Still, Council Member Martin, Council Member Jones, Mayor Pro Tem Clark, Council Member Roche

Minute Signatures

David R. Still, Mayor

Karen Pierce, City Clerk

ORDINANCE NO. ZON-ORD 2020-22

AN ORDINANCE TO AMEND ARTICLE 1, DISTRICTS, SECTION 102.5 RM-8 TOWNHOUSE RESIDENTIAL DISTRICT; SECTION 102.6 RM-12 MULTIFAMILY RESIDENTIAL DISTRICT; SECTION 102.7 RM-24 MULTIFAMILY RESIDENTIAL DISTRICT; SECTION 102.9 CMU COMMUNITY MIXED-USE DISTRICT; TO REGULATE MINIMUM LOT AREA REQUIREMENTS AND EXEMPTIONS FOR THE MULTIFAMILY ZONING CLASSIFICATIONS; SECTION 103.2 USE TABLE TO REGULATE MINIMUM REQUIREMENTS FOR RETIREMENT COMMUNITY, CONTINUING CARE; AND RETIREMENT COMMUNITY, INDEPENDENT LIVING; AND TALL STRUCTURES; ARTICLE 2, SUPPLEMENTARY REGULATIONS, SECTION 200.3 SUPPLEMENTAL USE STANDARDS TO REGULATE MINIMUM REQUIREMENTS FOR RETIREMENT COMMUNITY, CONTINUING CARE; RETIREMENT COMMUNITY, INDEPENDENT LIVING; AND TALL STRUCTURES OF THE CITY OF LAWRENCEVILLE ZONING ORDINANCE 2020

The City Council of the City of Lawrenceville, Georgia hereby ordains that the City of Lawrenceville Zoning Ordinance 2020 is amended as follows:

Section 1. Delete subsection A. Purpose of Section 102.5 RM-8 Townhouse Residential District and replace it as follows:

A. Purpose

The RM-8 Townhouse Residential District is designed to provide for townhome development that will be compatible when located near and among lower- and moderate-density types of developments.

Property in the RM-8 Townhouse Residential District shall be developed in accordance with the Minimum Lot Area requirement and the applicable site related provisions of the City of Lawrenceville Development Regulations.

Section 2. Delete subsection B. Lot Development Standards of Section 102.5 RM-8 Townhouse Residential District and replace it as follows:

B. Lot Development Standards

Min. Lot Area	Unit Width Min.	External Min. Front Setback	External Min. Side Setback	External Min. Rear Setback	Min. Heated Floor Area	Impervious surface Max. Lot Coverage	Max. Building Height	Min. Com. Area	%
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5 acre	20 ft.	25 ft.	20 ft.*	20 ft.	See table below	40%	35 ft.	15%
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- 40 feet if located on Major Arterial
- This Minimum Lot Area shall not be reduced by a Variance. If property was zoned (RM-12) General Residence, 3,600 Sq. Ft. District at the time of adoption of the City of Lawrenceville Zoning Ordinance 2020 (ZON-ORD 2020-9), on May 20, 2020, and property does not meet the Minimum Lot Area then the property owner may apply for a Variance.
- Duplexes shall be prohibited.

Minimum Heated Floor Area				
Studio	1-bedroom	2-bedroom	3-bedroom	4-bedroom
-	1,000	1,200 sq. ft.	1,400 sq. ft.*	1,600 sq. ft.*

Min. Unit width	
Double-car garage	20 ft.

*Three-bedroom units shall be limited to 40% of the entire townhouse development.

*Four-bedroom units shall be limited to 10% of the entire townhouse development.

Section 3. Delete only certain provisions (2, 4, 7, and 9) of subsection E. Development Standards of Section 102.5 RM-8 Townhouse Residential District and replace the specified provisions as follows:

E. Development Standards:

The following minimum requirements shall be applied to the property:

- Internal yard requirements: A 20-foot grassed or landscaped strip shall be provided between all building (facades/elevations), and interior private drives.
- Private Drive shall be installed with the following dimensions:
 - Street width shall be 24 feet. Two foot curb and gutter required (dimensions are back to back of curbs).
 - A 5-foot sidewalk is required and shall be 2 feet from the required back of the curb.
- Front entry units shall require the approval of an associated Special Use Permit. If approved, shall abide by the following rules and regulations:
 - Front entry garages: may not be converted into heated interior space without being replaced with another garage within the building of the property subject to the terms of this Ordinance.
 - Front entry units shall be setback 27 feet from required 24-foot Private Drive.
 - Driveway must provide two external parking spaces (9 ft. x 20 ft.).
- Rear entry garages:

- a. May not be converted into heated interior space without being replaced with another garage within the building of the property subject to the terms of this Ordinance.
- b. Require an 18-foot alley width.
- c. Shall be 20 feet off required alley.
- d. Driveway must provide two external parking spaces (9 ft. x 20 ft.).
- e. Front facade shall be setback 20 feet from the required 24-foot Private Drive.

Section 4. Add a new subsection H. titled “Zoning Exhibit” to Section 102.5 RM-8 Townhouse Residential District to read as follows:

H. Zoning Exhibit

As part of the application for rezoning, an exhibit shall be submitted that includes the following information:

- a. A location map showing the boundaries of the property with the current zoning of the property, as well as zoning on adjacent properties.
- b. A plan showing applicable details, to include lots, streets and right-of-ways, setback lines, dwelling sizes, off-street parking, on-street parking, street trees, sidewalks, multi-use trails, stormwater management facility areas, floodplain and wetlands, topography, and common space.
- c. Specifications, calculations, and applicable percentages for common area, density calculations, lot sizes, land use, gross and net acreage, dwelling units, and parking.
- d. Color elevations of front, sides, and rear of all typical units, including proposed building materials, building heights and any other structures.
- e. Other architectural and engineering data necessary to demonstrate conformity with applicable standards of the district and with the Article 6, Architectural and Design Standards.
- f. Conceptual Signage Plan.

Section 5. Delete subsection A. Purpose of Section 102.6 RM-12 Multifamily Residential District and replace it as follows:

A. Purpose

The RM-12 Multifamily Residential District is designed to provide for low-rise and medium-density apartment developments that will be compatible when located near and among lower- and moderate-density types of developments. Dormitories are limited specifically to Georgia Gwinnett College campus.

Property in the RM-12 Multifamily Residential District shall be developed in accordance with the Minimum Lot Area requirement and the applicable site related provisions of the City of Lawrenceville Development Regulations.

Section 6. Delete subsection B. Development Standards of Section 102.6 RM-12 Multifamily Residential District and replace it as follows:

B. Lot Development Standards

Min. Lot Area	Lot Width Min.	Min. Front Setback	Min. Side Setback	Min. Rear Setback	Min. Heated Floor Area	Max. Lot Coverage	Max. Building Height
5 acre	100 ft.	50 ft.	25 ft.	40 ft.	See table below	60%	35 ft.

Min. Heated Floor Area	Studio	1-bedroom	2-bedroom	3-bedroom
Apartments*	650 sq. ft.	800 sq. ft.	1000 sq. ft.	1,200 sq. ft.

- No more than 10% of the total units shall be three-bedroom apartments.
- This Minimum Lot Area shall not be reduced by a Variance. If property was zoned (RM-12) General Residence, 3,600 Sq. Ft. District at the time of adoption of the City of Lawrenceville Zoning Ordinance 2020 (ZON-ORD 2020-9), on May 20, 2020, and property does not meet the Minimum Lot Area then the property owner may apply for a Variance.
- Duplexes shall be prohibited.

Section 7. Add a new subsection H. titled “Zoning Exhibit” to Section 102.6 RM-12 Multifamily Residential District to read as follows:

H. Zoning Exhibit

As part of the application for rezoning, an exhibit shall be submitted that includes the following information:

- A location map showing the boundaries of the property with the current zoning of the property, as well as zoning on adjacent properties.
- A plan showing applicable details, to include lots, streets and right-of-ways, setback lines, dwelling sizes, off-street parking, on-street parking, street trees, sidewalks, multi-use trails, stormwater management facility areas, floodplain and wetlands, topography, and common space.
- Specifications, calculations, and applicable percentages for common area, density calculations, lot sizes, land use, gross and net acreage, dwelling units, and parking.
- Color elevations of front, sides, and rear of all typical units, including proposed building materials, building heights and any other structures.
- Other architectural and engineering data necessary to demonstrate conformity with applicable standards of the district and with the Article 6, Architectural and Design Standards.
- Conceptual Signage Plan.

Section 8. Delete subsection A. Purpose of Section 102.7 RM-24 Multifamily Residential District and replace it as follows:

A. Purpose

The RM-24 Multifamily Residential District is designed to provide for medium-rise and high-density apartment developments that will be compatible when located near and among lower- and moderate-density types of developments. Apartments may be allowed in this district.

Property in the RM-24 Multifamily Residential District shall be developed in accordance with the Minimum Lot Area requirement and the applicable site related provisions of the City of Lawrenceville Development Regulations.

Section 9. **Delete subsection B. Development Standards of Section 102.7 RM-24 Multifamily Residential District and replace it as follows:**

B. Lot Development Standards

C. Min. Lot Area	Lot Width Min.	Min. Front Setback	Min. Side Setback	Min. Rear Setback	Min. Heated Floor Area	Max. Lot Coverage	Max. Building Height
10 acre	100 ft.	50 ft.	25 ft.	40 ft.	See table below	60%	70 ft.

Min. Heated Floor Area	Studio	1-bedroom	2-bedroom	3-bedroom
Apartments*	650 sq. ft.	800 sq. ft.	1000 sq. ft.	1,200 sq. ft.

- No more than 10% of the total units shall be three-bedroom apartments.
- This Minimum Lot Area shall not be reduced by a Variance. If property was zoned (RM-12) General Residence, 3,600 Sq. Ft. District at the time of adoption of the City of Lawrenceville Zoning Ordinance 2020 (ZON-ORD 2020-9), on May 20, 2020, and property does not meet the Minimum Lot Area then the property owner may apply for a Variance.
- Duplexes shall be prohibited.

Section 10. **Add a new subsection H. titled “Zoning Exhibit” to Section 102.7 RM-24 Multifamily Residential District to read as follows:**

H. Zoning Exhibit

As part of the application for rezoning, an exhibit shall be submitted that includes the following information:

- A location map showing the boundaries of the property with the current zoning of the property, as well as zoning on adjacent properties.
- A plan showing applicable details, to include lots, streets and right-of-ways, setback lines, dwelling sizes, off-street parking, on-street parking, street trees, sidewalks,

- multi-use trails, stormwater management facility areas, floodplain and wetlands, topography, and common space.
- c. Specifications, calculations, and applicable percentages for common area, density calculations, lot sizes, land use, gross and net acreage, dwelling units, and parking.
- d. Color elevations of front, sides, and rear of all typical units, including proposed building materials, building heights and any other structures.
- e. Other architectural and engineering data necessary to demonstrate conformity with applicable standards of the district and with the Article 6, Architectural and Design Standards.
- f. Conceptual Signage Plan.

Section 11. Delete subsection A. Purpose of Section 102.9 CMU Community Mixed-Use District and replace it as follows:

A. Purpose

The purpose of the CMU Community Mixed-Use District is to promote complementary groupings of small-scale mixed-use buildings that are within walking distance and compatible with the surrounding neighborhood. It is the intent of this district to provide for diverse housing options to accommodate multigenerational communities within a range of residential building forms, lot sizes, and dwelling sizes and neighborhood-oriented retail, services, and low-intensity office uses that are within convenient walking distances.

Property in the CMU Community Mixed-Use District shall be developed in accordance with the Minimum Lot Area requirement and the applicable site related provisions of the City of Lawrenceville Development Regulations.

Section 12. Delete subsection C. Lot Development Standards of Section 102.9 CMU Community Mixed-Use District and replace it as follows:

C. Lot Development Standards

Project Area Standard			Off Internal Streets or Private Driveways		
Minimum Lot Area	Road Frontage	Max. Height	Min. Front Setback	Min. Side Setback	Min. Rear Setback
5 acres	40 ft./lot	45 ft.	5-15 ft.	10-20 ft.	25-40 ft.

- This Minimum Lot Area shall not be reduced by a Variance. If property was zoned (RM-12) General Residence, 3,600 Sq. Ft. District at the time of adoption of the City of Lawrenceville Zoning Ordinance 2020 (ZON-ORD 2020-9), on May 20, 2020, and property does not meet the Minimum Lot Area then the property owner may apply for a Variance.
- Duplexes shall be prohibited.

Section 13. Add new category of uses titled “Retirement Community, Continuing Care” and “Retirement Community, Independent Living” to Section 103.2 Use Table as follows:

Uses	SAR	AR	RS-180	RS-150	RS-60	RM-8	RM-12	RM-24	MH	CMU	OI	BG	BGC	HSB	LM	HM
Retirement Community, Continuing Care	√									P						
Retirement Community, Independent Living	√									P						

Section 14. Add new category of uses titled “Tall Structures” to Section 103.2 Use Table as follows:

Uses	SAR	AR	RS-180	RS-150	RS-60	RM-8	RM-12	RM-24	MH	CMU	OI	BG	BGC	HSB	LM	HM
Tall Structures	√										S	S	S	S	S	S

Section 15. Add a new Subsection 200.3.66 titled “Retirement Community, Continuing Care” to read as follows:

200.3.66 Retirement Community, Continuing Care

- A. In all CMU Community Mixed-Use zoning districts, Retirement Community, Continuing Care facilities shall conform to the following requirements.
1. Shall be limited to the CMU Community Mixed-Use zoning classification.
 2. Proposals not meeting the minimum acreage requirement of 5 acres shall be required to obtain a Special Use Permit. Proposal of less than 2 acres shall not be accepted.
 3. Shall be located on a Principal Arterial, Major Arterial, Minor Arterial, Major Collector Street or State Highway.
 4. Duplexes shall be prohibited.

Section 16. Add a new Subsection 200.3.67 titled “Retirement Community, Independent Living” to read as follows: 200.3.67 Retirement Community, Independent Living

- A. In all CMU Community Mixed-Use zoning districts, Retirement Community, Independent Living facilities shall conform to the following requirements.
1. Shall be limited to the CMU Community Mixed-Use zoning classification.
 2. Proposals not meeting the minimum acreage requirement of 5 acres shall be required to obtain a Special Use Permit. Proposal of less than 2 acres shall not be accepted.
 3. Shall be located on a Principal Arterial, Major Arterial, Minor Arterial, Major Collector Street or State Highway.
 4. Duplexes shall be prohibited.
 - 5.

Section 17. **Add a new Subsection 200.3.74 titled “Tall Structure Permits” to read as follows:**

200.3.74 TALL STRUCTURE PERMITS

1. Required

1. Approval of a Special Use Permit.
2. Any person shall obtain a Tall Structure Permit from the City prior to commencement of the erection within the city limits of Lawrenceville of a chimney, cooling tower, elevator bulkhead, fire tower, gas tank, solarium, steeple, stacks, stage tower or scenery loft, tank, water tower, ornamental tower and spire, wireless communication tower, television tower or radio tower or necessary mechanical appurtenances that would be fifty (50) feet or greater in height from the ground.

2. Applications; Contents; Fee

All applications for Tall Structure Permit shall be submitted to the Planning and Development Department. Each application shall contain as a part thereof detailed plans and specifications which show the nature of the Tall Structure Permit, its proposed use, height of the Tall Structure Permit and its proposed location, with all property lines being clearly defined and distances from the proposed Tall Structure Permit to all property lines. An application for a Tall Structure Permit shall not be accepted for processing without the information required in this article. An application fee shall be charged by the department in an amount stated in the schedule of fees and charges.

3. Review of application by Planning Department

If, upon receipt of an application for a Tall Structure Permit, the department deems that the proposed Tall Structure Permit may interfere with the use of the airways of the county by the public or interfere with the operation of existing or proposed airport facilities, a copy of the application shall be submitted by the department to the Gwinnett County Airport Division of the County Department of Transportation for review and recommendation.

4. Public Hearing

Before taking action upon the proposed Tall Structure Permit, the City Council shall hold a public hearing on the matter. At least fifteen (15) days prior to the date of the public hearing, the City Council shall cause the following notice requirements to be instituted by the Planning and Development Department:

- a. A sign shall be erected in a conspicuous location, on or adjacent to the property under consideration. The sign shall state the time, place location, and purpose of the public hearing.
- b. A letter shall be sent by regular mail to all abutting property owners of record, as indicated by the county tax commissioners' records, giving notice of the public hearing. The letter shall state the same information as required for the sign permit.

5. Federal Requirements

All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with the revised standards and regulations within six (6) months of the effective date of such standards.

6. Building Codes and Safety Standards

To ensure the structural integrity of the towers, the owner of a tower shall maintain the tower in compliance with all City building codes and the applicable standards for towers published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City determines that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with the standards. If the owner fails to bring the tower into compliance within thirty (30) days, the City may remove the tower at the owner's expense, in the manner provided in O.C.G.A. Section 41-2-8 through 41-2-17.

7. Criteria for Disapproval

All applications for a Tall Structure Permit shall be considered by the City and in the exercise of its discretion under the police power vested in the City Council may disapprove any application where the proposed Tall Structure Permit could interfere with or endanger the public using the existing or proposed air facilities located within the county, or where the Tall Structure Permit to be erected could endanger the person or property of citizens of the county, or where the Tall Structure Permit to be erected would not be compatible from an aesthetic viewpoint with existing or proposed development in the area of the proposed facility, or where the Tall Structure Permit to be erected would not be acceptable or after evaluation would be found to be incompatible from an architectural standpoint with existing or proposed Tall Structure Permits in the area.

8. Penalty for violation of Article

- a. Any person who attempts to erect or erects a Tall Structure Permit described in this article without having first obtained a Tall Structure Permit from the City in the manner provided in this article shall be deemed in violation of this article. Any responsible party or other persons convicted by a court of competent jurisdiction of violating any provision of this article shall be guilty of violating a duly adopted Ordinance of the county and shall be punished either by a fine not to exceed \$500.00 or by imprisonment not to exceed sixty (60) days, or both. The court shall have the power and authority to place any person guilty of violation of this article on probation and to suspend or modify any fine or sentence. As a condition of the suspension, the court may require payment of restitution or impose other punishment allowed by law.
- b. If any Tall Structure Permit is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this article or without obtaining the required

permits, or if any building, Tall Structure Permit or land is used in violation of this article, the City Attorney or other appropriate authority of the City, in addition to any other remedies, may institute an injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate such violations. Each and every day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use continues may be deemed a separate offense.

9. Governmental Exemption

The provisions of this article shall not apply to City owned facilities and Tall Structure Permits.

10. Zoning

No permit shall be issued for any Tall Structure Permit unless said Tall Structure Permit is to be located on property with a zoning classification of BG, BGC, HM, HSB, LM, or O-I.

11. Severability

If any portion of this regulation is determined to be unconstitutional or otherwise unenforceable, the rest and remainder of this Ordinance shall remain in full force and effect.

IT IS HEREBY ORDAINED that any and all provisions (including but not limited to sections, subsections, etc.) not specifically referenced and amended herein shall remain unchanged and in full force and effect.

IT IS FURTHER ORDAINED that any new provisions inserted alphabetically shall cause other sections to be renumbered to accommodate said additions.

IT IS SO ORDAINED, this 28th day of September, 2020.

David R. Still, Mayor

Attest: _____
Karen Pierce, City Clerk

ORDINANCE NO. ORD-2020-5

AN ORDINANCE TO AMEND CHAPTER 18. EMERGENCY MANAGEMENT OF THE CODE OF THE CITY OF LAWRENCEVILLE, GEORGIA

The City Council of the City of Lawrenceville, Georgia hereby ordains that Chapter 18 (Emergency Management) of the Code of the City of Lawrenceville, Georgia is hereby amended as follows:

Section 1:

That Chapter 18 shall be deleted in its entirety and replaced as set forth below:

CHAPTER 18. EMERGENCY MANAGEMENT

Sec. 18-1. - Definitions.

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

Curfew means a temporary prohibition against any persons walking, loitering, standing, bicycling, motoring, or similar activities upon any sidewalk, street, public property, vacant premises or any public place within the city, or some designated part or parts of the city, except, however, those persons whose official duties require them to be present.

Disaster means a severe or prolonged incident that threatens life, property, the environment or critical systems including but not limited to, fire, flood, snowstorm, ice, ice storm, heat, tornado, hurricane, windstorm, oil spill, water contamination, utility failure, hazardous peacetime radiological incident, major transportation accident, hazardous material incident, epidemic, pandemic, air contamination, drought, infestation, explosion, or hostile military or para-military action or similar occurrences resulting from terrorist activities, riots, or civil disorders.

Emergency means an incident, natural or human-caused, that requires responsive actions to protect life, property, environment, critical systems, or major disruption of routine community affairs or business or government operations.

Emergency management means the preparation for the carrying out of all emergency functions other than functions for which military forces are primarily responsible to prevent, minimize, and repair injury and damage resulting from emergencies, energy emergencies, public health emergency, disasters, or the imminent threat thereof, of manmade or natural origin caused by enemy attack, sabotage, acts of domestic or international terrorism, civil disturbance, fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, pandemic, air contamination, blight, drought, infestation, explosion, riot or other hostile action, radiological action, or other causes. These functions include, without limitation, firefighting services; police

services; emergency medical services; rescue; engineering; warning services; communications; defense from radiological, chemical, biological, and other special weapons to include weapons of mass destruction; evacuation of persons from stricken areas; emergency welfare services; consequence management functions to include victim services; emergency transportation; plant protection; temporary restoration of public utility services; and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions.

Local emergency management director means the person nominated by the county and appointed by the state emergency management director with primary responsibility for emergency management mitigation, preparedness, response and recovery within the county.

Local state of emergency means a declaration by the appropriate official(s) of Gwinnett County or by the mayor of the City of Lawrenceville.

State emergency management director means the person appointed by the Governor to head the state emergency management agency.

Sec. 18-2. - Local organization for emergency management.

- (a) In agreement with the governing officials of Gwinnett County and the other cities within Gwinnett County, there is hereby established the county emergency management agency. The board of commissioners of the county, with concurrence of the governing officials of the cities within the county, shall nominate for appointment by the state emergency management director a director of the county emergency management agency. Upon appointment, the director of the county emergency management agency shall have direct responsibility for the organization, administration, and operations of the county emergency management agency, subject to the direction and control of the governing officials of the county and shall serve at the pleasure of such governing officials.
- (b) The director of the county emergency management agency is charged with the following duties:
 - (1) Represent the governing officials of the county and cities therein on matters pertaining to emergency management.
 - (2) Assist county and city officials in organizing county and city departments for emergency operations.
 - (3) Develop, in conjunction with county and city departments, the Gwinnett County Emergency Operations Plan for emergency functions. Such plan shall be in consonance with the Georgia Emergency Operations Plan and shall be submitted to the governing officials of the county and the cities therein for approval and, thereafter, to the state emergency management agency for approval.

- (4) Maintain the emergency management agency and carry out the day-to-day administration of the county emergency management program, including the submission of required reports to the state emergency management agency.
- (5) Submit reports as required by the governing officials of the county and cities therein in keeping with good management practices; e.g., financial, daily activity, etc.
- (6) Obtain, with the authority of the governing officials of the county, a facility to be used as the Gwinnett County Emergency Operations Center.
- (7) Coordinate the activities of the Gwinnett County Emergency Operations Center staff during periods of an emergency and under the supervision of the county commissioners.
- (8) Exercise the powers and discharge the duties conferred upon the emergency management agency, including implementation of the emergency operations plan, coordination of the emergency response of public and private agencies and organizations, coordination of recovery efforts with state and federal officials, and inspection of emergency or disaster sites.
- (9) The director or his designee is authorized to enter at a reasonable time upon any property, public or private, for the purpose of investigating and inspecting sites involved with emergency management functions. The director is authorized to execute a right of entry and/or agreement to use property for these purposes on behalf of the county; however, any such document shall be later presented for ratification by the county commissioners.

Sec. 18-3. - Declaration of local emergency by the chairman of the county board of commission.

- (a) In the event of an actual or threatened occurrence of a disaster or emergency which may result in the large-scale loss of life, injury, property damage or destruction; or in the major disruption of routine community affairs, business or governmental operations in the county; and which is of sufficient severity and magnitude to warrant extraordinary assistance by federal, state and local departments and agencies to supplement the efforts of available public and private resources, the chairman of the county board of commissioners may issue an emergency or disaster declaration for the unincorporated areas of the county and the affected cities within the county upon the execution of an intergovernmental agreement between the county and the affected cities.
- (b) The declaration of local emergency shall continue until the chairman of the county commissioners finds that emergency conditions no longer exist, at which time the chairman shall execute and file with the clerk of the county board of commissioners a document marking the end of the state of emergency. No state of emergency shall continue for longer than 30 days, unless renewed by the chairman. The county board of commissioners may, by resolution, end a state of emergency at any time.

Sec. 18-4. - Declaration of local emergency by the mayor of the city.

- (a) In addition to any other emergency powers set forth in the ordinances of the city, the mayor, as chief executive of the city, shall have the emergency power to declare an emergency to exist when, in the mayor's opinion, any one or more of the following conditions exist:
 - (1) There is extreme likelihood of danger of destruction of life or property due to unusual conditions;
 - (2) Unusual or extreme weather conditions, making use of city streets or areas difficult or impossible;
 - (3) There is a major disruption of routine community affairs, business or governmental operations in the city;
 - (4) Civil unrest, commotion or uprising is imminent or exists; or
 - (5) There is a stoppage or loss of a public utility affecting a major portion of the city.
- (b) The declaration of local emergency shall continue until the mayor finds that emergency conditions no longer exist, at which time the mayor shall execute and file with the city clerk a document marking the end of the state of emergency. No state of emergency shall continue for longer than 30 days, unless renewed by the mayor. The city council may, by resolution, end a state of emergency at any time.

Sec. 18-5. - Effect of declaration of emergency.

- (a) *Activation of emergency operations plan.* The Gwinnett County Emergency Operations Plan developed in conjunction with county and city departments is always in effect, and elements can be implemented as needed on a flexible, scalable basis to improve response capabilities. The resolution to adopt the Gwinnett County Emergency Operations Plan serves as the authority for deployment of personnel to respond to the emergency and for the use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled or arranged to be made available pursuant to the Georgia Emergency Management Act or any other laws applicable to emergencies or disasters. Activation of the Gwinnett County Emergency Operations Plan is not dependent upon a declaration of local emergency.
- (b) *Emergency powers.* Following a declaration of an emergency and during the continuance of such state of emergency, the mayor, separately or jointly with the chairman of the county board of commissioners and the mayors or designees of other affected cities, is authorized to implement local emergency measures to protect life and property or to bring the emergency situation under control. In exercising this authority, the mayor may cause to become effective any of the following sections of this article as appropriate: section 18-9 (registration of building and repair services), which shall become effective if the Governor declares a state of emergency; and section 18-6 (closed or restricted areas and curfews). If

any of these sections are included in a declaration of local emergency, the same shall be filed in the office of the city clerk and shall be in effect until the declaration of local emergency has terminated.

- (c) *Authority to waive procedures and fees.* Pursuant to a declaration of emergency, the mayor is authorized to cause to be effective any of the subsections of section 18-7 as appropriate. The implementation of such subsections shall be filed in the office of the city clerk.
- (d) *Additional emergency powers.* The mayor shall have, and may exercise for such periods as such emergency or disaster exists or continues to exist, the following additional emergency powers:
 - (1) To utilize all available resources of the city and subordinate agencies over which the city has budgetary control as reasonably necessary to cope with the emergency or disaster;
 - (2) To provide benefits to citizens upon execution of an intergovernmental agreement for grants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by an emergency or disaster in cases where the individuals or families are unable to meet the expenses or needs from other means, provided that such grants are authorized only when matching state or federal funds are available for such purpose;
 - (3) To transfer the direction, personnel or functions of any city departments and agencies or units thereof for the purpose of performing or facilitating emergency services;
 - (4) To utilize public property and/or the property of citizens when necessary to cope with the emergency or disaster or when there is compelling necessity for the protection of lives, health and welfare;
 - (5) To make provision for the availability and use of temporary emergency housing, emergency shelters, and/or emergency medical shelters;
 - (6) To temporarily suspend any law, code provision or regulation prescribing the procedures for conducting county business, or any ordinance, resolution, order, rule or regulation of any city agency, if strict compliance with such ordinance, resolution, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency or disaster, provided that such suspension shall provide for the minimum deviation from the requirements under the circumstances and further provided that, when practicable, efforts shall be made to avoid adverse effects resulting from such suspension;
 - (7) To direct and compel the evacuation of all or part of the population from any stricken or threatened area, for the preservation of life or other disaster mitigation, response or recovery;
 - (8) To prescribe routes, modes of transportation, and destinations in connection with evacuation;

- (9) To suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives and flammable liquids and substances;
- (10) To close any or all city-owned buildings and other facilities to the use of the general public;
- (11) To close streets and sidewalks in delineated areas; and
- (12) To perform and exercise such other functions, powers and duties as may be deemed necessary for the preservation of life, limb or property or to promote and secure the safety and protection of the civilian population, including individuals with household pets and service animals prior to, during and following a major disaster or emergency.

Sec. 18-6. - Closed or restricted areas and curfews during emergency.

- (a) Upon issuance of an emergency or disaster declaration, the mayor, separately or jointly with the chairman of the county board of commissioners and the mayors of other affected cities, may institute a curfew when it is determined necessary to protect and safeguard the people and property of the city.
- (b) To preserve, protect or sustain the life, health, welfare or safety of persons, or their property, within a designated area under a declaration of emergency, it shall be unlawful for any person to travel, loiter, wander or stroll in or upon the public streets, highways, roads, lanes, parks, or other public grounds, public places, public buildings, places of amusement, eating establishments, vacant lots or any other place between hours specified by the mayor until the curfew is lifted.
- (c) The provisions of this section shall not apply to persons acting in the following capacities:
 - (1) Authorized and essential law enforcement personnel;
 - (2) Authorized and essential health care providers;
 - (3) Authorized and essential personnel of the city or Gwinnett County;
 - (4) Authorized National Guard or federal military personnel;
 - (5) Authorized and essential firefighters;
 - (6) Authorized and essential emergency response personnel;
 - (7) Authorized and essential personnel or volunteers working with or through the county emergency management agency;
 - (8) Authorized and essential utility repair crews;
 - (9) Citizens seeking to restore order to their home or business while on their own property or place of business;
 - (10) Other authorized and essential persons as designated on a list compiled and maintained by the county emergency management agency, the county police department, and/or the city police department.

- (d) **Enforceability.** This section shall be enforced by law enforcement personnel approved to provide aid and assistance during the emergency. Nothing contained in this section shall prohibit a law enforcement officer from bringing other charges authorized by state law.
- (e) **Effective date.** This section shall become effective only upon the signing of a declaration of emergency by the mayor.

Sec. 18-7. - Authority to waive procedures and fee structures.

- (a) **City business and meetings.** Upon declaration of an emergency or disaster by the Governor or mayor, the affairs and business of the city may be conducted at places other than the regular or usual location, within or outside of the city, when it is not prudent, expedient or possible to conduct business at the regular location. When such business occurs outside of the city, all actions taken by the city council shall be as valid and binding as if performed within the city. City council meetings may be called by the mayor, and the formal procedures required by law for meeting notices may be modified. Official meetings of the city council and any other agency, authority, board, or commission of the city may conduct meetings by teleconference or video conference during the emergency or disaster declaration.
- (b) **Public works contracts.** Upon declaration of an emergency or disaster by the Governor or mayor, the city may contract for public works without letting such contract out to the lowest, responsible bidder and without advertising and posting notification of such contract; provided, however, that the emergency must be of such nature that immediate action is required and that the action is necessary for the protection of the public health, safety and welfare. Any public works contract entered into pursuant to this subsection shall be entered on the minutes of the city as soon as practical and the nature of the emergency described therein in accordance with O.C.G.A. § 36-91-22(e).
- (c) **Purchasing.** Upon declaration of an emergency or disaster by the Governor or mayor, the city procedures for soliciting and advertising projects pursuant to the city's purchasing ordinance may be suspended during the period of emergency. City officials shall, however, continue to seek to obtain the best prices during the state of emergency.
- (d) **Code enforcement.** Upon declaration of a state of emergency or disaster by the Governor or mayor, the city council may temporarily suspend the enforcement of the ordinances of the city, or any portion thereof, where the emergency is of such nature that immediate action outside the code is required, such suspension is consistent with the protection of the public health, safety and welfare, and such suspension is not inconsistent with any federal or state statutes or regulations.
- (e) **Fees.** Upon declaration of a state of emergency or disaster by the Governor or mayor, the city council or its designees may temporarily reduce or suspend any permit fees, application fees or other rate structures as necessary to encourage the rebuilding of any areas impacted by the disaster or emergency. The term "fees" include fees or rates charged by the city for building permits, land disturbance permits, zoning applications, special land

use permits, temporary land use permits and other fees relating to the reconstruction, repair and cleanup of areas impacted by the disaster or emergency. The term "fees" does not include fees collected by the city on behalf of the state or federal government or fees charged by the county pursuant to a state or federal statute or regulation. The temporary reduction or suspension of fees under this section in no way suspends or exempts the related inspections related to any required permit.

- (f) *Temporary dwellings.* Upon the declaration of a state of emergency or disaster by the Governor or mayor, the city council or its designees may issue temporary mobile home, trailer, recreational vehicle or other temporary dwelling structures or parks in any zoning district, even though not otherwise permitted by zoning ordinance or development code, while the primary dwelling is being repaired, provided that such temporary dwellings or parks are designed by an engineer and the plans are approved by the county health department and planning department. The temporary permit shall not exceed six months in duration. In the case of a continuing hardship, and in the discretion of the city council or its designees, the permit may be extended for a period of up to an additional six months. Upon expiration of the temporary permit and/or extension, the temporary dwelling must be removed.

Sec. 18-8. - Volunteers.

All persons, other than officers and employees of Gwinnett County and the cities within Gwinnett County, performing emergency functions pursuant to this article, shall serve with or without compensation. While engaged in such emergency functions, duly assigned volunteers shall have the same immunities as county and city officers and employees. Immunity does not apply in cases of willful misconduct, gross negligence or bad faith.

Sec. 18-9. - Registration of building and repair services.

- (a) In accordance with O.C.G.A. § 38-3-56, before building, constructing, repairing, renovating or making improvements to any real property, including dwellings, homes, buildings, structures or fixtures within an area in the city designated in a declared emergency or disaster, any person, firm, partnership, corporation or other entity must register with the city planning department and secure a building permit that is posted at the work site. Each day any such entity does business in the city without complying with this article constitutes a separate offense. Any person, firm, partnership, corporation, or other entity that submits a registration for a building permit shall comply with contractor licensure requirements in accordance with O.C.G.A. title 43, ch. 41 (O.C.G.A. § 43-41-1 et seq.).
- (b) The registration is nontransferable. The cost of the emergency building permit shall be equal to the cost for a building permit under existing regulations. The permit shall only be authorized for repairs.

- (c) When registering, any person, partnership, corporation or other entity making application must, under oath, complete an application providing the following information:
- (1) Name of applicant;
 - (2) Permanent address and phone number of applicant;
 - (3) Applicant's federal employer identification number;
 - (4) If applicant is a corporation, the state and date of incorporation;
 - (5) Tag registration information for each vehicle to be used in the business;
 - (6) List of cities and/or counties where the applicant has conducted business within the past 12 months;
 - (7) Georgia sales tax number or authorization;
 - (8) Georgia business license number, if required;
 - (9) Copy of business license from the Secretary of State, if required;
 - (10) License number.
- (d) Effective date. This section shall become effective only upon a declaration of emergency by the Governor or mayor. Unless otherwise specified in the declaration of emergency or otherwise extended by the city council, the provisions of this section shall remain in effect during the state of emergency and for a subsequent recovery period of three months.

Sec. 18-10. - Unlawful acts during emergencies.

Notwithstanding any other city ordinance regulation, county, state or federal law, it shall be unlawful for any person to commit any of the following acts during an emergency:

- (1) Willfully obstruct, hinder or delay any member of the emergency management corps in the enforcement of any lawful rule or regulation issued pursuant to this article or in the performance of any duty imposed by virtue of this article.
- (2) Do any act forbidden by any lawful rules or regulations issued pursuant to this article if such act is of such a nature as to give assistance to the enemy; imperil the life or property of any inhabitant of this city; to prevent, hinder or delay the defense or protection thereof.
- (3) Wear, carry or display without authority any mark or identification specified by the emergency management agency.

Sec. 18-11. - Enforcement and remedies.

- (a) *Law enforcement.* In accordance with O.C.G.A. § 38-3-4, the city police department shall be authorized to enforce the orders, rules and regulations contained in this article and/or implemented by the mayor during a declared emergency.
- (b) *Penalties.* Failure to comply with any of the requirements or provisions of this article, or with any order, rule or regulation made effective by the mayor upon or after the declaration of an emergency, shall constitute a violation of this article. Any person who violates any provision in this article shall, upon conviction thereof, be guilty of a misdemeanor punishable by a fine not exceeding \$1,000.00, imprisonment for a term not exceeding 60 days, or both, for each violation. Any person who assists in a violation of this article shall also be guilty of a misdemeanor and be subject to the same penalty. Each day during which a violation or failure to comply continues shall constitute a separate violation.
- (c) *Injunctive relief.* In accordance with O.C.G.A. § 38-3-5, in addition to the remedies prescribed in this section, the county emergency management director is authorized to obtain an injunction to restrain a violation of any law, code section, order, rule or regulation which is contained in the Georgia Emergency Management Act and/or this Code, and/or which is implemented by the local governing authority during a declared emergency.
- (d) *Enforcement.* Except as otherwise provided in this article, this article may be enforced by the city police department or the county police department.

Sec. 18-12. - Liberality of construction.

This chapter shall be construed liberally in order to effectuate its purpose.

IT IS SO ORDAINED this 28th day of September, 2020.

David R. Still, Mayor

Attest:

Karen Pierce, City Clerk

RES-2020-20

EXHIBIT 1

RESOLUTION OF THE GOVERNING AUTHORITY

CITY OF LAWRENCEVILLE

WHEREAS, the City of Lawrenceville requested funding from the Gwinnett County Board of Commissioners to support their response to preparing for, preventing, and responding to the COVID-19 pandemic within Gwinnett County; and

WHEREAS, the Gwinnett County Board of Commissioners has obligated an amount not to exceed \$3,278,009.00 to be used solely as defined in Exhibits 4 and 6.

NOW, THEREFORE, the Governing Authority of the City of Lawrenceville does hereby resolve and authorize the following, as a result of an affirmative majority vote of the Governing Authority at a meeting of said Governing Authority which was held on: 9/28/2020

(Date of Action)

1. Acceptance of an allocation of Coronavirus Relief Funds from the Gwinnett County Board of Commissioners to the City of Lawrenceville; and
2. Authorize the Official Representative defined below to execute the Coronavirus Relief Fund Subrecipient Agreement used by Gwinnett County to obligate funds to the City of Lawrenceville.

Authorized Official Representative:

David R. Still / Mayor

(Name/Title)

Certified as accurate and true:

Karen Pierce
(Signature - Governing Authority Secretary)

Karen Pierce
(Name - Governing Authority Secretary)

10/1/2020
(Signature Date)

[Impress City or Corporate Seal Here]



STATE OF GEORGIA
COUNTY OF GWINNETT

**SUBRECIPIENT AGREEMENT FOR USE OF
U.S. DEPARTMENT OF TREASURY
CORONAVIRUS RELIEF FUNDS**

Between

**GWINNETT COUNTY *and*
CITY OF LAWRENCEVILLE**
70 South Clayton Street, P.O. Box 2200
Lawrenceville, GA 30046

CFDA NUMBER 21.019

GWINNETT COUNTY
SUBRECIPIENT AGREEMENT FOR GRANT FUNDS
PASS-THROUGH FROM UNITED STATES DEPARTMENT OF TREASURY
CORONAVIRUS RELIEF FUND
GRANT NO. G-0389-000001-0009
CFDA NUMBER 21.019

THIS AGREEMENT is entered into this ____ day of _____, 2020, by and between Gwinnett County, a political subdivision of the State of Georgia acting by and through its duly elected Board of Commissioners, hereinafter referred to as the "Prime Recipient" and the City of Lawrenceville hereinafter referred to as the "Subrecipient".

- (1) **Term:** This Agreement shall commence on March 1, 2020 and end on December 30, 2020, unless otherwise terminated by action of the parties or by the terms of this agreement, including deadlines for expenditure of funds. At the end of the term, the authority to expend unencumbered grant funds or to obligate them contractually will expire, unless a written amendment to extend the term of the contract is signed by both parties.
- (2) **Municipal Allocation:** The municipal allocation of \$25.0 million will initially be allocated to individual cities based on each city's portion of the total population residing in incorporated areas of Gwinnett. Adjusted 2019 population estimates from the Census Bureau will serve as the source of population figures.
- a. **Unspent Allocations:** Any funds allocated to individual cities that are unspent as of December 1, 2020 will be reallocated to cities that have eligible costs in excess of their original allocations. An individual city may also voluntarily give up any portion of its allocation that it expects will be unused in advance of the December 1 date. This voluntary decision should be defined in writing on Subrecipient letterhead and submitted to the County for processing.
- b. **Expenditure Deadline:** Any portion of allocations to cities that is unused as of December 15, 2020 will revert to Gwinnett County to avoid loss of CARES Act funding to our overall community.
- (3) **Use of Funds:** The Prime Recipient shall upon the terms and conditions contained herein grant to Subrecipient, and the Subrecipient hereby accepts, an amount not to exceed \$3,278,009.00 to be used solely as defined in Exhibits 4 and 6. The Subrecipient shall expend all or any part of its Coronavirus Relief Fund allocation only on those activities contained in Exhibit 4, and further defined in Exhibit 6, ensuring compliance with subsection 601(d) of the Social Security Act, as amended, (42 U.S.C. 801(d)), all sections of 2 CFR Part 200 (Uniform Guidance), and in compliance with guidance released by the U.S. Department of Treasury and the Treasury Office of Inspector General. As interpreted by the U.S. Department of Treasury and clarified by the Treasury Office of Inspector General, at the time of contract execution the following documents define Coronavirus Relief Fund eligibility: OIG-CA-20-028 (released 9/21/2020), Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments (updated 9/2/2020), and Coronavirus Relief Fund Frequently Asked Questions (updated 9/2/2020).

- (4) **Payment Schedule:** Subject to the availability of funds for such purpose, the Prime Recipient shall pay the Subrecipient on a reimbursement basis. These funds will be reimbursed upon proper documentation from the Subrecipient utilizing the Reimbursement Form defined in Exhibit 5. Proper documentation shall be considered as copies of all invoices, sales receipts, payroll reports, and canceled checks or other proof of payment for the items approved. See Section (8)c. *Records Retention to ensure compliance.*
- (5) **Duty to Wrap Up:** By, or before, December 15, 2020, the Subrecipient must report final grant expenditure details, unless the Prime Recipient consents to a new deadline in writing specifically referring to this Agreement by number.
- (6) **Subrecipient's Obligation:** The Subrecipient shall be responsible for carrying out its actions in accordance with the special conditions and certifications contained in Exhibit 2 of this Agreement. The Subrecipient shall take all necessary actions to comply with the requirements of the certifications/assurances in Exhibit 2, and to comply with any requests by the Prime Recipient in this regard; it being understood that the Prime Recipient has responsibility to the U.S. Department of Treasury for ensuring compliance with such requirements. The Subrecipient will also promptly notify the Prime Recipient of any changes in the scope of character of the activity(s) assisted through this Agreement.
- (7) **Service within County:** The Subrecipient agrees that Prime Recipient contributed funds will be used only within the boundaries of Gwinnett County and for Gwinnett County residents.
- (8) **Accountability:** The Subrecipient agrees to expend said funds granted herein solely in conformance to this Agreement and special conditions found in Exhibit 2 and account for said funds in accordance with generally accepted accounting principles. Subrecipients shall maintain and make available to the Prime Recipient all documents and financial records sufficient to establish compliance with subsection 601(d) of the Social Security Act, as amended, (42 U.S.C. 801(d)) as well as the subsequent guidance released by the U.S. Department of Treasury and Treasury Office of Inspector General. The Subrecipient understands that in receiving these funds the Subrecipient assumes the risk of having to repay any reimbursed expenditures that are later found to be ineligible.
- a. **Audit:** Subrecipient will allow, obtain, and cooperate with any audit or investigation of grant administration requested or undertaken by the Funding Entity or Prime Recipient with power to conduct or request such audit or investigation. Upon request, the Subrecipient agrees to provide the Prime Recipient with any information, documents and/or photographs the Prime Recipient deems necessary to monitor performance of this Agreement. The Subrecipient further agrees these funds shall be included in the audit or financial statement of the Subrecipient until all expenditures have been accounted for. Federal grant dollars will be reported separate from other grant dollars.
- b. **Subject to 2 C.F.R Part 200.501(a):** Subrecipients are subject to a single audit or program-specific audit pursuant to 2 C.F.R. Part 200.501(a) when the subrecipients spend \$750,000 or more in federal awards during their fiscal year.

- c. **Records Retention:** The Subrecipient agrees to maintain proper and accurate books, records and accounts reflecting its administration of Agreement funds and compliance with all applicable laws. Such documentation shall be retained for a period of five (5) years after the final payment is made and shall be made available to Prime Recipient upon request. Records to support compliance with subsection 601(d) may include, but are not limited to, copies of the following:
- i. General ledger and subsidiary ledgers used to account for (a) the receipt of Coronavirus Relief Fund payments and (b) the disbursements from such payments to meet eligible expenses related to the public health emergency due to COVID-19;
 - ii. Budget records for 2019 and 2020;
 - iii. Payroll, time records, human resource records to support costs incurred for payroll expenses related to addressing the public health emergency due to COVID-19;
 - iv. Receipts of purchases made related to addressing the public health emergency due to COVID-19;
 - v. Contracts and subcontracts entered into using Coronavirus Relief Fund payments and all documents related to such contracts;
 - vi. Grant agreements and subrecipient agreements entered into using Coronavirus Relief Fund payments and all documents related to such awards;
 - vii. All documentation of reports, audits, and other monitoring of contractors, including subcontractors, and prime recipient and subrecipients;
 - viii. All documentation supporting the performance outcomes of the contracts, subcontracts, grant awards, and prime recipient subawards;
 - ix. All internal and external email/electronic communications related to use of Coronavirus Relief Fund payments; and
 - x. All investigative files/inquiry reports involving Coronavirus Relief Fund payments.

- (9) **Indemnification and Hold Harmless:** The Subrecipient agrees to protect, defend, indemnify, and hold harmless the Prime Recipient, its commissioners, officers, agent, and employees from and against any and all liability, damages, claims, suits, liens, and judgments, for whatever nature, including claims for contribution and/or indemnification, for injuries to or death of any person or persons, or damage to the property or other rights of any person or persons to the extent arising out of and attributed to the negligent acts, errors, or omissions of the Subrecipient arising from the grant. Subrecipient's obligation to protect, defend, indemnify, and hold harmless, as set forth hereinabove shall include any matter arising out of any patent, trademark, copyright, or service mark, or any actual or alleged unfair competition disparagement of product or service, or other business tort of any type whatsoever, or any actual or alleged violation of trade regulations.

Subrecipient further agrees to protect, defend, indemnify, and hold harmless the Prime Recipient, its commissioners, officers, agents, and employees from and against any and all claims or liability for compensation under the Worker's Compensation Act arising out of injuries sustained by any employee of the Subrecipient.

(10) Conflicts of Interest: The undersigned certify that they will in all respects comply with State laws pertaining to conflicts of interest and to all laws related to Prime Recipient officials and employees conducting business with the Prime Recipient. In accordance with 2 CFR Part 200.318, no person who is an employee, agent, consultant, officer, or elected or appointed official of the Subrecipient who exercise or have exercised any functions or responsibilities with respect to grant funded activities assisted under this Agreement, or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a grant funded activity, or have a financial interest in any contract, subcontract, or agreement with respect to a grant assisted activity, or with respect to the proceeds of the grant assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter.

Subrecipients will either adopt Gwinnett County's Code of Ethics or will maintain their own written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer, or agent of the Subrecipient shall participate in the selection, or in the award or administration of a contract supported by Federal funds awarded through this Agreement if a conflict of interest, real or apparent, would be involved.

Subrecipients must be mindful of any relationship employees, officials, board members, consultants, and/or volunteers may have with Prime Recipient employees, board members, consultants, or elected officials, where a real or apparent conflict of interest that might be realized or perceived with respect to a grant funded project or activity awarded through this Agreement. All relationships between representatives of the Subrecipient and the Prime Recipient must be transparent and must comply with Gwinnett County's Code of Ethics. This Code was developed by the Prime Recipient to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are compatible with the best interests of the Prime Recipient. The Code directs disclosure by such officials and employees of private financial or other interests in matters affecting the Prime Recipient and by directing disclosure of their business relationships. Subrecipient officials who carefully follow the Gwinnett County Code of Ethics and the language of this Section are less likely to have conducted themselves or participated in activities which can be construed as real or apparent conflicts of interest.

If any situation arguably falls within the conflicts prohibited by 2 CFR Part 200.112 the Subrecipient should immediately contact the Prime Recipient.

(11) Termination: Suspension or Termination of this Agreement may occur if the Subrecipient materially fails to comply with the terms of this Agreement. The Agreement may also be terminated for convenience. Any funds allocated to the Subrecipient under this Agreement, which remain unobligated or unspent upon such Termination, shall automatically revert to the Prime Recipient.

(12) Entire Agreement: This Agreement constitutes the entire agreement among and between the parties. There are no representations, oral or otherwise, other than those expressly set forth herein. No amendment or modification of this Agreement shall be binding unless both parties have agreed to said modification in writing.

IN WITNESS WHEREOF, the parties hereunto have affixed their signature the year and dates specified below and the Official Seal of the Subrecipient has been affixed to execute this Agreement.

FOR THE SUBRECIPIENT:

FOR GWINNETT COUNTY:

CITY OF LAWRENCEVILLE

By _____
(Signature)

(Name/Title)

(Signature Date)

By _____
(Signature)

Charlotte J. Nash, Chairman
Gwinnett County Board of Commissioners

(Signature Date)

[Impress City or Corp. Seal Here]

ATTEST:

By _____
(Signature)

(Name/Title)

(Signature Date)

Date Approved: Subrecipient Governing
Body: _____
(Date of Approval)

ATTEST:

By _____
(Signature)

Diane Kemp, County Clerk

(Signature Date)

Approved: Gwinnett County Board of Commissioners
Per Minutes Dated September 22, 2020 (GCID 2020-0961)

[See Also Attached Exhibit(s)]

Note: No Signatures shall be placed within this document on a date prior to action by the governing authority of the Subrecipient, approving acceptance of these funds, and authorizing execution of this document. The Resolution of the Governing Authority is presented in Exhibit 1.

EXHIBIT 1

RESOLUTION OF THE GOVERNING AUTHORITY

CITY OF LAWRENCEVILLE

WHEREAS, the City of Lawrenceville requested funding from the Gwinnett County Board of Commissioners to support their response to preparing for, preventing, and responding to the COVID-19 pandemic within Gwinnett County; and

WHEREAS, the Gwinnett County Board of Commissioners has obligated an amount not to exceed \$3,278,009.00 to be used solely as defined in Exhibits 4 and 6.

NOW, THEREFORE, the Governing Authority of the City of Lawrenceville does hereby resolve and authorize the following, as a result of an affirmative majority vote of the Governing Authority at a meeting of said Governing Authority which was held on: _____

(Date of Action)

1. Acceptance of an allocation of Coronavirus Relief Funds from the Gwinnett County Board of Commissioners to the City of Lawrenceville; and
2. Authorize the Official Representative defined below to execute the Coronavirus Relief Fund Subrecipient Agreement used by Gwinnett County to obligate funds to the City of Lawrenceville.

Authorized Official Representative:

(Name/Title)

Certified as accurate and true:

(Signature – Governing Authority Secretary)

(Name – Governing Authority Secretary)

(Signature Date)

[Impress City or Corp. Seal Here]

EXHIBIT 2

SPECIAL CONDITIONS AND CERTIFICATIONS

1. The Subrecipient agrees to comply with the financial and administrative requirements set forth in the Uniform Guidance (2 CFR Part 200) and subsection 601(d) of the Social Security Act, as amended, (42 U.S.C. 801(d)), as well as the subsequent guidance released by the U.S. Department of Treasury and Treasury Office of Inspector General. Subsection 601(d) of the Social Security Act, as amended, (42 U.S.C. 801(d)), provides that:

(d) Use of Funds. – A State, Tribal government, and unit of local government shall use the funds provided under a payment made under this section to cover only those costs of the State, Tribal government, or unit of local government that –

1. Are necessary expenditures incurred due to the public health emergency with respect to COVID-19;
2. Were not accounted* for in the budget most recently approved as of March 27, 2020; and
3. Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

*On September 21, 2020, the Office of Inspector General of the U.S. Department of Treasury, issued guidance document OIG-CA-20-028, that provides in part that governments may presume that public health and public safety employees are “substantially dedicated” to mitigating the COVID-19 public health emergency and that payroll and benefit costs of public health and public safety employees are eligible expenses under the CARES Act provided that such payroll costs are incurred by December 30, 2020. Regarding all other categories, subrecipients should carefully analyze their COVID-19 related expenses to ensure the defined expense type was not accounted for in their most recently approved budget as of March 27, 2020.

2. The Subrecipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of the funding agency.
3. The Subrecipient will seek reimbursement for COVID-19 related eligible expenses for which no other Federal or State funding was obtained.
4. The Subrecipient certifies that the Coronavirus Relief Funds received will not be used to replace lost revenues nor will they be used to supplant or duplicate current sources.
5. The Subrecipient understands that in receiving these funds the Subrecipient assumes the risk of having to repay any reimbursed expenditures that are later found to be ineligible.

[Signatures Provided on the Following Page]

Special Conditions and Certifications, Items 1-5, defined on the previous page, are certified as accurate and true:

(Signature – Authorized Official Representative)

(Signature – Attest)

(Name/Title)

(Name/Title)

(Signature Date)

(Signature Date)

[IMPRESS CORPORATE SEAL HERE]

EXHIBIT 3

SAM.gov Agency Verification

The System for Award Management (SAM) is the main database for the U.S. Federal Government to collect, validate, and store data from suppliers and then make that data available to various government agencies. In order to receive federal payments and disbursements from contracts and/or grants, the Subrecipient must not have an Active Exclusion in SAM (<https://www.sam.gov>).

Prior to award, the Prime Recipient is responsible for ensuring the Subrecipient is not debarred or suspended from Federal participation by logging into the System for Award Management (SAM) and running the Subrecipient's DUNS Number.

Documentation of SAM check is provided on the next page.



A NEW WAY TO SIGN IN - If you already have a SAM account, use your **SAM email** for login.gov.



[Login.gov FAQs](#)

⚠ **ALERT:** Due to internal maintenance, the SAM Entity Management web service and the SAM SFTP server will be unavailable on Friday October 2, 2020 @ 8:00 PM - 11:00 PM (ET).

⚠ **ALERT:** SAM.gov will be down for scheduled maintenance Saturday, 10/10/2020 from 8:00 AM to 1:00 PM

Entity Dashboard

Entity Overview

Entity Registration

Core Data

Assertions

Reps & Certs

POCs

Exclusions

Active Exclusions

Inactive Exclusions

Excluded Family
Members

[RETURN TO SEARCH](#)

Entity Overview

Entity Registration Summary

Name: LAWRENCEVILLE, CITY OF
Business Type: US Local Government
Last Updated By: Keith Lee
Registration Status: Active
Activation Date: 06/08/2020
Expiration Date: 06/04/2021

Exclusion Summary

Active Exclusion Records? No



EXHIBIT 4
SCOPE OF SERVICES

The following activities shall be carried out by the Subrecipient consistent with their eligible expenses to prepare for, prevent, and respond to the COVID-19 pandemic within Gwinnett County. Eligible expenses can be incurred from March 1, 2020 through December 15, 2020.

Coronavirus Relief Funds for Municipalities

Municipalities located within Gwinnett County should complete the Coronavirus Relief Fund Reimbursement form, enclosed within, to facilitate the reimbursement of eligible COVID-19 related direct costs that are not covered by any other state or federal funding. *Cities residing partially within Gwinnett are eligible to participate, but reimbursements will be pro-rated to reflect support of Gwinnett County residents.*

Grant Program Details:

As interpreted by the U.S. Department of Treasury and clarified by the Treasury Office of Inspector General, at the time of contract execution the following documents define Coronavirus Relief Fund eligibility: OIG-CA-20-028 (released 9/21/2020), Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments (updated 9/2/2020), and Coronavirus Relief Fund Frequently Asked Questions (updated 9/2/2020).

Coronavirus Relief Funds may only be used to cover costs that:

1. Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. Were not accounted* for in the recipient/subrecipient's budget most recently approved as of March 27, 2020; and
3. Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

*On September 21, 2020, the Office of Inspector General of the U.S. Department of Treasury, issued guidance document OIG-CA-20-028, that provides in part that governments may presume that public health and public safety employees are "substantially dedicated" to mitigating the COVID-19 public health emergency and that payroll and benefit costs of public health and public safety employees are eligible expenses under the CARES Act provided that such payroll costs are incurred by December 30, 2020. Regarding all other categories, subrecipients should carefully analyze their COVID-19 related expenses to ensure the defined expense type was not accounted for in their most recently approved budget as of March 27, 2020.

Coronavirus Relief Funds cannot be used to supplant local dollars or to replace lost revenues.

These funds are 100% Federal and no local match contribution is required.

Terminology: Definitions for obligation and expenditure as clarified by the U.S. Department of Treasury and Office of Inspector General are provided below.

Obligation: an obligation is a commitment to pay a third party with Coronavirus Relief proceeds based on a contract, grant, loan, or other arrangement.

Expenditure: an expenditure is the amount that has been incurred as a liability of the entity (the service has been rendered or the good has been delivered to the entity). As outlined in *Treasury's Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments*, performance or delivery must occur between March 1 and December 30, 2020 in order for the cost to be considered incurred; payment of funds need not be made during that time (though it is generally expected that payment will take place within 90 days of a cost being incurred).

Eligible Expenses defined within the County's Framework of Allocated Coronavirus Relief Funds:

In order to limit risk of future audit exceptions and repayments, funds should be used for expenses that are clearly allowable under U.S. Treasury guidance. For usage of funds for purposes not specifically listed in the guidance provided below, it is recommended that the subrecipient seek determination of eligibility by the County in advance. As the direct recipient, the County is the party that is accountable to the Federal government and the party that will be reporting all uses of CARES Act funding received. In this role, the County has responsibility to determine eligibility of all costs that are reported. The County will not apply greater restrictions to cities' use of funds that it is applying to its own use.

Public Health Expenses	
Cleaning supplies	Various additional cleaning and sanitizing supplies (beyond normal cleaning) in connection with the COVID-19 public health emergency.
Communication	Expenses for communication and enforcement of public health orders related to COVID-19.
Personal Protective Equipment	Additional supply of PPE (beyond normal need) in connection with the COVID-19 public health emergency.
Public Facility Enhancements	Stanchions, plexiglass shields, etc. purchased to retrofit/reconfigure public areas to assist employees and the public in adhering to public health guidelines.
Other Public Facility Enhancements	Public facility changes that do not align with definition above will be considered on a case by case basis but will be eligible for funding where the change is tied to managing impacts of COVID-19. <i>An appropriate statement of justification will be required.</i>
Sanitizing Services	Enhanced cleaning and disinfection of public facilities in response to the COVID-19 public health emergency.
Vehicles	Vehicle purchases will be eligible when the purchase addresses a specific need related to COVID-19. <i>An appropriate statement of justification will be required.</i>

Payroll Expenses	
Emergency Sick Leave - Quarantine	Pay for when employee is subject to quarantine order; has been advised by a health care provider to self-quarantine; is experiencing COVID-19 symptoms and is seeking a medical diagnosis; or is caring for an individual subject to a quarantine order.
Hazard Pay - Public Safety Only	Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19. This means that, whereas payroll and benefits of an employee who is substantially dedicated to mitigating or responding to the COVID-19 public health emergency may generally be covered in full using payments from the Fund, hazard pay specifically may only be covered to the extent it is related to COVID-19. <i>For example, a recipient may use payments from the Fund to cover hazard pay for a police officer coming in close contact with members of the public to enforce public health or public safety orders, but across-the-board hazard pay for all members of a police department regardless of their duties would not be able to be covered with payments from the Fund.</i>
Public Health and Public Safety Payroll	Treasury has provided, as an administrative accommodation, that a State, local, or tribal government may presume that public health and public safety employees meet the substantially dedicated test and the full amount of payroll and benefits expenses may be covered using payments from the Fund. In response to questions regarding which employees are within the scope of this accommodation, Treasury clarified that public safety employees would include police officers, sheriffs and deputy sheriffs, firefighters, emergency medical responders, correctional and detention officers, and those who directly support such employees such as dispatchers and supervisory personnel.
Other Personnel - Substantially Dedicated (Health Care and Human Services)	Other personnel costs identified must be defined as employees substantially dedicated to mitigating or responding to the COVID-19 public health emergency and must meet the budgetary guidelines of not being previously budgeted (essentially these are new hires). <i>Documentation defining the relevant unit of government's determination of the "substantially dedicated" conclusion must accompany the reimbursement request's support documentation to facilitate eligibility determination by the County.</i>

Payroll Expenses (continued)	
Other Personnel – Substantially Different	Costs incurred for a “substantially different use” include costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. <i>Documentation defining the relevant unit of government’s determination of the “substantially different” conclusion must accompany the reimbursement request’s support documentation to facilitate eligibility determination by the County.</i>
Essential Services Expenses	
Software	Licenses to allow virtual meetings/telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
Supplies -Technology	Equipment (Laptops, webcams, etc.) to facilitate public employees ability to telework enable compliance with COVID-19 public health precautions.
Economic Support	
Small Business Assistance	City sponsored programs for small businesses will be considered on a case by case basis and will require appropriate documentation.
Nonprofit Support	City sponsored programs for nonprofits will be considered on a case by case basis and will require appropriate documentation.
Administrative Support	
Administration of Fund Payments	If the administrative expense represents an increase over previously budgeted amounts and are limited to what is necessary they are deemed eligible. <i>An appropriate statement of justification will be required.</i>
Audit Fees (Single Audit Threshold Triggered)	Subrecipients are subject to a single audit or program-specific audit pursuant to 2 CFR Part 200.501(a) when the subrecipient spends \$750,000 or more in federal awards during their fiscal year. Audit expenses are eligible and are subject to the limitations set forth in 2 CFR Part 200.425.
FEMA Match	Payments from the Coronavirus Relief Fund may be used to meet the non-federal matching requirements for Stafford Act assistance to the extent such matching requirements entail COVID-19 related costs that otherwise satisfy the Fund’s eligibility criteria and the Stafford Act (i.e. PPE, sanitizing services). Regardless of the use of Fund payments for such purposes, FEMA funding is still dependent on FEMA’s determination of eligibility under the Stafford Act.

Administrative Support (continued)	
Tax Anticipation Notes (TANs) Expenses	If a government determines that the issuance of TANs is necessary due to the COVID-19 public health emergency, the government may expend payments from the Fund on the interest expense payable on TANs by the borrower and unbudgeted administrative and transactional costs, such as necessary payments to advisors and underwriters, associated with the issuance of the TANs. <i>An appropriate statement of justification will be required.</i>

Compliance with Coronavirus Relief Funds Requirements:

In its role as primary recipient of CARES Act funding, Gwinnett County will review reimbursement requests from cities and will apply its best efforts to ensure all expenses meet eligibility requirements. One of the methods for doing this is to limit the use of funds to purposes that are clearly eligible under applicable federal requirements. Likewise, the municipality applying for reimbursement has responsibility for ensuring its uses of CARES Act funds are eligible ones and assumes the risk for repaying any of its reimbursed expenditures that are later found to be ineligible.

- Coronavirus Relief Funds cannot be used to supplant* local dollars or to replace lost revenues.
 *On September 21, 2020, the Office of Inspector General of the U.S. Department of Treasury, issued guidance document OIG-CA-20-028, that provides in part that governments may presume that public health and public safety employees are "substantially dedicated" to mitigating the COVID-19 public health emergency and that payroll and benefit costs of public health and public safety employees are eligible expenses under the CARES Act provided that such payroll costs are incurred by December 30, 2020. Regarding all other categories, subrecipients should carefully analyze their COVID-19 related expenses to ensure the defined expense type was not accounted for in their most recently approved budget as of March 27, 2020.
- Expenses identified for reimbursement must be directly related to COVID-19 and should not fall within a budgeted line item most recently approved as of March 27, 2020.
- Expenses identified for reimbursement must not have been covered by any other state or federal funding.
- Hazard pay is only deemed eligible for public safety personnel in the field who are presumed by the Federal government to be employees substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
- Please carefully review the eligibility guidelines within the Emergency Sick Leave – Quarantine category listed on the previous page. Although the Families First Coronavirus Response Act (FFCRA) identifies that caring for a child whose school/daycare is closed due to COVID-19 related reasons is a qualifying element for FFCRA it is not explicitly defined as eligible within the

Coronavirus Relief Funds guidance and therefore will not be considered eligible for reimbursement by the County.

- Gwinnett County reserves the right to request additional support documentation to ensure grant compliance.
- While Gwinnett County will apply a reasonable approach to reviewing reimbursement requests from cities, as primary recipient of CARES Act funds, it retains the right to determine eligibility of all expenses.
- Each city will be responsible for repayment of any reimbursed expenses that are found to be ineligible later through monitoring and auditing.

EXHIBIT 5
CORONAVIRUS RELIEF FUND REIMBURSEMENT FORM

The appropriate reimbursement form is provided on the following page(s).

Coronavirus Relief Fund Reimbursement Form

Municipality: _____

Reimbursement Period: _____

Point of Contact

Name: _____

Title: _____

Telephone Number: _____

E-mail Address: _____

Funding Categories	COVID-19 Expense	Support Documentation Requirements
Public Health Expenses		
Cleaning supplies	\$ _____	Invoice(s); Proof of Payment (PoP)
Communication	\$ _____	Invoice(s) or Project Tracking Sheet (if Force Account Labor was used); PoP or Financial Report defining cost assignment
Personal Protective Equipment	\$ _____	Invoice(s); PoP
Public Facility Enhancements	\$ _____	Invoice(s) or Project Tracking Sheet; Contract (if applicable); PoP or Financial Report defining cost assignment
Sanitizing Services	\$ _____	Invoice(s); PoP
Vehicles	\$ _____	Invoice(s); PoP
Other: _____	\$ _____	Invoice(s); PoP
Subtotal – Public Health	\$ _____	
Payroll Expenses		
Emergency Sick Leave – Quarantine	\$ _____	Payroll Report(s); PoP
Hazard Pay – Public Safety Only	\$ _____	Payroll Report(s); PoP
Public Safety Payroll	\$ _____	Payroll Report(s); PoP
Other Personnel – Substantially Dedicated	\$ _____	Payroll Report(s); PoP
Other Personnel – Substantially Different	\$ _____	Payroll Report(s); PoP
Other: _____	\$ _____	Payroll Report(s); PoP
Subtotal - Payroll	\$ _____	
Essential Services Expenses		
Software	\$ _____	Invoice(s); PoP
Supplies – Technology	\$ _____	Invoice(s); PoP
Other: _____	\$ _____	Invoice(s); PoP
Subtotal – Essential Services	\$ _____	

* Gwinnett County reserves the right to request additional support documentation to ensure grant compliance.

Coronavirus Relief Fund Reimbursement Form

Municipality: _____

Reimbursement Period: _____

Economic Support		
Small Business Assistance	\$ _____	Grant Agreement(s); Invoice(s); PoP
Nonprofit Support	\$ _____	Grant Agreement(s); Invoice(s); PoP
Subtotal – Economic Support	\$ _____	
Administrative Support		
Administration of Fund Payments	\$ _____	Contracts (if applicable); Invoice(s); PoP
Audit Fees	\$ _____	Contracts (if applicable); Invoice(s); PoP
FEMA Match	\$ _____	Financial Report defining cost assignment
TANs Expenses	\$ _____	Contracts (if applicable); Invoice(s); PoP
Subtotal – Administrative Support	\$ _____	
Total Reimbursement:	\$ _____	

** Gwinnett County reserves the right to request additional support documentation to ensure grant compliance.*

Authorization:

I certify that all information contained in this submission has been completed as thoroughly and as accurately as possible and the required support documentation is attached.

Prepared by: _____ Date: _____
Signature

Prepared by: _____
Printed Name & Title

I certify that I am authorized by our governing authority to seek reimbursement for the expenses identified, of which no other Federal or State funding was obtained. The funds received will not be used to supplant* local dollars or replace lost revenues. Our municipality understands that in receiving these funds we assume the risk of having to repay any of our reimbursed expenditures that are later found to be ineligible.

*On September 21, 2020, the Office of Inspector General of the U.S. Department of Treasury, issued guidance document OIG-CA-20-028, that provides in part that governments may presume that public health and public safety employees are "substantially dedicated" to mitigating the COVID-19 public health emergency and that payroll and benefit costs of public health and public safety employees are eligible expenses under the CARES Act provided that such payroll costs are incurred by December 30, 2020. Regarding all other categories, subrecipients should carefully analyze their COVID-19 related expenses to ensure the defined expense type was not accounted for in their most recently approved budget as of March 27, 2020.

Approved by: _____ Date: _____
Signature

Approved by: _____
Printed Name & Title

EXHIBIT 6
Public Safety Presumption

Exhibit 6 is intended to provide clarification with respect to eligible payroll expenses of Subrecipient Cities with police or fire public safety personnel, and is based upon wording provided to the County by the Subrecipient Cities as a consensus approach for the reimbursement of eligible police and fire payroll expenditures. The contracting parties acknowledge that Exhibit 6 is only applicable to those Subrecipient Cities with police or fire public safety personnel. The contracting parties further consent to the public safety presumption defined on the following page.

Public Safety Presumption

The parties recognize and acknowledge that on September 21, 2020, the Office of Inspector General of the U.S. Department of Treasury issued guidance document OIG-CA-20-028, that provides in part that governments may presume that public health and public safety employees are "substantially dedicated" to mitigating the COVID-19 public health emergency and that payroll and benefit costs of public health and public safety employees are eligible expenses under the CARES Act provided that such payroll costs are incurred by December 30, 2020. In accordance with this guidance and for the purposes of the CARES Act funding allocated to the municipalities by the County, the parties agree that public safety personnel are expressly presumed to be substantially dedicated to mitigating the COVID-19 emergency and that distributions shall specifically allow for payments of payroll for eligible public safety personnel in accordance with guidance document OIG-CA-20-028. For the purposes of this Agreement, public safety personnel costs eligible for reimbursement shall be limited to salaries and benefits for POST-certified frontline Public Safety Personnel that have direct in-the-field contact with the public from the time period of March 1, 2020 to December 30, 2020, including direct supervisors of in-the-field employees provided they also regularly work in the field. As further clarification, public safety personnel costs eligible for reimbursement under this Agreement do not include upper level management, training staff, detectives, administrative personnel, non-POST code enforcement, dispatch, and other non-field personnel, except that any personnel for which it can be demonstrated that their services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency shall be eligible. For the City of Loganville, eligible public safety costs shall also include its pro-rated share of fire department personnel consistent with other eligible public safety personnel. Each municipality receiving funding shall maintain all documents and financial records sufficient to establish compliance with the CARES Act funding requirements as set forth in the law and in the subsequent guidance released by the U.S. Department of Treasury and Treasury Office of Inspector General.