



**City of Flowery Branch
City Council Meeting
Thursday, January 05, 2023, 6:00 PM
City of Flowery Branch City Hall
5410 West Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

PLEDGE OF ALLEGIANCE:

ADOPTION OF AGENDA:

PUBLIC HEARING:

- A public hearing to consider variance requests submitted by Mr. Jason Jackson for relief from the zoning ordinance requirements set forth in Table 6.2 for 6027 and 6031 Morrow Drive.
[Variance Staff Report lots 32 & 33.pdf](#)
- Consider a variance request submitted by VM&R, LLC. allowing gasoline pumps to be located in front of the primary structure.
[Variance Application \(HF Reed - Falcon Pkwy\)\(with Signatures\).pdf](#)
[22-046 HF REED INDUSTRIAL PKWY RETAIL CENTER C-4 SITE PLAN_10-28-22.pdf](#)
[ORDINANCE 684.pdf](#)
[ORDINANCE 685.pdf](#)

UNFINISHED BUSINESS - WORK SESSION:

- Consider the Second Read of Ordinance 672, a request submitted by BLT Martin Road, LLC for a Conditional Use Permit (CUP) to construct a self-storage facility at 4153 Falcon Parkway.
[CUP Information 4153 Falcon Parkway.pdf](#)
[FLOWERY BRANCH ELEVATIONS BASE-Layout2.pdf](#)
[Flowery Branch Preliminary Landscape Plan.pdf](#)
[FloweryBranchSitePlan102822.pdf](#)
[FLOWERY BRANCH ELEVATIONS BASE-Layout1.pdf](#)
[Staff report Falcon Self-Storage.pdf](#)
[Falon self-storage CUP Ordinance.pdf](#)

NEW BUSINESS -WORK SESSION:

- Sanitary Sewer Intergovernmental Agreement between the City of Gainesville, Georgia and the City of Flowery Branch, Georgia.
[ES - Sewer IGA Gainesville FB.pdf](#)
[FloweryBranchSewer.pdf](#)
[SewerDistrictBoundaryUpdate_ServiceDelivery20170626_11x17 \(002\).pdf](#)
[20221212 Draft Sewer FB GVL IGA 12-20-22 BL Response.pdf](#)
- Approval of City of Flowery Branch Personnel Handbook
[ES - Personnel Handbook.pdf](#)
[City of Flowery Branch Personnel Handbook 12.2022 \(003\).pdf](#)

[City of Flowery Branch Personnel Handbook_Edits.pdf](#)

- Task Order #2 with ESG Engineering, Inc. for the Modification, Expansion and Additional Wastewater Reclamation facility Design and Issuance of Construction Manager at Risk (CMAR) Request for Qualifications (RFQ).

[ES - Task Order #2 ESG Engineering WRF CMAR.pdf](#)

[Task Order Flowery Branch WRF Design \(RB edits\).pdf](#)

- Consulting Agreement with Jimmy Dean for Wastewater Consulting Services

[ES - Consulting Agreement - J Dean.pdf](#)

[Consulting Agreement - J Dean.pdf](#)

- Resolution 23-001 Appointment of Assistant City Clerk

[ES - Res 23-001 Appt of Asst City Clerk.pdf](#)

[Res 23-001 Appointment Asst City Clerk.pdf](#)

DEPARTMENT REPORTS: - a. City Manager Report

b. City Clerk Report

c. Community Relations Report

d. Finance Department Report

e. Planning Department Report

f. Police Department Report

g. Attorney Report

h. Council Report

ADJOURNMENT WORK SESSION:

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

PUBLIC COMMENTS: - Please limit to two minutes

CONSENT AGENDA:

- Consider December 1, 2022 City Council Meeting Minutes
[Unofficial December 1, 2022 City Council Meeting Minutes.pdf](#)
- Consider December 15, 2022 City Council Meeting Minutes
[Unofficial December 15, 2022 City Council Meeting Minutes.pdf](#)
- Consider Mayor Asbridge Per Diem for December 2022
[Mayor December 2022 Per Diem.pdf](#)

UNFINISHED BUSINESS - VOTING SESSION:

- Purchase and Closing Documents for the Finalization of Purchasing the Land on Atlanta Highway that has Two Wells on it for the City's Water Supply.
[Closing Statement-Henderson Well.pdf](#)
[Resolution 22-013 Intent to Purchase Real Property and wells Atlanta Highway signed.pdf](#)
[ES - Purchase of real property and wells on Atlanta Hwy.pdf](#)
- Consider the second read of ordinance 674, a request for a Conditional Use Permit (CUP) submitted by Coro Realty to build and operate a Self-Storage Facility at 6401 McEver Road.

[Combined Information.pdf](#)
[Shamrock CUP Ordinance RB.pdf](#)
[Staff report 4601 McEver Self-Storage.pdf](#)
[IMG-20221116-WA0000.jpg](#)
[IMG-20221116-WA0001.jpg](#)

- Consider the Second Read of Ordinance 672, a request submitted by BLT Martin Road, LLC for a Conditional Use Permit (CUP) to construct a self-storage facility at 4153 Falcon Parkway.
[CUP Information 4153 Falcon Parkway.pdf](#)
[FLOWERY BRANCH ELEVATIONS BASE-Layout2.pdf](#)
[Flowery Branch Preliminary Landscape Plan.pdf](#)
[FloweryBranchSitePlan102822.pdf](#)
[FLOWERY BRANCH ELEVATIONS BASE-Layout1.pdf](#)
[Staff report Falcon Self-Storage.pdf](#)
[Falon self-storage CUP Ordinance.pdf](#)

NEW BUSINESS - VOTING SESSION:

- Sanitary Sewer Intergovernmental Agreement between the City of Gainesville, Georgia and the City of Flowery Branch, Georgia.
[ES - Sewer IGA Gainesville FB.pdf](#)
[FloweryBranchSewer.pdf](#)
[SewerDistrictBoundaryUpdate_ServiceDelivery20170626_11x17 \(002\).pdf](#)
[20221212 Draft Sewer FB GVL IGA 12-20-22 BL Response.pdf](#)
- Approval of City of Flowery Branch Personnel Handbook
[ES - Personnel Handbook.pdf](#)
[City of Flowery Branch Personnel Handbook 12.2022 \(003\).pdf](#)
[City of Flowery Branch Personnel Handbook_Edits.pdf](#)
- Task Order #2 with ESG Engineering, Inc. for the Modification, Expansion and Additional Wastewater Reclamation facility Design and Issuance of Construction Manager at Risk (CMAR) Request for Qualifications (RFQ).
[ES - Task Order #2 ESG Engineering WRF CMAR.pdf](#)
[Task Order Flowery Branch WRF Design \(RB edits\).pdf](#)
- Consider the First Read of Ordinances 675 and 676, a request from VM&R, LLC to rezone two parcels of land from Agricultural (A) to Highway Business (HB).

[Rezoning Application \(HF Reed and Falcon Pkwy\).pdf](#)
[NOV 17 Falcon Pkwy Exterior Elevations Rendering.pdf](#)
[Nov 17 Rezoning Supplemental Request \(HF Reed\).pdf](#)
[NOV 17 C-4 SITE PLAN_10-28-22.pdf](#)
[Nov 17 HF Reed & Falcon Pkwy.pdf](#)
[Staff Report Pilot.pdf](#)
[Rezoning Ordinance 675.pdf](#)
[Rezoning Ordinance 676.pdf](#)

- Consider a variance request submitted by VM&R, LLC. allowing gasoline pumps to be located in front of the primary structure.
[Variance Application \(HF Reed - Falcon Pkwy\)\(with Signatures\).pdf](#)
[22-046 HF REED INDUSTRIAL PKWY RETAIL CENTER C-4 SITE PLAN_10-28-22.pdf](#)
[ORDINANCE 684.pdf](#)

[ORDINANCE 685.pdf](#)

- Consulting Agreement with Jimmy Dean for Wastewater Consulting Services
[ES - Consulting Agreement - J Dean.pdf](#)
[Consulting Agreement - J Dean.pdf](#)
- Resolution 23-001 Appointment of Assistant City Clerk
[ES - Res 23-001 Appt of Asst City Clerk.pdf](#)
[Res 23-001 Appointment Asst City Clerk.pdf](#)

EXECUTIVE SESSION:

ADJOURNMENT:

If you have a disability or impairment and need special assistance please contact the City Clerk prior to the meeting at 770-967-6371 - Meeting agenda is subject to change



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: A public hearing to consider variance requests submitted by Mr. Jason Jackson for relief from the zoning ordinance requirements set forth in Table 6.2 for 6027 and 6031 Morrow Drive.

COUNCIL MEETING DATE: January 5, 2023

HISTORY:

This request is similar to the current variances requested by Mr. Jackson on Lights Ferry Road. Specifically, 6005, 6006, 60010, 6014, 6016, and 6010 Lights Ferry Road as presented at the December 15th, 2022 City Council meeting. The request is for 6027 and 6031 Morrow Drive. The variances are for lot reduction, setback reduction, and minimum lot width reduction as shown in Table 6.2 of the Flowery Branch zoning ordinance.

FACTS AND ISSUES:

There is an original plat that appears to still be valid that designates the lots as legal non-conforming. This means they are legal but do not meet the current zoning designation (R-2 in this case) thus rendering them unbuildable under current zoning. In other words, the lots are legally platted, but they cannot be altered - making new home construction impossible.

The applicant wishes to have the variances approved, combine the two lots in question, and build one single family home.

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No motion at this time.

SAMPLE MOTION:

No motion at this time.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- [Variance Staff Report lots 32 & 33.pdf](#)



**Variance Request(s)
Staff Report
January 5, 2023**

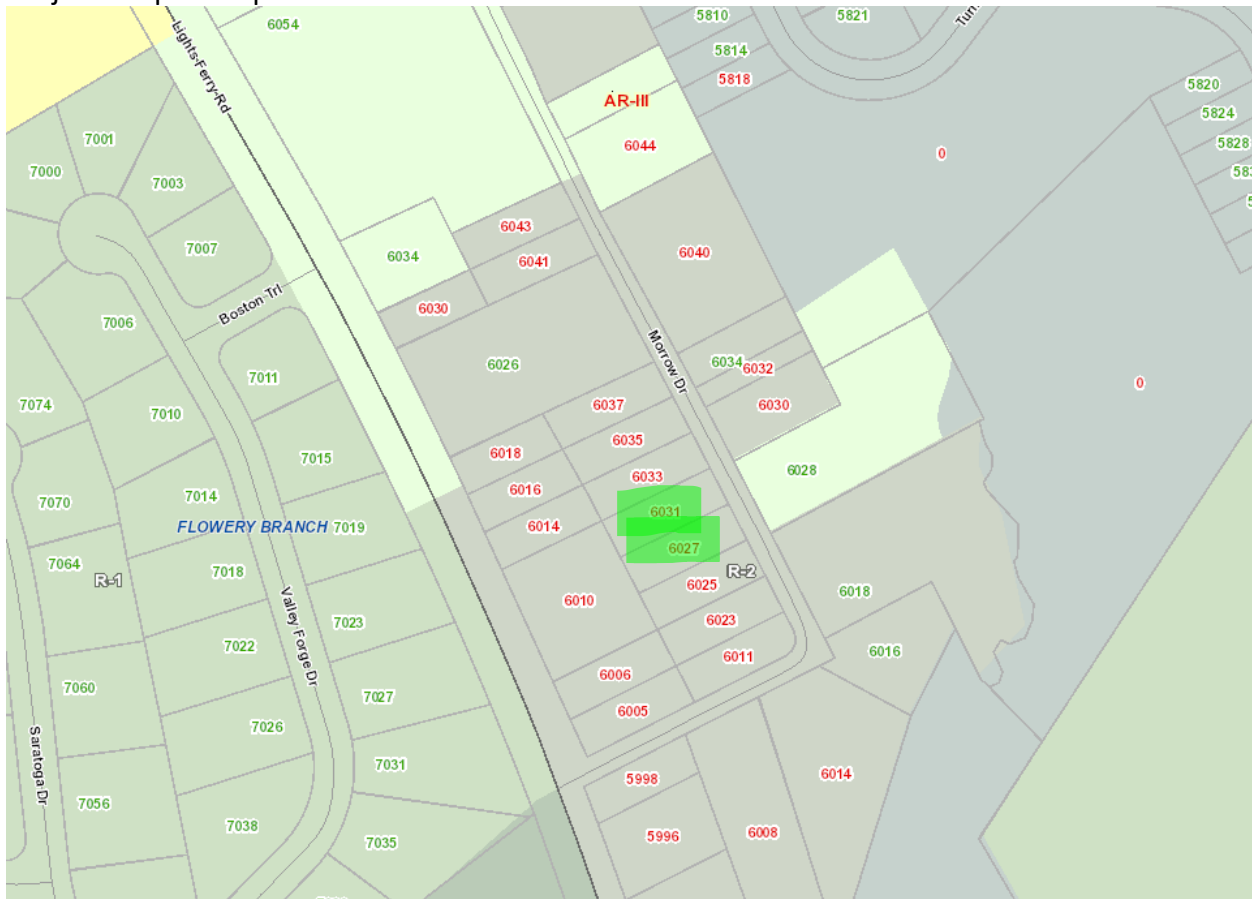
Variance Ordinance #'s

Applicant: Jason Jackson, Global Flooring and Building Material

Request: Variances from the Flowery Branch Zoning Ordinance Article 6. Table 6.2

Subject Properties: 6027 and 6031 Morrow Drive

Subject Properties per GIS:



The two (2) subject properties are zoned R-2 (Residential Detached Single Family):

Sec. 6.3. - R-2, Residential, Detached Single Family, Moderate-Density District.



(a)*Purpose and Description.* This zoning district is intended to implement the "Single-family residential" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "suburban residential" character area established in the comprehensive plan.

(b)*Character.* The designs of subdivisions in this district include cul-de-sacs and curvilinear streets. Houses are set back a significant distance from the street. Streets are built to relatively wide standard when compared with traditional neighborhoods. Access to this district is predominantly by automobile but pedestrian mobility is accommodated.

(c)*Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts." Land use in this district consists predominantly of detached, single-family dwellings on their own lots at a moderate density (no more than approximately three dwelling units per acre). Site-built dwellings only are permitted (no manufactured homes). Other uses that are compatible with a low-density, residential environment such as recreational, educational, and religious facilities, are permitted or conditional uses.

(d)*Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts." Dimensional requirements such as minimum building setbacks and maximum building coverage are intended to provide for yards surrounding each dwelling.

Applicant reviewed options on how to best develop these parcels while meeting the intent of the Flowery Branch Zoning Ordinance. There is an original plat that appears to still be valid (shown below) that designates the lots as legal non-conforming. This means they are legal but do not meet the current zoning designation (R-2 in this case) thus rendering them unbuildable under current zoning. In other words, the lots are legally platted, but they cannot be altered - making new home construction impossible.

Rezoning is problematic as the options are limited. The Central Business District is intended for the downtown area. The subject properties are close to downtown, but staff feels they are too far away to be considered for CBD. Traditional Neighborhood District is too restrictive for the properties as it requires parking in the rear or side yards. The other option is to create larger lots to meet the standard R-2 zoning requirements.

Ultimately, the applicant decided to pursue building on the legal lots as recorded. In order to meet the R-2 designation, and the original plat, applicant must request three variances. The variances are from the requirements set forth in Article 6, Table 6.2, of the City's zoning ordinance.



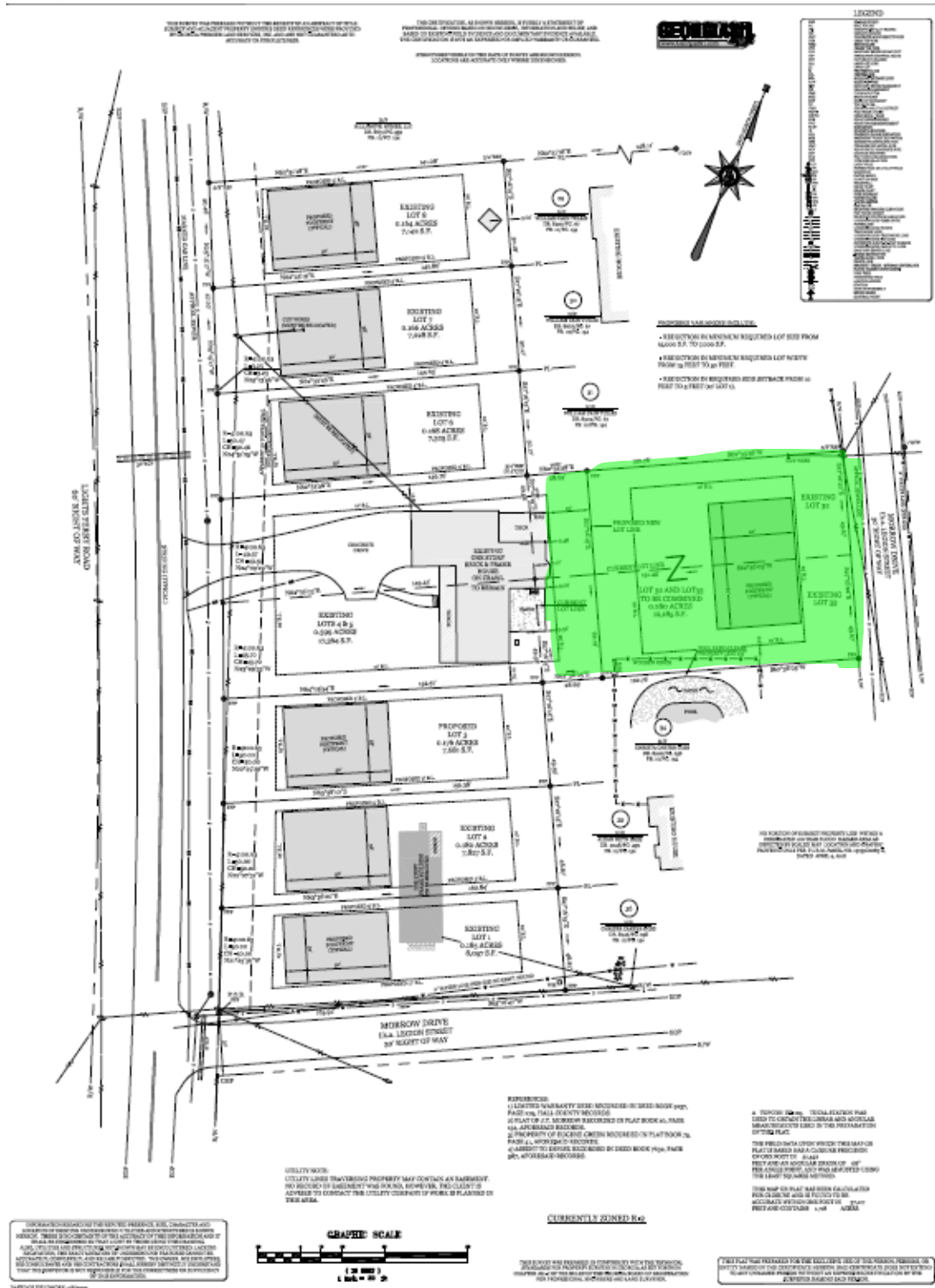
Table 6.2

Requirement (measurement unit)	A	R-1	R-2
Maximum height (feet)	75	35	35
Maximum height (number of stories)	3	3	3
Maximum density (units per acre)	0.333	2.18	3
Minimum lot size for detached single-family dwelling (square feet) (1)	130,680	20,000	15,000
Minimum lot size for two-family dwelling (square feet) (1)	N/A	N/A	N/A
Minimum lot size for other uses (square feet) (1)	130,680	43,560	15,000
Minimum lot width (feet)	200	90	75
Minimum heated floor area per dwelling unit (square feet)	1,500	2,200	1,800
Minimum heated floor area per dwelling unit, ground floor of a dwelling (square feet)	750	1,100	900
Minimum front yard setback from lot line, all principal buildings (feet)	80	35	25
Minimum side setback, interior lot line, all principal buildings (feet)	25	20	10
Minimum side setback, corner lot, all principal buildings (feet)	60	35	25
Minimum rear setback, all principal buildings (feet)	35	25	20
Minimum setback, all principal or accessory buildings and structures abutting an R-1, R-2, or R-3 district (feet)	Side and rear setbacks shall apply	50	50
Minimum width of natural buffer abutting R-1, R-2, or R-3 district (feet)	None	None	None
Minimum landscape strip required along rights-of-way for any nonresidential use if permitted (width in feet)	15	15	10
Minimum landscape strip required along rights-of-way for any apartment or condominium (multi-family residential) use (width in feet)	N/A	N/A	N/A
Minimum landscape strip required along side property lines for any nonresidential use if permitted (width in feet)	5	5	5
Maximum coverage of principal and accessory buildings (percent of lot)	25	25	35
Minimum landscaped open space, all principal uses except detached, single-family residential lots (percent)	20	20	15

Variance requests are for each parcel. The requests are as follows:

1. Reduction in minimum required lot size from 15,000 square feet to 7,000 square feet.
2. Reduction in minimum required lot width from 75 feet to 50 feet.
3. Reduction in required side setback from 10 feet to 5 feet.

Applicant requests to combine the two lots and build one single family home.





This is in line with the original recorded plat:

Morrow Subdivision
Plot Book 10 page 154

put on schedule



Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district; **Legal non-conforming lots that cannot be built upon as currently required by Flowery Branch Zoning Ordinance.**
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located; **The lots cannot be built upon and meet the requirements of R-2 zoning.**
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
- (d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
- (e) The special circumstances are not the result of the actions of the applicant;
- (f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

Staff recommends approval with the following conditions:

1. Applicant's development shall comply with all stormwater management requirements of Article 12 of the Subdivision and Land Development Code per Section 1203.
2. Applicant shall record a final plat in accordance with Article 8 of the Subdivision and Land Development Code.
3. A landscape plan shall be submitted at the time of any land disturbance application.





FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider a variance request submitted by VM&R, LLC. allowing gasoline pumps to be located in front of the primary structure.

COUNCIL MEETING DATE: January 5, 2023

HISTORY:

The variance request goes hand in hand with the rezoning request submitted by the same applicant. The rezoning ordinances are 675 and 676 and are rezoning requests for two parcels of land located at the northeast corner of the intersection of HF Reed Industrial Parkway and Falcon Parkway. The two parcels are identified as 08070 001002 and 08073 000004A totaling a combined 13.7 +/- acres. Currently zoned Agriculture (A), the applicant wished to rezone to Highway Business (HB) with the intent to construct a convenience store and gas station with additional, yet to be determined, HB appropriate uses.

FACTS AND ISSUES:

The variance requests are ordinances 684 and 685 and they are requested for relief from the requirements set forth in the City of Flowery Branch Zoning Ordinance; Article 10, Development Requirements and Guidelines section 10.9 (f): Convenience stores shall locate gas pumps behind the principal structure in order to effectively screen the pumps from view of the street.

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve first read

SAMPLE MOTION:

I make a motion to approve the first read of of ordinance 684.

I make a motion to approve the first read of of ordinance 685.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

ATTACHMENTS

- [Variance Application \(HF Reed - Falcon Pkwy\)\(with Signatures\).pdf](#)
- [22-046 HF REED INDUSTRIAL PK WY RETAIL CENTER C-4 SITE PLAN_10-28-22.pdf](#)
- [ORDINANCE 684.pdf](#)
- [ORDINANCE 685.pdf](#)



VARIANCE APPLICATION

Address of Request:

Northwest corner of the intersection of HF Reed Industrial Pkwy and Falcon Pkwy.

Type of Variance Requested

Complete requirements for variances can be found in the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37;

Please verify all the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37, section 37.5 are being met. Explain below:

See Attachment

Applicant: VM&R, LLC

Address: 5317 T L Bower Way, Flowery Branch, GA 30542

E-mail address: slfevre@clipperpetroleum.com

Phone number: 770-965-6416

Signature: _____

Notary Seal: _____



T. Scott Lefevre
11-30-2022



Property owner information (if different than the applicant)

Property owner (please print): Banks Property Management, LLC; The McCrary Family Partnership, L.P.; Burwell Investments, L.P.

Signature of property owner: [Handwritten Signature] / Banks Property Management, LLC

Notary Seal:



Please provide the following at time of submittal:

- Payment of \$325.00
- Legal description – one hard copy and on a flash drive
- Current survey of property – one hard copy and on a flash drive
- Site plan – one hard copy and on a flash drive
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)



Property owner information (if different than the applicant)

Property owner (please print): Banks Property Management, LLC; The McCrary Family Partnership, L.P.; Burwell Investments, L.P.

Signature of property owner: *Ray McCrary, GENERAL PARTNER*

Notary Seal:



Please provide the following at time of submittal:

- Payment of \$325.00
- Legal description – one hard copy and on a flash drive
- Current survey of property – one hard copy and on a flash drive
- Site plan – one hard copy and on a flash drive
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)



Property owner information (if different than the applicant)

Property owner (please print): Banks Property Management, LLC; The McCrary Family Partnership, L.P.; Burwell Investments, L.P.

Signature of property owner: [Signature]

Notary Seal:

CAROL BURWELL - BURWELL
INVESTMENTS, LP

Please provide the following at time of submittal:

- Payment of \$325.00
- Legal description – one hard copy and on a flash drive
- Current survey of property – one hard copy and on a flash drive
- Site plan – one hard copy and on a flash drive
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)



Conflict of Interest Disclosure

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who

Have a property interest in the real property affected by this request

N/A

Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request

N/A

Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request

N/A

Disclosure of Campaign Contributions

List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

Elected Officials Name

Amount of Description of Gift

N/A



Applicant seeks a variance from F.B.M.C § 10.9(f) that requires fueling dispensers to be located behind the principal structure. In support of its request for variance, Applicant shows the following:

- A. The shape of the property is narrowest at its corners, causing Applicant to position its store in the middle and rear of the parcel. This also is due to maximizing traffic flow. Applicant proposes fueling dispensers in the front of property. The front will be dispensers typically found at a c-store, while the back will provide auxiliary diesel lanes. Positioning all dispensers behind the principal structure would impose a hardship on operations due to congested traffic on that portion of Applicant's property.
- B. Without the requested variance, Applicant's useable portion of the property would be substantially reduced, depriving Applicant of full use and enjoyment of the property that other properties customarily enjoy.
- C. Numerous other c-stores with petroleum sales in the City of Flowery Branch have fueling dispensers in front of the property's principal structure.
- D. The plain language of the ordinance at question states "however, if fuel pumps are not located in the rear of the building, then additional landscaping should be required." Applicant's submitted landscaping plan shows the installation of ample landscaping to screen the fueling dispensers. In light of the proposed landscaping buffers, the proposed variance would be in harmony with the purpose and intent of the ordinance. The property and building will be aesthetically pleasing. In addition, Applicant submits having dispensers in front of the principal structure is safer than placing them behind where vehicles and customers are hidden from view of public roads.
- E. The necessity for the sought after variance are not due to circumstances that result from actions of Applicant.
- F. The requested variance is the minimum needed for Applicant to make full use of the property.
- G. The variance, if granted, does not grant a use of the property that is not permitted in the zoning district sought by Applicant.

All that tract or parcel of land lying and being in Land Lot 73 of the 8th district, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a concrete right of way monument at the intersection of the northeastern right of way of H.F. Reed Industrial Parkway, a.k.a. Martin Road, said right of way having a variable width and the northwestern right of way of State Route 13, a.k.a. Falcon Parkway, said right of way having a variable width;

Thence proceeding along said northeastern right of way of H.F. Reed Industrial Parkway the following courses and distances: along the arc of a curve to the right, having a radius of 835.96 feet and an arc length of 90.67 feet, being subtended by a chord bearing and distance of North 57°15'11" West, 90.62 feet to a concrete right of way monument; North 35°33'09" East, 9.94 feet to a concrete right of way monument; along the arc of a curve to the right, having a radius of 741.32 feet and an arc length of 473.78, being subtended by a chord bearing and distance of North 35°20'30" West, 465.76 feet to a concrete right of way monument; North 09°46'26" West, 157.02 feet to a concrete right of way monument; North 17°01'26" West, 99.94 feet to a concrete right of way monument; North 24°38'02" West, 151.32 feet to a concrete right of way monument; and North 13°11'41" West, 133.68 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; thence leaving said right of way and proceeding along the property now or formerly of Rafe Banks, Jr. the following courses and distances: North 58°29'43" East, 379.27 feet to a 2 inch open top pipe found; North 64°12'54" West, 70.29 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; North 57°32'05" West, 422.53 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; and North 55°58'31" West, 113.67 feet to a concrete right of way monument on the southeastern right of way of Interstate 985, said right of way having a variable width; thence proceeding along said southeastern right of way of Interstate 985 North 28°21'37" East, 44.76 feet to a concrete right of way monument; thence leaving said right of way and proceeding along the property now or formerly of Zion Hill Baptist Church the following courses and distances: South 54°30'40" East, 111.34 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484"; South 56°47'33" East, 96.39 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484"; South 56°59'41" East, 333.02 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484"; South 64°11'15" East, 92.58 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484"; and South 29°34'04" East, 573.21 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484" on the aforementioned northwestern right of way of State Route 13; thence proceeding along said northwestern right of way of State Route 13 the following courses and distances: South 11°10'46" West, 357.33 feet to a concrete right of way monument; South 78°49'13" East, 40.00 feet to a concrete right of way monument; South 11°10'46" West, 124.31 feet to a concrete right of way monument; South 13°20'57" West, 85.17 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; North 79°00'37" West, 6.66 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528" and South 34°16'09" West, 138.00 feet to the POINT OF BEGINNING.

Said tract contains 10.907 acres.

All that tract or parcel of land lying and being in Land Lot 73 of the 8th district, Hall County, Georgia and being more particularly described as follows:

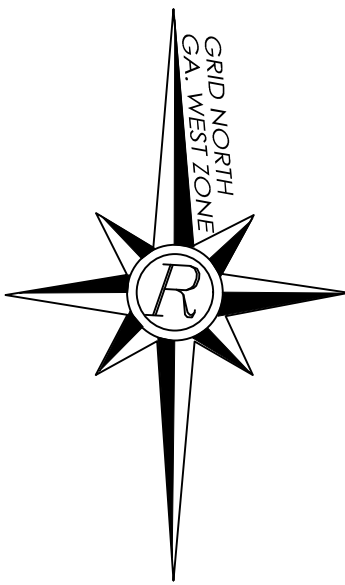
Commencing at a concrete right of way monument at the intersection of the northeastern right of way of H.F. Reed Industrial Parkway, a.k.a. Martin Road, said right of way having a variable width and the northwestern right of way of State Route 13, a.k.a. Falcon Parkway, said right of way having a variable width;

Thence proceeding along said northeastern right of way of H.F. Reed Industrial Parkway the following courses and distances: along the arc of a curve to the right, having a radius of 835.96 feet and an arc length of 90.67 feet, being subtended by a chord bearing and distance of North 57°15'11" West, 90.62 feet to a concrete right of way monument; North 35°33'09" East, 9.94 feet to a concrete right of way monument; along the arc of a curve to the right, having a radius of 741.32 feet and an arc length of 473.78, being subtended by a chord bearing and distance of North 35°20'30" West, 465.76 feet to a concrete right of way monument; North 09°46'26" West, 157.02 feet to a concrete right of way monument; North 17°01'26" West, 99.94 feet to a concrete right of way monument; North 24°38'02" West, 151.32 feet to a concrete right of way monument; and North 13°11'41" West, 133.68 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528", said 1/2 inch rebar being the TRUE POINT OF BEGINNING;

From the TRUE POINT OF BEGINNING thus established and continuing along the aforementioned northeastern right of way of H.F. Reed Parkway the following courses and distances: North 13°04'43" West, 32.15 feet to a concrete right of way monument; along a curve to the left having a radius of 1,055.35 feet and an arc length of 227.12 feet, being subtended by a chord bearing and distance of North 29°52'06" West, 226.68 feet to a concrete right of way monument South 54°18'56" West, 20.02 feet to a concrete right of way monument along a curve to the left having a radius of 1,037.81 feet and an arc length of 111.37 feet, being subtended by a chord bearing and distance of North 38°55'58" West, 111.31 feet to a concrete right of way monument; and North 32°31'29" West, 97.35 feet to a concrete right of way monument at the intersection of the aforementioned northeastern right of way of H.F. Reed Parkway and the southeastern right of way of Interstate 985, said right of way having a variable width; thence proceeding along said southeastern right of way of Interstate 985 the following courses and distances: North 22°38'22" East, 74.47 feet to a concrete right of way monument; and North 31°01'04" East, 76.50 feet to a concrete right of way monument; thence leaving said right of way and proceeding along the property now or formerly of Jane Wood Banks the following courses and distances: South 55°58'31" East, 113.67 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; South 57°32'05" East, 422.53 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; South 64°12'54" East, 70.29 feet to a 2 inch open top pipe found; and South 58°29'43" West, 379.27 feet to the TRUE POINT OF BEGINNING.

Said tract contains 2.870 acres.

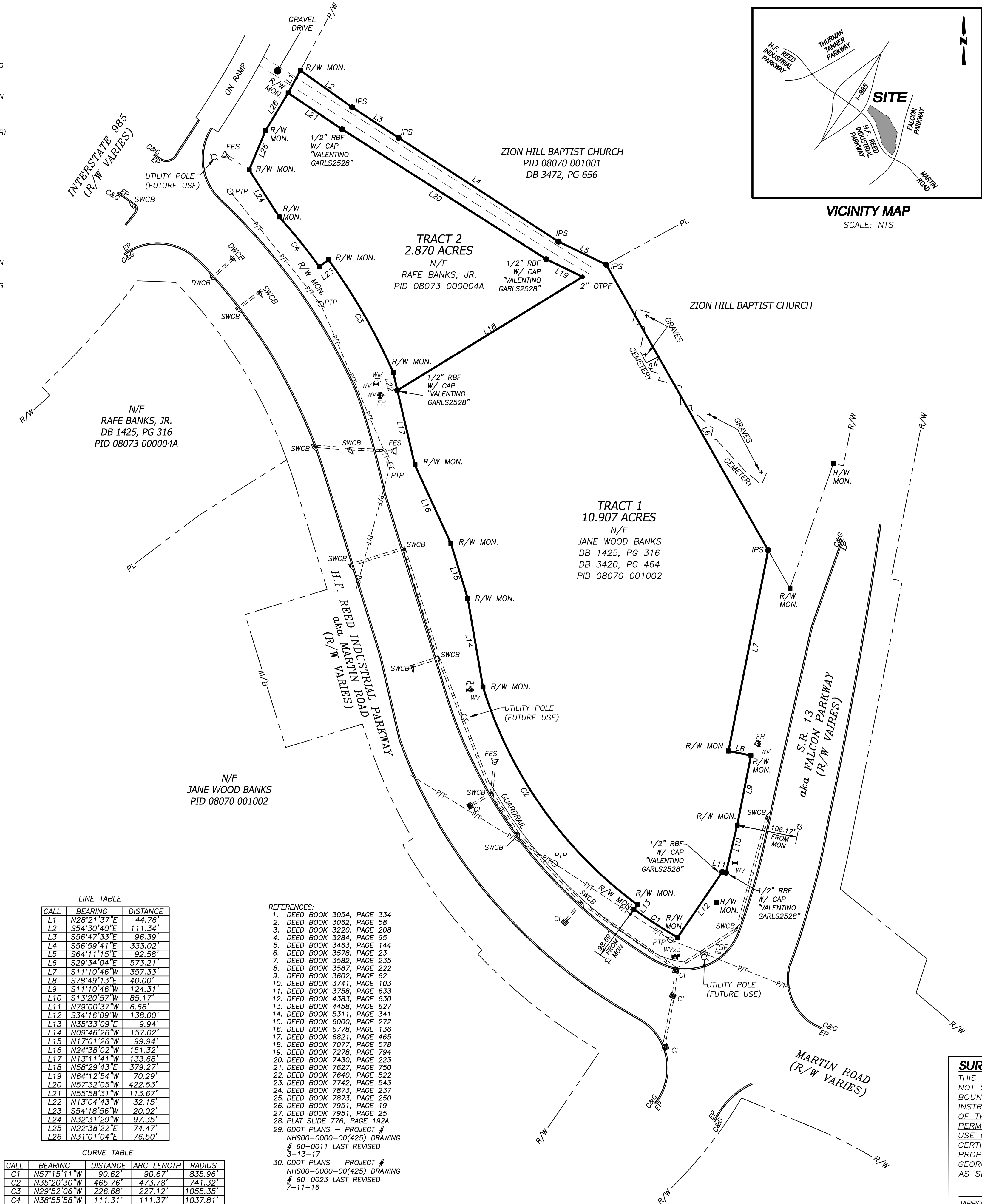
THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT



- LEGEND**
- AKA - ALSO KNOWN AS
 - C&G - CURB & GUTTER
 - CI - CENTER INLET
 - CMF - CONCRETE MONUMENT FOUND
 - CONC - CONCRETE
 - DB, PG - DEED BOOK, PAGE
 - DI - DROP INLET
 - DWCB - DOUBLE-WING CATCH BASIN
 - EP - EDGE OF PAVEMENT
 - FES - FLAIRED END SECTION
 - FH - FIRE HYDRANT
 - HM - HEADWALL
 - IPB - IRON PIN BOX (1/2" REBAR)
 - JN - JUNCTION BOX
 - LL - LAND LOT
 - LP - LIGHT POLE
 - MH - MANHOLE
 - MON - MONUMENT
 - N/F - NOW OR FORMERLY
 - OTPF - OPEN TOP PIPE FOUND
 - PBX - POWER BOX
 - PL - PROPERTY LINE
 - PM - POWER METER
 - POB - POINT OF BEGINNING
 - PP - POWER POLE
 - PTP - POWER & TELEPHONE POLE
 - PWNT - PAVEMENT
 - RBF - REBAR FOUND
 - R/W - RIGHT OF WAY
 - SWCB - SINGLE-WING CATCH BASIN
 - WBX - WATER BOX
 - TP - TELEPHONE POLE
 - TPOB - TRUE POINT OF BEGINNING
 - TSP - TRAFFIC SIGNAL POLE
 - WM - WATER METER
 - WV - WATER VALVE

SURVEY NOTES

1. THE FIELD DATA DATED 3/29/19 THRU 4/1/19, AND 9/14/22 UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 45,916 FEET AND AN ANGULAR ERROR OF 1" SECONDS PER ANGLE AND WAS ADJUSTED BY LEAST SQUARES. A TRIMBLE S-SERIES ROBOTIC TOTAL STATION WAS USED FOR ANGULAR AND LINEAR MEASUREMENTS.
2. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 1,112,883 FEET.
3. THE HORIZONTAL DATUM FOR THIS SURVEY IS THE NORTH AMERICAN DATUM OF 1983, NAD 83 GEORGIA WEST ZONE, AND THE VERTICAL DATUM USED IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) AS DETERMINED BY UTILIZING GPS. THE EQUIPMENT USED TO OBTAIN THIS DATA WAS A DUAL FREQUENCY TRIMBLE R10 GNSS GPS RECEIVER WITH A TRIMBLE TSC3 DATA COLLECTOR RECEIVING RTK CORRECTIONS VIA A WIRELESS NETWORK FROM BASE STATIONS OPERATED BY TRIMBLE NAVIGATION. THE AVERAGE RELATIVE POSITIONAL ACCURACY OBTAINED ON THE POSITIONS UTILIZED IN THIS SURVEY WAS 0.04 FT. HORIZONTAL AND 0.07 FT. VERTICAL. THESE VALUES WERE DERIVED FROM GPS PROCESSING SOFTWARE. THE REMAINDER OF THE FIELD WORK WAS PERFORMED WITH CONVENTIONAL EQUIPMENT AS DESCRIBED ABOVE. ALL DISTANCES AS SHOWN ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET (39.37 INCHES = 1 METER).
4. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT; THEREFORE EXCEPTION IS MADE HEREIN TO ANY EASEMENTS, RESERVATIONS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD, WHICH MAY EXIST. FURTHERMORE, THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, RESERVATIONS, RIGHTS OF WAY, OR RESTRICTIONS, WHICH ARE NOT RECORDED OR NOT DISCLOSED BY THE TITLE COMMITMENT OR OTHERWISE UNKNOWN TO THE SURVEYOR; THEREFORE EXCEPTION IS TAKEN TO ANY SUCH ITEMS.
5. THIS PROPERTY MAY OR MAY NOT CONTAIN WETLAND AREAS. NO EFFORTS HAVE BEEN MADE BY THIS SURVEYOR TO IDENTIFY OR LOCATE ANY WETLAND AREAS ON THIS PROPERTY. A QUALIFIED WETLAND SPECIALIST OR BIOLOGIST, PRIOR TO ANY LAND DISTURBANCE, SHOULD PERFORM WETLAND IDENTIFICATION AND DELINEATION.
6. NO PORTION OF THIS PROPERTY IS LOCATED IN A FLOOD HAZARD ZONE AS PER F.E.M.A. FLOOD INSURANCE RATE MAP OF HALL COUNTY, GEORGIA AS SHOWN ON MAP NUMBER 13139C0284G HAVING A REVISED DATE OF APRIL 4, 2018. NO AREAS LIE BELOW THE MAXIMUM FLOOD CONTROL STORAGE OF LAKE SIDNEY LANIER (ELEVATION 1085).
7. DURING THE FIELD SURVEY PERFORMED ON THIS SITE THERE WAS VISIBLE ABOVE GROUND EVIDENCE OF A HUMAN BURIAL AREA OR CEMETERY OBSERVED, AS SHOWN. HOWEVER, THIS SURVEYOR DID NOT PERFORM A THOROUGH INSPECTION OF THE INTERIOR OF THIS SITE. THEREFORE EXCEPTION IS MADE HEREIN TO ANY HUMAN AREAS OR CEMETERIES THAT MAY EXIST WITHIN THE BOUNDARIES OF THIS SITE.
8. THIS PLAT IS FOR THE EXCLUSIVE USE OF THE ENTITIES SHOWN HEREON; ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.
9. ALL PROPERTY CORNERS REFERENCED AS "IPS" INDICATES A 1/2" REBAR PLACED WITH A YELLOW PLASTIC CAP STAMPED "ROCHESTER-LSF000484", UNLESS OTHERWISE NOTED.



LEGAL DESCRIPTION - TRACT 1

All that tract or parcel of land lying and being in Land Lot 73 of the 8th district, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a concrete right of way monument at the intersection of the northeastern right of way of H.F. Reed Industrial Parkway, a.k.a. Martin Road, said right of way having a variable width and the northwestern right of way of State Route 13, a.k.a. Falcon Parkway, said right of way having a variable width;

Thence proceeding along said northeastern right of way of H.F. Reed Industrial Parkway the following courses and distances: along the arc of a curve to the right, having a radius of 835.96 feet and an arc length of 90.67 feet, being subtended by a chord bearing and distance of North 57°15'11\"

LEGAL DESCRIPTION - TRACT 2

All that tract or parcel of land lying and being in Land Lot 73 of the 8th district, Hall County, Georgia and being more particularly described as follows:

Commencing at a concrete right of way monument at the intersection of the northeastern right of way of H.F. Reed Industrial Parkway, a.k.a. Martin Road, said right of way having a variable width and the northwestern right of way of State Route 13, a.k.a. Falcon Parkway, said right of way having a variable width;

Thence proceeding along said northeastern right of way of H.F. Reed Industrial Parkway the following courses and distances: along the arc of a curve to the right, having a radius of 835.96 feet and an arc length of 90.67 feet, being subtended by a chord bearing and distance of North 57°15'11\"

From the TRUE POINT OF BEGINNING thus established and continuing along the aforementioned northeastern right of way of H.F. Reed Parkway the following courses and distances: North 13°04'43\"

Said tract contains 2.870 acres.

SURVEYORS CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

JARROD D. BLACK, GEORGIA RLS #003288
DATE 9/15/2022
jblack@rochester-assoc.com
Rochester and Associates, LLC
LSF-000484
www.rochester-assoc.com

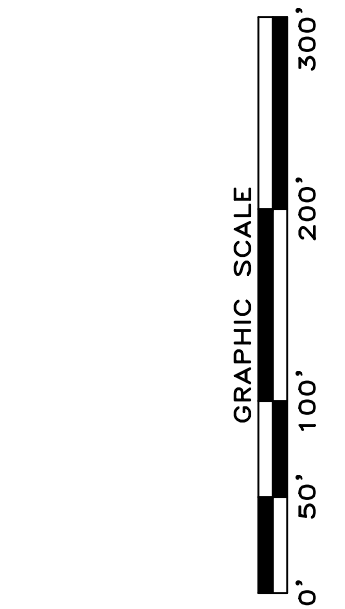


425 Oak St NW, Gainesville, GA 30601
770.778.0800 P | www.rochester-assoc.com

BANKS ESTATE

LOCATED IN:
LAND LOT 73, 8TH DISTRICT
HALL COUNTY, GEORGIA

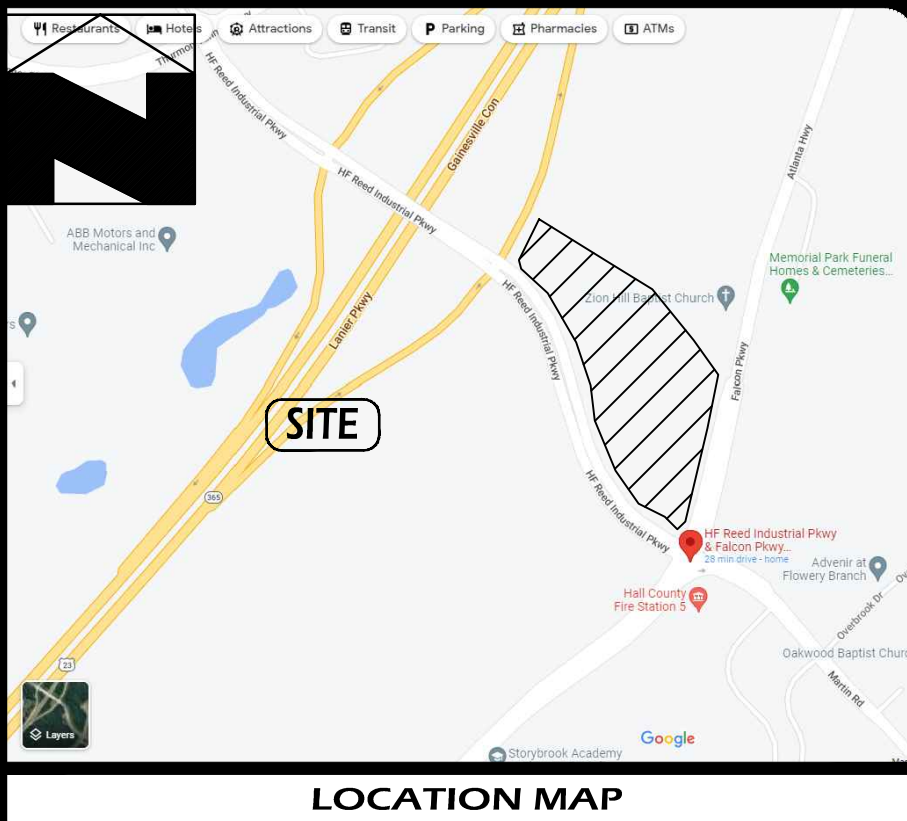
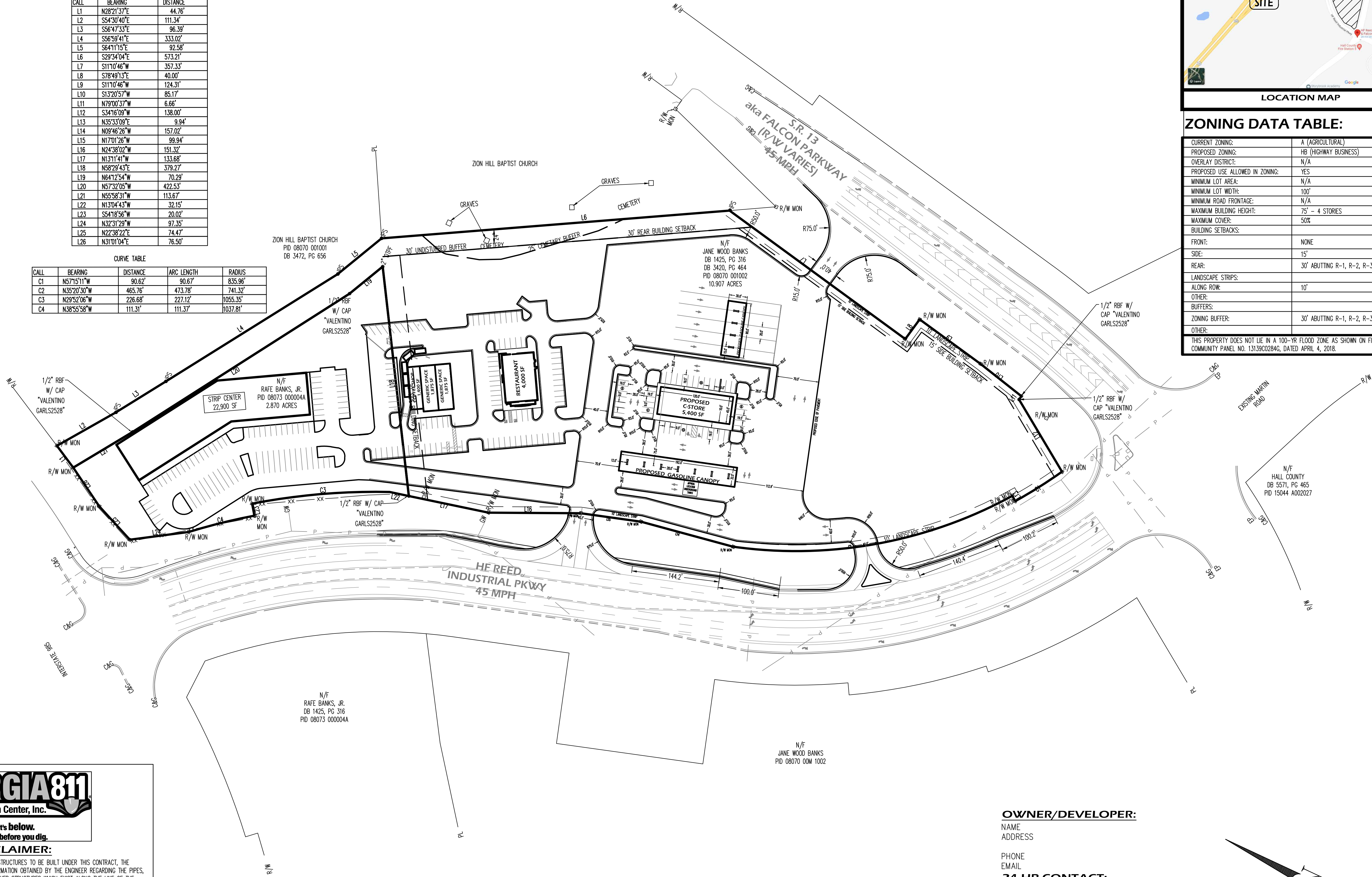
RETRACEMENT SURVEY				REVISIONS			
NO.	DATE	DESCRIPTION		NO.	DATE	DESCRIPTION	



SHEET	DATE	SCALE	JOB NO.	DRAWN BY:	MSA
1	9/15/22	1"=100'	G204226.MNP	BY: MSA	
OF					
1					

LINE TABLE		
CALL	BEARING	DISTANCE
L1	N28°21'37"E	44.76'
L2	S54°30'40"E	111.34'
L3	S56°47'33"E	96.39'
L4	S56°59'41"E	333.02'
L5	S64°11'15"E	92.58'
L6	S29°34'04"E	573.21'
L7	S11°10'46"W	357.33'
L8	S78°49'15"E	40.00'
L9	S11°10'46"W	124.31'
L10	S13°20'57"W	85.17'
L11	N79°00'37"W	6.66'
L12	S34°16'09"E	138.00'
L13	N35°33'09"E	9.94'
L14	N09°46'26"W	157.02'
L15	N17°01'26"W	99.94'
L16	N24°38'02"W	151.32'
L17	N13°11'41"W	133.68'
L18	N58°29'43"E	378.27'
L19	N64°12'54"W	70.29'
L20	N57°32'05"W	422.53'
L21	N55°58'31"W	113.67'
L22	N13°04'43"W	32.15'
L23	S54°18'56"W	20.02'
L24	N32°31'29"W	97.35'
L25	N22°38'22"E	74.47'
L26	N31°01'04"E	76.50'

CURVE TABLE			
CALL	BEARING	DISTANCE	RADIUS
C1	N57°15'11"W	90.62'	835.96'
C2	N35°20'30"W	465.76'	473.78'
C3	N29°52'06"W	226.68'	1055.35'
C4	N38°55'58"W	111.31'	1037.81'



ZONING DATA TABLE:

CURRENT ZONING:	A (AGRICULTURAL)
PROPOSED ZONING:	HB (HIGHWAY BUSINESS)
OVERLAY DISTRICT:	N/A
PROPOSED USE ALLOWED IN ZONING:	YES
MINIMUM LOT AREA:	N/A
MINIMUM LOT WIDTH:	100'
MINIMUM ROAD FRONTAGE:	N/A
MAXIMUM BUILDING HEIGHT:	75' - 4 STORIES
MAXIMUM COVER:	50%
BUILDING SETBACKS:	
FRONT:	NONE
SIDE:	15'
REAR:	30' ABUTTING R-1, R-2, R-3, TND, PUD
LANDSCAPE STRIPS:	
ALONG ROW:	10'
OTHER:	
BUFFERS:	
ZONING BUFFER:	30' ABUTTING R-1, R-2, R-3, TND, PUD
OTHER:	

THIS PROPERTY DOES NOT LIE IN A 100-YR FLOOD ZONE AS SHOWN ON FIRM COMMUNITY PANEL NO. 13139C0284G, DATED APRIL 4, 2018.

Evans Design Group, Inc.
Civil Engineering /
Site Planning /
Land Development Services
4755 Summer Song Court
Buford, GA 30519
(Ph) 678.207.6830
jevans@evansdg.com

REGISTERED
NO. 26681
PROFESSIONAL
ENGINEER
JON M. EVANS
GSWCC LEVEL II CERT. # 10877

PROJECT NAME
HF REED & FALCON PARKWAY RETAIL CENTER
HF REED INDUSTRIAL PKWY I.L.00 00th DIST. CITY OF FLOWERY BRANCH GEORGIA

DATE:
8-23-22

DESIGN BY JME **DRAWN BY** JME **CHECKED BY** JME

☒ Not Released For Construction
☐ Released For Construction

OWNER/DEVELOPER

© COPYRIGHT 2022
EVANS DESIGN GROUP, INC.
ALL RIGHTS RESERVED.
THESE CONSTRUCTION DOCUMENTS AND PERMITTED REPRODUCTIONS, IN WHOLE OR IN PART, ARE INSTRUMENTS OF SERVICE AND ARE THE SOLE PROPERTY OF EVANS DESIGN GROUP, INC. UNLESS OTHERWISE AGREED TO, THEY SHALL NOT BE REPRODUCED OR CONVEYED IN ANY MANNER NOR ARE THEY TO BE USED FOR ANY OTHER PROJECTS OTHER THAN THAT SPECIFICALLY INDICATED HEREIN WITHOUT WRITTEN PERMISSION FROM AND DUE COMPENSATION TO EVANS DESIGN GROUP, INC.

REVISIONS	

JOB NUMBER:
22-046

SHEET TITLE
SITE PLAN
C-4

GEORGIA811
Utilities Protection Center, Inc.
Know what's below.
Call before you dig.

UTILITY DISCLAIMER:
IN ADDITION TO SHOWING THE STRUCTURES TO BE BUILT UNDER THIS CONTRACT, THE DRAWINGS SHOW CERTAIN INFORMATION OBTAINED BY THE ENGINEER REGARDING THE PIPES, POLE LINES, CONDUITS, AND OTHER STRUCTURES WHICH EXIST ALONG THE LINE OF THE WORK, BOTH AT AND BELOW THE SURFACE OF THE GROUND. THE ENGINEER AND THE OWNER EXPRESSLY DISCLAIM ANY RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION GIVEN ON THE DRAWINGS WITH REGARD TO EXISTING STRUCTURES, AND THE CONTRACTOR WILL NOT BE ENTITLED TO ANY EXTRA COMPENSATION ON ACCOUNT OF ANY INACCURACY OR INCOMPLETENESS OF SUCH INFORMATION, SAID STRUCTURES BEING INDICATED ONLY FOR THE CONVENIENCE OF THE CONTRACTOR, WHO MUST VERIFY THE INFORMATION TO HIS OWN SATISFACTION. THE GIVING OF THIS INFORMATION UPON THE CONTRACT DRAWINGS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATION TO SUPPORT AND PROTECT ALL PIPES, CONDUITS, AND OTHER STRUCTURES. THE CONTRACTOR SHALL LOCATE ALL UNDERGROUND OBSTRUCTIONS PRIOR TO EXCAVATION SO AS TO PREVENT ANY DAMAGE TO THOSE SERVICES OR OTHER UTILITIES. ANY SUCH DAMAGES MUST BE REPAIRED WITHOUT DELAY AND THE COST OF SUCH REPAIRS MUST BE BORNE BY THE CONTRACTOR.

OWNER/DEVELOPER:
NAME
ADDRESS

PHONE
EMAIL
24-HR CONTACT:
NAME
PHONE
EMAIL
ENGINEER:
EVANS DESIGN GROUP, INC.
4755 SUMMER SONG COURT
BUFORD, GA 30519
678.207.6830 (Ph)
CONTACT: JON M. EVANS, P.E.

GRAPHIC SCALE
0 40 80 160 240
(IN FEET)
1 inch = 80 ft.

TREE CALCULATIONS:

1. SITE DENSITY FACTOR:

SITE AREA = 13.77
- BLDG AREA = 0.859

TOTAL AREA = 12.91 ACERS

TOTAL UNITS REQUIRED = 12.91 ACER X 15 UNITS ACER
= 193.65 UNITS

2. EXISTING DENSITY FACTOR

NONE TO REMAIN

3. PROPOSED DENSITY FACTOR

217 - 4" TREES @ 0.9 UNITS/EA = 195.30 UNITS
TOTAL UNITS REQUIRED = 193.65

PLANTING SUMMARY

QTY	SYM	BOTANICAL NAME	COMMON NAME			
30		THUJA OCCIDENTALIS	AMERICAN PILLAR	4"	0.9	27
25		ACER RUBRUM	OCTOBER GLORY	4"	0.9	22.5
26		QUERCUS PHELLOS	WILLOW OAK	4"	0.9	23.4
33		ZELCOVA SERRATA	GREEN VASE	4"	0.9	29.7
22		CARPINUS BETULUS	EUROPEAN HORNBREAM	4"	0.9	19.8
30		ACER SACCHARUM	SUGAR MAPLE	4"	0.9	27
14		GINKGO BILOBA	GINKGO	4"	0.9	12.6
20		ACER FREEMANII	AUTUMN PLAZE	4"	0.9	18
17		ULMUS PARVIFOLIA	LACEBARK ELM	4"	0.9	15.3
217		TOTAL TREES				195.30

TOTAL UNITS EXISTING & PROPOSED = 195.30

FRONTAGE TREES

HF REED INDUSTRIAL PKWY

TOTAL FRONTAGE =

ONE TREE PER 40 FEET REQUIRED 1781 / 40 = 44.52 TREES & SHRUB
0 EXISTING FRONTAGE TREES REMAIN
46 TREES TO BE PLANTED
60 SHRUB

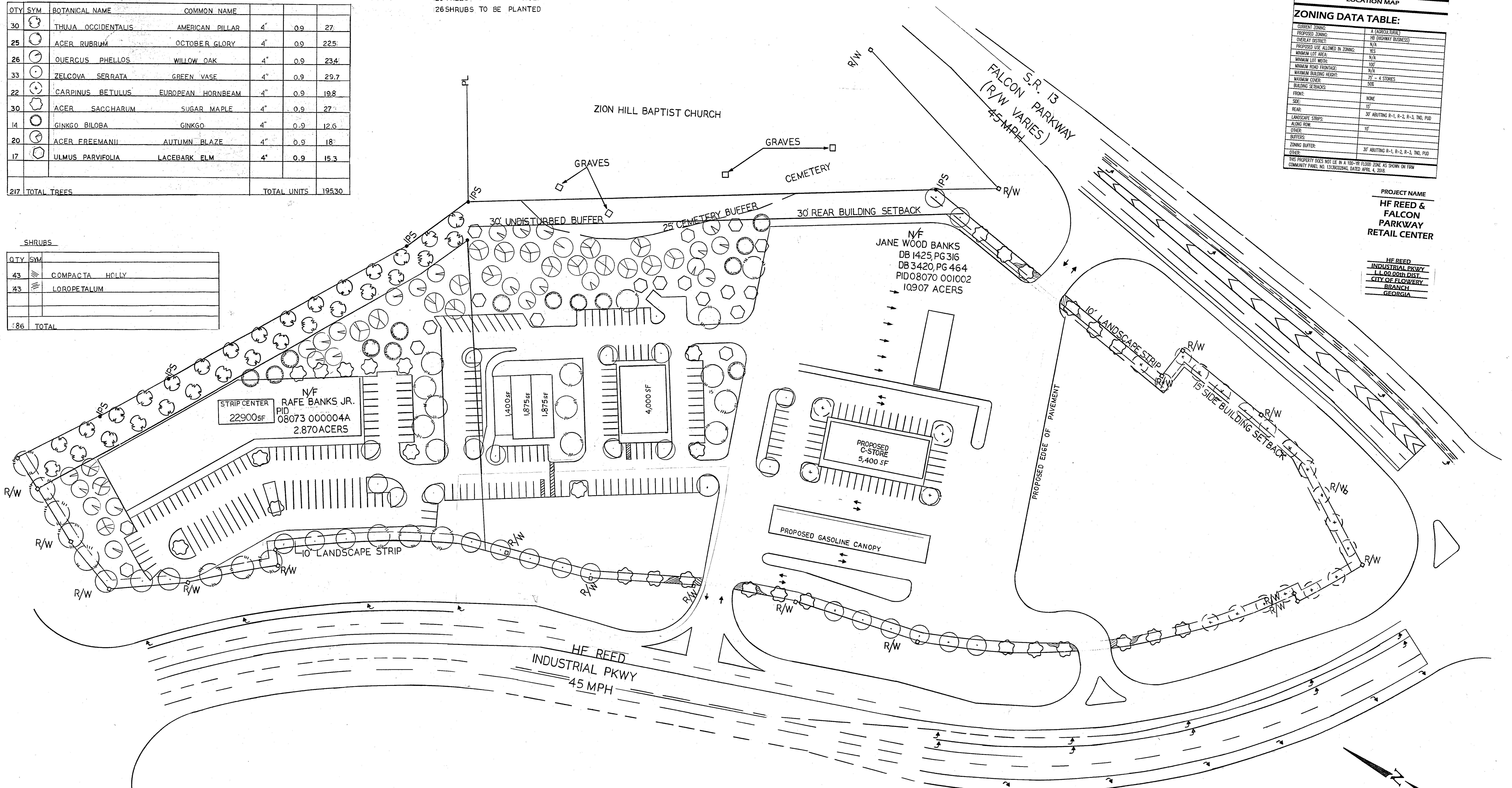
FALCON PARKWAY

FRONTAGE =

ONE TREE PER 40 FEET REQUIRED 772 / 40 = 19.3 TREES & SHRUBS
0 EXISTING FRONTAGE TREES REMAIN
20 TREES TO BE PLANTED
26 SHRUBS TO BE PLANTED

SHRUBS

QTY	SYM	
43		COMPACTA HOLLY
43		LOROPETALUM
86		TOTAL



ZONING DATA TABLE:	
CURRENT ZONING	A (AGRICULTURAL)
PROPOSED ZONING	NE (NEIGHBORHOOD BUSINESS)
OVERLAY DISTRICT	N/A
PROPOSED USE ALLOWED IN ZONING	YES
MINIMUM LOT AREA	N/A
MINIMUM LOT WIDTH	100'
MINIMUM ROAD FRONTAGE	N/A
MINIMUM BUILDING HEIGHT	7' - 4' STOREYS
MINIMUM COVER	50%
BUILDING SETBACKS	
FRONT	15'
SIDE	NONE
REAR	30' ABUTTING R-1, R-2, R-3, TND, PUD
LANDSCAPE STRIPS	
ALONG ROAD	15'
OTHER	15'
BUFFERS	
ZONING BUFFER	30' ABUTTING R-1, R-2, R-3, TND, PUD
OVER	

PROJECT NAME
HF REED & FALCON PARKWAY RETAIL CENTER

HF REED INDUSTRIAL PKWY
11.00.00th DIST.
CITY OF FLOWERY BRANCH
GEORGIA

DeepRoots
Landscaping LLC
GAINESVILLE, GA
5933 Dahlonega Highway, Clermont, GA 30527
OFFICE: 678-928-9228 | FAX: 678-928-9228
customers@deeprootsga.com
www.deeprootsga.com

CALL	BEARING	DISTANCE	ARC LENGTH	RADIUS
C1	N57°15'11"W	90.62'	90.67'	835.96'
C2	N35°20'30"W	465.76'	473.78'	741.32'
C3	N29°52'06"W	226.68'	227.12'	1055.35'
C4	N38°55'58"W	111.31'	111.37'	1037.81'



CURRENT ZONING:	A (AGRICULTURAL)
PROPOSED ZONING:	HB (HIGHWAY BUSINESS)
OVERLAY DISTRICT:	N/A
PROPOSED USE ALLOWED IN ZONING:	YES
MINIMUM LOT AREA:	N/A
MINIMUM LOT WIDTH:	100'
MINIMUM ROAD FRONTAGE:	N/A
MAXIMUM BUILDING HEIGHT:	75' - 4 STORIES
MAXIMUM COVER:	50%
BUILDING SETBACKS:	
FRONT:	NONE
SIDE:	15'
REAR:	30' ABUTTING R-1, R-2, R-3, TND, PUD
LANDSCAPE STRIPS:	
ALONG ROW:	10'
OTHER:	
BUFFERS:	
ZONING BUFFER:	30' ABUTTING R-1, R-2, R-3, TND, PUD
OTHER:	

THIS PROPERTY DOES NOT LIE IN A 100-YR FLOOD ZONE AS SHOWN ON FIRM COMMUNITY PANEL NO. 13139C02846, DATED APRIL 4, 2018.



Evans Design Group, Inc.
Civil Engineering /
Site Planning /
Land Development Services
4755 Summer Song Court
Buford, GA 30519
(Ph) 678.207.6830
jevans@evansdgc.com



GSWCC LEVEL II CERT. # 1087

PROJECT NAME
**HF REED &
FALCON
PARKWAY
RETAIL CENTER**

HF REED
INDUSTRIAL PKWY
L.L.00 00th DIST.
CITY OF FLOWERY
BRANCH
GEORGIA

DATE: **8-23-22**

DESIGN BY	DRAWN BY	CHECKED BY
JME	JME	JME

☒ Not Released For Construction
☐ Released For Construction

OWNER/DEVELOPER

© COPYRIGHT 2022
EVANS DESIGN GROUP, INC.
..ALL RIGHTS RESERVED..

THESE CONSTRUCTION DOCUMENTS AND
PERMITTED REPRODUCTIONS, IN WHOLE OR
IN PART, ARE INSTRUMENTS OF SERVICE AND
ARE THE SOLE PROPERTY OF EVANS DESIGN
GROUP, INC. UNLESS OTHERWISE AGREED TO.
THEY SHALL NOT BE REPRODUCED OR
CONVEYED IN ANY MANNER NOR ARE THEY
TO BE USED FOR ANY OTHER PROJECTS
OTHER THAN THAT SPECIFICALLY INDICATED
HEREIN WITHOUT WRITTEN PERMISSION
FROM AND DUE COMPENSATION TO EVANS
DESIGN GROUP, INC.

REVISIONS

JOB NUMBER:
22-046

SHEET TITLE

SITE PLAN

C-4

GEORGIA 811
Utilities Protection Center, Inc.

**Know what's below.
Call before you dig.**

UTILITY DISCLAIMER:

IN ADDITION TO SHOWING THE STRUCTURES TO BE BUILT UNDER THIS CONTRACT, THE DRAWINGS SHOW CERTAIN INFORMATION OBTAINED BY THE ENGINEER REGARDING THE PIPES, POLE LINES, CONDUITS, AND OTHER STRUCTURES WHICH EXIST ALONG THE LINE OF THE WORK, BOTH AT AND BELOW THE SURFACE OF THE GROUND. THE ENGINEER AND THE OWNER EXPRESSLY DISCLAIM ANY RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION GIVEN ON THE DRAWINGS WITH REGARD TO EXISTING STRUCTURES, AND THE CONTRACTOR WILL NOT BE ENTITLED TO ANY EXTRA COMPENSATION ON ACCOUNT OF ANY INACCURACY OR INCOMPLETENESS OF SUCH INFORMATION, SAID STRUCTURES BEING INDICATED ONLY FOR THE CONVEYANCE OF THE CONTRACTOR, WHO MUST VERIFY THE SAME BY HIS OWN SURVEY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL CONTRACT DRAWINGS AND FOR RELIEVING THE CONTRACTOR OF HIS OBLIGATION TO SUPPORT AND PROTECT ALL PIPES, CONDUITS, AND OTHER STRUCTURES. THE CONTRACTOR SHALL LOCATE ALL UNDERGROUND OBSTRUCTIONS PRIOR TO EXCAVATION SO AS TO PREVENT ANY DAMAGE TO THOSE SERVICES OR OTHER UTILITIES. ANY SUCH DAMAGES MUST BE REPAIRED WITHOUT DELAY AND THE COST OF SUCH REPAIRS MUST BE BORNE BY THE CONTRACTOR.

OWNER/DEVELOPER:

NAME
ADDRESS

PHONE
EMAIL

24-HR CONTACT:

NAME _____

PHONE

EMAIL

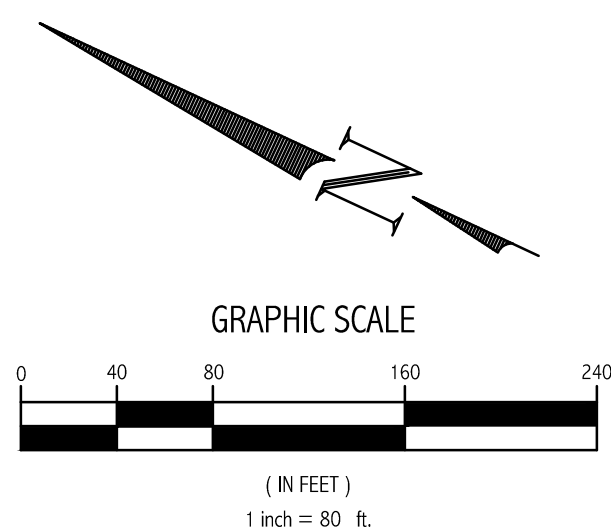
ENGINEER:

EVANS DESIGN GROUP, INC.
4755 SUMMER SONG COURT
EVANSTON, IL 60201

BUFORD, GA 30519

678.207.6830 (Ph)

CONTACT: JON M. EVANS, P.E.



ORDINANCE 684

AN ORDINANCE GRANTING A VARIANCE FROM THE REQUIREMENTS OF ARTICLE 10, SECTION 10.9.(F) OF THE FLOWERY BRANCH ZONING ORDINANCE TO 0 FALCON PARKWAY, TAX PARCEL IDENTIFICATION NO. 08070 001002, OWNED BY BANKS PROPERTY MANAGEMENT, LLC, THE MCCRARY FAMILY PARTNERSHIP, L.P., AND BURWELL INVESTMENTS, L.P., AS SHOWN ON EXHIBIT "A", DESCRIBED ON EXHIBIT "B", AND SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C", BY ALLOWING FUEL PUMPS TO BE LOCATED IN FRONT OF THE PRIMARY STRUCTURE; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, VM&R LLC. has submitted a written and signed application to the City of Flowery Branch, Georgia requesting a specific variance for property located at 0 Falcon Parkway; and

WHEREAS, a survey and complete description of the property subject to the requested variance is included in the application; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia held a public hearing on January 5, 2023, to consider the application, which was duly noticed as prescribed by law and published in the Gainesville Times, as shall be set forth in the minutes of said meeting; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia has considered the subject variance application of VM&R in conjunction with the standards set forth in Article 37, Section 37.5 of the Zoning Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS:

The City Council finds that the proposed variance from the City of Flowery Branch Zoning Ordinance Article 10, Section 10.9.(f) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;

- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
- (d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
- (e) The special circumstances are not the result of the actions of the applicant;
- (f) The variances requested are the minimum variances that will make possible the proposed use of the land, building, or structure in the use district proposed; and
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

SECTION 2. LEGAL DESCRIPTION, VARIANCES GRANTED AND CONDITIONS IMPOSED:

The properties as shown in attached Exhibit "A" and as legally described in Exhibit "B" shall be granted the following variance from the requirements set forth in the Flowery Branch Zoning Ordinance Article 10, Section 10.9.(f):

1. Fuel pumps shall be allowed to be placed in front of the primary structure

Conditions set forth in Exhibit "C" are imposed on said property. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Public Hearing Published 12/07/2022
Public Hearing 01/05/2023

First Reading 01/05/2023
Adopted 01/19/2023

SECTION 4. EFFECTIVE DATE.

The effective date of this Ordinance shall be upon adoption by the City Council of the City of Flowery Branch, Georgia.

SECTION 5. REPEALER.

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

Adopted this 19th day of January 2023.

Edward R. Asbridge, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

Exhibit "A"

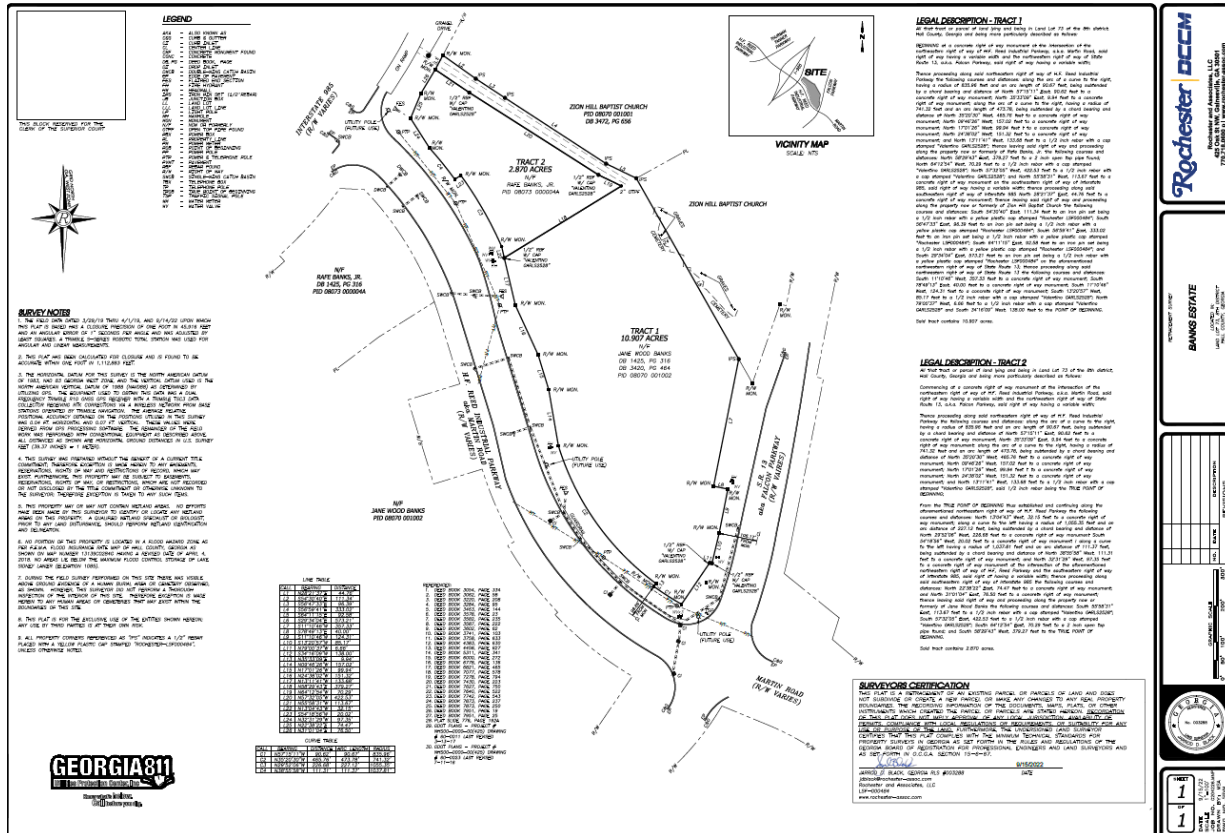


Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 73 of the 8th district, Hall County, Georgia and being more particularly described as follows:

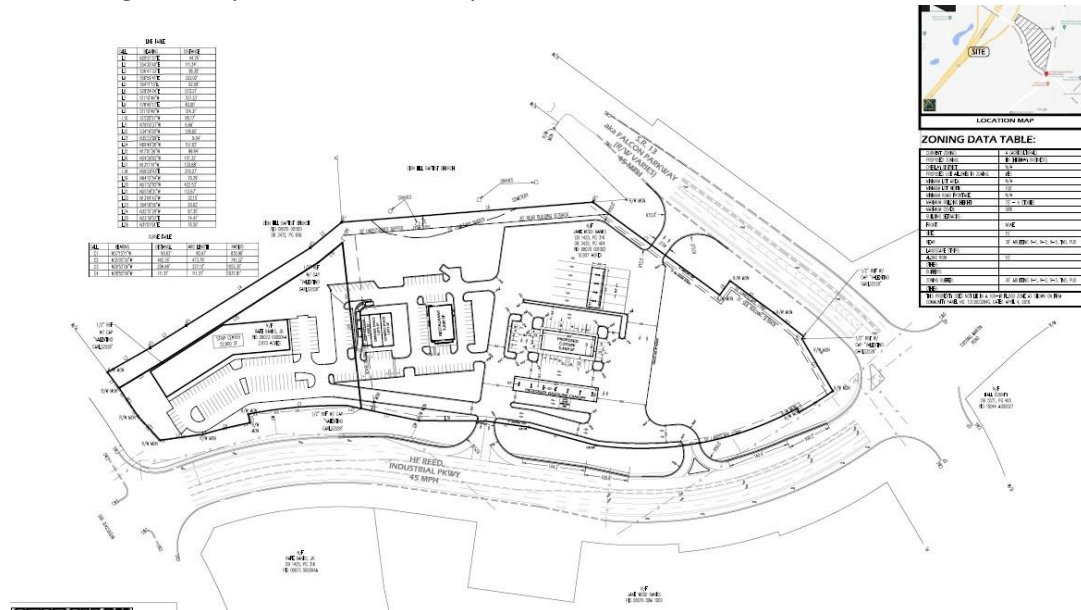
BEGINNING at a concrete right of way monument at the intersection of the northeastern right of way of H.F. Reed Industrial Parkway, a.k.a. Martin Road, said right of way having a variable width and the northwestern right of way of State Route 13, a.k.a. Falcon Parkway, said right of way having a variable width;

Thence proceeding along said northeastern right of way of H.F. Reed Industrial Parkway the following courses and distances: along the arc of a curve to the right, having a radius of 835.96 feet and an arc length of 90.67 feet, being subtended by a chord bearing and distance of North 57°15'11" West, 90.62 feet to a concrete right of way monument; North 35°33'09" East, 9.94 feet to a concrete right of way monument; along the arc of a curve to the right, having a radius of 741.32 feet and an arc length of 473.78, being subtended by a chord bearing and distance of North 35°20'30" West, 465.76 feet to a concrete right of way monument; North 09°46'26" West, 157.02 feet to a concrete right of way monument; North 17°01'26" West, 99.94 feet to a concrete right of way monument; North 24°38'02" West, 151.32 feet to a concrete right of way monument; and North 13°11'41" West, 133.68 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; thence leaving said right of way and proceeding along the property now or formerly of Rafe Banks, Jr. the following courses and distances: North 58°29'43" East, 379.27 feet to a 2 inch open top pipe found; North 64°12'54" West, 70.29 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; North 57°32'05" West, 422.53 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; and North 55°58'31" West, 113.67 feet to a concrete right of way monument on the southeastern right of way of Interstate 985, said right of way having a variable width; thence proceeding along said southeastern right of way of Interstate 985 North 28°21'37" East, 44.76 feet to a concrete right of way monument; thence leaving said right of way and proceeding along the property now or formerly of Zion Hill Baptist Church the following courses and distances: South 54°30'40" East, 111.34 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484"; South 56°47'33" East, 96.39 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484"; South 56°59'41" East, 333.02 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484"; South 64°11'15" East, 92.58 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484"; and South 29°34'04" East, 573.21 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484" on the aforementioned northwestern right of way of State Route 13; thence proceeding along said northwestern right of way of State Route 13 the following courses and distances: South 11°10'46" West, 357.33 feet to a concrete right of way monument; South 78°49'13" East, 40.00 feet to a concrete right of way monument; South 11°10'46" West, 124.31 feet to a concrete right of way monument; South 13°20'57" West, 85.17 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; North 79°00'37" West, 6.66 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528" and South 34°16'09" West, 138.00 feet to the POINT OF BEGINNING.

Said tract contains 10.907 acres.

Exhibit "C"

Project shall significantly adhere to the site plan as shown below:



Public Hearing Published 12/07/2022
Public Hearing 01/05/2023

First Reading 01/05/2023
Adopted 01/19/2023

ORDINANCE 685

AN ORDINANCE GRANTING A VARIANCE FROM THE REQUIREMENTS OF ARTICLE 10, SECTION 10.9.(F) OF THE FLOWERY BRANCH ZONING ORDINANCE TO 0 FALCON PARKWAY, TAX PARCEL IDENTIFICATION NO. 08073 000004A,, OWNED BY BANKS PROPERTY MANAGEMENT, LLC, THE MCCRARY FAMILY PARTNERSHIP, L.P., AND BURWELL INVESTMENTS,L.P., AS SHOWN ON EXHIBIT "A", DESCRIBED ON EXHIBIT "B", AND SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C", BY ALLOWING FUEL PUMPS TO BE LOCATED IN FRONT OF THE PRIMARY STRUCTURE; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, VM&R LLC. has submitted a written and signed application to the City of Flowery Branch, Georgia requesting a specific variance for property located at 0 Falcon Parkway; and

WHEREAS, a survey and complete description of the property subject to the requested variance is included in the application; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia held a public hearing on January 5, 2023, to consider the application, which was duly noticed as prescribed by law and published in the Gainesville Times, as shall be set forth in the minutes of said meeting; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia has considered the subject variance application of VM&R in conjunction with the standards set forth in Article 37, Section 37.5 of the Zoning Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS:

The City Council finds that the proposed variance from the City of Flowery Branch Zoning Ordinance Article 10, Section 10.9.(f) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;

- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
- (d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
- (e) The special circumstances are not the result of the actions of the applicant;
- (f) The variances requested are the minimum variances that will make possible the proposed use of the land, building, or structure in the use district proposed; and
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

SECTION 2. LEGAL DESCRIPTION, VARIANCES GRANTED AND CONDITIONS IMPOSED:

The properties as shown in attached Exhibit "A" and as legally described in Exhibit "B" shall be granted the following variance from the requirements set forth in the Flowery Branch Zoning Ordinance Article 10, Section 10.9.(f):

1. Fuel pumps shall be allowed to be placed in front of the primary structure

Conditions set forth in Exhibit "C" are imposed on said property. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Public Hearing Published 12/07/2022
Public Hearing 01/05/2023

First Reading 01/05/2023
Adopted 01/19/2023

SECTION 4. EFFECTIVE DATE.

The effective date of this Ordinance shall be upon adoption by the City Council of the City of Flowery Branch, Georgia.

SECTION 5. REPEALER.

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

Adopted this 19th day of January 2023.

Edward R. Asbridge, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

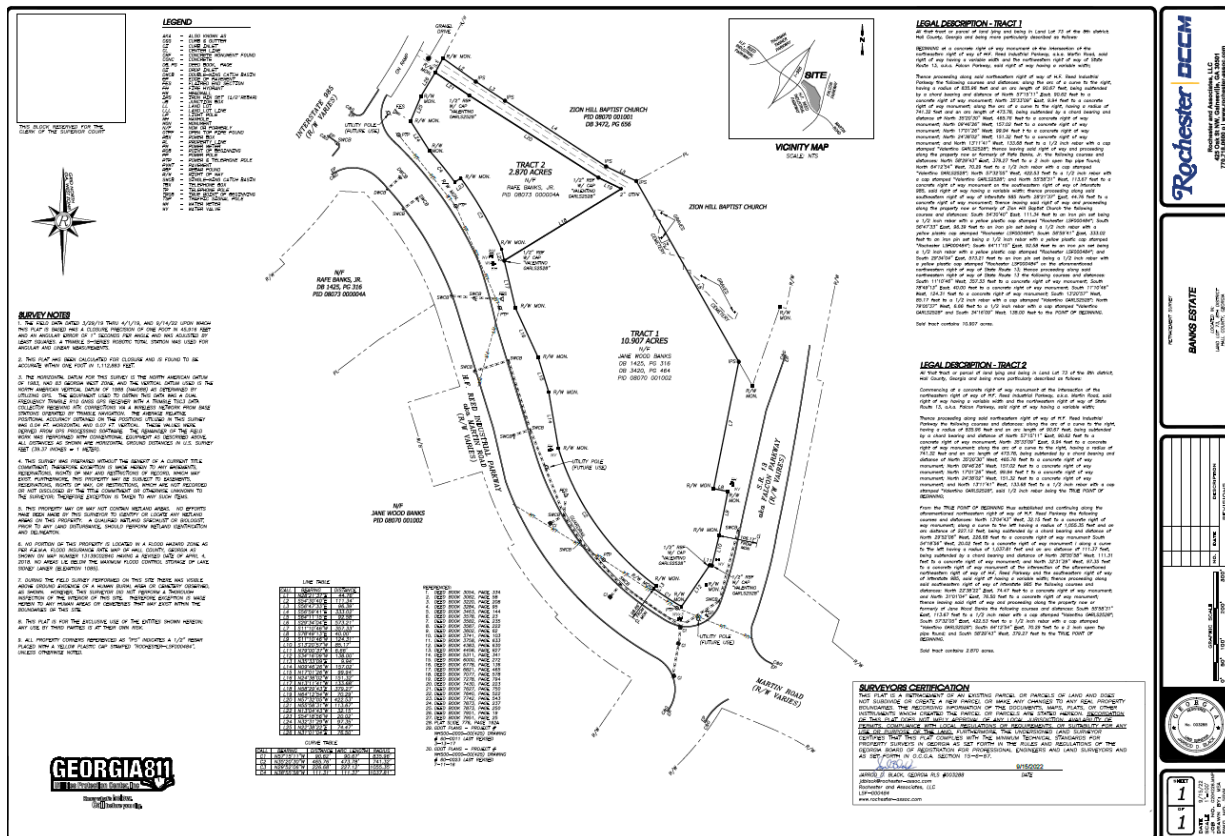


Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 73 of the 8th district, Hall County, Georgia and being more particularly described as follows:

Commencing at a concrete right of way monument at the intersection of the northeastern right of way of H.F. Reed Industrial Parkway, a.k.a. Martin Road, said right of way having a variable width and the northwestern right of way of State Route 13, a.k.a. Falcon Parkway, said right of way having a variable width;

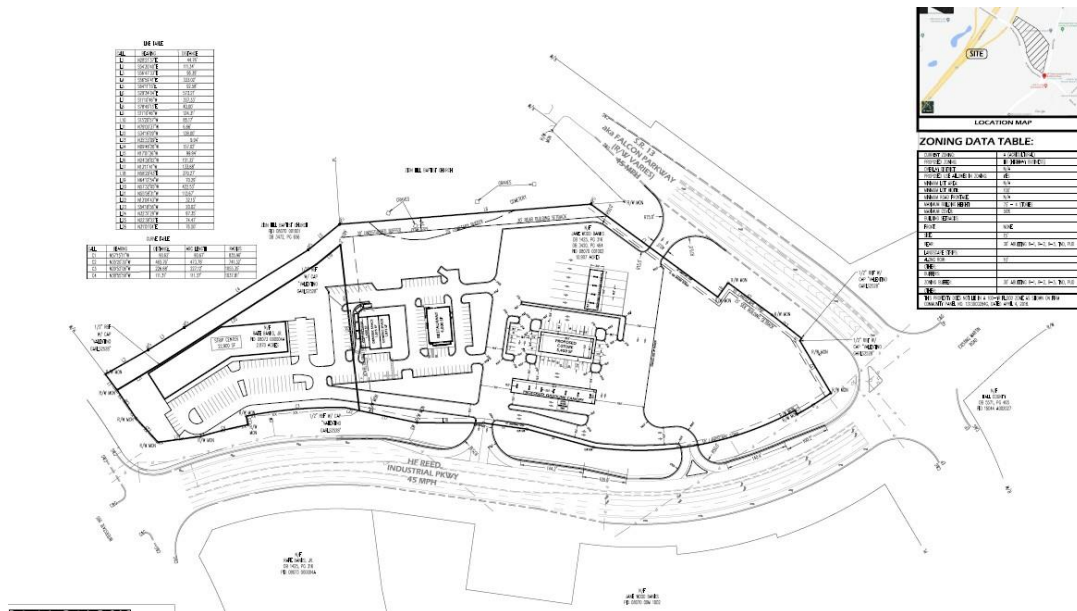
Thence proceeding along said northeastern right of way of H.F. Reed Industrial Parkway the following courses and distances: along the arc of a curve to the right, having a radius of 835.96 feet and an arc length of 90.67 feet, being subtended by a chord bearing and distance of North 57°15'11" West, 90.62 feet to a concrete right of way monument; North 35°33'09" East, 9.94 feet to a concrete right of way monument; along the arc of a curve to the right, having a radius of 741.32 feet and an arc length of 473.78, being subtended by a chord bearing and distance of North 35°20'30" West, 465.76 feet to a concrete right of way monument; North 09°46'26" West, 157.02 feet to a concrete right of way monument; North 17°01'26" West, 99.94 feet to a concrete right of way monument; North 24°38'02" West, 151.32 feet to a concrete right of way monument; and North 13°11'41" West, 133.68 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528", said 1/2 inch rebar being the TRUE POINT OF BEGINNING;

From the TRUE POINT OF BEGINNING thus established and continuing along the aforementioned northeastern right of way of H.F. Reed Parkway the following courses and distances: North 13°04'43" West, 32.15 feet to a concrete right of way monument; along a curve to the left having a radius of 1,055.35 feet and an arc length of 227.12 feet, being subtended by a chord bearing and distance of North 29°52'06" West, 226.68 feet to a concrete right of way monument South 54°18'56" West, 20.02 feet to a concrete right of way monument along a curve to the left having a radius of 1,037.81 feet and an arc length of 111.37 feet, being subtended by a chord bearing and distance of North 38°55'58" West, 111.31 feet to a concrete right of way monument; and North 32°31'29" West, 97.35 feet to a concrete right of way monument at the intersection of the aforementioned northeastern right of way of H.F. Reed Parkway and the southeastern right of way of Interstate 985, said right of way having a variable width; thence proceeding along said southeastern right of way of Interstate 985 the following courses and distances: North 22°38'22" East, 74.47 feet to a concrete right of way monument; and North 31°01'04" East, 76.50 feet to a concrete right of way monument; thence leaving said right of way and proceeding along the property now or formerly of Jane Wood Banks the following courses and distances: South 55°58'31" East, 113.67 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; South 57°32'05" East, 422.53 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; South 64°12'54" East, 70.29 feet to a 2 inch open top pipe found; and South 58°29'43" West, 379.27 feet to the TRUE POINT OF BEGINNING.

Said tract contains 2.870 acres.

Exhibit "C"

Project shall significantly adhere to the site plan as shown below:





FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider the Second Read of Ordinance 672, a request submitted by BLT Martin Road, LLC for a Conditional Use Permit (CUP) to construct a self-storage facility at 4153 Falcon Parkway.

COUNCIL MEETING DATE: January 5, 2023

HISTORY:

This parcel was rezoned from Agriculture (A) to Highway Business (HB) in 2020. The rezoning was requested to allow the construction of a retail strip center (see attached 2020 REZONING staff report Falcon Parkway). The applicant wishes to construct a self-storage facility instead of the retail center. The self-storage use requires a conditional use permit (CUP) in the Highway Business (HB) zoning district.

FACTS AND ISSUES:

Schedule

October 20 Public Hearing

November 3 Work Session (if requested)

November 17 Tabled

December 1 First Vote

December 15 Possible Second Vote

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve the second read of Ordinance 672.

SAMPLE MOTION:

I make a motion to approve the second reading of Ordinance 672.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

ATTACHMENTS

- [CUP Information 4153 Falcon Parkway.pdf](#)
- [FLOWERY BRANCH ELEVATIONS BASE-Layout2.pdf](#)
- [Flowery Branch_Preliminary Landscape Plan.pdf](#)
- [FloweryBranchSitePlan102822.pdf](#)
- [FLOWERY BRANCH ELEVATIONS BASE-Layout1.pdf](#)
- [Staff report Falcon Self-Storage.pdf](#)
- [Falon self-storage CUP Ordinance.pdf](#)



CONDITIONAL USE PERMIT APPLICATION

City Provided Permit #

Date: 08/10/2022

Address of Request:

4153 FALCON PARKWAY FLOWERY BRANCH GA 30542

Tax Map # 150044 A002024 Current Zoning: HB

Is this site located within the boundaries of the historic district? NO

Currently a conforming use? YES

Any conditions of zoning, CUP's, etc.? YES

Applicant Information

Applicant: BLT MARTIN ROAD, LLC

Address: 1776 PEACHTREE STREET, SUITE 100, ATLANTA GA 30309

E-mail address: jhan-a@tm-grp.com

Phone number: 770-436-7196

Signature: [Handwritten Signature]

Notary Seal:





Property owner Information

Property owner (please print): BLT MARTIN ROAD, LLC

Address: 1776 PEACHTREE STREET, SUITE 100, ATLANTA GA 30309

E-mail address: jhaman@tpa-srp.com

Phone number: 770-436-7194

Signature: 

Notary Seal:



Applicant Information Required at Time of Submittal

Please review the Flowery Branch Code of Ordinances, Appendix C, "Zoning Ordinance", Article 34, for complete requirements.

- Payment of \$350.00
- Legal description – one hard copy and on a flash drive
- Current survey of property – one hard copy and on a flash drive
- Site plan – one hard copy and on a flash drive
- Site plan shall meet the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.5
- Detailed description of request
- Development statistics per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.6
- Analysis requirements per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.7
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)



Conflict of Interest Disclosure

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who

Have a property interest in the real property affected by this request

NONE

Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request

NONE

Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request

NONE

Disclosure of Campaign Contributions

List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

Elected Officials Name

Amount of Description of Gift

NA

NA

NA

NA



Received by City of Flowery Branch Staff on _____

Name: _____

Title _____

NOTES

1. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THIS SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION SUPPLIED AND TO THE SURVEYOR'S BEST KNOWLEDGE ARE APPROXIMATELY AS SHOWN. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

2. I HAVE EXAMINED THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR THE CITY OF FLOWERY BRANCH, HALL COUNTY, GEORGIA AND INCORPORATED AREAS, COMMUNITY PANEL NUMBER 130333, MAP 13139 C 0284 G, PANEL 284 OF 377, EFFECTIVE DATE APRIL 4, 2018 AND FOUND NO PORTION OF THE PROPERTY SHOWN HEREON TO FALL WITHIN A DESIGNATED FLOOD ZONE "A" OR "AE" (AREAS OF 100 YEAR FLOOD). THE PROPERTY SHOWN HEREON TO FALLS WITHIN A DESIGNATED FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD).

3. THE ORTHOMETRIC HEIGHTS (ELEVATIONS AND CONTOURS) SHOWN HEREON WERE DETERMINED BY GPS OBSERVATIONS AND WERE ADJUSTED BY PLANNERS AND ENGINEERS COLLABORATIVE IN NOVEMBER 2018. NORTH AMERICAN DATUM OF 1983 (NAD83), NORTH AMERICAN VERTICAL DATUM OF 1988 (NAV88), GEORGIA WEST ZONE STATE PLANE COORDINATES.

4. THE TERM "CERTIFICATION" RELATING TO PROFESSIONAL ENGINEERING AND LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

5. THE UNDERGROUND UTILITIES SHOWN HEREON WERE DETERMINED BY LOCATING PAINT MARKINGS CREATED BY SUBSURFACE UTILITY INVESTIGATIONS, LLC. - PHONE-(770) 557-4142.

6. NO ZONING INFORMATION PROVIDED FOR BUILDING SETBACKS.

7. NO DESIGNATED PARKING SPACES ON SUBJECT PROPERTY.

8. NO PARTY WALLS LOCATED ON SUBJECT PROPERTY.

9. FALCON PARKWAY ROAD IMPROVEMENTS ARE RECENT. NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED ON THE SUBJECT PROPERTY IN THE PROCESS OF CONDUCTING THE FIELDWORK.

10. EXCEPTION #18, RIGHT OF WAY DEDICATION IN DB 7883 PG 251 SHOWS THE LOCATION OF EXISTING R/W AS PER STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION MAINLINE PLAN SR 13 (FALCON PKWY) PROJECT: NH500-0000-001 4251 PARCEL 26, JANE WOOD BANKS R/A, ETAL C/O REGIONS BARK TRUST DEPT. IN THE SURVEYORS OPINION, THESE PLANS SHOW THE EXISTING R/W AND RIGHT OF WAY BEING DEDICATED INCORRECTLY SHIFTED NORTH. A PORTION OF THE SUBJECT PROPERTY ON THE PLANS IS SHOWN ON THE SOUTH ADJOINER. RIGHT OF WAY MONUMENTS FOUND IN THE FIELD CONFIRM THIS AND ARE SHOWN. RIGHT OF WAY ALONG FALCON PARKWAY IS SHOWN AS A 90 FOOT OFFSET ALONG THE SOUTH MOST 2 CALLS AS SHOWN IN THE RIGHT OF WAY PLANS. AN EFFORT WAS MADE TO CONTACT ENGINEER OF RIGHT OF WAY PLANS BY PHONE AND EMAIL UNSUCCESSFULLY.

11. TOPOGRAPHY ON SITE IS FIELD RUN AND HAS BEEN MENDED WITH LIDAR UAV AERIAL TOPOGRAPHY TO THE SOUTH PERFORMED IN 2018.

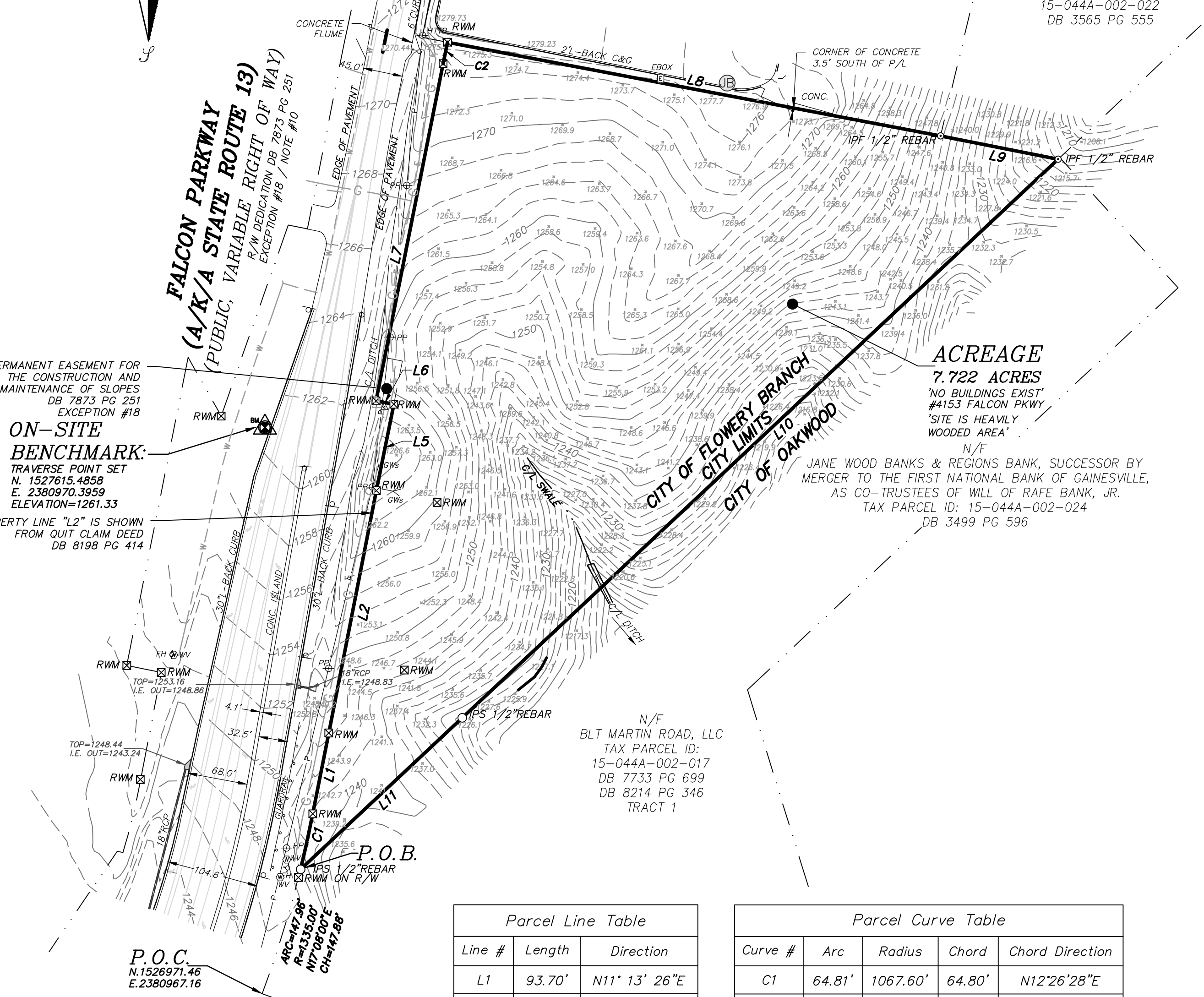
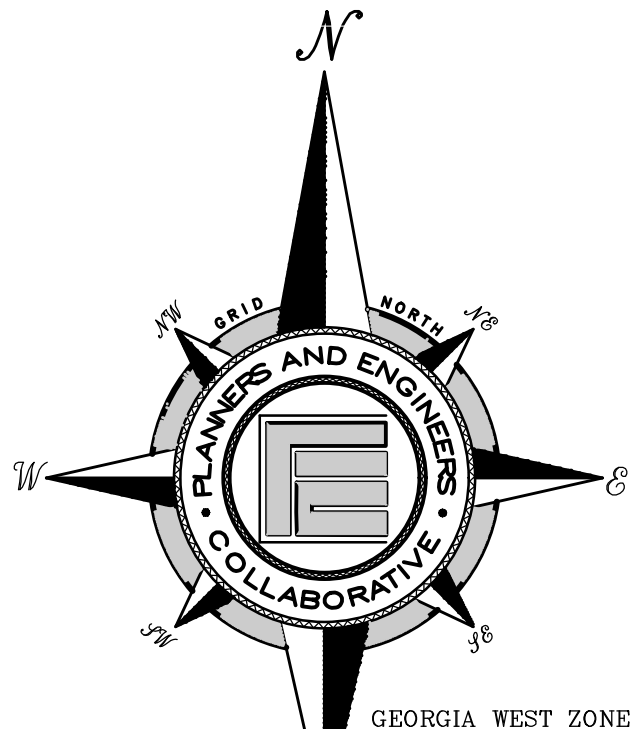
LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Flowery Branch GMD #1270, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

COMMENCING at the point located at the intersection of the Northerly Right of Way of Martin Road (Public, Variable R/W) and the Southeasterly Right of Way of Falcon Parkway (A/K/A State Route 13, Public, Variable Right of Way) having Georgia State Plain coordinates (NAD83, Georgia West Zone) of N.1526971.46 & E.2380967.16; thence leaving said intersection and following along said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13) along a curve turning to the left with an arc length of 147.96 feet, having a radius of 1335.00 feet, being subtended by a chord bearing of North 17 degrees 08 minutes 00 seconds East, and a chord length of 147.88 feet to a 1/2" iron pin set, which is the TRUE POINT OF BEGINNING.

Thence continuing along said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13) the following courses and distances: with a curve turning to the left with an arc length of 64.81 feet, with a radius of 1067.60 feet, with a chord bearing of North 12 degrees 26 minutes 28 seconds East, with a chord length of 64.80 feet to a right of way monument found; thence North 11 degrees 13 minutes 26 seconds East a distance of 93.70 feet to a right of way monument found; thence North 11 degrees 06 minutes 32 seconds East a distance of 280.86 feet to a right of way monument found; thence North 11 degrees 25 minutes 42 seconds East a distance of 100.29 feet to a right of way monument found; thence North 79 degrees 16 minutes 16 seconds West a distance of 20.61 feet to a right of way monument found; thence North 11 degrees 14 minutes 39 seconds East a distance of 391.04 feet to a right of way monument found; thence with a curve turning to the right with an arc length of 24.85 feet, with a radius of 2794.79 feet, with a chord bearing of North 11 degrees 45 minutes 30 seconds East, with a chord length of 24.85 feet to a right of way monument found; thence leaving said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13) South 79 degrees 13 minutes 59 seconds East a distance of 570.76 feet to a 1/2" rebar found; thence South 78 degrees 47 minutes 05 seconds East a distance of 136.23 feet to a 1/2" rebar found on the City Limits of Flowery Branch; thence following along said City Limits of Flowery Branch the following courses and distances: South 46 degrees 51 minutes 01 seconds West a distance of 928.91 feet to a 1/2" rebar set; thence South 46 degrees 51 minutes 01 seconds West a distance of 252.05 feet to a 1/2" rebar set on said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13, which is the TRUE POINT OF BEGINNING.

Said parcel having an area of 7.722 acres more or less.



Parcel Line Table		
Line #	Length	Direction
L1	93.70'	N11° 13' 26"E
L2	280.86'	N11° 06' 32"E
L3	OMITTED	OMITTED
L4	OMITTED	OMITTED
L5	100.29'	N11° 25' 42"E
L6	20.61'	N79° 16' 16"W
L7	391.04'	N11° 14' 39"E
L8	570.76'	S79° 13' 59"E
L9	136.23'	S78° 47' 05"E
L10	928.91'	S46° 51' 01"W
L11	252.05'	S46° 51' 01"W

Parcel Curve Table				
Curve #	Arc	Radius	Chord	Chord Direction
C1	64.81'	1067.60'	64.80'	N12°26'28"E
C2	24.85'	2794.79'	24.85'	N11°45'30"E

STRUCTURE LEGEND

CABLE / TV		SEWER	
	Cable / TV Marker		Grease Trap
	Cable / TV Pedestal		Sanitary Sewer Manhole
	Cable / TV Manhole		Cleanout
	Cable / TV Handhole		Sanitary Sewer Vent Pipe
	Cable / TV Cable Box		Sanitary Sewer Marker
ELECTRIC/POWER			Sanitary Sewer Force Main Valve
	Transformer		Sanitary Sewer Lift Station
	Guy Wire	SITE / TOPOGRAPHIC FEATURES	
	Electric Meter		Street Sign
	Power Pole/Utility Pole		Air Condition Unit
	Street Light/Light Pole		Bollard
	Electric Panel		Mailbox
	Electric Box		Satellite Dish
	Electric Manhole		Flag Pole
	Electric Handhole		Monitoring Well
	Spot Light		Antenna
FIBER OPTIC			Column
	Fiber Optic Marker		Camera Pole / Camera
	Fiber Optic Manhole		Bore Hole Location
	Fiber Optic Pedestal		Mile Post
GAS			Rail Road Mile Post
	Gas Meter	STORM / DRAINAGE	
	Gas Valve		Storm Structure Lid
	Gas Fill Cap		Drop Inlet
	Gas Manhole		Catch Basin
	Gas Marker		Single Wing Catch Basin
	Gas Pressure Relief Valve		Double Wing Catch Basin
	Gas Vault		Weir Inlet
	Gas Vent Pipe		Head Wall Junction Box
	Gas Something)		Curb Inlet
PAVEMENT MARKING			Flared-in Section
	Pavement Marking		Down Spout
	Pavement Marking	TELEPHONE	
	Turn Arrow Left/Right		Telephone Terminal Box
	Turn Arrow Left		Telephone Marker
	Turn Arrow Right		Telephone Handhole Box
	Turn Arrow Straight		Telephone Manhole
	Traffic Arrow Straight/Left		Telephone Cabinet
	Traffic Arrow Straight/Right	TRAFFIC	
	Traffic Arrow U-Turn		Overhead Traffic Signal
	Handicap Pavement Marking		Traffic Handhole Box
	Bike Lane Pavement Marking		Traffic Signal Pole
PROPERTY MONUMENTS			Traffic Signal Loop Control Box
	Right-of-Way Monument Found	WATER	
	Concrete Monument Found		Fire Hydrant
	Iron Pin Set		Irrigation Control Valve
	Iron Pin Found (Rebar found)		Water Meter
	PK Nail Found		Water Valve
	Point		Fire Department Connection
	Benchmark		Water Vault
MISCELLANEOUS			Pressure Irrigation Valve
	Land Lot Symbol		Water Vent Pipe
			Water Valve Marker
			Water Marker
			Water Manhole
			Water Air Release Valve
			Water Back Flow Preventer
			Sprinkler Head
			Sprinkler Valve

LINETYPES

PROPERTY		EXISTING OVERHEAD	
	Adjacent Property		Electric Line
	Property Line		Electric
	Center of Creek		Fiber Optic
FENCE LINES			Gas
	Barb Wire Fence		Telecommunications
	Chain Link Fence		Water
	Wood Fence		Television
	Woven Wire Fence		Storm Drainage Line
SITE / TOPOGRAPHIC FEATURES			Sanitary Sewer
	Guardrail		

ABBREVIATIONS

APPROX.	Approximate	I.E.	Invert Elevation
#4	1/2" Rebar	IPF	Iron Pin Found
C&G	Curb and Gutter	IPS	Iron Pin Set
CLF	Chain Link Fence	LP	Light Pole
OMP	Corrugated Metal Pipe	WW	Monitoring Well
CO	Clean Out	N/F	Now or Formerly
CPP	Corrugated Plastic Pipe	OTP	Open Top Pipe
DI	Drop Inlet	PB	Plot Book
DE	Drainage Easement	Page	Page
EOP	Edge of Pavement	PKF	PK Nail Found
EPN	Electric Power Pole	PKS	PK Nail Set
EPAN	Electric Panel	POB	Point of Beginning
ESMT	Easement	PCC	Point of Commencement
FES	Flared End Section	PVC	Polyvinyl Chloride Pipe
FTE	Finish Floor Elevation	RBC	Rebar Capped
FH	Fire Hydrant	RCP	Reinforced Concrete Pipe
FLGP	Flag Pole	RWM	Right of Way Monument
GA	Georgia	SSE	Sanitary Sewer Easement
GM	Gas Meter	SSMH	Sanitary Sewer Manhole
GW	Guy Wire	TRAN	Transformer
HDR	Hand Rail	VCP	Vitrified Clay Pipe
H.W.	Hard Wood	W.D.F.	Wood Fence
HW	Headwall	WM	Water Meter
ICV	Irrigation Control Valve	WV	Water Valve



TITLE EXCEPTIONS

Chicago Title Insurance Company Issuing Office File Number 3509-0002 with a commitment date of June 3, 2019 was used in the preparation of this survey and the listed exceptions are as follows:

10. All matters shown on that plat recorded at Plat Book 114, Page 12, Hall County, Georgia records. Comment: Affects all of subject property, as shown on survey.

11. Right of Way Deed from Rafe Banks, Jr. et al to State Highway Department of Georgia dated April 20, 1953, recorded in Deed Book 142, Page 126, aforesaid records. Comment: May affect. The location cannot be determined from the record document. Subsequent right of way dedications have been recorded to buy additional right of way.

12. Right of Way Deed from Rafe Banks, Jr. et al to State Highway Department of Georgia dated May 26, 1955, recorded in Deed Book 154, Page 178, aforesaid records. Comment: May affect. The location cannot be determined from the record document. Subsequent right of way dedications have been recorded to buy additional right of way.

13. Right of Way Deed from Rafe Banks, Jr. et al to Hall County dated July 5, 1966, recorded in Deed Book 332, Page 415, aforesaid records. Comment: May affect. The location cannot be determined from the record document. Subsequent right of way dedications have been recorded to buy additional right of way.

14. Right of Way Deeds from Regions Bank and Jane Wood Banks as CoTrustees, et al. to Hall County dated July 3, 2002, recorded in Deed Book 4243, Page 162, aforesaid records. Comment: Does not affect. Right of Way take is on the northwest side of State Route 13.

15. Right of Way Deeds from Regions Bank and Jane Wood Banks as CoTrustees, et al. to Hall County dated July 3, 2002, recorded in Deed Book 4243, Page 170, aforesaid records. Comment: Does not affect. Right of Way take is on the northwest side of State Route 13.

16. Right of Way Deeds from Regions Bank and Jane Wood Banks as CoTrustees, et al. to Hall County dated July 3, 2002, recorded in Deed Book 4243, Page 170, aforesaid records. Comment: Does not affect. Right of Way take is on the northwest side of State Route 13.

17. Easement from The McCrary Family Partnership, L.P. et al. to Georgia Power Company dated December 18, 2002, recorded in Deed Book 4458, Page 627, aforesaid records. Comment: Does not affect. Easement is on the northwest side of State Route 13.

18. Declaration of Taking Department of Transportation vs. Burwell Investments, Ltd. Dated February 17, 2017, recorded in Deed Book 7873, Page 251, aforesaid records. Comment: Affects. Right of Way take and Permanent Easement shown on survey.

The field data upon which this map or plat is based has a closure precision of one foot in 61,203 feet and an angular error of 00° 00' -04" per angle point and was adjusted using the compass adjustment rule.

This map or plat has been calculated for closure and is found to be accurate to within one foot in 5,919,020 feet.

EQUIPMENT USED:

ANGULAR: TOPCON TOTAL STATION

LINEAR: TOPCON TOTAL STATION

To BLANCHARD REAL ESTATE AND CHICAGO TITLE INSURANCE COMPANY:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1-4, 8, 9, 10, 13, and 16 of Table A thereof. The field work was completed on: 4/30/20

Date of Map or Plat: 4/27/2020, LAST REVISED 7/21/2020.

PLANNERS AND ENGINEERS COLLABORATIVE
"WE PROVIDE SOLUTIONS"

■ SITE PLANNING ■ LANDSCAPE ARCHITECTURE
■ CIVIL ENGINEERING ■ LAND SURVEYING
350 RESEARCH COURT PEACHTREE CORNERS, GEORGIA 30092
(770)451-2741 ■ WWW.PECATL.COM
C.O.A.-LSFR00004

5				
4				
3				
2				
1	07/21/20	REVISE RW PER QC DB 8198 PG 414		MN
REV	DATE	DESCRIPTION		BY

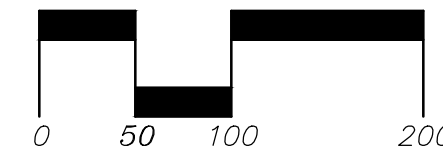
LAND LOT(S) GMD #1270
DISTRICT FLOWERY BRANCH

ALTA/NSPS LAND TITLE SURVEY
FOR
BLANCHARD REAL ESTATE AND
CHICAGO TITLE INSURANCE COMPANY
CITY OF FLOWERY BRANCH

HALL COUNTY
GEORGIA



DRAWN BY: MN
CHECKED BY: JH
FILE NO.: 17211.01
DATE: 4/27/2020
SCALE: 1"=100'



DATE OF FIELD WORK: 4/30/20

BLT MARTIN ROAD, LLC

October 4, 2022

Mr. Rich Atkinson
Flowery Branch Community Development
5410 Pine Street
Flowery Branch, GA 30542

RE: Conditional Use Permit Application
Tax Map 15044A002024

Mr. Atkinson:

In accordance with Flowery Branch Code of Ordinances; Appendix C – Zoning Ordinance, Article 34, section 4(e), please accept this letter of intent as part of the aforementioned rezoning application:

It is our intent to apply for a conditional use permit to construct a multi-story, climate-controlled storage facility. This request would follow all development guidelines outlined in the Flowery Branch Code of Ordinances and Zoning Ordinance 20-609.

This parcel was rezoned in 2020 from Agricultural (A) to Highway Business (HB). At that time, we believed the market conditions supported a small retail development as indicated in our rezoning application. Since then, our belief that the most highest and best use for the parcel is a best in class climate controlled storage facility. This is due to shifting population demographics, the maturation of the submarket (including the retail pads along Martin Road in the City of Oakwood) and the completion of a first phase and commencement of a second phase of multifamily development adjacent to the site. Further, in the time since the original rezoning, the site has been marketed heavily for a retail user without any success. This indicates that the market will not, as originally contemplated, support the retail development however there is a storage operator ready to commence development on the site.

The development will include inter-parcel access to the road currently being constructed to serve the second phase of the multifamily development. During the initial rezoning application, the site layout contemplated inter-parcel connectivity to the retail development along Martin Road, however upon further study, the only viable location for stormwater facilities is in the portion of the site that would allow for that connectivity. However, in keeping with the spirit of the initial rezoning, we are foregoing a new driveway on any public right-of-way and are instead proposing to use the permitted driveway depicted on the site plan.

Very truly yours,



Shawn Gleason

BLT MARTIN ROAD, LLC

October 4, 2022

Mr. Rich Atkinson
Flowery Branch Community Development
5410 Pine Street
Flowery Branch, GA 30542

RE: Conditional Use Permit Application
Tax Map 15044A002024

Mr. Atkinson:

In accordance with Flowery Branch Code of Ordinances; Appendix C – Zoning Ordinance, Article 34, section 34.7, please accept this site analysis as part of the aforementioned rezoning application:

1. Will the proposal permit a use that is suitable in view of the use and development of adjacent and nearby property
 - a. Yes. The proposal is to allow for a best in class multistory climate controlled storage facility which will support the increased residential density in the submarket. The façade of the structure will, pending staff comments, align with the look and finish of the existing first phase and in-progress second phase and will meet all development guidelines of both the Flowery Branch Code of ordinances for building and site conditions, as well as Zoning Ordinance 20-609 in terms of building finish.
2. Will the proposal adversely affect the existing use or useability of adjacent or nearby property?
 - a. No. The proposal would allow the subject parcel to be developed into a use that is symbiotic to those to the east. The parcel to the north is commercially zoned and currently in use as a cemetery and the parcels to the south/southeast are underdevelopment into commercial outparcels with various end users and uses.
3. Can the subject parcel be used in accordance with the existing regulations and have a reasonable economic use as currently zoned.
 - a. Yes. The underlying zoning currently allows the use as conditional. Therefore, the parcel can be used in accordance with the existing regulations. The parcel has been actively, but unsuccessfully, marketed for retail users for the last 2 years. Currently, there is an active user who is prepared to develop the site into a best in class, multistory, climate controlled self-storage facility.
4. Will the proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
 - a. No. As a use, self-storage has a minimal, if any, impact on traffic, utilities and schools.
5. Is the proposal in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map?

BLT MARTIN ROAD, LLC

- a. Yes. The site is noted as an activity center on the character area map. The activity center uses and intensities notes: “a wide range of uses is contemplated in this character area, except for heavy industry and residential. The character area is the proper place for big box retail, shopping centers, lodging and auto-related uses. Commercial intensities are within a range of 15,000 to 38,000 sf of building space/acre (FAR of 0.34 to 0.85). Five story height limit.

As currently designed, the 3 story, 120,000 square foot facility has a FAR of 0.689 and a intensity of 30,000 square feet of building space/acre.

Further, the future land use map notes the site as ‘commercial’.

6. Are there other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal.
 - a. Yes. The site has been marketed actively, but unsuccessfully, for a retail user for the last 2 years. Currently, there is an active and engaged operator who is prepared to develop the site into a best in class, multistory, climate controlled self storage facility.
7. What are the existing use(s) and zoning of the subject property and nearby properties.
 - a. Subject Property
 - i. Zoned – Highway Business (HB)
 - ii. Use – Undeveloped
 - b. Property to the north
 - i. Zoned – Highway Business (HB)
 - ii. Use – Memorial Park South Funeral Home
 - c. Property to the South/East (lies within the city of Oakwood)
 - i. Zoned - Planned commercial development (PCD)
 - ii. Use – Retail outparcels with varying users and uses
 - d. Property to the West (opposite Falcon Parkway)
 - i. Zoned – Agricultural (A)
 - ii. Use – Undeveloped
8. What is the current value of the property under the existing zoning district classification to the extent to which the property value of the subject property is diminished by the existing zoning district and the value of the property under the proposed zoning district.
 - a. The request for the parcel is not to change the zoning, but to allow a conditional use. To the best of our knowledge, the parcel appear to have been wooded and undeveloped since 1944. The proposed conditional use would allow the site to immediately be developed into a best in class multistory climate controlled storage facility.
9. Will a zoning map amendment be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations?
 - a. N/A. The proposal does not include a zoning map amendment, only for a conditional use permit to a use that is allowed with the same under the current zoning classification.

BLT MARTIN ROAD, LLC

10. Does the zoning map amendment create an isolated zoning district unrelated to adjacent and nearby districts?
 - a. N/A. The proposal does not include a zoning map amendment, only for a conditional use permit to a use that is allowed with the same under the current zoning classification.
11. Will the change in zoning district map impact the character of a zoning district?
 - a. N/A. The proposal does not include a zoning map amendment, only for a conditional use permit to a use that is allowed with the same under the current zoning classification.
12. What would the possible impact to the environment be including, but not limited to, drainage, soils erosion and sedimentation, flooding, air quality and water quality?
 - a. The City of Flowery Branch has already approved grading and infrastructure plans for the site which include negative stormwater impact mitigation (both downstream flooding and water quality) as well as permanent stabilization of all slopes and disturbed areas. Further, the use will not have any impact to air quality or other environmental concerns.
13. What relation does the proposed zoning map amendment have on the purpose of the overall zoning scheme and Flowery Branch zoning ordinance?
 - a. The proposal does not include a zoning map amendment, only for a conditional use permit to a use that is allowed with the same under the current zoning classification. However, the use is in keeping with both the Character Area Map and Future Land Use Map of Flowery Branch.

Very truly yours,



Shawn Gleason

LEGAL DESCRIPTION

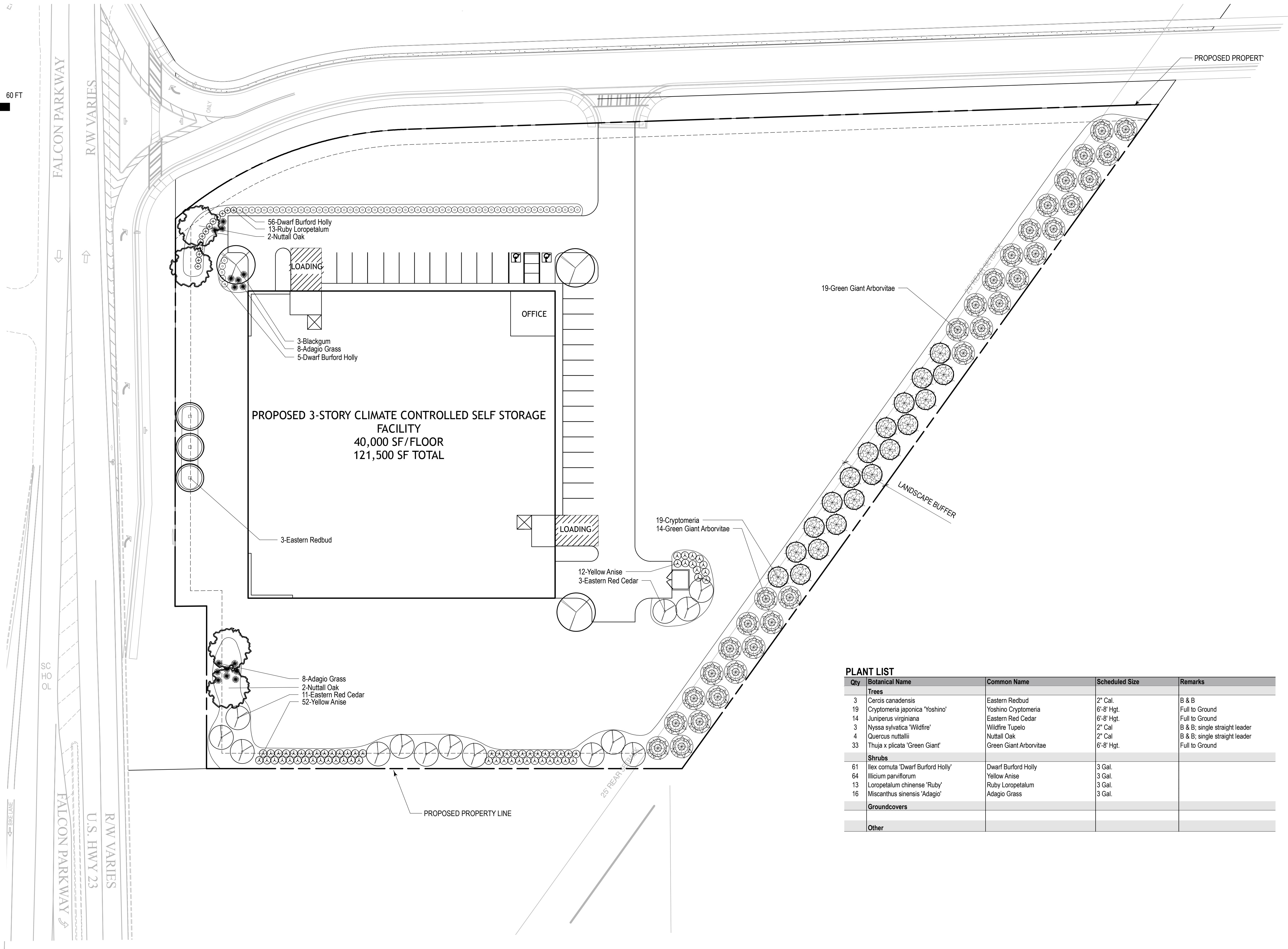
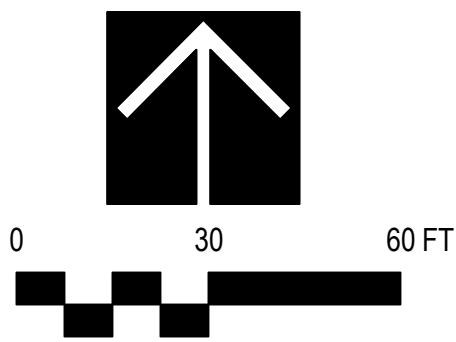
ALL THAT TRACT OR PARCEL OF LAND lying and being in Flowery Branch GMD #1270, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

COMMENCING at the point located at the intersection of the Northerly Right of Way of Martin Road (Public, Variable R/W) and the Southeasterly Right of Way of Falcon Parkway (A/K/A State Route 13, Public, Variable Right of Way) having Georgia State Plain coordinates (NAD83, Georgia West Zone) of N.1526971.46 & E.2380967.16; thence leaving said intersection and following along said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13) along a curve turning to the left with an arc length of 147.96 feet, having a radius of 1335.00 feet, being subtended by a chord bearing of North 17 degrees 08 minutes 00 seconds East, and a chord length of 147.88 feet to a 1/2" iron pin set, which is the TRUE POINT OF BEGINNING.

Thence continuing along said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13) the following courses and distances: with a curve turning to the left with an arc length of 64.81 feet, with a radius of 1067.60 feet, with a chord bearing of North 12 degrees 26 minutes 28 seconds East, with a chord length of 64.80 feet to a right of way monument found; thence North 11 degrees 13 minutes 26 seconds East a distance of 93.70 feet to a right of way monument found; thence North 50 degrees 10 minutes 29 seconds East a distance of 111.87 feet to a right of way monument found; thence North 11 degrees 03 minutes 53 seconds East a distance of 194.05 feet to a right of way monument found; thence North 78 degrees 55 minutes 35 seconds West a distance of 70.35 feet to a right of way monument found; thence North 11 degrees 25 minutes 42 seconds East a distance of 100.29 feet to a right of way monument found; thence North 79 degrees 16 minutes 16 seconds West a distance of 20.61 feet to a right of way monument found; thence North 11 degrees 14 minutes 39 seconds East a distance of 391.04 feet to a right of way monument found; thence with a curve turning to the right with an arc length of 24.85 feet, with a radius of 2794.79 feet, with a chord bearing of North 11 degrees 45 minutes 30 seconds East, with a chord length of 24.85 feet to a right of way monument found; thence leaving said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13) South 79 degrees 13 minutes 59 seconds East a distance of 570.76 feet to a 1/2" rebar found; thence South 78 degrees 47 minutes 05 seconds East a distance of 136.23 feet to a 1/2" rebar found on the City Limits of Flowery Branch; thence following along said City Limits of Flowery Branch the following courses and distances: South 46 degrees 51 minutes 01 seconds West a distance of 928.91 feet to a 1/2" rebar set; thence South 46 degrees 51 minutes 01 seconds West a distance of 252.05 feet to a 1/2" rebar set on said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13, which is the TRUE POINT OF BEGINNING.

Said parcel having an area of 7.338 acres more or less.

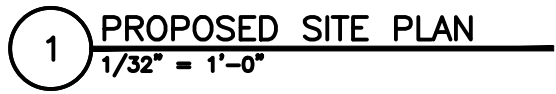
[illegible][illegible][illegible]



PLANT LIST				
Qty	Botanical Name	Common Name	Scheduled Size	Remarks
Trees				
3	Cercis canadensis	Eastern Redbud	2" Cal.	B & B
19	Cryptomeria japonica 'Yoshino'	Yoshino Cryptomeria	6'-8' Hgt.	Full to Ground
14	Juniperus virginiana	Eastern Red Cedar	6'-8' Hgt.	Full to Ground
3	Nyssa sylvatica 'Wildfire'	Wildfire Tupelo	2" Cal	B & B; single straight leader
4	Quercus nuttallii	Nuttall Oak	2" Cal	B & B; single straight leader
33	Thuja x plicata 'Green Giant'	Green Giant Arborvitae	6'-8' Hgt.	Full to Ground
Shrubs				
61	Ilex cornuta 'Dwarf Burford Holly'	Dwarf Burford Holly	3 Gal.	
64	Illicium parviflorum	Yellow Anise	3 Gal.	
13	Loropetalum chinense 'Ruby'	Ruby Loropetalum	3 Gal.	
16	Miscanthus sinensis 'Adagio'	Adagio Grass	3 Gal.	
Groundcovers				
Other				

STORAGE FACILITY
FALCON PARKWAY
FLOWERY BRANCH, GEORGIA 30542

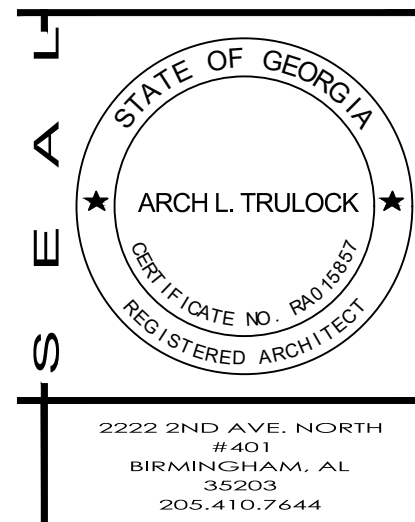




FLOWERY BRANCH
SELF STORAGE
4153 FALCON PARKWAY
FLOWERY BRANCH, GA

DATE: 10/19/22
FOR: PRELIMINARY
DESIGN
PROJECT #: 1002.36
ARCHITECTURAL
SITE PLAN

LET A1.0





Applicant: BLT Martin Road, LLC

Property Owner: BLT Martin Road, LLC

Subject Property: 4153 Falcon Parkway; Parcel ID#150044 A002024

Request: Conditional Use Permit (CUP) to construct and operate a self-storage business in HB zoning

Current Use: Vacant

Character Area: Industrial Employment

Code:

Per the City of Flowery Branch Zoning Ordinance an HB zoned property who wishes to operate a self-storage business is required to obtain a conditional use permit.

Sec. 9.4. - HB, Highway Business District.

Purpose and Description . This zoning district is intended to implement the "commercial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "activity center" and "mixed use" character areas established in the comprehensive plan. Centered at the interchange of Spout Springs Road and I-985, and also extending north and south along Hog Mountain Road, this zoning district will be an accessible center of businesses, services, and complementary uses, which may include traditional neighborhood development and mixed-use developments, contributing extensively to the economic base of the city.

Character . This district is dominated by commercial uses but also intended to accommodate mixed-use developments. A grid block pattern of streets (connected local network) is provided, along with sidewalks and street trees. Pedestrian accessibility is promoted, although most activity is via the automobile for access. Entrances, frontages, and building facades are softened with landscaping and low-lying identification signs.

Permitted and Conditional Uses . Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." The widest possible range of uses is contemplated in this zoning district, except for industry and single-family, detached or manufactured homes. This character area is the proper place for big box retail, shopping centers, lodging and auto-related uses.

Dimensional Requirements . Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."

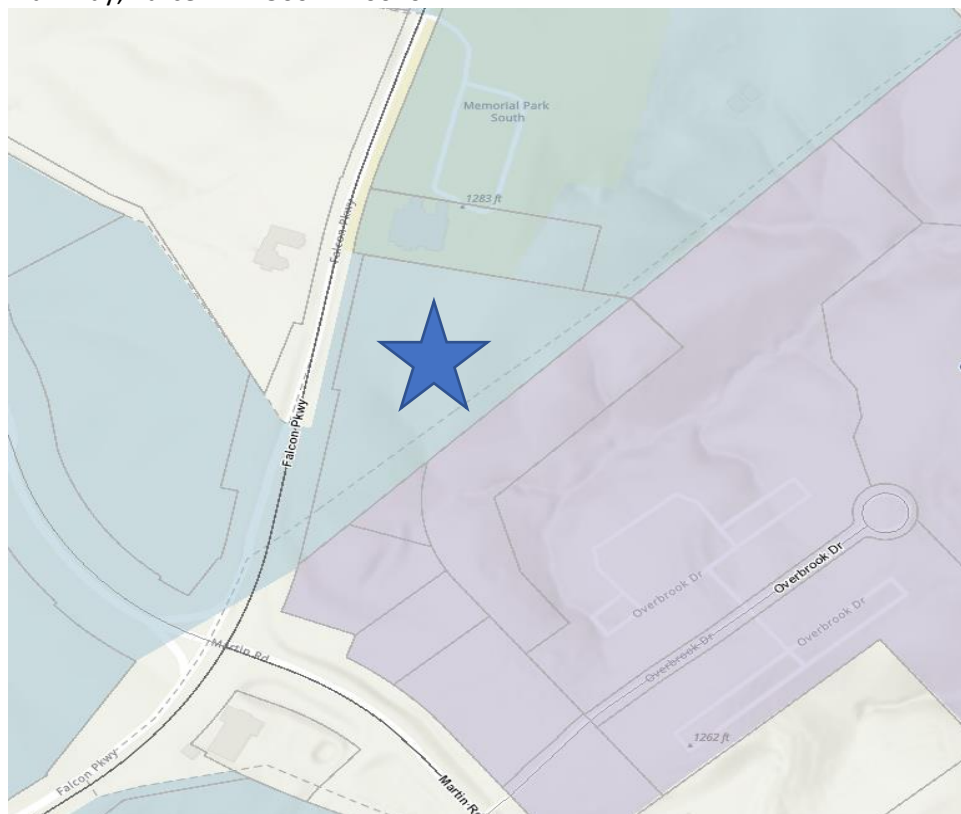


Table 9.1
Permitted and Conditional Uses in Nonresidential Zoning Districts
(P = Permitted Use C = Conditional Use X = Prohibited)

School, trade	C	C	X	X	X	C	C
Self-service storage facility (mini-warehouse)	X	X	X	C	X	P	P
Service and fuel-filling station	X	X	X	P	X	P	P
Showroom	X	X	X	X	X	P	P
Slaughterhouse	X	X	X	X	X	X	C
Solid waste handling and/or transfer facility	X	X	X	X	X	X	C
Special event facility	C	P	C	P	X	X	X
Taxi cab and limousine service	X	X	X	C	X	C	C
Tattoo Parlor	X	X	X	P	X	C	C
Temporary use approved by the Zoning Administrator	P	P	P	P	P	P	P
Therapeutic camp	X	C	X	X	X	X	X
Tow service	X	X	X	P	X	C	P
Truck stop or truck terminal	X	X	X	C	X	X	P
Utility company	P	P	X	P	X	P	P
Use	O-P	INST	NS	HB	CBD	M-1	M-2
Utility company substation	P	P	P	P	P	P	P
Vehicle emission testing facility	X	X	X	P	X	P	P

Property:

4153 Falcon Parkway; Parcel ID#150044 A002024:





CUP Requirements:

Sec. 34.7. Analysis Requirements.

Applications to amend the official zoning map and applications for conditional uses shall provide a written analysis comparing the proposed action with the criteria in this Section. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare, and after consideration of the analysis requirements which may in individual cases be considered criteria relevant to Zoning Administrator in making recommendations and by the City Council in the decision-making process.

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. *The subject property lies within a commercially zoned area. The use (self-storage) is suitable for the area. Additionally, there are new Oakwood apartments that may utilize the units.*
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. *A commercial use at this location is suitable and will not adversely affect nearby properties. Currently zoned Highway Business, a retail use was envisioned for this site but has not come to fruition.*
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. *Currently zoned HB (Highway Business) many commercial uses are suitable. The property has a reasonable economic use with or without the issuance of this CUP.*
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. *No, the use would not be burdensome on infrastructure or the school system.*
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. *The current character area for this site is "Industrial Employment". A self-storage facility is an inherently allowed use in the M-1 and M-2 zoning districts. The Comprehensive Plan specifically states the uses in these zoning districts are appropriate. Therefore, the proposed use is in conformity with the Comprehensive Plan.*
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. *The site is zoned commercial and although retail was preferred, self-storage may be more in demand under the current economic climate that does not appear to be conducive to brick and mortar retail.*



- (g) Existing use(s) and zoning of the subject property and nearby properties. *The subject property has a cemetery to the north, vacant agriculturally zoned property to the west (across Falcon Parkway), Hall County Board of Education to the south (across Martin Road), and a mixed-use development to the east (in Oakwood).*
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. *N/A*
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. *The use should not be a deterrent in any manner to the adjacent properties.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts *A CUP does not create a new zoning designation.*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *None.*
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. *None. It will be designed and built to current standards.*
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance *The use meets the intent of the zoning ordinance.*

Staff Recommendation:

It is staff's recommendation that the CUP request to construct and operate a self-storage facility submitted by BLT Martin Road, LLC should be approved.

Public Hearing Published 10/05/2022
Public Hearing 11/03/2022

First Reading 12/01/2022
Adopted 01/05/2023

ORDINANCE NO. 672

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT (CUP) TO OPERATE A SELF-STORAGE FACILITY ON A PARCEL OF REAL PROPERTY OWNED BY BLT MARTIN ROAD, LLC, IDENTIFIED AS 4153 FALCON PARKWAY, TAX PARCEL 150044 A002024 TOTALING 7.22 +/- ACRES AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B” AND AS CONDITIONED ON ATTACHED EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, BLT Martin Road, LLC owns a parcel of land totaling 7.22 +/- acres identified as Parcel Tax Identification No. 150044 A002024, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, BLT Martin Road, LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting a conditional use permit (CUP); and

WHEREAS, the City Council held a public hearing at the meeting of November 3, 2022 duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS.

The City Council finds that the proposed conditional use permit request is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. The property could be used in accordance with the existing regulations and has a reasonable economic use as without the issuance of a conditional use permit however, an alternative use is appropriately considered.

4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is generally in conformity with the policy and intent of the comprehensive plan including the character area map and future land use plan map.
6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.
7. No determination has been made by staff with regard to the value differential between a development with or without a conditional use permit.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the issuance of a conditional use permit on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. APPROVAL OF CUP AND LEGAL DESCRIPTIONS.

A conditional use permit to operate a self-storage facility is hereby granted for the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, subject to the conditions set forth in Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. AMENDMENT OF THE ZONING MAP.

This Ordinance is enacted as an amendment to the Zoning Map of Flowery Branch, Georgia. Accordingly, the Zoning Administrator is hereby authorized to update the Official Map consistent with Article 3 of the Zoning Ordinance.

SECTION 4. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be December 15, 2022.

SECTION 6. REPEALER.

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

Approved this 15th day of December 2022.

Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, Jr., City Attorney



LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Flowery Branch GMD #1270, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

COMMENCING at the point located at the intersection of the Northerly Right of Way of Martin Road (Public, Variable R/W) and the Southeasterly Right of Way of Falcon Parkway (A/K/A State Route 13, Public, Variable Right of Way) having Georgia State Plane coordinates (NAD83, Georgia West Zone) of N.1526971.46 & E.2380967.16; thence leaving said intersection and following along said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13) along a curve turning to the left with an arc length of 147.96 feet, having a radius of 1335.00 feet, being subtended by a chord bearing of North 17 degrees 08 minutes 00 seconds East, and a chord length of 147.88 feet to a 1/2" iron pin set, which is the TRUE POINT OF BEGINNING.

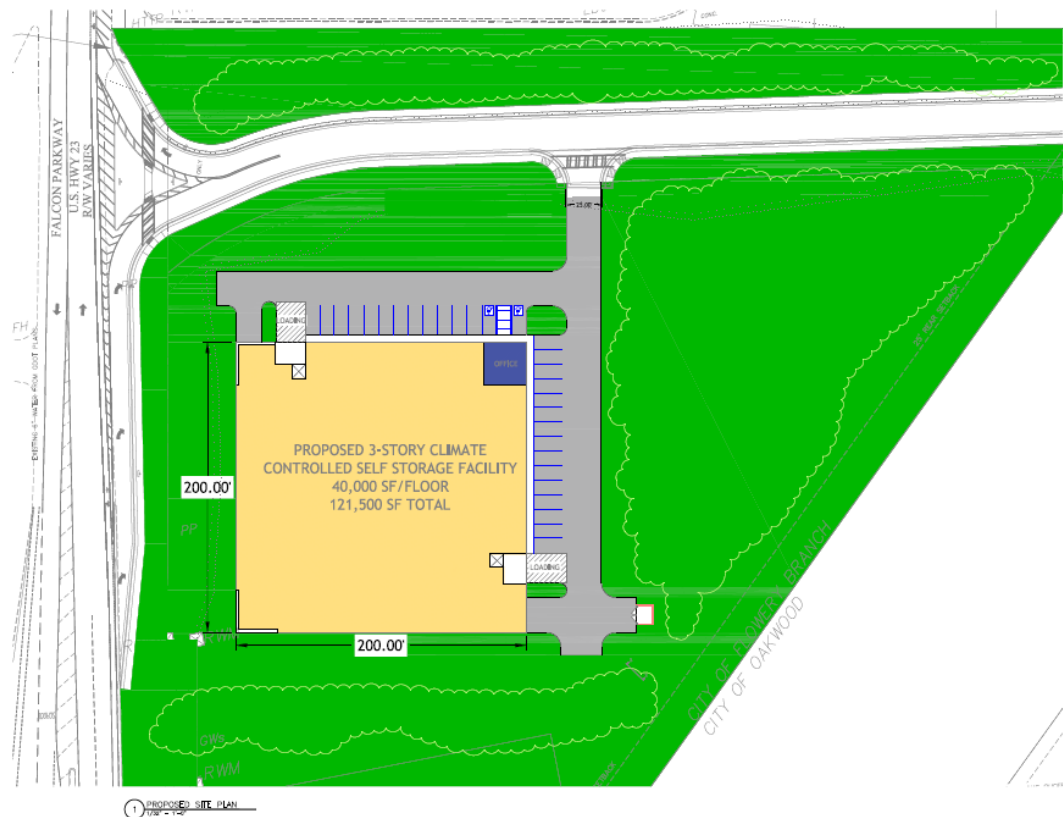
Thence continuing along said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13) the following courses and distances: with a curve turning to the left with an arc length of 64.81 feet, with a radius of 1067.60 feet, with a chord bearing of North 12 degrees 26 minutes 28 seconds East, with a chord length of 64.80 feet to a right of way monument found; thence North 11 degrees 13 minutes 26 seconds East a distance of 93.70 feet to a right of way monument found; thence North 11 degrees 06 minutes 32 seconds East a distance of 280.86 feet to a right of way monument found; thence North 11 degrees 25 minutes 42 seconds East a distance of 100.29 feet to a right of way monument found; thence North 79 degrees 16 minutes 16 seconds West a distance of 20.61 feet to a right of way monument found; thence North 11 degrees 14 minutes 39 seconds East a distance of 391.04 feet to a right of way monument found; thence with a curve turning to the right with an arc length of 24.85 feet, with a radius of 2794.79 feet, with a chord bearing of North 11 degrees 45 minutes 30 seconds East, with a chord length of 24.85 feet to a right of way monument found; thence leaving said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13) South 79 degrees 13 minutes 59 seconds East a distance of 570.76 feet to a 1/2" rebar found; thence South 78 degrees 47 minutes 05 seconds East a distance of 136.23 feet to a 1/2" rebar found on the City Limits of Flowery Branch; thence following along said City Limits of Flowery Branch the following courses and distances: South 46 degrees 51 minutes 01 seconds West a distance of 928.91 feet to a 1/2" rebar set; thence South 46 degrees 51 minutes 01 seconds West a distance of 252.05 feet to a 1/2" rebar set on said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13, which is the TRUE POINT OF BEGINNING.

Said parcel having an area of 7.722 acres more or less.

Exhibit “C”

Conditions of Condition Use Permit

1. The property shall be developed in substantial conformance with the site plan dated 10/19/2022 prepared Arch L. Trulock and submitted to the Flowery Branch Community Development Department on 11/18/2022 and as shown below:



2. Development shall adhere to requirements set forth in the Flowery Branch Zoning Ordinance Article 14, Section 14.11.
3. A landscape plan must be submitted for approval at time of land disturbance review. Said plan shall add significant coverage to help screen the facility from Martin Road and the Oakwood residential project.
4. Project must be sodded prior to the issuance of a certificate of occupancy.
5. Building shall significantly adhere to elevations as submitted by the applicant and shown below:



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Sanitary Sewer Intergovernmental Agreement between the City of Gainesville, Georgia and the City of Flowery Branch, Georgia.

COUNCIL MEETING DATE: January 5, 2023

HISTORY:

The City of Flowery Branch is near capacity in its existing wastewater treatment plant. City staff has been looking for alternative ways to allow for additional wastewater treatment while plans and construction of the new plant are underway.

FACTS AND ISSUES:

As plans were being developed for the new 2.2MGD wastewater treatment plant, it became apparent that the current treatment plant was going to near its capacity before construction could begin on the new plant. Staff immediately began seeking alternatives for wastewater treatment and one option was to build a line from Flowery Branch's system to connect to the City of Gainesville's sewer system. Several meetings took place amongst staff from the municipalities and the best possible route to connect to their system was discussed. The route has been identified, and the City of Gainesville has agreed to treat wastewater according to the terms in the attached intergovernmental agreement (IGA).

OPTIONS:

- 1) Approve the intergovernmental agreement as is.
- 2) Alter the intergovernmental agreement and send it back to the City of Gainesville for their consideration.

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

Yes

AMOUNT AND SOURCE OF FUNDS:

Up to \$1.8M in Year One - Water & Sewer Fund

RECOMMENDATION:

Approval of the sanitary sewer intergovernmental agreement between the City of Gainesville and the City of Flowery Branch.

SAMPLE MOTION:

I make a motion approve the sanitary sewer intergovernmental agreement between the City of Gainesville and the City of Flowery Branch.

COLLABORATING DEPARTMENT:

Water/Wastewater

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [ES - Sewer IGA Gainesville FB.pdf](#)
- [FloweryBranchSewer.pdf](#)
- [SewerDistrictBoundaryUpdate_ServiceDelivery20170626_11x17 \(002\).pdf](#)
- [20221212 Draft Sewer FB GVL IGA 12-20-22 BL Response.pdf](#)



**FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY**

SUBJECT: Sanitary Sewer Intergovernmental Agreement between the City of Gainesville, Georgia and the City of Flowery Branch, Georgia.

DATE: December 27, 2022

(X)RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL- Up to \$1,825,000 in Year One

() OTHER

CAPITAL-

COUNCIL ACTION REQUESTED ON: January 5, 2023

PURPOSE: An intergovernmental agreement establishing rates for sending sanitary sewage to the City of Gainesville's system for treatment.

HISTORY: The City of Flowery Branch is near capacity in its existing wastewater treatment plant. City staff has been looking for alternative ways to allow for additional wastewater treatment while plans and construction of the new plant are underway.

FACTS AND ISSUES: As plans were being developed for the new 2.2MGD wastewater treatment plant, it became apparent that the current treatment plant was going to near its capacity before construction could begin on the new plant. Staff immediately began seeking alternatives for wastewater treatment and one option was to build a line from Flowery Branch's system to connect to the City of Gainesville's sewer system. Several meetings took place amongst staff from the municipalities and the best possible route to connect to their system was discussed. The route has been identified, and the City of Gainesville has agreed to treat wastewater according to the terms in the attached intergovernmental agreement (IGA).

OPTIONS:

- 1) Approve the intergovernmental agreement as is.
 - 2) Alter the intergovernmental agreement and send it back to the City of Gainesville for their consideration.
-
-

RECOMMENDED SAMPLE MOTION:

I make a motion approve the sanitary sewer intergovernmental agreement between the City of Gainesville and the City of Flowery Branch.

DEPARTMENT: Administration

Prepared by: Tonya Parrish

PS

Customers Connecting To Gainesville Sewer Located within Flowery Branch City Limits

PS

Customers Connecting To Gainesville Sewer Located within Oakwood City Limits

PS

Flowery Branch Lift Station To Gainesville

PS

Flowery Branch Lift Station

PS

Flowery Branch Lift Station

PS

Gainesville Lift Station

PS

Gainesville Forcemain

PS

Gainesville Gravity

PS

Flowery Branch

PS

Gainesville

PS

Oakwood

PS

Railway

PS

Flowery Branch Forcemain

PS

Flowery Branch Gravity

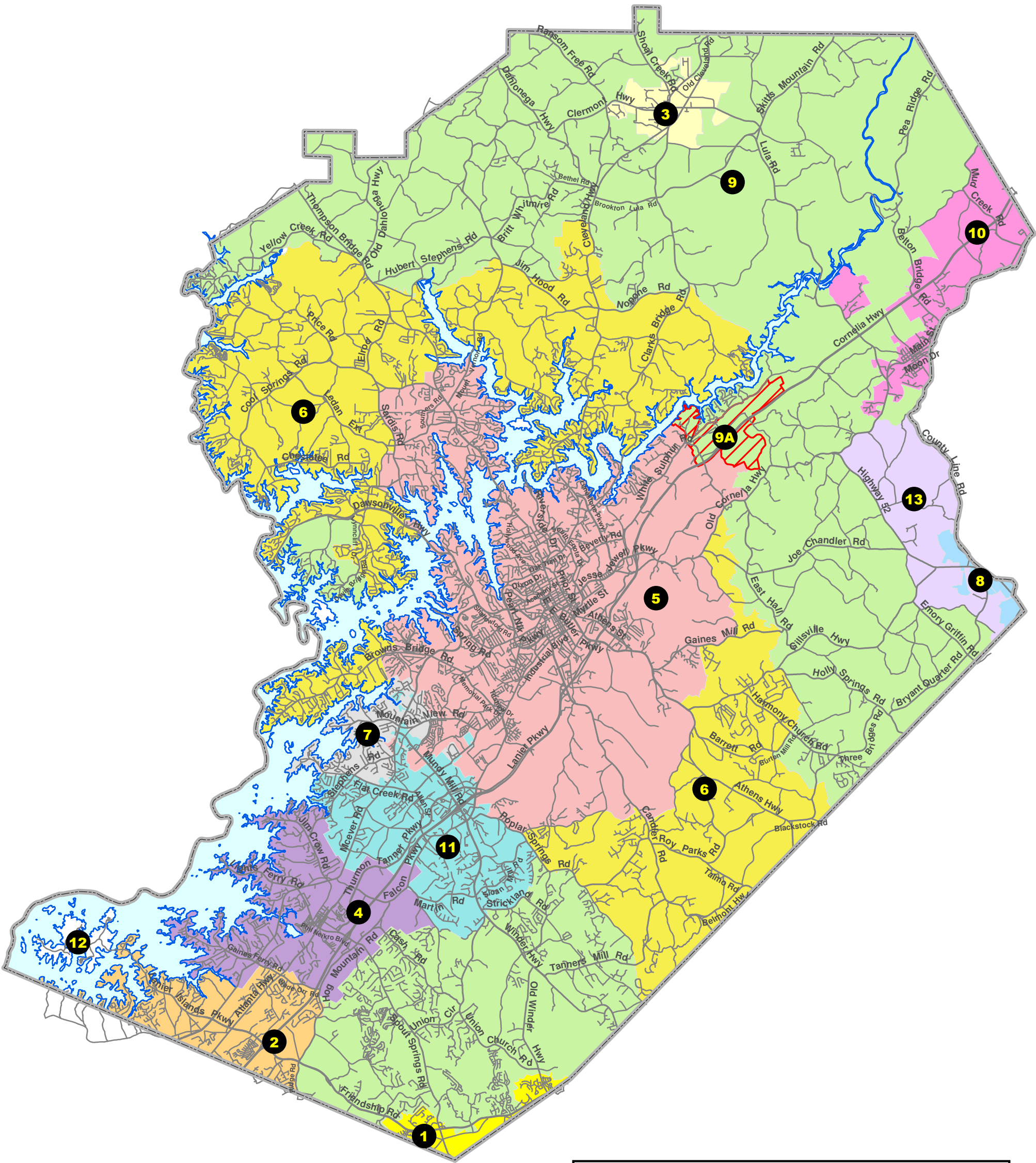
PS

Proposed Forcemain To Connect to Gainesville Collection System

Flowery Branch Connection Point
to City Of Gainesville
Collection System

Lift Station to be Connected to
Gainesville Collection System

Sewer Service Districts



Legend

 Lakes

DISTRICT

 1 - BRASELTON

 2 - BUFORD

 3 - CLERMONT

 4 - FLOWERY BRANCH

 5 - GAINESVILLE

 6 - GAINESVILLE/HALL COUNTY

 7 - GAINESVILLE/OAKWOOD

 8 - GILLSVILLE

 9 - HALL COUNTY

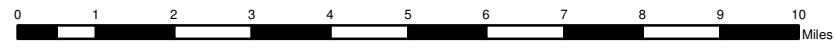
 9A

 10 - LULA

 11 - OAKWOOD

 12 - UNASSIGNED SERVICE

 13 - GILLSVILLE - HALL COUNTY



**SANITARY SEWER SERVICE
INTERGOVERNMENTAL AGREEMENT**

BY AND BETWEEN

**THE CITY OF GAINESVILLE, GEORGIA AND THE CITY OF FLOWERY BRANCH,
GEORGIA**

This Agreement is made and entered into on this ____ day of _____ 2023, by and between the **CITY OF GAINESVILLE**, a municipal corporation of the State of Georgia by and through its duly authorized governing body (hereinafter referred to as “Gainesville”), and the **CITY OF FLOWERY BRANCH**, a municipal corporation of the State of Georgia by and through its duly authorized governing authority (hereinafter referred to as “Flowery Branch”) to set forth the responsibilities and obligations of each party as such concerning the conveyance and treatment of wastewater from Flowery Branch to Gainesville.

WHEREAS, it is the policy of both Gainesville and Flowery Branch to provide sanitary sewer services to their citizens in the most cost-effective way and to ensure all users pay a reasonable rate for said services; and

WHEREAS, Gainesville and Flowery Branch have agreed to and adopted specific Sanitary Sewer Service Districts pursuant to O.C.G.A. Section 36-70-20 et. seq. (“Service Delivery Strategy Act); and

WHEREAS, Gainesville and Flowery Branch maintain on their respective staffs knowledgeable and professional personnel who supervise and provide for the delivery of sanitary sewer services; and

WHEREAS, Gainesville and Flowery Branch desire to enter into this Agreement such that Gainesville will receive and treat wastewater from the Flowery Branch Sanitary Sewer District in exchange for a wholesale sewer charge.

NOW, THEREFORE, in consideration of Ten and No/100 dollars (\$10.00) and other good and valuable consideration, it is agreed between Gainesville and Flowery Branch as follows:

1.

Gainesville and Flowery Branch have agreed to the designation of certain Sanitary Sewer Service Districts pursuant to the Service Delivery Strategy Act as memorialized in the Hall County Sewer Delivery Strategy (“Hall County SDS”). A true and correct copy of which map adopted as part of the Hall County SDS is attached hereto and

included by reference as a part hereof and designated as Exhibit "A". This Hall County SDS map may be updated from time to time in accordance with the procedures set forth in the Service Delivery Strategy Act and a revised map may be incorporated herein as Exhibit "A" upon agreement of Gainesville and Flowery Branch. Some of the wastewater to be conveyed by Flowery Branch and treated by Gainesville pursuant to this Agreement originates from the Oakwood Sewer Service District. Flowery Branch is authorized to convey said wastewater to Gainesville pursuant to an intergovernmental agreement between the City of Oakwood and Flowery Branch. Nothing contained in this Agreement is intended or deemed to alter the Hall County SDS.

2.

Gainesville and Flowery Branch have agreed on a discharge point where Flowery Branch sanitary sewer flow will enter the Gainesville sanitary sewer system. Said discharge point is shown on Exhibit "B," which is incorporated herein and made a part hereof.

3.

Gainesville agrees to receive and treat up to 400,000 gallons per day of sanitary sewer flows from Flowery Branch. This maximum allowed amount will be calculated as an average annual number. The maximum flow in any month shall not exceed an average of 500,000 gallons per day.

4.

Flowery Branch shall design, install, maintain, acquire, operate, and own all sanitary sewers, sewer lift stations, facilities, collection system permits, and appurtenances, upstream of the discharge point designated on Exhibit "A" into which Flowery Branch discharges into the Gainesville system. Gainesville shall design, install, maintain, acquire, operate, and own those sanitary sewers, sewer lift stations, facilities, permits, and appurtenances downstream of said discharge point. It is recognized and agreed by the parties hereto that improvements required in the future to increase capacity, meet additional regulatory requirements, and/or replace capital facilities (pipelines, pumps, lift stations, treatment units, etc.) that have reached their useful life shall be paid for based upon the pro rata share utilized by each of the parties hereto for those facilities in which Flowery Branch is contributing sanitary sewer flow.

5.

It is agreed and understood from time to time during the period of this Agreement that State and/or Federal regulations governing the transportation and treatment of wastewater by public entities may change. Additionally, it is agreed and understood that all sewage transport and treatment facilities have a certain functional life. It is further agreed the preceding conditions may necessitate significant capital expenditures for replacement of facilities or new facilities to meet updated State and/or Federal Regulations. The expense of new facilities shall be borne by both parties hereto and pro-rated by the capacity used by each party hereto of such facilities. The method and schedule of such payment shall be determined jointly by the parties hereto prior to incurring of expenses related to new facilities.

6.

The retail customers in the service area shown on Exhibit "B" shall remain retail customers of Flowery Branch. The billing shall be covered by the Intergovernmental Agreement between the parties hereto dated November 5, 2019.

7.

The measurement of the wholesale sewer volume utilized by Gainesville to bill Flowery Branch shall be via a metering device designed, built, maintained, and owned by Flowery Branch. Gainesville shall have the right to review and approve such design prior to installation. Flowery Branch agrees to ensure that said device is inspected and calibrated for accuracy within a margin of error of no more than two percent (2%) by the manufacturer no less than once per calendar year. Gainesville, at its expense, may periodically inspect and test the metering device.

8.

The wholesale wastewater rate paid by Flowery Branch to Gainesville shall be 1.5 times the prevailing unit charge for the Gainesville water system customers on Flowery Branch sewer outside the City of Flowery Branch and adjusted any time Flowery Branch increases or decreases said retail unit charge. At no time shall the wholesale rate be less than 1.5 times the Gainesville retail wastewater charge.

9.

All industrial and commercial customers shall be required to comply with federal and state regulations, as well as Gainesville's Sewer-Use Ordinance, Industrial Pretreatment

Program, and all related Gainesville ordinances and requirements for the duration of this Agreement. Such compliance shall include the ability to access, sample and monitor the waste streams of customers included within the purview of this Agreement. All industrial discharge permits shall be produced by Gainesville. Flowery Branch will provide Gainesville with information regarding industrial customers for the purposes of complying with Gainesville's Industrial Pretreatment Program. All surcharges and administrative fines imposed for violations of the pretreatment regulations referenced in this paragraph shall be imposed and collected by Gainesville.

10.

It is acknowledged and understood that corrosion and odor control may be required beyond that provided in the initial design. Flowery Branch and Gainesville agree to work together to define and implement any necessary technology for corrosion and odor control. All costs related to corrosion and odor control upstream of the discharge point designated on Exhibit "B" shall be borne by Flowery Branch. All costs related to corrosion and odor control downstream of the discharge point designated on Exhibit "B" shall be borne by Gainesville.

11.

It is acknowledged and understood that each party will not be responsible for the operation and maintenance of the other party's sanitary sewer collection system. Said operation and maintenance of each party's sanitary sewer collection system shall be performed by the party who owns said system, and shall include, but not be limited to, stream monitoring, facility repair, engineering, industrial pretreatment program, sewerage flow meter maintenance, permitting, and regulatory compliance. Additionally, any and all federal and state required spill response, reporting, and sampling shall be the responsibility of the party in whose Sewer Service Delivery District the spill occurs.

12.

To the extent allowed by law, each party shall at all times indemnify and hold harmless the other party, its Mayor, Council members, agents, servants, and employees from and against any and all claims for injury to any person or property by reason of that party's or its employees' failure to exercise reasonable care in performing its services provided in this Agreement. Provided, however, that none of the provisions of this paragraph shall be applicable to the extent the other party, its officials, officers, employees, contractors, or agents, were negligent and such negligence was the sole or contributing factor in bringing about injury to any person or property. In such event, any liability shall

be apportioned between Gainesville and Flowery Branch based upon the percentage of fault assigned to each by a court of competent jurisdiction.

13.

The term of this Agreement shall commence as of the date of the execution of this Agreement by the last party to sign same and shall continue through December 31, 2028.

Either party shall have the right to terminate this Agreement upon the material breach of the provisions of this Agreement by the other if not corrected within thirty (30) days of written notice thereof. Either party may terminate this Agreement at any time for any reason by providing the other party at least sixty (60) days written notice. Termination shall relieve the parties of further performance under this Agreement, with the sole exception that Flowery Branch shall remain liable for any costs incurred, but not yet paid.

14.

Within 180 days after termination of this Agreement, Flowery Branch shall be responsible for taking any interconnection infrastructure out of service to the reasonable satisfaction of Gainesville.

15.

Neither party hereto shall, without written consent of the other, assign or transfer this Agreement or any rights or obligations hereunder.

16.

The terms of this Agreement shall not be altered, amended or modified except in writing signed by duly authorized governing authority of Gainesville and Flowery Branch.

17.

This Agreement shall be construed and interpreted under the laws of the State of Georgia. The parties to this Agreement agree that the jurisdiction and venue for any disputes arising out of this Agreement shall be the Superior Court of Hall County, Georgia.

18.

If any paragraph, subparagraph sentence clause, phrase, or any portion of this Agreement shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Agreement as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to effect the portions of this Agreement not held to be invalid. It is hereby declared to be the intent of Gainesville and Flowery Branch to provide for separable and divisible parts, and they do hereby adopt any and all parts hereof as may not be held invalid for any reason. The failure of any party to exercise any right given hereunder or to insist upon strict compliance with any term, condition or covenant specified herein shall not constitute a waiver of such party's right to exercise such right or to demand strict compliance with any such term, condition or covenant under this Agreement. This Agreement may be executed in several counterparts, each of which shall constitute an original and all of which together shall constitute one and the same instrument. The Mayor, Clerk, City Manager, and City Attorney of the City are hereby authorized to sign such documents as are necessary to effectuate the provisions of this Agreement.

19.

Any notice of communications hereunder shall be in writing and shall be deemed to have been delivered when deposited in the United States mail, registered or certified, addressed as follows:

City of Gainesville
ATTN: Water Resources Director
757 Queen City Parkway
Gainesville, GA 30501

City of Flowery Branch
ATTN: City Manager
5410 W. Pine Street
Flowery Branch, GA 30542

or to such other address as either party may designate for itself by written notice to the other given from time to time, in the manner herein provided.

IN WITNESS WHEREOF, the parties by and through their duly authorized offices, have caused these presents to be executed in their behalf, the day and year written above.

APPROVED AS TO FORM

CITY OF GAINESVILLE

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

By: _____

W. Samuel Couvillon
Mayor

Attest: _____

Denise O. Jordan, City Clerk

CITY SEAL

CITY OF FLOWERY BRANCH

By: _____

Edward R. Asbridge
Mayor

Attest: _____

Shelia Cooper, City Clerk



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Approval of City of Flowery Branch Personnel Handbook

COUNCIL MEETING DATE: January 5, 2023

HISTORY:

The staff of the City of Flowery Branch reviews and amends all of its policies and procedures as deemed necessary. The personnel handbook has been reviewed and amendments have been suggested.

FACTS AND ISSUES:

FACTS AND ISSUES: There have been several changes internally and externally that need to be addressed in the employee handbook.

In the Administration Section: The city is using a different electronic time tracking method for its employees now. The pandemic caused staff to address any telecommuting or alternative work schedules. Probationary periods have been extended for some positions, making the probationary period consistently 12-months for all. Americans with Disabilities Act (ADA) has been updated and expanded. A section on Nepotism has been added as well as a section on workplace violence. And use of city property and equipment, vehicle use, operations section as well as travel has been enhanced.

In the Compensation and Benefits Section: A sick bank is being established for donation of leave from employees to other employees instead of individual to individual leave donations. Family Medical Leave Act (FMLA) has updates. Best practices have been added including an other employment section that is aligned with GGFOA (Georgia Government Finance Officers Association). Sections (FMLA, Maternity Leave, and COBRA) have been added for employers with 50+ employees. Annual performance raises will be tied to performance evaluations beginning 7/1/23. Removal of cashing out vacation/sick leave; and, and increase in the annual maximum accrual of vacation hours from 320 to 450 hours.

In the Employee Relations Section: Updates on ethics, attention, insubordination, competence, fitness for duty and discipline have been added. There is a new, in-depth section on substance abuse & drug/alcohol testing. And, finally, there is a more in-depth section on social networking.

OPTIONS:

- 1) Approve the personnel handbook.
- 2) Make other suggestions to the personnel handbook.

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

Yes

AMOUNT AND SOURCE OF FUNDS:

No funding involved.

RECOMMENDATION:

Approval of amendments to the City of Flowery Branch Personnel Handbook

SAMPLE MOTION:

I make a motion approve City of Flowery Branch Handbook as presented.

COLLABORATING DEPARTMENT:

Finance

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [ES - Personnel Handbook.pdf](#)
- [City of Flowery Branch Personnel Handbook 12.2022 \(003\).pdf](#)
- [City of Flowery Branch Personnel Handbook_Edits.pdf](#)



**FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY**

SUBJECT: Approval of City of Flowery Branch Personnel Handbook

DATE: December 27, 2022

(X) RECOMMENDATION
() POLICY DISCUSSION
() STATUS REPORT
() OTHER

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

COUNCIL ACTION REQUESTED ON: January 5, 2023

PURPOSE: Approve amendments to the City of Flowery Branch Personnel Handbook

HISTORY: The staff of the City of Flowery Branch reviews and amends all of its policies and procedures as deemed necessary. The personnel handbook has been reviewed and amendments have been suggested.

FACTS AND ISSUES: There have been several changes internally and externally that need to be addressed in the employee handbook.

In the Administration Section: The city is using a different electronic time tracking method for its employees now. The pandemic caused staff to address any telecommuting or alternative work schedules. Probationary periods have been extended for some positions, making the probationary period consistently 12-months for all. Americans with Disabilities Act (ADA) has been updated and expanded. A section on Nepotism has been added as well as a section on workplace violence. And use of city property and equipment, vehicle use, operations section as well as travel has been enhanced.

In the Compensation and Benefits Section: A sick bank is being established for donation of leave from employees to other employees instead of individual to individual leave donations. Family Medical Leave Act (FMLA) has updates. Best practices have been added including an other employment section that is aligned with GGFOA (Georgia Government Finance Officers Association). Sections (FMLA, Maternity Leave, and COBRA) have been added for employers with 50+ employees. Annual performance raises will be tied to performance evaluations beginning 7/1/23. Removal of cashing out vacation/sick leave; and, and increase in the annual maximum accrual of vacation hours from 320 to 450 hours.

In the Employee Relations Section: Updates on ethics, attention, insubordination, competence, fitness for duty and discipline have been added. There is a new, in-depth section on substance abuse & drug/alcohol testing. And, finally, there is a more in-depth section on social networking.

OPTIONS:

- 1) Approve the personnel handbook.
 - 2) Make other suggestions to the personnel handbook.
-
-

RECOMMENDED SAMPLE MOTION:

I make a motion approve City of Flowery Branch Handbook as presented.

DEPARTMENT: Administration

Prepared by: Tonya Parrish

City of Flowery Branch Personnel Handbook

*Developed under the authority of the City Council
by the City Manager's Office
approved on XXXXXXXXX*

*Revision Dates: December 1, 2022
Next Annual Review By: June 30, 2023*

Dear Employee,

Welcome to the City of Flowery Branch. We are excited to have you as a part of our innovative and awesome team of employees. The City of Flowery Branch is a unique and groundbreaking municipality, requiring input and contribution from every team member. This employee handbook contains key policies and expectations of the City of Flowery Branch as your employer. You will find the information both necessary and informative and are encouraged to use the handbook as the vital resource it is intended to be.

The City of Flowery Branch is committed to excellence in serving our citizens and visitors. Providing an outstanding quality of life to our community is our top priority. As a part of our team, you will discover that your involvement will not only benefit the City but be a rewarding experience to you on both a professional and personal level. Please share your innovative and creative ideas with your director and me; and then own the results of your innovation and productivity and be an active participant in the growth and development of your career and of the City of Flowery Branch's future.

Welcome aboard and I look forward to working with you.

Sincerely,

Tonya D. Parrish
City Manager

Employee Acknowledgment Form

This Personnel Handbook describes the policies and procedures at the City of Flowery Branch, and I understand that I should consult the City Clerk regarding any questions not answered in the Personnel Handbook. I acknowledge that I am an employee at-will and have entered my employment with the City of Flowery Branch voluntarily and acknowledge that there is no specified length of employment. Any employment agreement that would alter my status as an employee at-will must be specified and executed in writing by the City Manager and myself and approved by the City Council. No other agreements will be enforceable or change my status as an employee at-will.

This Personnel Handbook replaces and supersedes any earlier personnel practice, policy, or guideline. However, since the policies and procedures described within this handbook are subject to change from time to time, I acknowledge that revisions may occur. I understand that such changes may supersede, modify, or revoke existing policies. The City Manager has the power to change the policy and may do so at any time without notice.

The intent of this personnel policy handbook is compliance with all applicable federal and state law. In the event of a change in law or a conflict in federal or state law with the contents of this handbook, the federal and/or state law shall supersede the policies contained within this handbook. All police department employees must also follow the Police Department Standard Operating Procedures (SOPs) in addition to this handbook.

Furthermore, I acknowledge that the Personnel Handbook is neither a contract of employment nor a legal document. I have received a copy of the City of Flowery Branch Personnel Handbook and I understand that it is my responsibility to read and comply with the policies contained in the manual and any revisions made to it.

Employee Name: _____

Employee Signature: _____ Date: _____

Witness Signature: _____ Date: _____

Contents

I. ADMINISTRATION	9
A. PERSONNEL ADMINISTRATION.....	9
Section 1: Authority.....	9
Section 2: "At-Will" Employment.....	11
Section 3: Departmental Operating Rules	11
Section 4: Revisions to Handbook.....	11
Section 5: Personnel Records	11
Section 6: Personnel Handbook.....	12
Section 7: Definitions	13
B. ATTENDANCE & WORK HOURS	17
Section 1: Policy Statement.....	17
Section 2: General Provisions.....	17
Section 3: Alternative Work Schedules.....	19
C. EMPLOYEE STATUS CHANGES	22
Section 1: Policy Statement.....	22
Section 2: General Provisions.....	22
Section 3: Promotions and Demotions	23
Section 4: Reassignment	24
Section 5: Management Reclassification.....	25
Section 6: Nepotism & Conflicts of Interest.....	25
D. HIRING AND SELECTION	26
Section 1: Policy Statement.....	26
Section 2: General Provisions.....	26
Section 3: Application Process	28
Section 4: Selection	29
Section 5: Eligibility Registers	30
Section 6: Re-Employment.....	30
Section 7: Probationary Period	31
Section 8: Contract Employment.....	32
Section 9: Other Employment	32
E. PERFORMANCE MANAGEMENT AND REVIEW	34
Section 1: Policy Statement.....	34
Section 2: General Provisions.....	34
Section 3: Review Process.....	35

F. TERMINATION OF EMPLOYEE STATUS.....	35
Section 1: Policy Statement.....	35
Section 2: Resignation or Retirement.....	36
Section 3: Lay-Off.....	37
G. USE OF CITY PROPERTY & EQUIPMENT.....	38
Section 1: Policy Statement.....	38
Section 2: General Provisions.....	39
Section 3: Vehicle Use & Operation	40
Section 4: Electronic Communication Systems.....	40
H. SAFETY & ACCIDENT REPORTING.....	42
Section 1: Policy Statement.....	42
Section 2: General Provisions.....	43
Section 3: Personal Protective Equipment.....	43
Section 4: Accident Involvement.....	46
I. CITY TRAVEL	47
Section 1: Travel.....	47
J. WORKPLACE VIOLENCE POLICY.....	49
Section 1: Workplace Violence	49
II. COMPENSATION & BENEFITS	56
A. COMPENSATION	56
Section 1: Policy Statement.....	56
Section 2: Pay System	56
Section 3: Compensation Plan.....	59
Section 4: Changes in Salary	61
B. EMPLOYEE BENEFITS- LEAVE TYPES	63
Section 1: Policy Statement.....	63
Section 2: Overview of Requirements & Restrictions.....	63
Section 3: Vacation Leave	64
Section 4: Sick Leave	66
Section 5: Other Leave Types.....	68
C. GROUP BENEFIT PLAN	79
Section 1: Policy Statement.....	79
Section 2: General Provisions.....	79
Section 3: Benefits Offered	80
D. WORKER’S COMPENSATION	81
Section 1: Policy Statement.....	81

Section 2: General Provisions.....	81
Section 3: Procedures	82
III. EMPLOYEE RELATIONS	85
A. STANDARDS OF CONDUCT	85
Section 1: Policy Statement.....	85
Section 2: General Provisions.....	85
Section 3: Attention/Dereliction	87
Section 4: Competence, Judgment & Supervision	88
Section 5: Health Fitness.	88
Section 6: Absences & Reporting.....	89
Section 7: Response.....	90
Section 8: Professional Conduct.....	90
Section 9: Other Standards	92
B. DISCIPLINE	93
Section 1: Policy Statement.....	93
Section 2: General Provisions.....	94
C. GRIEVANCES	97
Section 1: Policy Statement.....	97
Section 2: General Provisions.....	97
Section 3: Grievance Steps	98
Section 4: Areas Not Grievable	98
D. WORKPLACE DISCRIMINATION & HARASSMENT	99
Section 1: Policy Statement.....	99
Section 2: Discriminatory Harassment	99
Section 3: Sexual Harassment	100
Section 4: Complaint Procedure & Investigation	101
Section 5: Corrective Action	101
E. SUBSTANCE ABUSE & DRUG AND ALCOHOL TESTING.....	102
Section 1: Policy Statement.....	102
Section 2: Application	102
Section 3: Definitions	102
Section 4: Prohibitions.....	105
Section 5: Use of Legally Obtained Drugs	106
Section 6: When Drug Testing is Required	106
Section 7: Procedures for Testing.....	110

Section 8: Investigation of Prohibited Drug and Alcohol Use and Searches	111
F. SOCIAL NETWORKING.....	115
Section 1: Purpose	115
Section 2: General Guidelines for Personnel.....	116
Section 3: Guidelines for Official City Social Media Sites and Content	116
Section 4: Guidelines for Personal Social Media Sites and Content	118

CHAPTER I

ADMINISTRATION

I. ADMINISTRATION

A. PERSONNEL ADMINISTRATION

Section 1: Authority

(a) General

With the exception of matters reserved by state law or the city charter to the City Council, the general and final authority for personnel administration rests with the City Manager. This Personnel Handbook provides statements of policy and establishes required procedure relating to personnel administration that are necessary to effectively and efficiently manage city operations. It is issued by the City Manager under the authority of the City Council.

(b) Scope of Authority

The City Manager possesses the authority to administer city operations. The City Manager's authority includes, but is not limited to:

- a. Discipline, discharge, or release of employees pursuant to the procedures described in this handbook;
- b. Direct the work forces;
- c. Hire, assign, or transfer employees;
- d. Determine the mission of city departments;
- e. Determine the methods, means, and allocation/assignment of personnel needed to carry out the City's mission;
- f. Introduce new or improved methods or facilities or change such methods or facilities;
- g. Determine reasonable work schedules and establish the methods and processes by which such work is performed;
- h. Require the performance of duties stated and intended in job descriptions, with the understanding that every duty is not always described;
- i. Determine position availability by:
- j. Authorizing lateral assignments;
- k. Freezing, hiring, and promoting;
- l. Authorizing delay in position uses due to budget, facilities, or other business necessity;
- m. Authorizing temporary assignment into a vacancy.
- n. Delete positions, reclassify positions, and/or reassign employees to different positions with different classifications and pay as required by business necessity.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

(c) Delegated Authority

The City Manager may delegate authority to Department Directors in the following areas:

- a. Discipline, discharge, or release of employees pursuant to the procedures described in this handbook;
- b. Direct the work forces;
- c. Hire, assign, or transfer employees;
- d. Recommend the mission of specific departments;
- e. Determine the methods, means, and allocation/assignment of personnel needed to carry out the department's mission;
- f. Introduce new or improved methods or facilities or change such methods or facilities;
- g. Recommend work schedules and establish the methods and processes by which such work is performed;
- h. Require the performance of duties stated and intended in job descriptions, with the understanding that every duty is not always described;
- i. Recommend positions, reclassify positions, and/or the reassignment of employees to different positions with different classifications and/or pay;
- j. Fiscal responsibility of the department.

(d) Administration of Policy

Proper policy administration includes selecting goals and encouraging the discharge of duties above the minimum standards. The provisions of this Handbook create high standards of conduct so that training and performance can be aimed at the highest levels and may in appropriate cases, be the basis for internal discipline. This handbook provides general information about city policies, procedures, expectations, and benefits. The information in this handbook, however, cannot anticipate every situation or answer every question regarding your employment. Therefore, the policies set forth in this Handbook may not cover all situations. The City Manager shall make interpretive decisions for those situations that are not specifically covered by this handbook and may, in the best interest of city operations, override any provision in this handbook.

The intent of this personnel policy handbook is compliance with all applicable federal and state law. In the event of a change in law or a conflict in federal or state law with the contents of this handbook, the federal and/or state law shall supersede the policies contained within this handbook. All police department

employees must also follow the Police Department Standard Operating Procedures (SOPs) in addition to this handbook.

Section 2: "At-Will" Employment

All employment relationships are at-the will of the City of Flowery Branch and the employee. Employees may resign or quit at any time for any or no reason, with or without cause or notice. Similarly, the City of Flowery Branch may discharge an employee at any time for any reason, with or without cause or notice.

This handbook is not intended to and does not create an employment contract between the City and its employees. Your employment is for no specified period of time, and this Handbook does not limit your right or the City's right to terminate your employment at any time for any reason or no reason.

Section 3: Departmental Operating Rules

Departmental operating rules and regulations related to employment matters, not in conflict with this Handbook, may be used and/or established by the Department Director. All such departmental operating rules and regulations and subsequent amendments thereto adopted pursuant to this Section shall be submitted to the City Manager or Designee for approval prior to adoption. To the extent there are any questions as to the controlling rule, the rule requiring the most stringent level of employee performance shall govern.

Section 4: Revisions to Handbook

This Handbook may be amended in whole or in part from time to time at the sole discretion of the City in order to maintain legal compliance, operative effectiveness, and desired workplace conditions. Amendments will be available to all employees upon adoption.

Section 5: Personnel Records

A record of service will be managed by the City Clerk for every active employee. Service records for terminated employees shall be retained as required under all applicable record retention laws. An employee has the right to review and request copies of their personnel file. These requests will be facilitated by the City Clerk. Open records requests and confidentiality of personnel records will be managed as defined in the City's policies and the Georgia Open Records Act.

It is the responsibility of the employee to notify the City of any personal data changes, such as name, address, phone number, emergency contact information,

change in beneficiaries, etc. Name changes will require legal documents as back-up, i.e. marriage certificate, divorce decree, etc.

Section 6: Personnel Handbook

(a) Scope

The provisions of this Handbook apply to all employees of the City of Flowery Branch, Georgia, both on and off duty, unless otherwise indicated, restricted by authority, or limited by law.

(b) Not a Contract

This handbook does not constitute a contract of employment or benefits. Nothing in this handbook should be construed as a guarantee of continued benefits from, or employment by, the City of Flowery Branch. All employees are subject to discharge with or without cause.

(c) Changes

The City Manager reserves the authority to recommend, modify, revoke, amend, suspend, interpret, terminate, or change any or all of the provisions of this handbook. Except in the case of emergency, employees will be given appropriate notice of any change.

(d) Titles/Headings

The use of titles or headings in this Handbook shall not govern, limit, modify, or affect the scope of meaning or intent of any provision.

(e) Validity/Severability

Any statement in a directive found to be illegal, incorrect, or inapplicable shall not affect the validity of the remaining contents.

(f) Distribution

Every city employee will have access to a copy of this handbook and copies of amendments and revisions as they are adopted.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

(g) Compliance

All provisions of this Handbook are applicable to regular full-time, part-time, seasonal, and temporary employees, except where otherwise noted in the Handbook.

(h) Official Copy

An official copy of the City of Flowery Branch, Georgia Personnel Handbook containing the latest revisions is maintained by the City Clerk and can be found in the offices of such department.

Section 7: Definitions

The following words and phrases shall have the following meanings. All other words not defined herein shall have the common and ordinary dictionary meanings unless a different meaning is required by the context.

(a) Comp Time

The comp time rate of pay is one and one-half (1½) times the regular rate of pay for non-exempt employees.

(b) Days

Unless otherwise provided, “days” refers to business days, rather than calendar days or shift days.

(c) Demotion

Demotion is defined as the change of an employee from a position in one grade to a position in another grade at a lower level. Demotions may be to one or more grade levels lower than the current employee status.

(d) Department

The recognized departments for the City of Flowery Branch:

- a. Mayor & Council
- b. City Manager’s Office
- c. City Clerk
- d. Community Development and Planning

- e. Community Relations
- f. Public Works
- g. Municipal Court
- h. Finance
- i. Police Department
- j. Water/Wastewater

(e) Department Director

The highest administrative employee of a department, whether indicated as Director, Chief, or other job title or rank.

(f) Disability

A physical or mental impairment that substantially limits one or more of the major life activities of an individual.

(g) Employee

- a. **Regular Full-time Employee:** Any employee filling an approved, budgeted position with a regularly scheduled work week of more than thirty (30) hours per week.
- b. **Regular Part-time Employee:** Any employee filling an approved, budgeted position with a regularly scheduled work week of thirty (29) hours or less per week. Regular part-time employees are not eligible for employee benefits unless specifically noted.
- c. **Police Officer Employee:** Those employees designated as a sworn law enforcement officer and assigned to the police department working a shift other than the regular work week.
- d. **Temporary Employee:** Any employee filling a position for a specified length of time, for either long or short-term work assignments. Temporary employees are not eligible for employee benefits unless specifically noted.
- e. **Contract Employee:** Any individual hired pursuant to an individual written employment contract which governs their employment relationship with the City.

(h) Exempt Employee

An employee defined according to the federal Fair Labor Standards Act (FLSA) to be subject to equal pay provisions but exempt from minimum wage and overtime pay provisions. Exempt employee's compensation is based on an annual salary

basis and there is no compensation for hours worked in excess of the defined work week.

(i) Health Impairment

A temporary or permanent mental or physical impairment including, but not limited to injury (on or off the job), illness, or other job-restricting impairment, which diminishes or precludes one's capacity for, or renders one unfit for performance of the essential job functions of the position.

(j) Non-Exempt Employee

An employee defined according to the FLSA to be subject to equal pay, minimum wage, and overtime provisions. For regular employees, hours worked in excess of the 40-hour work week will be paid at a rate of 1½ times the employee's regular rate of pay. For police officer employees, hours worked more than the 85.75 hour bi-weekly work period will be paid at a rate of 1½ times the employee's regular rate of pay. For guard employees, hours worked more than the 85-hour bi-weekly work period will be paid at a rate of 1½ times the employee's regular rate of pay.

(k) On-the-job Injury

An injury arising out of employment or sustained in the course of employment.

(l) Overtime Rate

The overtime rate of pay is one and one-half (1½) times the regular rate of pay for non-exempt employees.

(m) Promotion

A promotion is defined as the change of an employee from a position in one grade to a position in another grade of a higher level.

(n) Qualified Person with a Disability

An individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.

(o) Reassignment

Reassignment is defined as the movement of an employee within the classification plan not otherwise covered by demotion, promotion, or reclassification. The terms reassignment and transfer may be used interchangeably.

(p) Reclassification

A position whose classification is altered due to job duties and responsibilities. Reclassifications can be to a higher, lower, or same pay grade.

(q) Relative

For purposes of this handbook, relatives are defined as follows:

- a. Spouse
- b. Parent or Stepparent
- c. Parent-in-law
- d. Child or Stepchild
- e. Sister or Stepsister
- f. Brother or Stepbrother
- g. Sister-in-law
- h. Brother-in-law
- i. Grandparent and Grandparent-in-law
- j. Grandchildren
- k. Aunt or Uncle
- l. Niece or Nephew
- m. First Cousin

(r) Supervisor

The term supervisor shall apply to any employee formally assigned to supervisory responsibilities for personnel and operations of a work unit within a larger department of City government. Department Directors and the City Manager should be understood to be supervisors of individuals who report directly to them.

(s) Unauthorized Absence

Failing to report for duty or failure to remain at work as scheduled without proper notification, authorization, or excuse.

B. ATTENDANCE & WORK HOURS

Section 1: Policy Statement

To maintain a high level of responsiveness to the City of Flowery Branch citizenry, it is important that employees follow established work hours, avoid tardiness and unauthorized absences, and follow reporting requirements.

Section 2: General Provisions

(a) General Business Hours

All offices of the City will be kept open continuously from 8:00 a.m. to 4:30 p.m. Monday through Friday. Unless otherwise approved by the City Manager, the regular work week is from 8:00 a.m. to 4:30 p.m. Each department may schedule alternate work schedules to meet their needs and the needs of citizens with approval of the City Manager.

(b) Dress Code

Employees are expected to maintain the highest standards of personal cleanliness and present a neat, professional appearance at all times. Our professional image is an important aspect of our organization. Whether or not your job responsibilities place you in direct contact with city officials, state officials, legislators or the public, you represent the City with your appearance as well as your actions. The properly attired man or woman helps to create a favorable image for the City. Situations in which inappropriate attire is worn and/or any exceptions to the dress code will be addressed by the employee's Department Director in consultation with the City Manager. Employees who are improperly attired may be required to leave work to change their attire. Employees will not be compensated for the time they are away from work to change improper attire.

Unless otherwise announced by City Manager, every Friday employees may wear casual attire which is clean, neat, and presentable. Any other casual day will be designated at the City Manager's discretion.

The following clothing is not appropriate attire for casual day: shorts, halters, tank tops, jeans with holes, stretch pants, sweatpants, lounge pants, low neckline front or back, flip flops and slippers or clothing that has words, pictures, scenes, etc. Exceptions may be authorized by the City Manager for special events or weather conditions, such as allowing tailored shorts for hot weather.

Employees within the Public Works and Water/Wastewater Departments will be

provided work boots paid for by the City in the amount of \$150.00. During extenuating circumstances or events, the City may pay up to \$175.00 after approval from the Finance Director or designee. Any amount above the approved price, will be the responsibility of the employee at the time of purchase.

(c) Hours Worked

Authorized paid leave is not considered hours worked for the purpose of determining overtime eligibility or Family Medical Leave (FML) eligibility.

(d) Attendance Requirements

Maintaining good attendance is a condition of employment and an essential job function of every employee. An employee will refrain from unauthorized absences or tardiness; abusing sick leave; absences or tardiness that causes significant disruption of service, and excessive amount of time off the job, regardless of reason. An employee absent from the job without proper authorization for three consecutive workdays may be considered to have resigned their position, unless exigent circumstances are demonstrated upon review on a case-by-case basis.

(e) Additional Work

All employees may be required to work in excess of their official hours, when necessary, as determined by department management. Such additional work assignments may be rotated and allocated among employees qualified to perform the duties. Excess hours may be required or granted for a specific period of time or on a regular basis as operating circumstances warrant. Additional work by non-exempt employees must be approved in advance by the employee's supervisor. This includes, but is not limited to, work before or after regular work hours or work taken home.

(f) Time Entry

All non-exempt employees are required to utilize the electronic time and attendance software for all hours worked. All non-exempt employees will approve and submit their electronic timecard to their Department Director or Supervisor for approval at the end of each pay period. The Department Director or Supervisor is responsible for timely reviewing and approving their department timecards for payroll processing.

(g) Meal Breaks

Mealtime should be thirty (30) minutes in length. Other rest periods of short duration during the day should not be disruptive to operations and should not exceed a total of fifteen (15) minutes in length and be approved by the employee's supervisor. In compliance with the Fair Labor Standards Act, mealtime during a shift or tour of duty is not considered compensable time, unless the employee is required to respond to calls during the mealtime. Department Directors may allow other mealtime lengths that are greater than thirty (30) minutes.

Section 3: Alternative Work Schedules**(a) General Provisions**

Subject to operational requirements, regular full-time employees may be permitted to work an alternative work schedule that allows the employee to work outside the normal work hours of 8:00 a.m. to 4:30 p.m. Monday through Friday.

(b) Approval Process

Any change in an employee's work schedule must be agreed to in writing by the Department Director and the employee prior to implementation. In addition, the City Manager must approve any change in an employee's work schedule to ensure there is no conflict with statutory/regulatory requirements or city policy.

(c) Restrictions

- The City may cancel or suspend an employee's alternative work schedule privileges at any time, for any or no reason.
- Daily and weekly work schedules can be modified at the City's discretion to meet changing operational needs.
- Approval of an alternate work schedule does not restrict employees from working more than their scheduled work hours.
- Employees can be required to depart from their alternate work schedule as necessary, to work additional hours, to attend training, or for other business purposes as determined by the City.
- No alternate schedule will be approved that has the potential to unduly increase the City's overtime pay liability or that results in an inconvenience to, or disruption of, the City's business.

(d) Telecommuting

Telecommuting is defined as working one or more days each workweek from home or an alternate work area instead of commuting to the city worksite where the employee would be required to work if they did not telecommute.

The fundamental assumptions behind utilizing telecommuting are:

- Productivity – it is expected to continue at a satisfactory and acceptable level during telecommuting periods.
- Organizational benefit – telecommuting will be done to benefit the organization and the services provided. Examples of this include during a pandemic or during office renovations, etc.
- Management discretion – The City Manager will have the final authority in the applicability of telecommuting for each situation and shall have the right to terminate the telecommuting program or a telecommuting agreement at any time.

The City may allow telecommuting during certain situations. However, telecommuting is not appropriate for all employees. No employee is entitled to, or guaranteed the opportunity to, telecommute. Offering the opportunity to work at home is a management option, based on the recommendation of the employee's Department Director. An employee's participation is strictly voluntary. All telecommuting agreements must meet the criteria in this policy and may be terminated at any time by either the employee or the supervisor. The City Manager, or designee, and the Department Director will be the final approving authority for any telecommuting arrangements made for city employees.

Not all city jobs lend themselves to telecommuting. Employees may be considered on an individual basis for their telecommuting eligibility. A primary consideration for administering telecommuting in the City is that it does not interfere with services provided to the public during business hours. An employee's work must be of a nature that face-to-face interaction with other employees, external customers, or project workgroups is minimal, and the employee's tasks can be performed successfully away from the office. Telecommuting agreements are entered into for the good of the City and the services provided.

Employer-initiated requests may be implemented during an emergency situation. Those may include times during an office space renovation, pandemic, hazardous weather, or other events that could result in the office needing to be closed while operations continue.

Employee-initiated requests will be considered on an individual basis for the following reasons:

- Temporary office renovation project
- Short-term emergency situations (hazardous weather, school or childcare closures, illness of immediate family members)
- Short-term planned or unplanned / preapproved situation (recovering from surgery, caring for a family member after surgery, repair technician appointment, etc.)
- Regular basis consideration when both the employee and the position are suited to such arrangements

City employees shall devote full time and attention to City business during telecommuting/business hours. Employees will not engage in outside employment during this time. Telecommuting is not a program designed to assist with dependent care. Primary care for dependents (childcare/elder care) during agreed-upon work hours shall be provided by someone other than the telecommuting employee. All telecommuting employees are required to maintain in-office periods, to attend staff meetings and interact as necessary with other staff, both within and outside of the department. Telecommuting employees shall not hold business meetings with internal or external clients, customers, or colleagues at their residence. Telecommuters shall be available to be called into the City work location at any time, without prior notice, for any reason, unless a medical condition would prohibit compliance at that time.

The amount of time an employee is expected to work per day or per pay period will not change due to participation in the telecommuting program. Employee salary, benefits, and insurance coverage will not change due to telecommuting participation. If a reduced workweek is agreed upon, this is a separate issue from telecommuting and will be treated just as a reduced workweek arrangement would be at the normal work location.

The employee must submit a sick or vacation leave request to cover any hours not worked due to (personal or family) illness, doctor appointments, or funeral attendance during the telecommuting period. Supervisory approval for leave and overtime requests shall be required in advance, just as in the normal work environment. Overtime must be pre-approved by the supervisor.

Office supplies will be provided by the City and should be obtained during the telecommuter's in-office work periods. Out-of-pocket expenses for supplies normally available in the office will not be reimbursed. All supplies must be returned to the City as soon as the telecommuting arrangement is no longer valid or if the equipment will no longer be needed by the employee to do their work.

The City will not provide office furniture.

It is important that consistent communications be maintained by telecommuting employees. Telecommuters shall be available at their remote locations by telephone and/or e-mail to management and other City staff during agreed-upon work hours. The City will not provide cell phones to telecommuters unless they are otherwise provided in the normal scope of business. Telecommuters shall notify the office if they leave their telecommuting location, just as they would inform the receptionist or someone else when leaving the traditional office during the workday. Reimbursement for cellular phone calls from the remote work location requires Department Director approval.

All employees approved for a telecommuting arrangement must continue to comply with all City policies, which includes the technology policy. Employees will always protect City equipment and property. If damage or theft occurs, an employee must report it to their direct supervisor immediately. Equipment must be password protected, include up to date virus protection, stored in a safe and clean area when not in use, and free of suspicious, unauthorized, or illegal software.

Employees will maintain accurate records of all hours worked and meal breaks through the electronic timekeeping system that the City utilizes.

C. EMPLOYEE STATUS CHANGES

Section 1: Policy Statement

Employees may undergo any number of changes in status and/or compensation. The purpose of this chapter is to identify and describe the more common of these changes.

Section 2: General Provisions

(a) Requirement

All promotions, demotions, reassignments, or transfers are contingent on position availability, the employee meeting the minimum qualifications, and the availability of funds in the discretion of the City Manager and City Council.

(b) Probation Period Requirements

1. Original Probation Period

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Newly hired employees are subject to a twelve (12) month probationary period in the position to which they are hired (the “Original Probation Period”).

2. Position Probation Period

Employees who are promoted, demoted, are subject to a six (6) month probationary period in the new position (the “Position Probation Period”). If the probationary period is to be extended, the employee will be notified in writing at least two weeks prior to the expiration of the Original Probation Period.

3. Extension of Probation

The probationary period may be extended one time for a period not to exceed three months by the Department Director with notice to the City Manager or Designee.

(c) Probation Period Restrictions

Except as the result of disciplinary action or business necessity, no status change described in this Handbook may occur while an employee is in a probationary period.

(d) Compensation

Status changes described in this Handbook may affect compensation, based on position classification and availability of funds.

(e) Effective Dates

Except for temporary reassignments in emergency situations, status changes described in this Handbook can only be effective at the beginning of a pay period.

Section 3: Promotions and Demotions

(a) Eligibility for Promotion

Employees may be eligible to promote to higher classified positions based on qualifying skills and demonstrated performance. Employees should consult their Department Director regarding career tracks and job requirements for promotion

within their area should opportunities arise. Employees should also check the City website for announcements and requirements for job openings.

(b) Reasons for Demotion

Employees may be demoted as the result of failure to meet minimum performance standards established for their position, disciplinary action, job elimination due to business necessity, or accommodation.

Section 4: Reassignment

(a) Management Reassignment

An employee may be reassigned to a position in the same rank or classification with different duties and responsibilities. This action may be taken at the discretion of Department Director.

(b) Temporary Reassignment to Higher Classification

Employees may be temporarily assigned to an acting status in a higher position having different duties and responsibilities when:

1. An existing position is vacant, or the incumbent is or will be absent from work for at least thirty (30) days.
2. Operational effectiveness precludes dispersing the duties of the position among other equally classified employees.
3. The employee meets the minimum qualifications of and is capable of performing the assigned duties of the higher-level position, and
4. The City Manager or their designee approves the temporary acting status in writing prior to the reassignment.
5. A PAF (Personnel Action Form) must be generated to reflect all changes.

(c) Employee-Sought Reassignment

Employees may voluntarily seek transfers to equally or lower classified available positions for which they are qualified. Such transfers may not be granted if the City Manager determines that it is not in the best interest of City operations.

Section 5: Management Reclassification

(a) General Overview

Reclassification of a position may occur at the request of a Department Director and upon approval of the City Manager when the job duties actually performed, and the minimum qualifications of the position have significantly changed since the job description was written.

Reclassification may result in a position being placed in a higher, lower, or same classification. Employees whose positions are reclassified will be given advanced written notice of the reclassification by the Department Director.

(b) Approval

All requests for reclassifications should be submitted to the City Manager or Designee, for approval.

Section 6: Nepotism & Conflicts of Interest

(a) General Overview

When relatives, as defined earlier in the definition section, work within the same department, potential conflicts of interest can arise. In order to prevent these conflicts, the city prohibits two (2) or more relatives to be employed within the same department.

(b) Options

1. Voluntary movement of either or both employees based on availability of positions in other departments and qualifying skills of the employee(s).
2. Involuntary reassignment to an available position of equivalent status/grade.
3. Resignation or dismissal from City service.

(c) Non-Fraternization

Romantic or sexual relationships between a manager/supervisor and a direct report employee can cause real or perceived conflicts of interest. In order to prevent these conflicts, the City prohibits such relationships or any conduct that is intended or may reasonably be expected to lead to the formation of a romantic or sexual relationship between a manager/supervisor and an employee in a direct reporting relationship. This policy applies regardless of whether or not both parties freely

consent to such relationships. Should a manager desire to date or become involved with a direct report employee, the manager should first resign from their position with the City.

Should two employees within the same department but not in a direct reporting relationship desire to become involved in a romantic relationship, they should disclose the relationship to the Department Director who shall then make a decision regarding the effect of the relationship on work product and workflow within the department. If in the judgment of the Department Director, the relationship between two employees within the department creates a negative effect on departmental operations, then one of the two will be asked to transfer or resign their position with the City.

By its prohibition of romantic and sexual relationships, the City does not intend to inhibit the social interaction (such as lunches or dinners or attendance at entertainment events) that are or should be an important part or extension of the working environment.

D. HIRING AND SELECTION

Section 1: Policy Statement

The City is committed to employ, in its best judgment, the most highly qualified candidates for approved positions in compliance with all applicable employment laws. It is the policy of the City to provide equal employment opportunity for all employment to all applicants and employees.

The City Manager or designee's authorization is required to initiate any action for an open position including any recruitment efforts, advertising, or interviewing, and approval is required to extend any offers of employment to any perspective candidate.

Section 2: General Provisions

(a) Equal Employment Opportunity

The City of Flowery Branch provides equal opportunity to all employees and applicants without regard to race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, or status as covered veterans in accordance with applicable federal, state and local laws. This policy applies to all terms and conditions of employment including, but not limited to hiring, placement,

promotion, termination, reduction in force, recall, transfers, leaves of absence, compensation, and training.

(b) The Americans with Disabilities Act

The Americans with Disabilities Act (ADA) prohibits, under certain circumstances, discrimination based on disability in the areas of employment, public services, and public accommodations. ADA requires employers to reasonably accommodate qualified individuals with disabilities. It is City of Flowery Branch's policy not to discriminate against individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. The City of Flowery Branch will provide reasonable accommodations to both employees and members of the public, if so requested, unless it creates an undue hardship for the City. The factors to be considered with respect to an undue hardship are: (1) the nature and cost of the accommodations; (2) the overall financial resources of the facility at which the reasonable accommodations is to be made; (3) the number of persons employed at that facility; (4) the effect on expenses and resources or other impact upon that facility; (5) the overall financial resources of the City; (6) the overall number of employees and facilities; (7) the operations of the particular facility as well as the entire City; and (8) the relationship of the particular facility to the City. These are not all of the factors but merely examples.

Reasonable accommodations must be requested in writing and submitted to the City Manager. The request will be reviewed and considered by the Reasonable Accommodation Committee comprised of the City Manager, the Department Director, and the Safety Officer, and will render a written decision within 10 working days.

Any employee who believes that there has been a violation of this City policy, or any applicable law relating to accommodating a person with a disability, should immediately contact their Department Director. If the Department Director is unable to resolve the issue, the individual is to contact the City Manager. All complaints will be promptly investigated. All individuals are expected to cooperate with an investigation. The information obtained during the course of an investigation will, generally, be held in confidence and will only be disclosed to those individuals who have a need for the information.

(c) Selection Criteria

Selection for employment with the City of Flowery Branch is based solely on job-related qualifications and is contingent on satisfactory results of such exams or tests as either required by law or administered due to job-related duties.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

(d) Minimum Age

Eighteen is the minimum age of employment for the City with the following exceptions:

1. The minimum age for certified police uniformed services is age 21.
2. Selected temporary positions where persons are at least age 16 and are allowed by law to work in jobs that are non-hazardous.

Section 3: Application Process

(a) Recruitment Requests

Upon a vacancy, the Department Director should notify the City Manager or Designee. An advertisement will be published for every vacancy stating the position, the minimum training requirements, the salary range, how to apply, and the closing deadline for application submission. This notice will be published for a minimum of fourteen (14) calendar days. At the recommendation of the Department Director and approval of the City Manager or Designee, an attempt at internal recruiting may be the initial course of action, in which case the advertising period may be altered.

(b) Forms and Submission

All candidates for a position, whether currently employed by the City, must complete a new employment application, resume or letter of interest and file it with the City's City Manager or Designee for each vacancy of interest. Additional information outside the initial employment application may be required from candidates.

(c) Examinations

As determined by the Department Director and under the review and management of the City Manager or Designee, the selection process may include, but not necessarily be limited to, one or more of the following: Oral interviews, evaluation of experience and training, written basic skills test, physical ability skills test, driver history, criminal history, truth verification testing, psychological testing, and reference and background checks. Any personnel involved in finance, or the handling of cash will be required to have a credit check completed and the results will be taken into consideration for employment.

(d) Falsified or Omitted Material

Omission or falsification of any material fact on an application or resume or any other official agency documentation disqualifies an applicant for consideration of employment, transfer or promotion. Disciplinary action may be taken against a current employee for an omission or falsification, up to and including termination regardless of when the omission or falsification is discovered.

Section 4: Selection

(a) Job-Related Criteria

Selection for employment with the City of Flowery Branch is based on job-related criteria that may include, but is not limited to:

1. Possession of the necessary knowledge, skills, abilities, training, education, licenses, certifications, and experience required for the position.
2. Satisfactory results on performance tests and/or physical or psychological examinations, or drug and alcohol tests.
3. Satisfactory results on criminal history, driving record, employment and education reference checks.

(b) Nepotism

All provisions of the nepotism policy in this Handbook will be adhered to during the selection process. Department Directors or elected officials shall be prohibited from hiring their own relative to a position within their department. In recognizing that there are situations where romantic or other personal relationships between employees can adversely impact the conduct of the City's activities, the City has a policy perspective on such relationships.

The City recognizes the right of individuals to privacy in their personal relationships and the City will only involve itself where such relationships have the potential to impact the City's activities.

It is not possible to outline all the scenarios which would cause concern to the City, but some of the more obvious include:

- Where one employee has access to sensitive, confidential information or to information not generally available to all employees.

- Where one employee is a manager or supervisor of the other involved employee.

The City will treat any situations of this nature on a case-by-case basis. However, employees should be aware in advance that a likely outcome of such relationships is that one of the employees involved may have to terminate employment to avoid potential adverse impact on the City's activities.

(c) Position Control

It is the responsibility of the Finance Director or Designee to maintain a City-wide position control in order to track authorized positions and the status thereof. The position control shall be the document of authority for determining the availability of positions for recruitment.

Section 5: Eligibility Registers

To the extent that the examination process adopted by the City Manager or Designee, for a particular position provides for the creation of a listing of participants who met certain minimum standards for performance so as to be eligible for employment, this listing shall be known as an Eligibility Register. Any examination process that results in the creation of an Eligibility Register shall specifically state in writing the method by which offers for employment will be extended to individuals appearing on the Eligibility Register and shall so notify all participants in the examination process. In any event, and under any examination process resulting in the creation of an Eligibility Register, an individual's existence on an Eligibility Register does not constitute an offer for employment or any guarantee of future employment. Therefore, an individual shall have no expectation of employment based upon appearance on an Eligibility Register. To the extent that the examination process adopted for a particular position utilizes an Eligibility Register and specifically provides for future hiring based upon the Eligibility Register, any individual who is extended an offer of employment based upon appearance on that Eligibility Register more than sixty (60) days after the completion of the examination, shall be subject to submitting updated information, including re-submitting to the applicable background checks, drug tests, and medical exams. The subsequent submittal of updated information may result in an applicant being denied employment.

Section 6: Re-Employment

To be considered for re-employment, former employees must have demonstrated acceptable prior service with the City and must meet the current minimum qualifications for the position for which they are applying. Re-hired employees are

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

subject to the conditions of employment and benefits of a newly hired employee, except in the case of vacation leave where previous years of service for the city are credited as specified below in this Handbook.

Section 7: Probationary Period

(a) Application

It is the purpose of the probationary period to provide a time by which both employee and employer can decide whether to continue employment. Probationary employees and supervisors should utilize the time to examine all aspects of the job and related performance.

1. Original Probation Period

Newly hired employees are subject to a twelve (12) month probationary period in the position to which they are hired (the “Original Probation Period”).

2. Position Probation Period

Employees who are promoted, demoted, reassigned or transferred are subject to a six (6) month probationary period in the new position (the “Position Probation Period”). If the probationary period is to be extended, the employee will be notified in writing at least two weeks prior to the expiration of the Original Probation Period.

(b) Extension

The probationary period may be extended one time for a period not to exceed three months by the Department Director with notice to the City Manager or Designee. The employee must be notified in writing of their probationary status being extended at least two weeks prior to the expiration of the probation period.

(c) No Status Change

Employees in a probationary status are not eligible for reassignment, promotions or voluntary transfer, unless specifically approved by the City Manager.

(d) Appeal Rights

Employees in a probationary status do not have grievance or appeal rights to disciplinary action.

Employees who are in probationary status due to a promotion will maintain their appeal rights except for any grievance or disciplinary action that is directly related to the promotion.

(e) Dismissal

Dismissal of an employee during the probationary period should be coordinated with the City Manager or Designee and subject to review by the City Attorney. Newly hired employees terminated while on probation will not be compensated for any accrued vacation leave.

Section 8: Contract Employment

(a) General Overview

Personnel from temporary employment agencies or contract employees outside an agency may be utilized from time to time by the City to facilitate business needs. The temporary agency is responsible for hiring, training, assigning, disciplining, and terminating its contract personnel. For performance purposes, contract personnel assigned a City project will be supervised by the Department Director or Designee. Contract employees are not eligible to receive City benefits. Contract employees outside an agency must supply their own equipment, manage their own schedule and are responsible for their own payroll tax payment and filing.

(b) Requests for Contract Employment

Requests for contract personnel must be placed through the City Manager or Designee and will be reviewed by both City Manager and Finance, and subject to availability of funds. Temporary assignment must be approved by the Finance Director and City Manager prior to the engagement of the contract service. The City Manager or Designee will keep a list of approved temporary agencies and will coordinate the assignment once approval has been issued.

Section 9: Other Employment

(a) General Overview

The City recognizes that employees may seek additional employment during their off hours to earn additional income or develop new skills and experience. Despite any other outside employment, their City job is the primary employment responsibility for full-time employees. Working extended hours while at a secondary job may adversely affect the health, endurance, and productivity of

employees. The City does not consider outside employment to be an excuse for poor job performance, tardiness, absenteeism, or refusal to work overtime or travel when required by the City. Outside employment also presents the opportunity for conflicts of interest.

(b) Outside Employment

A City employee may engage in any business, trade, occupation, or profession that does not:

1. Bring the City into disrepute;
2. Reflect discredit upon the employee as an employee of the City;
3. Interfere with the performance of the employee's City duties;
4. Present a conflict of interest;
5. Result in misuse of City property or funds;
6. Result in use of the City position for unethical/or illegal personal gain;
7. Violate department policy or procedure; or
8. Decrease the health or endurance of employees or adversely affect their productivity.

(c) Dual City Employment & Volunteer Time

Employees may not hold more than one compensated position with the City.

(d) Prohibitions

9. Department Directors are prohibited in engaging in any form of outside employment without the specific approval by the City Manager.
10. No employee shall engage in any employment or business where the work presents a conflict of interest.
11. No employee shall engage in any employment or business where the work of the secondary employer has been in the last twelve (12) months or is currently the subject of an investigation by the employee's City department.
12. With the exception of vacation leave, if you are on leave of any other type, you are not able to work an off-duty job.
13. No employees shall engage in any private business or activity while on duty.

(e) Approval

1. An employee must obtain permission in writing from the Department Director or their Designee before accepting any other employment or engaging in any

other business. The prescribed form should be used for permission as it gathers the pertinent information for review of the request.

2. An employee must obtain permission in writing from the Department Director and the City Manager before accepting an assignment as a volunteer for the City.
3. Permission granted is subject to revocation in the event of a subsequent unknown or occurring conflict with this policy.

E. PERFORMANCE MANAGEMENT AND REVIEW

Section 1: Policy Statement

The job performance of all employees will be reviewed at least annually to determine if salaries should be adjusted, if job descriptions should be revised, or if jobs need to be reclassified. An annual formal performance review is intended to ensure that all employees:

1. Are aware of what duties and responsibilities are expected;
2. Understand the level of performance expected;
3. Receive timely feedback about their performance;
4. Have opportunities for education, training, and development;
5. Are evaluated in a fair and consistent manner;
6. Have performance goals established.

Section 2: General Provisions

(a) Timing

The performance of employees will be reviewed and documented:

1. Prior to completion of any probationary period.
2. Annually, on the anniversary date of hire. Associated merit raises will take effect the pay period within the anniversary date.

(b) Performance Discussion

Interim reviews by the supervisor of an informal nature throughout the year are expected. The purpose is to foster communication, assure common understanding of purpose and expectations, and to assist in detecting problems as they develop.

Section 3: Review Process

(a) Review Discussion Content

Together the supervisor and employee will discuss the employee's performance during the review period and plan for the next review period. The contents of the review should:

1. Identify the principal duties of the job and measured results of those duties during the review period;
2. Review the expectations of the level of performance and the measured results of meeting those expectations during the review period;
3. Define the results that recognize significant work or projects during the review period;
4. Identify and address areas of employee development needs;
5. Develop an action plan for training to improve or add skills;
6. Set goals and objectives for the upcoming fiscal year; and
7. Offer advice on career advancement, specialization and training.

(b) Documentation

The supervisor will document the employee's evaluation and any agreed upon plans on the prescribed forms. After the review with the employees, both the evaluator and employee should sign the form. Your signature on the evaluation form does not necessarily indicate agreement with the contents of that form, but merely indicates that you have seen and understand the contents of that appraisal.

(c) Appeal of Performance Review

If an employee disagrees with the supervisor's assessment of their performance, the employee may write a letter of explanation stating their concerns with the evaluation. Any submittals from an employee on their performance evaluation, will be included in their file.

F. TERMINATION OF EMPLOYEE STATUS

Section 1: Policy Statement

Employees leave the City of Flowery Branch workforce under various conditions that include retirement, voluntary separation, dismissal, or reductions in force.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Regardless of reason, the end of employment shall be conducted in a discreet, respectful, and efficient manner. Procedures may exist affecting the employee's terminal pay and disciplinary action appeals. Employees should make themselves aware of these procedures.

Section 2: Resignation or Retirement

(a) Resignation

An employee is required to submit a resignation to his/her Department Director at least two (2) weeks prior to the effective date of the resignation. The resignation notice should indicate the last working day or shift with the City of Flowery Branch. An employee may be permitted or request to leave immediately. Employees will not be allowed to use vacation during the notice period unless it was scheduled prior to giving notice. If the employee is requested by the City to not work through the notice period, the employee will be paid through the effective date of their resignation.

Department Directors are required to submit a resignation to the City Manager at least four (4) weeks prior to the effective date of the resignation.

(b) Retirement

An employee must give written notice of intent to retire to his/her Department Director as soon as possible, but no less than thirty (30) calendar days prior to the intended retirement date. This notice is required in order to facilitate timely processing of retirement benefits. The retirement notice should indicate the last working day or shift with the City of Flowery Branch. In the case of disability, application of disability retirement satisfies the notice requirement.

(c) Process of Exit

After receiving written notice of voluntary resignation or retirement, the Department Director shall notify the City Manager. Employees who leave the City's workforce will be paid for accrued paid time off as detailed in the Compensation & Benefits Chapter of this document, provided they have completed their initial probationary period and submitted a proper notice of resignation (described above). All city property assigned to the employee is considered an advance of wages and must be returned in proper working condition before receiving the final paycheck. Unreturned items will be deducted from the final payout to the extent allowed by law.

(d) Pending Disciplinary Action

An employee whose resignation or retirement notice is tendered and accepted after the initiation of a disciplinary action forfeits their right to appeal the disciplinary action.

(e) Involuntary Termination

Employees who are involuntarily terminated from the City will receive a written statement citing the reasons for the dismissal, the date of the dismissal, and appropriate notification for benefits.

Section 3: Lay-Off**(a) Statement of Policy**

Lay-off is defined as a reduction in force that may result in the separation of employee(s) due to abolishment of a position, a shortage of funds or work, a need to increase efficiency, or a material change in the duties or organizational unit of the Department. No layoffs shall be made for the purpose of dismissing an employee for incompetence, misconduct, or for other reasons, except as included in this Section. The lay-off does not reflect discredit upon the service of the employee.

(b) Procedures

A lay-off can be recommended by the City Council and/or the City Manager, . Any lay-off must be approved by the City Manager or Designee prior to becoming effective.

Prior to the lay-off, the affected Elected Official/Department Director shall make recommendations to the City Manager or Designee who shall consider work records, employee evaluation ratings, and length of service in determining which employees shall be laid-off. If it is found that two or more persons in the Department in which the lay-off is to be made have equal ratings as determined by review of employee records and evaluation ratings, the order of lay-off shall be based upon seniority. No full-time employee shall be laid-off while another person is employed on a temporary or part-time basis in a position within the same job description if the employee is willing to accept the temporary or part-time work. In evaluating employees for purposes of a lay-off, care should be taken to accurately evaluate all employees. An employee shall not be laid-off based on race, color,

creed, religion, sex, national origin, age, political affiliation, disability, or any other category protected by federal and/or State law.

(c) Lateral Transfers or Demotions to Preserve Employment

Prior to lay-off and in an effort to avoid separation of employment, the City Manager or Designee may direct Lateral Transfers or Demotions as necessary to place employees into positions for which they are qualified rather than lay them off. Lateral Transfers or Demotions in accordance with this Section will be effective unless the employee elects in writing to be laid off. Written notice of said election from the employee must be received by the City Manager or Designee within three (3) working days after the employee has received notice of the Lateral Transfer or Demotion.

(d) Lay-Off Register

The City Manager or Designee shall prepare a register of employees who have been laid-off to be utilized as provided in this Section. The order of names appearing on this register will be based upon the order of the lay-off and when there is a tie, then seniority will be the determining factor. The names of the employees shall remain on the lay-off register for a period of one (1) year, unless the life of the register is extended an additional year by the City Manager or Designee in his/her sole discretion. During the life of the lay-off register, an employee may submit a written request to have his/her name removed from the list. Employees whose names appear on the lay-off register shall be given primary consideration when conditions warrant rehiring. "Primary consideration" shall mean that the employee does not have to go through the recruiting process, but that the City will notify the employees who appear on the lay-off register when there is an opportunity to fill a position that the laid-off employee previously held or a comparable position, either full-time or part-time; provided the employee meets the minimum qualifications for the position. In any event, employees whose names appear on the lay-off register are welcome to apply for other positions with the City at any time. If an employee is hired for another position in the City during the life of the lay-off register, the employee's name shall be removed from the lay-off register and no other special consideration shall be given to the employee.

G. USE OF CITY PROPERTY & EQUIPMENT

Section 1: Policy Statement

The City of Flowery Branch is committed to providing a safe workplace and has a substantial investment in the property and equipment used to provide employees the tools for the effective and efficient accomplishment of city business. The

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

appropriate use of facilities, vehicles, equipment, and other items of city property is expected from employees. Additionally, this policy governs the use of the City's computer and electronic communications system, which includes telephone, voice mail, fax machines, internet, electronic mail (e-mail) wireless internet connections and other computer usage.

Section 2: General Provisions

(a) Use of Equipment

All facilities, vehicles, furniture, supplies, and equipment provided and/or used in the course of employment, including without limitation, the telephone, computer, and electronic communications system, is the property of the City of Branch government and may only be used for approved purposes (collectively the "Property"). The Georgia Hands-Free Law must be followed at all times while operating a City vehicle.

(b) Privacy

No employee shall have an expectation of privacy in any Property. This includes the use of the computer and electronic communication system, including, but not limited to, the e-mail and voice mail messages they create, store, send and receive, and the internet sites they visit.

(c) Inspection of Property

Employees may be assigned and/or authorized the use of City-owned vehicles, lockers, desks, cabinets, computers, etc. for the convenience of the City and its employees. Management reserves the right to search city property assigned to employees and documents in employee desks, lockers, file cabinets, etc. The City has the right to monitor any and all aspects of its computer and electronic communication system, including, but not limited to, monitoring sites visited by users on the internet, reviewing material downloaded or uploaded by users to the internet, and reviewing email sent and received by users. Such monitoring may be conducted without prior notice. Use of the City's property automatically constitutes consent to such monitoring.

(d) Proper Authorization

An employee shall not, regardless of value, take City Property without authorization. The use of City Property for personal gain or for other than official duty-related use is forbidden.

(e) Discipline

Repayment for loss or damage may be required under this Chapter in addition to, or in lieu of, disciplinary action. Required repayment under this Chapter will be made by payroll deduction from the employee's pay as necessary to recoup the amount to be recovered.

Section 3: Vehicle Use & Operation**(a) Business Use**

Except as specified in this Handbook, City vehicles are furnished for official City business and may not be used for personal reasons without express written consent by the applicable Department Director. Employees with take home privileges may make short stops that do not deviate from their normal route during their commute.

(b) Vehicle Assignment

Employees assigned a city vehicle may be authorized to use the vehicle for transportation to and from work. This "take home" provision, if granted, shall only apply to employees living within a 30-mile radius of the city limit. If take home status is granted, no personal use of the vehicle is permitted after the commute is complete. No passengers may be transported in take home vehicles unless they are connected to city business or unless authorized by City Manager or in the case of an emergency as approved by the Department Director. Employees who are assigned a city vehicle are responsible for ensuring the preventative maintenance and repair schedule is met on the vehicle. Failure to ensure proper repair and maintenance may result in the revocation of the assignment. All vehicle assignments are subject to recall at any time.

Section 4: Electronic Communication Systems**(a) General Provisions**

"Electronic Communication Systems" is defined as internet, electronic mail, telephone, voice mail, facsimiles, , mobile phones, 800 or 700 MHz radios, computer and computer networks, directories, and files. Employees will not have privacy rights with respect to any activity using these Electronic Communication Systems. All data, including e-mail messages composed, sent and received are the property of the City of Flowery Branch.

(b) Professionalism

At all times, users have the responsibility to use Electronic Communication Systems in a professional, ethical, and lawful manner. Users should use the same care in drafting e-mail and other electronic documents as they would for any other written communications. Users should always strive to use good grammar and correct punctuation. Anything created or stored on the Electronic Communication Systems may be reviewed by others and the quality of communications is a direct reflection upon the City.

(c) Appropriate Use

Personal use of the Electronic Communication Systems is a privilege that may be revoked at any time. Unless prohibited by a Department Director, occasional, limited, and appropriate personal use of the Electronic Communication Systems is permitted if the use does not:

1. Interfere with the user's work performance;
2. Interfere with any other user's work performance;
3. Compromise the integrity of the Electronic Communication Systems; or
4. Violate any other provision of this policy or any other policy, guideline, or standard of the City of Flowery Branch.

(d) Inappropriate Use

Under no circumstances should the Electronic Communication Systems be used for sending, transmitting, intentionally receiving, copying, or storing any communication that is fraudulent, harassing, racially offensive, sexually explicit, profane, obscene, intimidating, defamatory, or in the City's sole opinion otherwise unlawful or inappropriate. Users encountering or receiving this kind of material should immediately report the incident to their supervisor and IT Vendor. Exceptions are limited to police investigations into criminal activities, which may require the use of the internet for information and intelligence gathering. This is permissible with the prior approval of the Police Chief. Other prohibited uses of the Electronic Communication Systems, include, but are not limited to:

1. Sending chain letters;
2. Sending copies of documents, messages, software, or other materials in violation of copyright laws;
3. Compromising the integrity of the City and its business in any way; and

4. The advertisement of personal business or conducting personal business activities.

(e) Misuse of Software

Users who become aware of any misuse of software or violation of copyright law should immediately report the incident to their Department Director. Files obtained from sources outside the City include files downloaded from the internet, files attached to e-mail, and files provided by citizens or vendors. These files may contain dangerous computer viruses that can damage the City's computer network. Users should never download files from the internet, accept e-mail attachments from outsiders, or use disks from non-City sources without first scanning the material with City approved virus checking software. If a user suspects that a virus has been introduced into the City's network, they should notify the IT Vendor immediately. Without prior written authorization from the IT Vendor, users may not do any of the following:

1. Copy software for use on their home computers or to other computers;
2. Provide copies of software to any independent contractors of the City or to any third person;
3. Install software on any of the City's workstations or servers;
4. Download any software from the Internet or other online service to any of the City's workstations or servers
5. Modify, revise, transform, recast, or adapt any software; and
6. Reverse-engineer, disassemble, or decompile any software

(f) Passwords.

Authorized users will be given a login name that allows access to the network. The user will have a personalized password, which should be obscure in nature and not divulged to others. Any user with knowledge of any password not their own shall report it to their supervisor immediately.

No employee shall attempt any unauthorized access to the system.

H. SAFETY & ACCIDENT REPORTING

Section 1: Policy Statement

The City of Flowery Branch is committed to providing a safe workplace. In accordance with this, employees are expected to take an active role in promoting workplace safety by reporting unsafe working conditions and by noting where fire

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

extinguishers, first-aid kits, and emergency exits are located. Additionally, employees are required to participate in identifying and correcting where possible, the underlying causes of accidents and unsafe conditions.

Section 2: General Provisions

(a) Employee Responsibility

Employees are responsible for exercising care and good judgment in preventing accidents and for observing safety rules and procedures when performing their duties. Employees are required to:

1. Report all accidents to their supervisor immediately;
2. Report any unsafe work conditions, equipment, or practices to their supervisor as soon as possible;
3. Attend scheduled safety meetings and activities;
4. In the event of an injury resulting in lost work time, continued contact with the supervisor is required for the purpose of keeping records on the expected return to work status.

(b) Equipment Repair

Employees have a responsibility to report the need for repairs of any City- owned or leased property issued to the employee. No employee shall alter, repair, or in any way change, add to, or remove any parts or accessories of any City-owned or leased Property without the permission of the Department Director.

Section 3: Personal Protective Equipment

The City may provide directly, or through an allowance approved in the annual budget each year, items of personal protection. Supervisors will direct use of personal protective items when warranted and employees are expected to comply with such direction.

(a) Vehicle Operator Qualifications.

To operate a city-owned vehicle in the course of business, an employee must:

1. Be at least 18 years of age;

2. Have a valid Georgia Driver's License for the class of vehicle to be driven or a valid Driver's License from the state in which the employee resides which allows employee to legally operate a city vehicle on Georgia roads;
3. Have a record of no more than two moving citations or one moving citation and one chargeable accident within a twenty-four (24) month period;
4. Chargeable citations include, but are not limited to, DWI/DUI/OUI/OWI, Felony, Suspended License, Fleeing, Excessive Speed.
5. Employees whose primary duty is to drive a city vehicle that do not have an acceptable driving history must be relieved of such duties and assigned to non-driving positions or non-driving duties until their 24-month record reflects an acceptable driving history. If a non-driving position is not available, the employee may be terminated.
6. Be otherwise qualified under federal and state regulations to drive the vehicle in question; and
7. Be trained and authorized to operate the vehicle.

(b) Annual License Review

To ensure the maintenance and validity of driver's licenses, driving records of employees who operate city vehicles will be examined on an annual basis or as needed, as determined by the Department Director. The City will check motor vehicle records (MVR) of all applicants prior to making offers of employment. As part of the hiring process, applicants will be required to sign a written consent form allowing the City to check motor vehicle records at any time prior to or during their employment. The Department Director will be responsible for collection of license copies each year and for the submittal of licenses to the Police Chief who will have the employee's license run through GCIC for review.

(c) Notification Procedures

Employees who operate vehicles in the course and scope of their employment must notify their supervisor:

1. When their driver's license becomes invalid or suspended for any reason. Such employees will immediately be prohibited from operating vehicles on City business.
2. Immediately during work hours or by the next working day if after hours, upon the receipt of any ticket or citation for any violation of state law or a local ordinance relating to motor vehicle traffic operation, except this shall not apply to parking violations received in a personal vehicle. In addition,

employees must notify their supervisor when at fault in a motor vehicle crash, whether cited by the police or not, and whether on duty or off. Likewise, employees required to operate any vehicles in the course of performing work for the City may be subject to discipline, including immediate termination if he/she is involved in an off-duty DUI, traffic citation, or accident that may indicated unfitness to safely operate a vehicle.

3. An employee who receives a citation for any violation while operating a City vehicle will be responsible for paying any fine or penalty incurred and will be subject to disciplinary action, up to and including termination.
4. Failure to report a citation received, whether off or on duty, may be grounds for disciplinary action, up to and including termination.

(d) Operation of Vehicles

Employees shall operate any vehicle used for City business in a careful and prudent manner and shall obey the laws, policies, regulations, and procedures of the city and state pertaining to such operation. Tobacco use or vaping in City-owned or leased vehicles is prohibited.

(e) Duty Restrictions

A physical, mental, or driving skill impairment that cannot be reasonably accommodated that affects an employee's ability to safely operate a motor vehicle, or failure to comply with the driver qualifications outlined in this Chapter, precludes that employee from operating any City-owned or leased vehicle for city business. If the operation of a vehicle is an essential job duty, an attempt will be made to place the employee in a non-driving position. If such a position is not available, the employee will be immediately relieved of duty. If the vehicle prohibition is due to suspected physical or mental impairment, the employee will be subject to a health fitness evaluation as outlined in this handbook.

(f) Passenger Restraint Systems

All drivers and passengers in city vehicles are required to wear their seatbelt whether or not it is required law. The only exception will be for detainees being transported in the rear of the police vehicle if the detainee presents a risk to the officer in fastening the seat belt. If the detainee presents a risk, a supervisor should be notified prior to transporting. The driver of the vehicle is responsible for compliance.

Section 4: Accident Involvement

(a) Report Required

All of the following, collectively referred to throughout this Section as an “Accident,” shall be reported to the immediate supervisor by the employee involved in the event and any City employees who witness the event:

1. All injuries to an employee or other person occurring during the course of business;
2. All accidents involving city-owned or issued vehicles or equipment, whether or not occurring during the course of business;
3. All accidents involving personal vehicles or equipment used during the course of business; and
4. All property damage occurring during the course of business.

(b) Employee Responsibilities

Unless transported from the accident scene for medical treatment, the employee involved in a job-related accident involving a vehicle or equipment will:

5. Render aid to other parties if possible and necessary;
6. Report the accident and any injuries immediately to local law enforcement in the event of a vehicular accident;
7. Immediately notify their supervisor or designee, as soon as possible if the supervisor is not available;
8. Record the name, address, and phone number of any witnesses, and note the specifics of the accident circumstances, if possible;
9. Be courteous, but not make or sign any statement for anyone other than the police officer responding to the scene;
10. Remain at the scene until excused by law enforcement personnel;
11. Not discuss or reveal information or provide statements to non-City personnel subsequent to the accident. This does not prohibit cooperation with law enforcement investigations outside the City’s jurisdiction.
12. Submit to all requested post-accident testing as directed by the supervisor or other City Management representative.

(c) Administrative Accident Investigation

The supervisor or other designated employees will conduct an administrative investigation into the circumstances of the accident and prepare a written report that includes a statement of the facts and analysis as to cause. The report will also include recommendations of any corrective action necessary to prevent recurrence of such accidents. The City Attorney will facilitate claim/litigation management with the City's insurance carrier.

(d) Examinations and/or Tests

An employee who is involved in a reportable accident may be required to undergo examinations and/or tests as specified in the Performance of Duty Standards and Substance Abuse Testing chapters of this handbook.

I. CITY TRAVEL

Section 1: Travel

(a) Statement of Policy

The City is supportive of continuing education for employees to improve their skills and knowledge to better serve our city. All travel must be preapproved by the employee's Department Director or the City Manager prior to making any reservations. The claims of employees for reimbursement of actual travel expenses while traveling on official business of the City shall be submitted on a travel expense statement approved by the Department Director or City Manager before reimbursement is made. Itemized receipts must be included with travel expense statement unless otherwise stated.

(b) Reimbursable Expenses

Transportation:

- a. The mode of transportation used should be the most reasonable, convenient, and economical available.
- b. Transportation by common carrier shall be reimbursed at the actual amount expended for such transportation. Plane reservations must be booked for economy class at least three weeks prior to traveling, when possible.
- c. The reimbursement rate for personal mileage is equal to the rate published by the Internal Revenue Service.
- d. The travel expense statement shall include the date, purpose and destination

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

of each trip. An employee shall be reimbursed only for travel related to the purpose of the trip.

- e. Requested mileage payment must be supported by the anticipated route obtained from a reputable internet map/direction system which gives anticipated mileage travelled. (i.e., MapQuest)
- f. Mileage should be calculated by totaling the number of miles driven and then subtracting the number of miles the employee would normally drive to their assigned work location. (i.e., employee drives 30 miles one way to a training. The mileage to work is 10 miles. $30-10=20$. Only 20 miles will be reimbursed.)
- g. Any travel incidental to a business trip shall also be included in the total number of miles traveled.
- h. Vehicles may be rented for official business subject to prior approval by the Department Director or City Manager.

Meals and Incidental Expenses:

- a. Expenses incurred for personal meals and incidentals shall be a per diem reimbursement based on the IRS Federal Guidelines as set according to the IRS Standards. This information can be found at: www.gsa.gov/portal/content/104877. Meals provided during a conference and covered in the conference registration may not be covered as designated by the Department Director. Itemized receipts associated with a travel per diem are not necessary.
- b. Travel day meal per diem will follow the IRS Federal Guidelines, typically 75% of the daily per diem.
- c. Incidental expenses of non-staff members will not be reimbursed and are the responsibility of the individual.
- d. A daily per diem rate from the GSA portal must be attached to the travel request form.
- e. Department Directors may at times host meetings and provide food for attendees. For reimbursement of the meal, Department Director is to submit a reimbursement form with an itemized receipt and the meeting information to include date, time, and topic of meeting.

Hotel:

- a. Expenses incurred for lodging shall be reimbursed. The City shall pay single occupancy. Any additional cost incurred to upgrade shall be paid by the employee.

- b. Employees and officials may be exempted from state sales tax and hotel/motel tax on rooms, lodging and accommodations when traveling on official business with the State of Georgia. The employee must pay with city issued funds (city check or city credit card) and furnish the State of GA Sales Tax Exempt Form and the Hotel/Motel Excise Tax Exempt Form at the time of check-in.

Miscellaneous:

- a. Parking, toll fees, telephone, telegraph charges, etc. shall be reimbursed to an employee traveling on City business.

(c) Non-Reimbursable Expenses

City vehicles shall not be used when employees are on an unpaid lunch/meal period. Mileage will not be paid to employees choosing to use personal vehicle to travel to or from a location for an unpaid lunch/meal period without prior approval of the City Manager.

(d) Sharing Costs with a Municipality

At times employees may travel with a colleague from another municipality to a conference. When making these arrangements to share a hotel or a car, the costs will need to be reviewed by the Finance Director or Budget Manager to ensure fees are split evenly between each municipality. (For example: one person may drive and the other may pay for the hotel costs. Mileage would need to be calculated to verify it is equivalent to half the hotel costs.) This information must be documented and turned in with receipts for reimbursement.

J. WORKPLACE VIOLENCE POLICY

Section 1: Workplace Violence

(a) Statement of Policy

The City is concerned about the well-being and personal safety of its employees and anyone doing business with the City. The City consequently strictly prohibits workplace violence. Acts of violence and/or threats of violence, whether expressed or implied toward individuals in the City workplace, are prohibited and will not be tolerated. All reports of incidents will be taken seriously and will be addressed appropriately. This policy defines prohibited conduct, as well as general procedures and potential responsive steps in the unfortunate event that workplace violence occurs despite these preventive measures. In addition, unauthorized, non-city

issued firearms, weapons, ammunition, or explosives on city property is strictly prohibited.

(b) Scope

This prohibition against threats and acts of violence (including domestic violence) applies to all persons involved in the operation of the City, including but not limited to, the City personnel, contract and temporary workers, and anyone else on city property.

(c) Definition of Workplace Violence

Workplace violence is any conduct that is severe, offensive or intimidating enough to make an individual reasonably fear for his/her personal safety or the safety of family, friends or property. Examples of workplace violence include, but are not limited to, threats or acts of violence or behavior that causes a reasonable fear or intimidation response that occurs on city premises, no matter what the relationship is between the City and the perpetrator or victim of the behavior or off city premises, where the perpetrator is someone who is acting as an employee or representative of the city at the time, where the victim is an employee who is exposed to the conduct because of work for the City, or where there is a reasonable basis for believing that violence may occur against the targeted employee or others in the workplace.

Examples of conduct that may be considered threats or acts of violence under this policy include, but are not limited to the following:

- a. Threatening physical or aggressive contact directed toward another individual or engaging in behavior that causes a reasonable fear of such contact.
- b. Threatening an individual or his/her family, friends, associates or property with physical harm or behavior that causes a reasonable fear of such harm.
- c. Intentional destruction or threat of destruction of the City's or another's property.
- d. Harassing or threatening physical, verbal, written or electronic communications, including verbal statements, phone calls, emails, letter, faxes, website materials, diagrams or drawings, gestures and any other form of communication that causes a reasonable fear or intimidation response in others.
- e. Stalking. Stalking is defined as a pattern of conduct over a period of time, however short, which evidences a continuity of purpose and includes

physical presence, telephone calls, emails and any other type of correspondence sent by any means.

- f. Veiled threats of physical harm or like intimidation or statements, in any form, that lead to a reasonable fear of harm or an intimidation response.
- g. Communicating an endorsement of the inappropriate use of firearms or weapons of any kind.
- h. Unauthorized possession of weapons of any type, whether licensed or not, and particularly firearms. The only exception is local, state, and federal law enforcement officers, police or arson investigators acting in the line of duty. Weapons, include, but are not limited to:

- Any weapon which, per applicable law, is legal or illegal to possess;
- Any firearm, loaded or unloaded, assembled or disassembled, including pellet, "BB", and stun guns;
- Knives (and other similar instruments) other than those present in the workplace for approved work purposes or for the specific purpose of food preparation and service;
- Any switchblade knife;
- Brass knuckles, metal knuckles, and similar weapons
- Bows, crossbows and arrows;
- Explosives and explosive devices, including fireworks, ammunition and/or incendiary devices;
- Throwing stars, nun chucks, clubs, saps, and any other item commonly used as, or primarily intended for use as a weapon;
- Self-defense chemical sprays (Mace, pepper spray) in canisters or containers larger than two ounces;
- Any object that has been modified to serve as, or has been employed as, a dangerous weapon.

Domestic violence is defined as a pattern of coercive tactics carried out by an abuser against an intimate partner (the victim) with the goal of establishing and maintaining power and control over the victim. Where the abuser's tactics include any of the above-described conduct on City premises, this policy applies. Where such tactics include any of the above-described behaviors off City premises, this policy applies where the abuser is someone who is acting as an employee or representative of the City at the time, where the victim is an employee who is exposed to the conduct because of work for the City, or where there is a reasonable basis for believing that violence may occur against the victim or others in the workplace. The term "intimate partner" includes people who are legally married to each other, people who were once married to each other, people who have had a

child together, people who live together or who have lived together, and people who have or have had a dating or sexual relationship, including same sex couples.

(d) Reporting Complaints

If you observe the possession of unauthorized non-City issued weapons on City premises, or if you are subjected to or threatened with firearms by a co-worker or member of the public, or if you become aware of another individual who has been subjected to or threatened with violence, you must report this information to your supervisor or the City Manager immediately. Supervisors must report all potential violations so they can be handled appropriately. Do not assume that any violation or threat is not serious. All complaints will be thoroughly investigated, and all complaints that are reported to management will be treated with as much confidentiality as possible. Employees who become angry, upset, or concerned with the actions of a co-worker, supervisor, member of the public or the City in general, are encouraged to seek assistance from the City Manager or Designee.

A 9-1-1 call may be appropriate first, in the good judgment of the employees or managers involved. Under this policy, decisions may have to be made quickly to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing. Nothing in this policy is intended to prevent quick action to stop or reduce the risk of harm to anyone, including requesting immediate assistance from law enforcement or emergency response resources.

Failure to report any threats or acts of violence in violation of this policy appropriately is itself a violation of this policy and may subject any employees involved to discipline up to and including termination.

Retaliation against anyone for reporting an actual or suspected violation of this policy in good faith will not be tolerated and will subject the individual engaging in the retaliation to discipline up to and including termination. Any complaints about retaliation should be reported in the same manner as violations of this policy are to be reported.

(e) What to Expect from the City

All incidents of violence and threats of violence that are reported will be taken seriously and investigated.

(f) City Expectations of Targeted Employees

Stay Away Orders: The City reserves the right to seek orders of protection (also known as restraining orders or stay away orders) against any person who violates the Workplace Violence Policy. Additionally, employees themselves may seek and obtain orders of protection against individuals outside of the workplace. Employees so protected are obligated to immediately notify the City Manager or Designee and their supervisor if (a) an order of protection extends to the workplace; or (b) they reasonably believe that their safety (or the safety of others) in the workplace is affected by the order of protection. Employees should provide written notification of:

1. the existence of any such order and provide a copy of the order;
2. any violations or attempted violations of the order;
3. any changes to the order that affect the workplace; and
4. the order being lifted.

Employees who are subject to orders of protection requiring them to stay away from or refrain from contacting other individuals who are or may be in the workplace (including employees, customers, vendors and others) must immediately notify the City Manager or Designee and provide a copy of the order.

Upon being notified of an order of protection, the City Manager or Designee will contact the reporting party to gather information about the individual and assess the situation. The City will make every effort to maintain confidentiality of such orders with the understanding that it will use the information as necessary to maintain safety in the workplace.

(g) Search Policy

If the City reasonably suspects that an employee either has or may have violated this policy, or that the employee possesses evidence that others pose a threat of workplace violence as defined by this policy, the City may request the individual to submit to a search of his or her person, personal effects, vehicles, and locker. In addition, the City may conduct searches of any City property including for instance workstations and areas, including desks, locker, credenzas, file cabinets, computers and computer-stored information, voicemail, email, business records, City vehicles and any other property or equipment owned by the City, at any time, without notice to or permission from affected employees, for purposes of enforcing the no violence policy. If an individual is asked to submit to a search, and refuses, that individual will be considered insubordinate and will be subject to discipline up to and including termination.

Searches will be conducted by a supervisor with a second witness and may or may not be conducted in the presence of the person whose property is searched. Any weapons or evidence of violations of this policy will be confiscated, and may be turned over to law enforcement, as appropriate. Any illegal activity discovered during an inspection is subject to referral to the appropriate law enforcement authorities.

(h) Assistance Programs/Services

The City provides all employees and family members with a no cost Employee Assistance Program (EAP) that has professionals trained to handle domestic violence cases. These professionals provide counseling, support, and referrals. In addition, EAP is a resource for employees who want to learn more about domestic violence or find out how to help a friend, family or coworker. Many community agencies provide free services for safety planning, counseling, support groups, shelter, and legal assistance. Please contact the City Manager or Designee if you need additional information.

Chapter II

Compensation

& Benefits

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

II. COMPENSATION & BENEFITS

A. COMPENSATION

Section 1: Policy Statement

The City of Flowery Branch's compensation philosophy is to maintain a competitive pay structure for the purpose of recruiting and retaining an effective and efficient workforce. The pay structure is designed to pay employees based on what their job is worth; ensure they appropriately move through the salary range for their classification; and recognize performance through merit pay, where applicable. The pay plan is designed to comply with federal and state law, including the Fair Labor Standard Act (FLSA). All aspects of the pay plan are contingent upon the availability of funds as determined in the sole discretion of the Mayor and City Council.

Section 2: Pay System

(a) Pay Period

All City employees will be paid on a bi-weekly basis. The work week will begin on Monday and end on Sunday. The actual pay date will be the Friday following the end of a pay period. When a pay date falls on an official city holiday, employees will be paid on the date preceding the holiday.

(b) Direct Deposit

Participation in the direct deposit program is mandatory for all city employees. All pay-related items, such as allowances and reimbursements, will flow through the regular pay cycle. An employee's final check upon the end of employment will be a direct deposit check, unless supplies, uniforms, and/or equipment has not been turned in. If this is the case, a live check must be picked up in person by the employee once items are returned.

(c) Payroll Deductions

Federal and state laws require us to make certain deductions from employee earnings, including income withholding and Social Security taxes. No deductions, other than those legally required, will be made from an employee's paycheck without their written consent. Authorized deductions may include participation in medical, dental, and other insurance plans. It is the responsibility of each employee to review all deductions annually during open enrollment to ensure accuracy.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

(d) Types of Pay Other Than Base Rate

1. Overtime Pay

Overtime work is work performed by a qualified employee which exceeds the regular work week, as defined in the Fair Labor Standards Act (FLSA). Compensation for overtime hours shall be at time and a half for hours worked in excess of the defined work period. Vacation and sick leave will not be considered as hours worked for overtime computation purposes. Refer to Section I.7(l) for overtime definition and calculation per employee type.

2. Compensatory Time

It shall be the City's policy to allow the accrual of Compensatory Time (Comp Time) in lieu of payment for overtime hours worked by non-exempt employees to reduce the cost of overtime wages and to assist employee productivity and effectiveness without extra cost to the City. Comp Time is defined as time off granted to a regular non-exempt employee to offset hours worked by the employee over and above those required in the normal course of employment. Exempt employees will earn forty (40) hours of Comp Time annually on July 1st. Exempt Comp Time can roll over up to twenty (20) hours with a max accrual of sixty (60) hours.

Each department may decide to utilize Comp Time. The Department Director is responsible for making that decision. Employees must agree to receive Comp Time in lieu of overtime payment.

▪ Accrual

Comp Time will accrue at a rate of one and one-half hours for each hour of employment for which overtime compensation is otherwise required and where the employee has not accrued Comp Time in excess of 40 hours. Accrual of Comp Time must be approved in advance by the employee's supervisor except in cases of emergency. Supervisors are expected to organize their projects and tasks appropriately to minimize Comp Time accruals.

The maximum accrual of Comp Time for non-exempt employees is limited to 40 hours. An employee who reaches this threshold shall, for additional overtime hours of work, be paid overtime compensation. Supervisors should attempt to schedule the utilization of Comp Time as

it is accrued. Comp Time cannot be accrued to the point where it would be impossible to be utilized by the annual deadline.

- **Utilization**

Comp Time accrued should be utilized (redeemed) at a time mutually agreeable to the employee and supervisor. This time will also be utilized with the least amount of disruption to productivity and effectiveness to minimize hardship. Use of Comp Time must be approved in advance by the employee's supervisor except in cases of emergency. The use of Comp time must be permitted upon employee request to use it unless to do so would unduly disrupt the employer's operations. In the event a supervisor denies the use of Comp Time that would cause an undue disruption, the supervisor must generate written documentation to support the decision. In order to prevent the excessive accrual of Comp Time and to avoid the extra overtime liability to the city, a supervisor may compel an employee to utilize Comp Time at their discretion.

Comp Time balances must be utilized by December 31st of each fiscal year for non-exempt employees or paid out as overtime. If an employee with accrued Comp Time is promoted to an exempt position, all accrued Comp Time will be paid out as overtime prior to the effective date of the promotion. All Comp Time earned by an employee must be used before the employee uses any accrued vacation or sick leave.

(e) On-Call Status

Some operational divisions in the City may designate non-exempt employees to be on-call to provide for after-hours service needs. Any on-call policy shall be determined by the applicable Department Director with approval of the City Manager depending upon the needs of the individual department and appropriations in the fiscal budget.

(f) Call Back Pay

A call back occurs when there is an emergency, or after-hours service need for which an employee reports to work as a result. A call back does not include additional hours of work scheduled in advance.

- a. An employee responding to a call back will be paid for two hours and the actual time worked on the call back assignment at their overtime rate.
- b. Travel time is included in the calculation of call back hours.
- c. Exempt employees are not eligible for call back compensation.

- d. If any employee is directed back to work on a call back, no vacation or sick time utilized during same pay period will off-set overtime payment.

(g) Acting Status Pay

Employees who are temporarily re-assigned to perform the duties of a higher classification for thirty (30) consecutive days or more may receive a compensation increase for the duration of the temporary assignment. The appropriate increase shall be recommended by the City Council, City Manager or Designee, but at no time should be less than the minimum pay range for the temporary assignment classification.

(h) Final Pay

Upon end of employment, employees will be paid at their base rate for accrued paid time off to a maximum as detailed in the Compensation & Benefits Chapter of this document.

Section 3: Compensation Plan

(a) Pay Plan

The City will maintain a Classification and Compensation Plan, including a complete inventory of all positions in the City's service and an accurate description and specification for each grade of employment. This plan was developed by Carl Vinson Institute of Government. The plan will standardize titles, by categorization of every job by class on the basis of similarities in duties, responsibilities, each of which are indicative of a definite range of duties and responsibilities and has the same meaning throughout assigned departments. The Classification and Compensation Plan will be designed to provide equal pay for equal work and to provide a pay range for each grade of positions, which will enable the City to recruit and retain qualified employees, as well as compete in the job market with other public employers. The pay plan is a grad/step plan updated annually based on the cost-of-living adjustments applied to current employees as approved by City Council. All aspects of the pay plan are contingent upon the availability of funds as determined in the sole discretion of the Mayor and City Council.

(b) Administration

The primary responsibility for day-to-day administration of the Classification and Compensation Plan rests with the City Manager or Designee, as follows:

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

1. The City Clerk and Finance Director are charged with the maintenance of the Classification and Compensation Plan and its administration so that it will reflect the duties performed by each employee and the grade to which each position is allocated.
2. It is the responsibility of the City Clerk and Finance Director to examine the nature of the positions as they are created and to allocate them to an existing grade in conformity with this section; to make such changes as are necessary in the duties and responsibilities of existing positions; to develop forms and to provide vital information when deemed necessary to determine the proper grade classification of each position; to periodically review the entire Classification and Compensation Plan; and recommend appropriate changes in the plan.
3. The City Clerk and Finance Director will facilitate the requests for newly authorized positions or changes in duties of an existing position change. The Department Director must submit a Position Review Request to the Finance Director and City Clerk. The City Clerk and Finance Director will investigate the actual or suggested duties and make a report to the City Manager or Designee for approval. Ultimate approval for new positions shall be by the Mayor and City Council.

(c) Use of the Classification & Pay Plan

The Classification and Pay Plan is to be used:

4. As a guide in recruiting and evaluating candidates for employment;
5. In determining lines of promotion and in developing employee training programs;
6. In determining salary to be paid for various types of work;
7. In providing uniform job terminology understandable to all City officials and employees and by the public;
8. The official job title represented on the Classification and Pay Plan should be used in all personnel, accounting, budget, appropriation, and financial records. No person will be appointed to or employed in a position in the City service under a title not included in the Classification and Pay Plan and approved by the Mayor and City Council;
9. Other job titles may be used in the course of departmental routine to indicate authority, status in the organization and/or administrative rank;
10. It should be general practice for newly hired employees to be hired at the minimum pay rate of the applicable grade for the position. The City of

Flowery Branch recognizes that in some instances it may be necessary to hire employees above the minimum pay rate of the applicable grade for the position. Department Directors may recommend hiring personnel above the minimum starting salary by completing a memo on City letterhead and submitting it to the City Manager and Finance Director for approval. Department Directors should be mindful of internal equity when extending offers above the minimum.

(d) Maintenance of Pay Ranges

The City Manager or Designee may make or cause to be made such comparative studies as he or she deems necessary of the factors affecting the level of salary ranges prior to the preparation of the annual budget, as well as at other times during the year. On the basis of information derived from such studies, the City Manager or Designee may make recommendations for changes in salary ranges as deemed necessary to maintain the fairness, adequacy, and competitiveness of the overall salary structure.

Section 4: Changes in Salary

(a) Performance Reviews

The job performance of all employees will be reviewed annually to determine if salaries should be adjusted, if job descriptions should be revised, or if jobs need to be reclassified.

(b) Salary Increases for Performance

Subject to annual budget appropriation, each department may be allocated a pool of merit dollars to be distributed by a percentage basis on a formula derived from the performance evaluation results. The City Manager reserves the right to make additional pay adjustments as necessary for business operations.

(c) Salary Changes Due to Promotions

The pay for employees receiving a promotion will be the greater of either the minimum of the pay grade of the promoted position or a five (5) percent increase. The City Manager may allow a greater increase up to ten (10) percent in order to address any internal equity issue. Any increase greater than ten (10) percent must go before Council for approval.

(d) Salary Changes Due to Reclassification

The pay for an employee whose position is reclassified to a higher pay grade will be upon the recommendation of the Department Director. At a minimum, the rate will be that of the higher position, but shall not exceed a five percent increase if the existing salary already exceeds the minimum rate for the higher position. The pay for an employee whose position has been reclassified to the same or lower pay grade will not change.

(e) Salary Changes Due to Demotion

The pay changes for employees receiving a demotion will be as follows:

1. Demotions Based on Performance

The pay for employees receiving a demotion will be five (5) percent decrease in pay. At the Department Directors request, the City Manager may allow a greater or lesser decrease in order to address any internal equity issue.

2. Voluntary Demotions (not performance based)

The salary of an employee who voluntarily demotes to a position in a lower pay grade based on a personal decision to do so will be determined upon the recommendation of the Department Director.

3. Involuntary Demotions (not performance based)

The salary of an employee who has been involuntarily demoted due to business needs or for accommodation purposes and not based on performance will not experience any change in pay.

(f) Other Salary Increases

The City Manager reserves the right to make additional pay adjustments as necessary for business operations provided that funds are available.

(g) Employees at Maximum of Pay Range

As part of the City's pay plan, pay ranges are established based on market rates. Each range will consist of a minimum and maximum, except for the City Manager whose range will be considered open.

Should an employee's pay rate reach the maximum of their assigned pay range, and a pay increase is offered to employees as part of the annual fiscal year budget (merit, market, or across-the-board), effected employees will receive any increase, if applicable, over the maximum of their range as a lump sum payment starting as of the date coinciding with the budget or effective date. In such a case, the employee's pay rate shall not be adjusted, but the City shall take into account any such lump sum payment for purposes of computing overtime as applicable under the Fair Labor Standards Act.

B. EMPLOYEE BENEFITS- LEAVE TYPES

Section 1: Policy Statement

The City of Flowery Branch believes that employees should have the opportunity to enjoy time away from work to help balance their work and personal lives. City management recognizes that employees have diverse needs for time off from work. Because of this, the City has established leave practices to address the balance, as well as to protect the financial well-being of employees during certain absences from work. Employees are accountable and responsible for managing their own leave balances to allow for adequate reserves if there is a need to cover unanticipated events requiring time away from work.

Section 2: Overview of Requirements & Restrictions

(a) General Provisions

Except as provided otherwise in this chapter, the following apply to all paid leave benefits:

1. Approval of leave is subject to operational requirements of the department and any request for paid leave may be denied or rescheduled due to staffing needs;
2. Paid leave cannot be advanced;
3. All requests for leave must be submitted electronically through the time management system utilized by the City, with as much notice as possible;
4. Except for military leave, any employee in an unpaid leave status will not accrue paid time off. This will not, however, constitute a break in service for accrual rate purposes.

(b) Unpaid Leave Status

Unpaid leave will not be approved under normal circumstances. All requests for leave without pay must be approved by the City Manager or Designee. Paid time off will not be accrued during leave without pay status. Please note that while an employee is on leave of absence without pay, there is no job protection by the City, except as required by law. Employees may continue, at their sole expense, their group health insurance coverage while on leave of absence without pay. In order to continue coverage, the employee must contact the City Clerk or Designee to arrange for documentation and payment of premiums. If approved, unpaid leave status will be granted for a minimum of one (1) week or up to thirty (30) days. If an employee is granted a leave of absence, the employee will make written arrangements with his/her Department Director for making contact and giving weekly status updates and the anticipated return to work regarding his/her absence. The exceptions to these provisions are leave granted as Family Medical Leave Act and Military Leave as specified later in this chapter.

Section 3: Vacation Leave

(a) Eligibility

It is the policy of the City to provide vacation leave for eligible employees.

1. Vacation leave is accrued and granted to regular full-time employees.
2. Vacation leave is accrued and granted to eligible employees while on authorized paid time off.
3. Eligible employees can take vacation leave immediately once hours have been accrued and approved by department management (new hires have a six (6) month waiting period for vacation time, unless approved by the City Manager or Designee).
4. Pay for vacation leave shall be at the employee's regular rate of pay in effect for the employee's regular job on the pay date immediately preceding the employee's vacation dates.

(b) Vacation Leave Accrual Rate

1. All eligible employees will receive vacation leave hours based on their current years of service with the City or a prearranged seniority date as established by the City. Department Directors will receive vacation leave hours based on 10+ years of service.

2. Employees will begin accruing hours immediately upon hire, however leave cannot be utilized for the first six (6) months of employment, unless prior approval from the City Manager or Designee is provided.
3. All eligible employee's accrual rate increases on the first day of the pay period that includes the employees' anniversary date.
4. The following chart reflects the accrual rates for city employees:

Regular Full-time Employees		
Years of Employment	Hours Earned Per Pay Period	Hours Earned Per Year
During Year 1	1.54	40.04
During Year 2 though Year 4	3.08	80.08
During Year 5 through Year 9	4.62	120.12
Year 10 or more	6.15	159.90

(c) Use and Scheduling of Vacation Leave

1. Whenever possible, employees will be allowed to take vacation leave at times most convenient to them. However, in order to ensure continued smooth operation and maintain a high level of quality in the delivery of service to the citizens of Flowery Branch, the City reserves the right to limit the number of employees that may be absent from a given department at any one time. Where there is a conflict in the paid time off choices of two (2) or more employees who cannot be spared at the time, the department management will determine who will take leave.
2. When a holiday occurs during the period an employee is on authorized vacation leave, vacation hours shall not be charged for the holiday.
4. Eligible employees will be allowed to carry over vacation leave hours from one calendar year to the next according to the chart below. On December 31st of each year, the employee's vacation leave hours will be totaled and any hours in excess of the applicable carry over will be forfeited.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Maximum Vacation Hours Carry Over Per Year	
Exempt and Non-Exempt Employees	450

(d) Payment of Accrued Paid Time Off at Termination

At the time of separation from employment, all employees will be paid accrued paid time off, if the proper two (2) weeks' notice was provided.

(e) Donation of Time

The City has established a leave donation program where any accrued leave over the maximum of 450 hours will be placed in a Sick Bank for eligible employees to utilize once they have exhausted all their available hours. Recipients have typically been absent for extended periods due to their own or a family member's illness.

To be eligible to receive donated leave a recipient must: 1) be employed in a position entitled to earn and use leave, 2) not be in a leave without pay status, 3) be continuously employed for not less than twelve (12) months in a position entitled to earn leave, 4) have exhausted all accrued leave, and 5) have exhausted all available compensatory time.

Prior to a recipient receiving any donated leave, there must be a written request submitted to the City Clerk and approved by the City Manager or Designee. This request may come from the employee in need or from their supervisor or manager. The request must include the number of hours being requested and the reason for said request.

The recipient must immediately use donated leave upon receipt. Donated leave hours cannot be banked for future use or disbursement. Once a recipient returns to duty, donated leave accepted but not used by the recipient will be automatically returned to the Sick Bank.

The City Clerk will notify the requester of any approved donated hours in writing. No information received by requester shall be disclosed to any employee.

Section 4: Sick Leave

(a) Eligibility

It is the policy of the City to provide sick leave for eligible employees.

1. Sick leave is accrued and granted to regular full-time employees.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

2. Sick leave is accrued and granted to eligible employees while on authorized paid time off.
3. Eligible employees can take sick leave immediately once hours have been accrued and approved by department management.
4. Pay for sick leave shall be at the employee's regular rate of pay in effect for the employee's regular job on the pay date immediately preceding the employee's sick dates.

(b) Sick Leave Accrual Rate

1. All eligible employees will receive two (2) sick leave hours each pay period for up to fifty-two (52) hours in a calendar year.
2. Employees will begin accruing hours immediately upon hire.

(c) Use and Scheduling of Sick Leave

1. Sick leave may be used for appointments for medical or dental examinations or treatment when such appointments cannot be reasonably scheduled during non-working hours. Examination appointments must be approved at least one (1) workday in advance, by the department director or designee.
2. Sick leave may be used for unplanned sick absences. In unplanned circumstances, an employee should make every attempt to report to their supervisor within sixty (60) minutes of the scheduled starting time the reason for absence. Public Safety may develop internal rules that establish stricter reporting standards.
3. For illnesses that extend beyond twenty-four (24) hours up and through fifty-two (52) hours, a written doctor's excuse or written justification approved by the employee's Department Director is required.
4. For illness that extend beyond fifty-two (52) hours, see the sections in this handbook on Leave of Absence and Disability.
5. Eligible employees will be allowed to carry over sick leave hours from one calendar year to the next. Any hours in excess of 104 in the last payroll of December will be forfeited.

Section 5: Other Leave Types

(a) Bereavement Leave

1. Employees may be granted up to three (3) regularly scheduled workdays of bereavement leave with pay upon death of a member of the employee's immediate family. Immediate family is defined in the definition section.
2. Employees must request bereavement leave by contacting their supervisor prior to the leave period.
3. Arrangements for additional time using annual leave or a personal leave of absence without pay must be approved by the Department Director. The City understands that a death in the family can be a difficult time, and we will make reasonable efforts to accommodate your leave request under these circumstances.
4. There is no accumulation of bereavement leave and no payment upon separation from city employment. Hours do not have to be taken simultaneously.

(b) Civil Leave

5. Jury Duty

All regular full-time employees selected for jury duty shall be entitled to receive civil leave with pay for the period of absence. An employee must notify their Department Director of their selection for jury duty or being subpoenaed and must provide a copy of the selection notice or subpoena.

2. Official Court Attendance

All employees subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the City are considered to be working.

3. Voting

Employees are permitted time off to vote in any municipal, county, state, or federal political party primary or election for which such employee is qualified and registered to vote on the day on which such primary or election is held. The time taken off to vote must not exceed two (2) hours, is unpaid leave and is permitted only if your supervisor is informed at least one (1) working day in advance that an individual plans to take time off to vote. The City may specify the hours during which the employee may be absent from work to vote.

4. Military Leave

Employees are entitled to military leave in accordance with state and federal law. An employee going on military leave should present a copy of their official orders to the City Manager or Designee and department management as soon as received or they may fill out a Military Leave Verification form. Any employees, other than a temporary employee, who is a member of any force of the organized militia or of any reserve force or reserve component of the armed forces of the United States will be allowed leave of absence for ordered military duty without loss of pay for a period not exceeding a total of eighteen (18) calendar days in any one (1) calendar year and not exceeding eighteen (18) calendar days in any one continuous period of absence. If the Governor declares an emergency or an employee is called to active duty from the National Guard, that employee shall be paid for up to thirty (30) days in one (1) year, not to exceed thirty (30) consecutive days. All other military leave is unpaid. An employee may elect to take annual leave instead of time off without pay for unpaid military leave.

Time during which an employee is on ordered military duty shall not constitute an interruption of continuous employment. No employee shall be subjected directly or indirectly to any loss or diminution of time, service, increment, vacation, holiday privileges, or any other right or privilege by reason of such absence or be prejudiced with reference to continuance in employment, re-employment, reinstatement, transfer, or promotion by reason of such absence.

(c) Family Medical Leave

Pursuant to the federal Family and Medical Leave Act, ("FMLA"), 29 U.S.C. §2601, et seq., employees may be eligible for a family and/or medical leave of absence for up to twelve (12) weeks of paid or unpaid leave in any twelve-month period for one or more of the following:

- the birth, adoption, or placement of a child;
- the serious medical condition of a parent, spouse, or child; or
- the employee's own serious medical condition that prevents him/her from performing the functions of his/her job.

For purposes of this Section, a "12-month period" means a rolling twelve (12) months measured backward from the date the employee uses any FMLA leave. If the provisions in this Handbook conflict or come into conflict with the FMLA as it

presently exists or is amended from time to time, the provisions contained in the FMLA shall control.

1. Eligibility

To be eligible for leave, an employee must have been working for the City of Flowery Branch for at least twelve months and must have worked at least 1,250 hours during the twelve-month period prior to the request for leave. Eligible employees under FMLA shall be entitled to leave upon the conditions and limitations of FMLA.

2. Concurrent Utilization of Paid Leave and/or Compensatory Time

An employee requesting leave pursuant to the FMLA is required to utilize all accrued personal leave and/or compensatory time available as part of the 12week leave period. If the available paid leave for the employee is less than twelve working weeks, the additional weeks of leave necessary to obtain the twelve work weeks of leave available under the FMLA shall be provided without compensation. In any event, any combination of personal leave, compensatory time, and/or unpaid family and medical leave shall not exceed twelve (12) weeks. Use of personal and/or compensatory leave, or any combination thereof, must be used concurrently with FMLA leave. FMLA requests will be retroactively dated to the beginning of the current personal and/or compensatory leave, or any combination thereof in the event that the paid leave is commenced prior to the request for FMLA leave. Regardless of paid or unpaid FMLA leave, the employee will receive holiday compensation for the holidays recognized by the City set forth in this Handbook.

3. Concurrent Worker's Compensation and FMLA Leave

An employee qualifying for Worker's Compensation Leave must run any requested FMLA leave concurrently with that of all concurrent and/or intermittent Worker's Compensation Leave. The employee must elect to use either worker's compensation benefits or paid leave during the FMLA period.

4. Intermittent Leave or Reduced Schedule Leave

Leave for childbirth, adoption, or foster care may not be taken intermittently or on a reduced schedule. Leave for a serious health condition of a qualifying family member or of the employee may not be taken on an intermittent basis or on a reduced leave schedule unless medically necessary. The taking of any leave intermittently or on a reduced schedule basis shall reduce the total amount

of FMLA leave that has been approved for the eligible employee according to the actual hours of leave taken. For example, if an eligible employee takes ten (10) hours of leave intermittently over twenty (20) business days, the employee's bank of available FMLA leave will be reduced only by ten (10) hours and not by twenty (20) days.

If an eligible employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, the City Manager or Designee may require the employee to transfer temporarily to an available equivalent position for which the employee is qualified that better accommodates recurring periods of absence.

5. Spouses Employed by Same Employer

On any occasion in which a husband and wife are eligible for leave under the FMLA and are both employed by the City, the aggregate number of work weeks of leave to which both may be entitled may be limited to twelve (12) work weeks during any 12-month rolling period, in the case where leave is taken for childbirth, adoption, foster care, or to care for a sick parent.

When spouses are both employed by the City, and each individual is eligible to take FMLA leave, the FMLA limits the combined amount of leave they may take for some qualifying leave reasons. The U.S. Department of Labor Wage and Hour Division defines spouse as a husband or wife as defined or recognized in the state where the individual was married and includes individuals in a common law or same-sex marriage. Spouse also includes a husband or wife in a marriage that was validly entered into outside of the United States, if the marriage could have been entered into in at least one state.

FMLA- qualifying leave reasons where the amount of leave time is combined include:

- the birth of a son or daughter and bonding with the newborn child,
- the placement of a son or daughter with the employee for adoption or foster care and bonding with the newly placed child, and
- the care of a parent with a serious health condition.

Please refer to the U.S. Department of Labor Wage and Hour Division for additional guidelines regarding FMLA for spouses working with the same employer.

6. Foreseeable Leave

In any case in which the necessity for leave under the FMLA is foreseeable, based on an expected birth or placement of a child or based on planned medical treatment or supervision, the employee shall provide the City Manager or Designee with written application for the requested leave and certification no less than thirty (30) days before the date the leave is to begin.

In a case where the necessity for leave is based on planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider and shall provide the City Manager or Designee with at least thirty (30) days' notice before the date the leave is to begin, except that if the date of the treatment requires leave to begin in less than thirty (30) days, the employee shall provide such notice as is practicable.

7. Certification of Serious Health Conditions

An eligible employee, who requests leave for a serious health condition of the employee or a qualifying family member, shall submit certification from an appropriate health care provider to the City Manager or Designee when requesting leave.

Certification shall be sufficient if it states:

- a. the date on which the serious health condition commenced;
- b. the probable duration of the treatment or condition;
- c. the appropriate medical facts within the health care provider's knowledge; and
- d. the estimated amount of time the employee needs to care for the qualifying family member or a statement of the extent to which the employee is unable to perform the essential functions of the employee's position.

In any case in which the City Manager or Designee has reasonable doubt as to the validity of the certification, the City Manager or Designee may require the employee to obtain the opinion of a second health care provider at the expense of City. In any case in which the second opinion differs from the original certification, the City Manager or Designee may require the employee to obtain the opinion of a third health care provider designated or approved jointly by the City Manager or Designee and the employee at the expense of the City. The opinion of the third health care provider shall be considered to be final and shall be binding on the City and the employee. The City Manager or Designee may

also require that the employee obtain subsequent re-certification on a reasonable basis.

8. Accruals and Benefits during FMLA Leave

An employee on unpaid FMLA leave shall not be entitled to the accrual of any seniority or employment benefits during the period of unpaid FMLA leave, including but not limited to, the accrual of personal leave. The employee, while on paid FMLA leave, is entitled to accrue personal leave during the periods of paid FMLA leave. For the purposes of pension or retirement plans, any period of FMLA leave will be treated as continuous service for the purposes of vesting and eligibility to participate.

FMLA time will not be counted as part of an employee's probationary period, but will be added to the remaining probationary period, extending the ending date of the probationary period.

During any period of leave, City will maintain any health insurance provided by City to the employee for the duration of the leave at the level and under the condition's coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

9. Appeals of Denials

In the event that the City Manager or Designee denies in whole or in part a request for leave pursuant to the FMLA, an employee has the right to appeal that decision consistent with the following procedures.

Any such appeal from an employee must be filed within three (3) working days following receipt of the denial decision from the City Manager or Designee. The written notice of appeal shall include the request for the leave and all supporting documentation provided to the City Manager or Designee. The appeal shall be filed with the City Manager who has the authority to amend or reverse the decision of the City Manager or Designee. Failure of the employee to appeal within three (3) working days shall result in forfeiture of any further right of appeal of a denial.

The City Manager shall review the record of the appeal and shall, within five (5) working days, issue a final determination. The decision of the City Manager shall be final.

10. Return to Duty from FMLA Leave

As a condition for return to duty, the employee may be required to provide certification from the employee's health care provider that the employee is able to resume work. Upon expiration of the period of leave pursuant to the FMLA, the employee shall be returned to his/her former position or a position of equal grade and pay, provided that the employee has complied with the terms of the leave and reported for return of duty at the appropriate time. While the employee shall be restored to a position of employment without loss of employment benefits accrued prior to the date on which the leave commenced, the employee shall have no greater rights than those in effect prior to the commencement of the leave.

An exception to the employment restoration provisions of the policy may be made if the employee on leave is a salaried employee and is among the highest paid ten percent (10%) of the City's employees and restoring employment of the employee would result in substantial and grievous economic injury to the City. A doctor's release may be required if the employee is returning from a medical leave of three or more days.

11. Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active-duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

12. Procedures

Employees must follow specific procedures to request a family or medical leave. These procedures are as follows:

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

- a. Complete the request for Family Medical Leave of Absence on the approved form available from the City Manager or Designee.
- b. The form must be signed by the employee and submitted to their supervisor. The supervisor will then submit the approved form to the Department Director. When possible, the form should be submitted by the employee thirty (30) days in advance of the effective date of the leave.
- c. Employees requesting family and medical leaves of absence due to illness must complete a leave certification requirements form, available from the City Clerk.
- d. The employee must submit a completed request for Family Medical Leave of absence form along with a leave policy form.
- e. To request leave for the care of a child, parent, or spouse with a serious health condition, the employee must provide certification from the health care provider who is treating the child, parent, or spouse, including the date on which the condition commenced; the probable duration of the condition; the appropriate medical facts regarding the condition; an estimate of the time needed to care for the individual involved (including any recurring medical treatment); and a statement that the condition warrants the health care provider's involvement.
- f. To request leave due to an employee's serious health condition, the employee must provide certification from a licensed health care provider who is treating their own serious health condition as set forth herein.
- g. To request intermittent or a reduced leave schedule, the employee must provide the following additional information from the health care provider: 1) for leave for the employee, the employee must provide a statement of medical necessity for their intermittent or reduced leave, the expected duration of the schedule, a listing of the dates of their planned medical treatment and the duration of the treatment(s), 2) For leave to care for a son, daughter, spouse or parent, the employee must provide a statement attesting to the necessity of intermittent or reduced leave for the employee to provide care or to assist in the person's recovery, and an estimate of the expected duration and schedule of their intermittent or reduced leave.

(d) Administrative Leave

A Department Director, with notification to the City Manager, may place an employee on Administrative Leave when an employee is being investigated by City for possible misconduct or by a law enforcement agency for possible violation of a criminal law or in any instance where it is considered to be in the interest of City and/or the employee. In addition, written notification must be provided by the official who placed the employee on Administrative Leave to the Finance Department with instructions that the leave shall be with pay.

Administrative Leave shall be with pay for the initial 14 calendar days of the Administrative Leave period. Every effort shall be made to complete the investigation within the initial period.

At the expiration of the initial 14-day period, if the investigation has not been completed, the employee may be placed on Administrative Leave without pay for an additional 21 calendar days upon written notification to the City Clerk by the official who placed the employee on Administrative Leave.

At the conclusion of the 21-day unpaid Administrative Leave period, if the investigation has not been concluded, an extension may be considered, or the employee may be terminated.

The purposes of Administrative Leave are to provide an investigatory opportunity or to relieve the employee of his/her duties when it is deemed in the best interest of the City and the employee. Designation of the leave as "administrative leave" is to prevent any possible stigma against an employee during a period of Administrative Leave. Notice of the conclusion of the Administrative Leave period shall be provided in writing to the employee by the applicable Department Director with copies of the written notice provided to the City Manager or Designee.

The decision to place an employee on Administrative Leave is entirely discretionary. Certain acts of misconduct or criminal arrests may be more suitable for immediate termination as determined by the Department Director and the City Manager or Designee.

(e) Leave Due to City Office Closure

In the event of hazardous weather, or other occurrence resulting in the City Manager or Designee closing the City offices, all employees who are scheduled to work during the period for which the City is officially closed shall be paid at their regular rate of pay during the closure.

If questionable weather exists, but the City is open for business, employees should make their own independent safety determinations concerning travel to work. If the employee elects not to attend work due to safety concerns when the City is open for business, the employee's absence will be charged against any accrued personal leave or compensatory time. If no such accrued leave exists, the employee will not be compensated. Essential employees are expected to monitor weather conditions and report to work as scheduled.

Employees should look to hear from their Department Director or Supervisor for instructions on closures. The City Manager will contact each Department Director with instructions on closings and the Department Director will then contact each of their employees. There will additionally be an effort to publicize the closings by local radio, television stations, accesswdun.com, gainesvilletimes.com, or the City website.

If a non-exempt employee who is not a public safety employee is called into work when the City is officially closed, it is considered a call-back for emergency reasons. The employee shall be compensated at their overtime rate for two (2) hours plus time worked. If the employee is not called into work, but reports to work during the period of time that the City is officially closed, the employee will be paid at a regular rate of pay.

(f) Holidays

The City observes the following holidays:

- New Year's Day
- Martin Luther King, Jr. Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve
- Christmas Day
- Floating Holiday
- Employee's Birthday

When a holiday falls on a Saturday, the preceding Friday shall be declared a holiday for city employees. When a holiday falls on a Sunday, the following Monday shall

be declared a holiday for city employees. The birthday holiday must be taken within one (1) month of the employee's birthday. The floating holiday may be taken anytime during the calendar year. Neither the birthday nor floating holiday can be rolled over to the next year or cashed out. Employees must be employed for ninety (90) days before the birthday and floating holiday will be added to their leave bank.

A non-exempt police officer employee who is required to work on an official city holiday will be paid at a rate of 12.25 holiday hours plus hours worked. Employees must work their regularly scheduled workday or shift or be on an approved leave status the day before and after a holiday, in order to receive holiday pay.

(g) Maternity Leave Policy

Maternity Leave is afforded to all employees pursuant to, and governed by, the provisions of the Family and Medical Leave Act ("FMLA") and those provisions set forth in the following Section.

All Maternity Leave shall run concurrent to FMLA Leave. An employee must utilize any available Paid Time Off to run concurrent to FMLA Leave. Upon expiration of any Paid Time Off, the remainder of FMLA leave, if any, shall be unpaid.

Maternity Leave shall begin when the employee is no longer reasonably able to carry out the duties and responsibilities of her position. Medical certification from a healthcare provider may be required to support a request for Maternity Leave prior to childbirth. Time for termination of Maternity Leave shall be at the expiration of FMLA Leave.

The City will seek to provide modified duty work assignments for all pregnant employees who are temporarily unable to perform their job duties due to pregnancy. Modified duty employment opportunities will be considered in all Departments, not just the Department in which the pregnant employee was working before she requests a light duty assignment.

Modified duty employment opportunities are intended to assist pregnant workers who are temporarily not able to perform their normal job duties. All modified duty assignments will be productive. Duties must never be demeaning or appear worthless in any way.

The City will make efforts to retain pregnant employees who need temporary modified duty in accordance with the Pregnancy Discrimination Act of 1987.

C. GROUP BENEFIT PLAN

Section 1: Policy Statement

It is the policy of the City of Flowery Branch to provide its employees with various insurance and retirement benefits. The benefits plan is designed to provide a supplemental package of programs which contribute to the physical and mental health and well-being of the employee and their dependents. The plan is designed to enhance the attractiveness of working for the City and to aid the City's competitiveness in recruitment and retention efforts.

Section 2: General Provisions

(a) Administration

The primary responsibility for the day-to-day administration of the benefits plan shall rest with the City Manager or Designee within the limits of these policies and procedures, as well as the actual plan documents that govern the particular benefit. Availability of benefit packages, questions on benefits, and employee discussion regarding benefits can be obtained from the City Clerk.

(b) Eligibility

Eligibility for health insurance, death benefits, and retirement benefits shall include all regular full-time employees.

1. Employee contributions deducted via payroll will begin concurrent with employee eligibility.
2. Employee eligibility begins on date of hire.
3. Benefit eligibility will expire at the end of the last day of the month that the employee worked for the city.
4. All employees shall be covered by worker's compensation and have access to the Employee Assistance Program.

(c) Benefits Continuation

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City of Flowery Branch's health plan for a certain period of time provided by law when a qualifying event would normally result in the loss of eligibility.

Under COBRA, the employee or qualified beneficiary pays the full cost of coverage at the City of Flowery Branch's group rates.

Certain deadlines and application requirements will apply. Please consult with the current insurance broker for the City of Flowery Branch if you wish to apply for COBRA benefits.

Section 3: Benefits Offered

The City of Flowery Branch intends to provide a comprehensive benefit package to aid the recruitment and retention of staff. Benefits will include but not be limited to health insurance, life insurance, retirement, long-term and short-term disability. We will annually publish a document that details our benefit plans. The actual plan documents, rather than any summary statements in this Chapter, should be relied upon in determining an employee's rights and obligations.

Full-time employees are provided a term life insurance policy provided by the City through the company of its choice in the amount determined annually at the policy renewal date and continue for as long as the employee is employed by the City.

Additionally, the City maintains liability insurance coverage, which includes Law Enforcement Liability coverage. This liability coverage protects the City and City employees from claims that may arise out of the course of operations for the City.

Short-Term Disability insurance is a separate benefit offered to employees. The City does not contribute to the costs of this benefit. Short-Term Disability allows employees to be paid while out of work for up to six (6) weeks due to injury or illness that occurred off the job. The amount an employee is paid will depend on the policy that is selected.

Long-Term Disability insurance is also offered to employees to ensure they receive a portion of their average monthly wages for an extended absence due to a covered disability. The absence could be a result of an accident, injury, or illness that either occurred on or off the job. The City contributes to the costs of this benefit.

Effective as of November 1, 2014, the City adopted the Georgia Municipal Employees Benefit System (GMEBS) Defined Benefit Retirement Plan for its employees. Participation is mandatory for all eligible employees. An eligible employee is defined as all regular employees that meet the eligibility conditions of forty (40) hours per week for at least six (6) months per year. The monthly normal retirement benefit amount for eligible regular employees shall be 1/12 of

2% of final average earnings multiplied by years of total credited service. (Example: $((2\% \times \$35,000 \text{ final average earnings}) \times 5 \text{ years of total credited service}) / 12 = \$291.67 \text{ monthly benefit}$). In order for an employee to become 100% vested in the plan, an employee must work a minimum of five (5) years. An employee will remain 0% vested until the five (5) year minimum is satisfied. Full terms and conditions are stated in the GMEBS Defined Benefit Retirement Plan Adoption Agreement, the GMEBS Master Plan Document, and the GMEBS Trust Agreement.

D. WORKER'S COMPENSATION

Section 1: Policy Statement

It is the intent of the City of Flowery Branch to comply with the provisions of the Worker's Compensation Laws of the State of Georgia. All City of Flowery Branch employees and elected officials who are injured on the job are protected by the Georgia Worker's Compensation Act. The provisions of this act are the exclusive remedy for employees injured on the job and provide benefits and procedures for obtaining benefits for occupational injuries and diseases arising out of and in the course of an employee's employment with the City of Flowery Branch.

Section 2: General Provisions

(a) Definition

"Injury" shall be defined as provided for in O.C.G.A. § 34-9-1.

(b) Responsibility

Worker's compensation can be a very complex environment if proper procedures are not followed. Specific responsibilities lie with the City Clerk, all supervisors, and the employee.

1. City Clerk

The City Clerk is responsible for the management of the City's worker's compensation program in accordance with the provisions of the Georgia Worker's Compensation Act and other Federal, state, or local regulations. The City Clerk is responsible for timely submission of the First Report of Injury form to the State and for all other Worker's Compensation records, files and reports. The City Clerk will, in accordance with the law and applicable City policies and procedures, determine the continuing employment status of

employees who are out of work on Worker's Compensation. An employee out of work on Worker's Compensation who does not return to work when released to do so by a qualified physician may be terminated.

2. Supervisors

City of Flowery Branch supervisors are responsible for assuring their employees report all on-the-job injuries to them immediately or as soon as possible following the occurrence of the injury. Supervisors will ensure that a written report of the injury is completed and turned into the Department Director who will then forward it to the City Clerk within the twenty-four-hour time period. If a department has no Supervisor, the report shall be made directly to the Department Director.

3. Employees

All City of Flowery Branch employees are required to report all on-the-job injuries to their supervisor or department director immediately, when possible, but in all cases no later than twenty-four (24) hours after the occurrence of the injury. The employee is obligated to cooperate with the worker's compensation program directives and activities and any fraudulent activity will be grounds for termination.

Section 3: Procedures

1. An employee injured on the job must report the injury to their supervisor immediately, on the forms prepared and provided by the City Clerk.
2. The employee's supervisor must follow the appropriate procedures prescribed for reporting the injury which includes completion of the First Report of Injury form and the Supervisor and Employee Statement forms.
3. Treatment of the injury shall be provided at one of the designated medical facilities that are posted at each work site and the employee must select a doctor from the approved panel of physicians provided by the city. In an emergency, the employee may receive medical care from any doctor until the emergency is over, then the employee must obtain treatment from a doctor on the City's approved panel of physicians. The City reserves the right to refuse payment of medical services for any employee examined by a physician not listed on its approved panel of physicians.
4. An employee injured by an accident arising out of or in the course of employment shall not be charged for any absence from duty due to the injury on the day of the injury.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

5. There is a seven-calendar day waiting period before worker's compensation benefits are due. The seven-day waiting period includes those days the employee would not have worked even if there has been no injury. The City of Flowery Branch will compensate employees during this seven-day waiting period. The employee will not have to use their accrued sick or vacation leave in the event of a worker's compensation injury during those first seven days. The employee is eligible to receive medical benefits during the seven-day waiting period. Beginning with the first day after an on-the-job injury and continuing through the seventh day following the injury, the injured employee may elect to be compensated by using their available sick or vacation balance. However, if the disability lasts for 21 consecutive days, compensation is retro-active for the first seven days. The first seven days of disability are not reimbursable unless the employee is disabled more than the 21 consecutive days. If the employee is reimbursed from the state for the initial seven-day period, he/she will be responsible for returning that money to the City.
6. Beginning with the eighth day following the injury, the employee will be compensated with the statutory worker's compensation rate of $66 \frac{2}{3}$ of weekly salary up to the maximum prevailing rate required by the Worker's Compensation Law. The employee may continue their available balance of sick or vacation time to supplement the worker's compensation benefit.
7. During the first six months of a job-related injury, the employee's position will be secure, and the affected department may use temporary employment if the budget allows.
8. If the employee is unable to return to their regular position, the city may require the employee to perform a light duty assignment that is approved by the assigned physician until a time the employee can return to work on an unrestricted basis. The City has no obligation to create a light duty assignment if work is not available.
9. Worker's compensation leave must run concurrent with Family Medical Leave.

Chapter III

Employee Relations

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

III. EMPLOYEE RELATIONS

A. STANDARDS OF CONDUCT

Section 1: Policy Statement

All employees are expected to maintain acceptable standards of conduct, efficiency, and economy in the performance of their work. All employees are expected to maintain minimum standards of conduct both on and off duty in order to:

1. Promote impartial, objective and effective performance of their duties;
2. Avoid activities that are adverse to the City's interest or adversely affect the City's reputation;
3. Ensure safe and efficient operations; and
4. Encourage a high degree of confidence in and support for city operations.

The following list of standards of employee conduct is not intended to be all inclusive of every type of conduct prohibited by city employees. Other standards of conduct are established throughout this handbook and other standards may be established and published by departments as operations deem necessary. Moreover, generally accepted standards of conduct shall apply even where not specifically stated.

Section 2: General Provisions

(a) Conformance to Law

An employee shall obey and not engage in any conduct prohibited by the laws of the United States, Georgia, or any other state and political subdivision thereof. Conduct described as a violation of such laws may be cause for disciplinary action, regardless of whether charges are filed, prosecuted or whether the employee is adjudicated guilty or not guilty.

(b) Violation of Rules

An employee shall not commit any act contrary to good order and discipline or constituting a violation of any of the provisions of the rules and regulations of the City and its departments.

(c) Ethics

1. No elected official, appointed officer, or employee of the City or any agency or political entity to which this handbook applies shall knowingly:
 - a. Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties, or which would tend to impair the independence of his or her judgment or action in the performance of official duties;
 - b. Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of official duties or would tend to impair the independence of his or her judgment or action in the performance of official duties;
 - c. Disclose confidential information concerning the property, government, or affairs of the governmental body by which engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or herself or others;
 - d. Accept any valuable gift, whether in the form of service, loan, object, or promise, from any person firm, or corporation which to his or her knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the governmental body by which he or she is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
 - e. Represent other private interests in any action or proceeding against this city or any portion of its government; or
 - f. Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which he or she has a financial interest.
2. Any elected official, appointed officer, or employee who has any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the City shall disclose such private interest to the City Council. The Mayor or any councilmember who has a private interest in any matter pending before the City Council shall disclose such private interest and such disclosure shall be entered on the records of the City Council, and he or she shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this Handbook applies who shall have any private financial interest, directly or indirectly, in

any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.

3. No elected official, appointed officer, or employee of the city or any agency or entity to which this Handbook applies shall use property owned by such governmental entity for personal benefit, convenience, or profit, except in accordance with policies promulgated by the City Council or the governing body of such agency or entity.
4. Any violation of this Section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the City Council;
5. Except as authorized by law, no member of the Council shall hold any other elective City office or other City employment during the term for which elected. The provisions of this subsection shall not apply to any person holding employment on the date of enactment of this Handbook.

Section 3: Attention/Dereliction

(a) Attention

An employee shall remain awake, alert, observant and occupied with City business when on the job. Employees are expected to perform their job duties:

1. Timely, promptly and without undue delay;
2. Without unnecessary supervision;
3. Ensuring they are engaged productively at all times or as directed;
4. Demonstrating appropriate initiative and dependability in the quality, volume, and prioritization of job duties; and
5. Avoiding excessive tardiness, excessive absenteeism, and unexcused absences.

(b) Insubordination

An employee shall adhere and execute any and all lawful orders of a supervisor, including those relayed from a supervisor through another employee. A lawful order is any order in keeping with the performance of any duty, issued either verbally or in writing by the Department Director or any other supervisor, direct or indirect. The willful disobedience of any order lawfully issued by a supervisor or any mutinous, insolent, uncooperative, or abusive language or conduct toward a supervisor shall be insubordinate.

Section 4: Competence, Judgment & Supervision

(a) Competence

An employee shall maintain sufficient competence to properly perform the assigned duties and responsibilities of the position. The employee's efforts shall be directed and coordinated in a manner that demonstrates and maintains the highest standards of efficiency in carrying out the functions and objectives of the City. Failure to do work at an acceptable level of competence as determined by the applicable supervisor may be grounds for disciplinary action.

(b) Judgment

An employee shall exercise sound judgment relevant to the conduct and performance of duty.

(c) Supervision

A supervisor shall, in accordance with department management expectation:

6. Demonstrate qualities of leadership necessary for the position;
7. Maintain a positive attitude in support of department decisions and goals;
8. Exercise appropriate supervision of subordinates and responsibilities;
9. Effectively plan, develop, and coordinate supervision and training of subordinates;
10. Observe and appropriately counsel subordinates;
11. Take appropriate action when a subordinate fails to perform; and
12. Properly account for all funds and property under their control

Section 5: Health Fitness.

(a) Fitness for Duty

An employee must be physically and mentally fit to perform essential job functions.

(b) Evaluation for Fitness

When it is reasonably demonstrated that the physical or mental impairment of an employee constitutes a hazard to individuals or property or may prevent the employee from effectively performing the essential job functions of the position, the employee may be required to submit to an evaluation of health fitness for duty

by a physician of the city's choosing and expense. All such testing shall be coordinated by the City Manager or Designee.

(c) Periodic Evaluation

An employee may be required to take periodic examinations and/or undergo a program of treatment to qualify for continued employment, to the extent allowable by law.

(d) Disclosure Required

An employee who becomes aware of a physical or mental impairment that affects or reasonably threatens to affect their ability to perform essential job functions shall report the condition immediately to the Department Director.

(e) Status During Evaluation

Pending completion of the health fitness evaluation, the employee may be required to use accrued leave, may be placed in an unpaid or paid leave status, or may be temporarily reassigned, depending on the circumstances and the length of the evaluation period.

Section 6: Absences & Reporting.

(a) Unauthorized Absence

No employee shall be absent without authorization. This includes failure to report for work at the assigned time and place or leaving a place of duty or assignment without authorization.

(b) Reporting for Work

An employee shall report to work on time and physically and mentally fit at the time and place specified by the supervisor and remain physically and mentally fit throughout the workday.

(c) Reporting Absence

An employee who cannot report to work due to illness or emergency shall notify the immediate supervisor within the time limits established by the Department Director. Failure to do so may result in an unexcused absence.

(d) Fictitious Reporting

Employees are responsible for immediately reporting any suspected violation of policy. An employee is responsible for immediately reporting to their Department Director in writing any arrest or complaint filed against them. Reports submitted by employees shall be truthful and without attempt to deceive any supervisor or official of the City.

Section 7: Response**(a) Responding to Calls for Service**

No employee shall fail to timely respond to official calls for service, dispatched calls, notices of assignment, subpoenas, or any other method of direction to perform.

(b) Requests for Assistance

When the public requests assistance or advice or makes complaints or reports, the employee shall gather all information in an official and courteous manner and shall judiciously act upon the situation consistent with prescribed procedures.

(c) Personal Appearance

All employees must maintain a neat and well-groomed appearance, wearing any uniform or other appropriate business apparel.

Section 8: Professional Conduct**(a) Courtesy**

Employees shall be courteous to the public and fellow employees. An employee's conduct should always be civil, orderly, and courteous. Employees shall be diplomatic and tactful, controlling their temper and exercise patience and discretion in all situations. Employees should refrain from using coarse, violent, profane or insolent language.

(b) Conduct Unbecoming or Prejudicial to Good Order

An employee's conduct at all times, both on and off the job, shall reflect favorably on the employee and the City. Unbecoming conduct includes acts that tend to

bring the City into disrepute, discredit the employee, or tend to impair or interfere with the operation of the City or employee.

(c) Unprofessional Conduct.

Inappropriate conduct includes but is not limited to:

1. Uncooperative attitude, including, but not limited to, disrespect to a supervisor, co-worker, or the public;
2. Conflict of interest;
3. Reporting to work/or working under the influence of drugs and alcohol;
4. Use of abusive or obscene language;
5. Violation of telephone/computer usage/or political activity policy;
6. Theft, abuse or misuse of City property or vehicles, violations of traffic laws while driving a City vehicle, failure to report damage or destruction of City property to a supervisor, loaning property or equipment of the City without permission or proper authority;
7. Illegal gambling;
8. Falsifying records/making false claims;
9. Fighting;
10. Sabotage;
11. Deliberate damage to City property;
12. Acceptance of a bribe;
13. Mishandling cash or other City property;
14. Discriminatory attitude or prejudice concerning another person to include gossip;
15. Conviction of a felony or a crime of moral turpitude, and/or arrests that bring
16. Discredit to the City or otherwise threaten to interfere with the City operations;
17. Acts during duty hours which are incompatible with public service;
18. Falsification or destruction of official records or documents, or use of official position for personal benefit, profit, or advantage;
19. When duly and properly called as a witness before any City board, appeals board, state or federal judicial or administrative tribunal, and when before such tribunal, failing to answer truthfully any question concerning performance of official duties with the City;
20. Failure to report an occupational injury or accident during the shift on which it occurred;
21. Absence due to incarceration;
22. Use of any form of physical abuse of the public, supervisors, or other employees, or making threats to the public supervisors, or other employees;
23. Violating any lawful official regulation or order or failing to obey any proper directive made and given by a superior officer;
24. Guilty of disgraceful conduct;

25. Careless or negligent with the monies or other property of the City;
26. Failure to pay or make reasonable provisions for future payment of debt to such an extent that such failure is detrimental to the work relationship;
27. Use or threatening of use, or attempt at use of personal or political influence to secure employment benefits, including but not limited to, promotion, leave of absence, transfer, change of pay rate, or character of work;
28. Violating the established procedures during an examination process or obtaining information, through unauthorized or illegal means, which provides an unfair advantage on an examination;
29. Failure to acquire a valid license, registration, or certification when such license, registration, or certification is required and specified in the specification for the class to which the position occupied by the employee is classified;
30. Wasted time, inefficiency, and/or loitering during working hours; and/or
31. Abuse of leave policies.

(d) Immoral Conduct

An employee shall at all times maintain high standards of moral conduct in personal affairs and shall not be a participant in any incident involving moral corruption that may impair the employee's ability to perform as a City employee or cause the City to be brought into disrepute.

Section 9: Other Standards

(a) Identification

An employee must furnish their name, job title, and department name to any person requesting that information as a result of actions taken by the employee in the course of City business. Employees are required to obtain an official, City-issued identification and have it available for inspection during business hours.

(b) Examinations and/or Tests

Upon order of the Department Director for matters related to duty performance and investigations authorized by law, an employee shall submit to any medical, chemical, drug, alcohol, ballistics, or other test, polygraph, fingerprinting, or counseling program, and shall sign any related authorization forms.

(c) Horseplay/Rough Play

No employee shall engage in horseplay or rough play while on the job or in any City facility. Injuries as a result of horseplay/rough play are not considered within the scope of employment and may not be covered under worker's compensation.

(d) Fighting

An employee shall not engage in unnecessary violence or harassment toward any person, except where authorized by law, even in the event of provocation.

(e) Firearms and Lethal Weapons

Except for employees commissioned by the City of Flowery Branch as police officers, City employees are prohibited from possessing firearms while on duty or in any City facility or vehicle, regardless of whether the employee possesses a firearms license.

(f) Fraudulent Employment

No employee shall procure or maintain employment in the City by means of willful misrepresentation or omission of any fact concerning the employee's personal history, qualifications for employment or physical condition.

(g) Tobacco free Environment

Consistent with the public health concerns addressed by the adoption of the Georgia Smokefree Air Act of 2005, all City enclosed buildings and vehicles are hereby declared to be smoke-free areas. In addition, based upon the maintenance and cleanliness issues presented by the uses of smoke-less tobacco that gives rise to increased facilitated costs and resulting public health concerns, all City enclosed buildings and vehicles are hereby declared to be tobacco-free areas as well as any area or vehicle that is within the view of the public. No employee shall engage in conduct in violation of this policy.

B. DISCIPLINE**Section 1: Policy Statement**

The City of Flowery Branch believes that each employee wants to provide quality public service by meeting high standards of job performance and conduct and by following established policies, procedures, regulations, and practices.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

The primary purpose of disciplinary action is to correct or prevent the recurrence of employee performance or conduct that is detrimental to quality job performance or the interest of the citizenry, the employee, the City or other employees. The City's discipline policies emphasize the employee's responsibility for the consequences of their own behavior with a focus on communicating expectations for changes in behavior and needed improvement.

When an employee's conduct results in deficiencies in job performance or violations of law, City regulations or rules, it is the policy of the City to take appropriate action to improve and/or correct the conduct or performance or, if necessary, remove the employee from the City workforces through application of the standardized disciplinary options and procedures in this chapter.

Section 2: General Provisions

(a) Level of Discipline

Disciplinary action will be consistent with the nature of the deficiency or infraction involved and with other relevant factors. In reaching a decision as to the level of discipline to be applied, the supervisor should consider such factors as the type and severity of the infraction, the results of the infraction, the employee's work record, prior disciplinary actions, and any mitigating circumstances which may be relevant to the situation.

(b) Format & Location of Actions

All disciplinary action should be documented in writing. All appeals by employees must be in writing. All responses to, and decisions on, appeals must be in writing.

(c) Progressive Discipline

While it is expected that disciplinary action options be exercised progressively, the nature of the deficiency or violation in any particular situation may preclude the exercise of a less severe discipline option. Typical disciplinary actions may include oral or written warning, suspensions (with or without pay), training and termination.

(d) Suspension of Exempt Employees

Except in the case of a major safety violation, any suspension of an exempt employee must be made in full week increments only. Major safety violation suspensions may be made in full day increments.

(e) Disciplinary Options

Only Department Directors are authorized to demote or terminate employees with the authority delegated by the City Manager. The Department Director or Designee may suspend employees.

STEP	USE	RESPONSE / APPEAL
Counseling	An informal discussion between a supervisor and employee about the need to improve minor performance problems or as a reminder about violation of a minor rule that does not threaten the safety or the employee or others, or that does not involve honesty. Documents kept in City Clerk's office with personnel files.	No appeal
Oral Reprimand	An oral warning/instruction from the supervisor to the employee about the need to improve performance deficiencies or about violation of a rule that does not threaten the safety or the employee or others, or that does not involve honesty. Documents kept in City Clerk's office with personnel files.	No appeal
Written Reprimand	A written warning/admonishment from the supervisor to the employee about the need to improve performance or about a rule violation. Documents kept in City Clerk's office with personnel files.	Employee has five days to appeal to the Department Director or through the chain of command to the next level supervisor. Appeal does not go beyond the next level of supervision of the supervisor issuing the appeal.

Suspension	Relief from duty for a specified amount of time. Requires coordination with the City Manager. Documents kept in City Clerk's office with personnel files.	Employee has five days to appeal to the Department Director. After the Department Director's decision, the employee has five days to appeal to the City Manager (or Designee). The final decision rests with the City Manager (or Designee).
Demotion	Reduction in rank or classification consistent with deficiency of the violation. This is not an option for probationary employees. Requires coordination with City Manager. Documents kept in City Clerk's office with personnel files.	Employee has five days to appeal to the Department Director. After the Department Director's decision, the employee has five days to appeal to the City Manager (or Designee). The final decision rests with the City Manager (or Designee).
Dismissal	Involuntary separation of employee from City employment. Requires coordination with City Manager. Documents kept in City Clerk's office with personnel files.	Employee has five days to appeal to the Department Director. After the Department Director's decision, the employee has five days to appeal to the City Manager (or Designee). The final decision rests with the City Manager (or Designee). Probationary employees do not have appeal rights to dismissal.

C. GRIEVANCES

Section 1: Policy Statement

The City of Flowery Branch is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, or question receives a timely response. The City strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect and are encouraged to offer positive and constructive criticism.

If employees disagree with established rules of conduct, policies, or practice, they may express their concern through a grievance process. No employee shall be penalized, formally or informally, for voicing a complaint in a reasonable, professional manner using the grievance process. While a formal grievance process is in place, employees are encouraged to first informally discuss any issue with their immediate supervisor.

Section 2: General Provisions

(a) Scope

The grievance procedure provides an avenue for any eligible employee to obtain management review of work-related issues that are felt to adversely affect the employee, for which no other means of response, review, appeal or resolution for is provided in this handbook. Grounds for submission of a grievance include:

1. Unfair application, interpretation or violation of City or department regulations;
2. Acts of retaliation as a result of utilization of the grievance process.

(b) Statement of Grievance

At each step in the process, the written grievance must include the following:

3. A statement of the grievance and the facts upon which it is based;
4. A description of the specific wrongful act and harm done to the grieving employee, and;
5. A statement of the remedy or adjustment sought.

Section 3: Grievance Steps

(a) Step One – Department Director

The employee should first seek to resolve the issue informally. If unable to do so, the employee should file a written grievance to the City Manager or Designee and the Department Director within five working days of the incident or when the employee became knowledgeable of the incident. The Department Director will attempt to resolve the matter and submit a written response to the employee within five working days after receipt. Note: In the public safety department, it is expected that grievances follow the chain of command. Under no circumstances will a grievance be allowed to extend beyond 25 business days.

(b) Step Two – City Manager

If the Department Director is unable to resolve the grievance or the response is unacceptable to the employee, the employee must within five (5) working days of receiving the response, present the written grievance to the City Manager. Within ten (10) days of receipt of the grievance, the City Manager or Designee will investigate the grievance and respond in writing to the employee. The City Manager's or Designee's decision is final.

Section 4: Areas Not Grievable

The following areas are NOT grievable:

- (a) Issues which are pending, or which have been concluded by other administrative or judicial procedures;
- (b) Management's rights to assign work and/or establish work processes;
- (c) Budget allocations and expectations and organizational structure, including the persons or number of persons assigned to particular jobs or units;
- (d) The content or rating of a performance evaluation;
- (e) The selection of an individual by the Department Director or City Manager to fill a position through appointment, promotion, or transfer, except when the employee can show adverse effect because of unlawful discrimination;
- (f) Any matter which is not within the jurisdiction or control of the City;
- (g) Internal security practices established by the City Manager and/or City Council; and
- (h) Decisions, practices, resolutions, or policies made or passed by the City Council or City Manager.

D. WORKPLACE DISCRIMINATION & HARASSMENT

Section 1: Policy Statement

It is the policy of the City of Flowery Branch that harassment and discrimination of any kind will not be tolerated, and complainants will be protected from reprisal. Employees and non-employees are encouraged to come forward confidentially to discuss any situation that they deem inappropriate. The City of Flowery Branch expressly prohibits any form of unlawful employee harassment based on race, color, religion, gender, sexual orientation, national origin, age, disability, or veteran status. Improper interference with the ability of City of Flowery Branch employees to perform their expected job duties is absolutely not tolerated.

Section 2: Discriminatory Harassment

The EEOC's definition of harassment is unlawful harassment which is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age, sexual preference or disability, or that of his/her relatives, friends, or employees, and that

- (a) has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
- (b) the purpose or effect of unreasonably interfering with an individual's work performance; or
- (c) otherwise adversely affects an individual's employment opportunities.

All employees, supervisors, and elected officials/department directors are expected to avoid any behavior or conduct that could reasonably be interpreted as harassment. Any form of harassment related to an individual's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status, is a violation of this Policy and will be treated as a disciplinary matter. For purposes of this Policy, the term "discriminatory harassment" shall be construed consistent with applicable law and may include, but is not limited to, any of the following.

- (a) Offensive remarks, comments, jokes or slur pertaining to an individual's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status;
- (b) Offensive pictures, drawings, posters, photographs, reading materials, computer monitors, or other tangible items, or communications including e-mail, which are reasonably offensive or that reasonably exploit an individual's

race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status;

- (c) Threatening reprisals based on an employee's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status; or
- (d) Conduct that has the purpose or effect of unreasonably interfering with an individual's work performance and/or conduct that creates an intimidating, hostile or offensive working environment.

Section 3: Sexual Harassment

(a) Definition

The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as a form of sex discrimination that violate Title VII of the Civil Rights Act of 1964, including and not limited to, unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for an employment decision, and
3. Such conduct has the purpose or effect to interfere with an individual's work performance or creates a hostile or intimidating environment.

(b) Quid Pro Quo

Quid Pro Quo literally means "this for that" and exists when submission to, or rejection of, such conduct is used as a basis for employment decisions such as raises or promotions or affects public services.

(c) Hostile Environment

Hostile Environment includes any lewd sexual conduct, pictures, words, or touching that interferes with a person's job performance or creates an intimidating, offensive working or public service environment even if there are no occurrences of tangible or economic loss.

(d) Prohibited Behavior

Behavior prohibited by this policy can include but is not limited to unwelcome sexual remarks or compliments, sexual jokes, sexual innuendo or propositions, sexually suggestive gestures or facial expressions, sexual remarks about a person's clothing or body, exhibiting sexually explicit publications or materials, kissing, touching, and sexual contact.

Section 4: Complaint Procedure & Investigation

If an employee feels that this policy has been violated, regardless of whether it is by a fellow worker, a supervisor, or a member of the general public, the employee should ask the offender to immediately stop the behavior. The employee will then report the incident(s) immediately to their Department Director and the City Manager or Designee. If the City Manager or Designee is involved in the behavior, the report should be made to the City Manager or Designee. Any supervisor who receives a complaint related to harassing or offensive behavior or who has reason to believe that such behavior is occurring shall report these concerns to the City Manager or Designee. At any point, the employee who feels they have been harassed, may go outside the chain of command or their department and go to the City Clerk or the City Manager or Designee.

All reports of harassing or offensive behavior will be investigated promptly, fairly and discreetly. Investigatory procedures may vary from case to case depending upon the circumstances. The investigation will be conducted as confidentially as possible. All employees have a responsibility both to cooperate fully with the investigation and to keep the matter confidential whether the employee is the accused person, the complainant or merely a potential witness. Persons who are interviewed are prohibited from discussing the matter outside the course of the investigation with co-workers, friends or management. The City will keep the information it gathers as confidential as possible, consistent with state and federal laws and the needs of the investigation.

Section 5: Corrective Action

If management concludes that a complaint of harassment has merit, appropriate action will be taken. Resolutions can include, but not necessarily be limited to, an apology, a transfer, direction to stop the offensive behavior, counseling or training, verbal or written warning, suspension with or without pay or termination. In the event that harassment or offensive behavior reoccurs, it should immediately be reported to the City Manager or Designee or to the City Manager or Designee. Any employee found to be acting in a harassing manner will be subject to disciplinary

action up to and including termination. Non-employees may be reported to the appropriate law enforcement agency and/or barred from the premises.

E. SUBSTANCE ABUSE & DRUG AND ALCOHOL TESTING

Section 1: Policy Statement

The City has a vital interest in maintaining a safe, healthy, and efficient working environment free from the adverse effects of employee drug and alcohol abuse. Employee drug and alcohol abuse poses serious safety and health risks to the user, and to those who work or come in contact with the user in the workplace. Accordingly, the City does not and will not tolerate any employee's consumption, possession, sale, distribution or making arrangements to distribute, manufacturing or presence in the body of illegal drugs or alcoholic beverages on City work time, while on City or customer property (including in personal vehicles while on City property or offsite at customer property during City work time), during lunch or breaks when an employee is scheduled to return to work, while in City vehicles, while offsite during attendance at training or meetings in connection with an employee's work for the City and/or while using, occupying, performing or engaging in any activity on City property and facilities. The City further expresses its intent, through this policy, to comply with Federal, State and local laws and regulations that relate to the maintenance of a workplace free of illegal drugs and alcohol. If possession of an illegal substance is necessary in the course of a police investigation, the Police Chief may grant a waiver to this policy for a finite period of time.

Section 2: Application

This policy applies to all City employees (whether full-time or part-time), volunteers, interns, and any other individuals performing services on the City's behalf, whether paid or unpaid. For purposes of this policy section, all such persons shall be referred to herein as City employees. Visitors, vendors, and contractors are governed by this policy to the extent they are on City Premises or in City vehicles and will not be permitted to conduct business if found to be in violation of this policy.

Section 3: Definitions

For purposes of this Substance Abuse and Drug and Alcohol Testing Policy (the "Policy"), the following definitions apply:

(a) Alcohol or Alcoholic Beverages

Any beverage or substance that contains alcohol manufactured for the primary purpose of personal consumption, including, but not limited to, beer, wine, and distilled spirits.

(b) City Premises

Includes all property, facilities, land, platforms, buildings, structures, fixtures, installations, parking lots, and vehicles, whether leased or used by the City of Flowery Branch government or its officials, managers, supervisors, employees, or other agents. This definition also includes locations other than city offices, including all other locations of city-sponsored recreational, social, or educational events, and any place where a City of Flowery Branch employee is located while traveling to or from such location in the course and scope of his duties on behalf of the City, including an employee's own vehicle when the employee is using it on city business, or when the vehicle is parked on city property. This definition shall not be interpreted to imply that the City assumes or accepts responsibility for any wrongful, tortious, negligent or criminal acts of any person whom it employs when such person is not acting pursuant to a city supervisor's instruction in furtherance of the City's business, nor shall it constitute a waiver of any immunity which the City of Flowery Branch or its officials or employees might have under federal, state or local laws or ordinances.

(c) Illegal Drugs (includes Controlled Substances)

Any drug or substance the law prohibits individuals from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring, including, without limitation, all drugs listed as controlled substances under Title 16 of the Official Code of Georgia Annotated. This definition encompasses any measurable amount of any drugs or controlled substances such as amphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene, or other drugs made unlawful under Federal or State laws, or a metabolite of any such substances, "look-alikes," "designer drugs" having the same or similar psychotropic effects, unauthorized alcoholic beverages, marijuana, hallucinogens (whether natural or synthetic), inhalants, unauthorized prescription drugs, or authorized drugs which are not prescribed for a verifiable medical condition and/or are not used in strict accordance with this policy and with the prescribing physician's instructions, or any other substances that are mood-altering, mind or consciousness-affecting, or which are likely to have an effect upon a person's perceptions, sensations, thought processes, self-awareness, emotions, or other mental or physiological or psychological reactions or behavior. It also includes

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

urinaids or other substances, natural or synthetic, of a similar nature or purpose designed or used to alter a urine specimen or to conceal illicit chemical substances or other metabolites in an initial screening test.

(d) Impaired

The condition of being weakened, diminished, or damaged, or of functioning poorly, incompetently, uncontrollably, or with less control or ability, due to the consumption, use, or abuse of illegal drugs, controlled substances, and/or alcohol, or if the employee's drug test results indicate the presence of an illegal drug or controlled substance in an amount that constitutes a positive test under accepted scientific standards.

(e) Legally Obtained Drug

Includes prescription drugs and over-the-counter medications.

(f) Over-The-Counter Medication

Includes any drug or substance that does not require a prescription, but which has the capacity to affect a person physically, mentally, or emotionally or which could otherwise affect a person's ability to perform.

(g) Prescription Drug

Any drug or substance that is attainable only by lawful prescription from a licensed physician.

(h) Reasonable Suspicion

A belief based on objective facts sufficient to lead a prudent person to conclude that a particular city employee has used, consumed, is impaired by, or is under the influence of illegal drugs, controlled substances, and/or alcohol. Reasonable suspicion must be directed at a specific person and must be based upon specific and articulable facts and the logical inferences and deductions that can be drawn upon such things as observable phenomena, such as direct observation of the possession or use of an illegal drug, controlled substance, and/or alcoholic beverage, or the direct observation of physical symptoms of being impaired by or under the influence of illegal drugs, controlled substances, and/or alcohol, such as slurred speech, unsteady gait, a pattern of unusual or abnormal conduct or erratic behavior, odor of the employee, information provided by a reliable and credible source,

and/or involvement in a work-related accident, and/or deviation from safe working practices.

(i) Safety-Sensitive Positions

Positions of employment with the City where a lapse of judgment or impaired physical/mental ability in performing any essential job function could reasonably result in a significant threat of harm to the employee, fellow employees, citizens, inmates, or others. Safety-Sensitive Positions include, but are not limited to, those which, as a part of the essential job functions, (1) require the performance of law enforcement duties as a POST-certified law enforcement officer; (2) require or involve possession of a firearm; (3) require or involve providing emergency medical, rescue, or fire suppression services; (4) require or involve interacting with incarcerated persons; (5) require or involve interacting with persons who are on probation for drug charges; (6) directly involve the enforcement of drug laws; (7) directly involve access to, the handling of or the testing of illegal drugs that have been seized by, confiscated by or taken into custody by law enforcement; (8) require or involve performing duties essential to drug interdiction; (9) primarily require or involve maintenance or operation of a motor vehicle, motorized equipment, heavy machinery or heavy equipment; (10) require the holding of a commercial driver's license; and (11) require or involve performing duties which directly affect public health or safety.

Section 4: Prohibitions

The City prohibits all City employees from engaging in the following conduct or behavior while performing City business, while on City property or City premises, while on customer property performing city business, while in use of city property, or while operating or riding in a city vehicle and/or conducting city business:

- (a) The use or consumption of illegal drugs, controlled substances, and/or alcohol;
- (b) The possession of illegal drugs, controlled substances, and/or alcohol;
- (c) The abuse of prescription medications and over-the-counter medications;
- (d) Being impaired by and/or under the influence of illegal drugs, controlled substances, and/or alcohol;
- (e) The manufacture, sale, purchase, transfer, dispensing of, and/or distribution of illegal drugs, controlled substances, prescription medications, and/or alcohol; and/or
- (f) The use of City property to store, conceal, or transport illegal drugs, controlled substances, and/or alcohol.

Section 5: Use of Legally Obtained Drugs

The abuse and/or inappropriate use of legally obtained drugs while on the job, while performing City business, while on City Premises, while in operation of a City vehicle, or while in operation of any other equipment or vehicle in performance of City business is prohibited and shall constitute grounds for disciplinary action, up to and including termination. The following policies shall apply to the use of legally obtained drugs:

- (a) City employees must not be on the job, on call, on City Premises, operating a City vehicle, or operating any other equipment or vehicle while in performance of City business while impaired due to any drug, legal or illegal, that renders the City employee unfit for duty. An employee is “unfit for duty” if, in the City’s opinion, the employee’s use of legally obtained drugs jeopardizes his or her ability to work safely and efficiently.
- (b) A City employee who is using legally obtained drugs must notify his or her immediate supervisor of any and all known or experienced symptoms and probable adverse side effects that may render the employee unfit for duty. An employee’s failure to so notify the City constitutes grounds for disciplinary action, up to and including termination. A City employee is not expected to notify the City of legally obtained drugs that are unlikely to render him or her unfit for duty.
- (c) City employees using legally obtained drugs while on the job shall do so in strict accordance with physician and/or manufacturer’s directions. It is the employee’s responsibility to notify the prescribing physician of the duties required by the employee’s position and to ensure that the physician approves the use of the prescription medication while the employee is performing his or her duties.
- (d) Any prescription medication brought onto City or customer property or taken aboard City vehicles must be retained in its original container labeled with the names of the employee and the prescribing physician.
- (e) No City employee may take another person’s medication.

Section 6: When Drug Testing is Required**(a) Job Applicants for All Positions**

All applicants for full-time and part-time positions of employment with the City will be tested for drugs after a conditional offer of employment has been extended. No such applicant or new hire shall be permitted to report for duty until the results of the drug test are obtained. All applicants for temporary full-time and temporary part-time positions of employment will be tested for drugs after a conditional offer of employment has been extended.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

(b) Transfers to Safety-Sensitive Positions

City employees who are transferred, reclassified, promoted, or demoted from a non-Safety-Sensitive Position into a Safety-Sensitive Position will be tested for drugs before performing any job duties in the new position.

(c) Reasonable Suspicion

All City employees will be subject to immediate testing when there is reasonable suspicion that the employee has used or misused drugs or alcohol in violation of this policy. Any City employee who is required to take a reasonable suspicion test will be immediately placed on administrative leave without pay pending the results of the test and confirmation of the results. Supervisors or directors who suspect that an employee is under the influence of drugs or alcohol shall document all credible evidence on the Reasonable Suspicion Incident Checklist provided by the City Clerk and shall seek confirmation of the observations from the City Manager or Designee or another employee with Reasonable Suspicion training before transporting the employee for testing. A reasonable suspicion test may be required based upon, but not limited to the following:

1. The personal observation of the City employee's job performance, appearance, behavior, speech, or odor by the trained individual creating a reasonable suspicion that the City employee has used drugs or alcohol in violation of this policy;
2. Personal observation of the City employee by another individual who has fully disclosed the observation to the City;
3. Observation of the City employee by a nurse or physician engaged in the treatment or evaluation of a work-related injury who has disclosed such observations to the City;
4. Information from a law enforcement agency received by the City.
5. Specific and objective facts indicating that a city employee's drug or alcohol use may have caused or been a contributing factor to an on-duty motor vehicle accident. The following facts, if present, may independently or collectively, depending upon the circumstances, give rise to reasonable suspicion in this instance:
 - a. the appearance, behavior, speech or odor of the City employee immediately prior to or after the accident;
 - b. the City employee left the scene or attempted to leave the accident scene without legal authority or permission to do so;

- c. the City employee acted contrary to a safety rule, established safety practice or otherwise engaged in demonstrably unsafe behavior for which there is no reasonable explanation;
 - d. the City employee was arrested or received a traffic citation;
 - e. the City employee or any person received medical attention as a result of the accident; and
 - f. the City employee has been involved, as a contributing factor, in a pattern of repetitive on-duty accidents whether or not they involved actual or potential injury.
7. Specific and objective facts indicating that a City employee's drug or alcohol use may have caused or been a contributing factor to an on-duty accident involving the use of motorized equipment, heavy machinery or heavy equipment. The following facts, if present, may independently or collectively, depending on the circumstances, give rise to reasonable suspicion in this instance:
- a. the appearance, behavior, speech or odor of the City employee immediately prior to the accident;
 - b. the City employee left the accident scene or attempted to leave the accident scene without legal authority or authorization to do so, or failed to report the accident to the appropriate individual or otherwise attempted to keep appropriate persons from learning about the accident or the extent of the accident;
 - c. the City employee acted contrary to a safety rule, established safety practices or otherwise engaged in demonstrably unsafe behavior without a reasonable explanation;
 - d. the City employee or any other person received medical attention as a result of the accident; and
 - e. the City employee has been involved as a contributing factor in a pattern of on-duty accidents whether or not they involved actual or potential injury.

Additionally, any untrained supervisor or director may require a reasonable suspicion test(s) for drugs or alcohol when a trained supervisor or director or the City Manager or Designee has reviewed the underlying facts and agrees that reasonable suspicion exists to require a test.

(d) Required Testing After Certain Accidents

Drug and alcohol testing must be performed within policy guidelines when any City employee holding a safety-sensitive position, while in operation of a City vehicle, equipment, or heavy machinery, or while in operation of any other vehicle or

equipment while in the performance of City business, is the apparent cause of an accident that results in: 1) a fatality; or 2) a citation issued to the City employee; or 3) an injured person requiring immediate medical treatment; or 4) damage to City property; or 5) damage to any other property. Alcohol and drug test(s) required after any of the above accidents shall be completed within eight (8) hours of such an accident. This testing is to be performed in addition to any drug or alcohol test(s) that may be ordered by law enforcement authorities. The involved City employee must report immediately for testing, or be subject to disciplinary action, up to and including termination.

(e) Random Testing

All City employees will be subject to random drug testing, as follows:

1. Tests will be ordered on a random, unannounced basis from the pool of identified City employees.
2. A random selection method and test rates as adopted by the City Manager or Designee will be used to select City employees, thereby allowing each city employee an equal chance of being tested each month. Random selection test rates are subject to change as determined by the City Manager or Designee. This selection will be facilitated and monitored by the City's occupational medicine provider.
3. A city employee's name will remain in the pool after being selected so that every employee will have an equal chance of being tested each time selections are made. Therefore, it is possible that a city employee who is randomly selected for testing may be randomly selected again during the same year.
4. The City Clerk will notify the supervisor or director when an employee has been selected through the random process. The employee will report to the testing facility taking with them the Chain of Custody Form. The supervisor or director is not to inform the associate that he or she has been chosen for the test until immediately prior to the time the employee is given their notice.
5. City employees are allowed to continue working pending the results of the test. If the testing facility notifies the City that the City employee has produced a confirmed positive sample, the City Clerk will contact the appropriate director with the results.
6. All information received by the City of Flowery Branch as a result of any testing procedure is considered confidential but may be entered into evidence or disclosed in any civil action or administrative proceedings when the information is relevant to the City's defense in any such action or proceedings.

(f) After-Care Testing

Persons returning to work from an approved treatment program for drug or alcohol abuse may be subject to unannounced testing at the discretion of the City Manager or Designee for a period of one (1) year following the City employee's return to work.

(g) Return to Duty Testing

All City employees who are absent from work for more than thirty (30) days, for any reason, or following any workers' compensation leave, medical leave, or short-term disability leave shall be tested for drugs immediately upon returning to work and before performing any job duties.

Section 7: Procedures for Testing

- (a) Alcohol screening will be conducted using a federally approved evidential breath testing device or the use of a swab/saliva test performed by an approved independent medical facility. In the event that it is not reasonable under the circumstances to conduct an alcohol test based on a breath test or a swab/saliva test, the City reserves the right to test for the presence of drugs or alcohol by a blood test analysis.
- (b) All drug tests shall be administered and accounted for by an approved laboratory and/or medical facility that are operating in compliance with the U.S. Department of Health and Human Services (DHHS). Testing will involve an initial screening test(s) and confirmation of positive tests by gas chromatography/mass spectrometry (GC/MS) analysis, or other test(s) that are approved by the DHHS for screening and confirmation of drugs or alcohol in a person's system. Tests will be certified, to the fullest extent possible under the circumstances, by a laboratory approved by the DHHS.
- (c) All positive test results for drugs will be interpreted by a physician approved by the City as a medical review officer (MRO) before the results are reported to the City. Prior to notifying the City, the MRO will make reasonable efforts to contact the City employee for the purpose of allowing the City employee to offer an alternative medical explanation for the positive test result. If the MRO is able to contact the applicant or City employee and determine there is a legitimate medical explanation for the positive test, the result will be communicated as negative to the City. The MRO's inability to contact the applicant or city employee before providing test results to the City will not void the test results or make the test results unusable in any subsequent disciplinary action. An applicant or city employee who fails to respond to an inquiry by the MRO within forty-eight (48) hours of such inquiry shall have waived his or her opportunity to offer an alternative medical explanation for the positive result or to request confirmation testing. Because the City employee

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

is present for interpretation of an alcohol test, the procedure concerning prior notification by the MRO is not applicable. An MRO will not be used when a blood test for alcohol is conducted.

- (d) Upon notification by the MRO of a confirmed positive result for drugs, the City employee may request, within three (3) calendar days of such notification, that the remaining portion of his/her specimen undergo a second confirmation test at his/her expense at a DHHS laboratory of his/her choice. If the test conducted by the laboratory selected by the City employee is negative for the presence of drugs, a third test may be made at the City's sole expense at a separate DHHS facility of its own choosing. The results of the third facility will be determinative. If the results from the third facility are negative, all prior positive tests will be disregarded and shall not be the basis for any disciplinary or adverse action. This option of a confirmation test is contingent upon there being enough of the specimen remaining to allow for a confirmation test.
- (e) Any City employee ordered to be tested based upon reasonable suspicion, shall be immediately removed from duty, escorted to the testing facility, and taken home (unless other suitable arrangements have been made to transport the City employee). Under no circumstances will the City employee be allowed to drive himself or herself home. The City employee shall be suspended without pay pending the results of the test and any confirmation tests, if applicable. If the positive test is explained or negated by the MRO and/or subsequent confirmation testing, the City employee shall be reinstated with back pay and the suspension without pay will be expunged from the City employee's personnel file.

Section 8: Investigation of Prohibited Drug and Alcohol Use and Searches

All City-issued, City-owned or City-leased equipment, property, and facilities, including, but not limited to, desks, workstations, file cabinets, lockers, vehicles, computer equipment, or any other property or equipment owned, leased, or provided by the City is subject to inspection at any time and for any reason. No employee shall have any privacy interest whatsoever in any City-issued, City-owned or City-leased equipment, property and facilities. If a search uncovers evidence of City employee wrongdoing, illegal activity, or City employee violations of City rules or policies, the evidence may be used to support disciplinary action, up to and including termination. In cases involving suspected illegal activities, the evidence may be turned over to appropriate legal authorities. The City also reserves the right to conduct searches on city property of city employees and/or their personal property when, in the city's view, there is a reasonable suspicion that a City employee is buying, selling, transporting, or otherwise in possession of illegal drugs or controlled substances on the City's property or during working time. A refusal to submit to, or cooperate with, a search may result in immediate discipline, including discharge.

(a) Consent for testing

Prior to date of hire, all City employees and job applicants are required to sign a consent form consenting to any and all frequency of drug and/or alcohol test(s) set forth in this policy and permitting the release of test results to the City and/or the MRO. Signed consent forms shall be kept on file by the City Clerk and are enforceable for the duration of employment.

(b) Refusals to undergo testing

The City has a zero-tolerance policy regarding test refusals. As such, any City employee so refusing to immediately proceed as directed will be subject to disciplinary action including termination from employment.

Other actions that constitute a test refusal occur when a City employee:

1. Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the City, after being directed to do so by the City;
2. Fails to remain at the testing site until the testing process is complete;
3. fails to provide a urine, breath, saliva or blood specimen for any drug or alcohol test required;
4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of his/her provision of a specimen;
5. Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
6. Fails or declines to take a second test the City or collector has directed the City employee to take;
7. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process;
8. Fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational or obstructive way that disrupts the collection process; refuses to be escorted to the designated collection site when so directed, is physically absent resulting in the inability to conduct testing).
9. City employees who refuse to submit to a test or test positive for alcohol or illegal drugs may be disqualified for unemployment compensation benefits.
10. City employees who refuse to submit to a test, or test positive for alcohol or unlawful drugs following a workplace injury may be disqualified for workers compensation benefits.

(c) Confidentiality

All reports of test results for drug and alcohol, searches, or any employee referral, or participation in an assistance program or treatment program for addictive disorders, will be maintained in strict confidence. Any person authorized to have access to such confidential information, who, without authorization, discloses it to another person shall have engaged in gross misconduct and be subject to severe disciplinary action, up to and including, termination. The confidentiality of such information shall not apply to any use by or communication to the City's attorneys, or where the information is relevant to the City's defense in an administrative proceeding or civil action. Such information may also be disclosed to the extent required by any federal, state or local law, statute, ordinance or regulation.

(d) Discipline for Violations of Policy**1. Immediate Suspension**

A City employee who tests positive for drugs or alcohol shall immediately be relieved from duty, placed on suspension without pay, and sent home pending disciplinary action. If the positive test is explained or negated by the MRO and/or subsequent confirmation testing, the City employee shall be reinstated with back pay and the suspension without pay will be expunged from the City employee's personnel file.

2. Disciplinary Action

A City employee who violates any provision of this policy is subject to discipline, up to and including termination. If terminated, the City employee will not be eligible for rehire for a minimum period of two (2) years.

3. Immediate Termination

The following reasons shall be presumed to result in immediate termination of a City employee:

- a. manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, or selling, or otherwise transferring an illegal drug(s) or controlled substance(s) while on the job, on call, on City property, while operating City equipment or vehicles, or while operating any other equipment or vehicles on City business.
- b. operating City motorized equipment while unfit for duty due to the use of drugs and/or alcohol.

- c. conviction for violation of any drug law.
- d. refusing to consent to or to take a drug or alcohol test pursuant to this policy.
- e. failure to appear at the designated collection site to take a drug or alcohol test when so directed.
- f. a confirmed positive test for drugs or alcohol.

(e) Employee Assistance Program (EAP)

The City cares about the health and well-being of its employees and recognizes that a variety of personal problems can disrupt their personal and work lives. While many employees solve their problems either on their own or with the help of family and friends, sometimes employees need professional assistance and advice. The City will maintain an Employee Assistance Program (EAP) that provides confidential access to professional counseling services for help in confronting personal problems such as alcohol and other substance abuse, marital and family difficulties, financial or legal troubles, and emotional distress. The EAP is available to all City employees and their immediate family members offering problem assessment, short-term counseling, and referral to appropriate community and private services.

1. The EAP is strictly confidential and is designed to safeguard your privacy and rights. Information given to the EAP counselor may be released only if requested by you in writing. All counselors are guided by a Professional Code of Ethics. Personal information concerning employee participation in the EAP is maintained in a confidential manner. No information related to an employee's participation in the program is entered into the personnel file.
2. In certain situations, an employee's supervisor may make a direct referral to EAP. Supervisors will undergo training to discuss EAP services and identify issues that may warrant a supervisory referral to EAP.
3. The following information will be made available to the supervisor making a directed referral:
 - a. the City employee kept or did not keep the appointment with the EAP counselor;
 - b. the City employee did or did not complete the EAP recommended treatment/assistance;
 - c. a referral for treatment/assistance was made by an EAP counselor and was accepted or rejected by the City employee; and/or
 - d. the City employee did or did not complete the EAP recommended treatment/assistance.

4. A City employee's failure to successfully complete the treatment plan or to release the information regarding his/her participation may result in disciplinary actions.
5. There is no cost for City employees to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline community and private services available. The counselor will also let City employees know whether any costs associated with private services may be covered by their health insurance plan. Costs that are not covered are the responsibility of the City employee.
6. City employees desiring assistance or consultation through EAP are encouraged to contact EAP directly or the City Clerk for further information regarding an EAP counselor.
7. Employees are encouraged to seek EAP assistance as soon as possible to avoid issues arising within the workplace.

F. SOCIAL NETWORKING

Section 1: Purpose

Social media websites provide an opportunity for individuals to interact with people throughout the world. Given the multitude of concerns (legal, political, and ethical) raised by social networking (Facebook, Twitter, etc.) this policy establishes prudent and acceptable practices regarding usage of social networking by City of Flowery Branch officials and employees. Additionally, this policy identifies specific guidelines and standards that personnel, defined as City employees or appointed board members for purposes of this policy, must adhere to when utilizing social media websites.

While the City of Flowery Branch encourages its personnel to enjoy and make good use of their off-duty time, certain activities on the part of its personnel may become a problem if they have the effect of: impairing the work of any official or employee; harassing, demeaning, or creating a hostile working environment; disrupting the smooth and orderly flow of work; or harming the goodwill and reputation of the City among its citizens or in the community. For these reasons, the City reminds its personnel that the following guidelines apply in their use of social media, both on and off duty.

Under this policy, the City disavows, and is not responsible for, any sites, posts, opinions, or content not coordinated through and approved by the City Manager or Designee. If City personnel post data purporting or implying to be on behalf of the City while using a social media site without the approval of the City Manager or Designee, the City is not responsible for that content, such content is not to be construed as reflecting the views or opinions of the Mayor, City Council or other

City management, and the City is not responsible for archiving such content in accordance with applicable records retention schedules, or providing copies in accordance with the Georgia Open Records Act. Furthermore, the absence of explicit reference to a particular site does not limit the extent of the application of this policy. If you are uncertain as to the propriety of a post, opinion or other content, consult your Department Director before proceeding.

Section 2: General Guidelines for Personnel

1. While on duty, the use of City equipment or internet service by personnel must be limited to work-related tasks. Social media activities should never interfere with work commitments.
2. No personnel may post online content as a representative of the City, or on the City's behalf, without the City Manager or Designee's approval.
3. If discussing City-related issues, but not posting online content as an approved representative of the City or on the City's behalf, all personnel must make it clear that they are speaking for themselves, and not on behalf of the City by displaying a disclaimer that states: "This is my own opinion and not necessarily an opinion or position held by the City of Flowery Branch, the Mayor or the City Council."

Personnel who choose to maintain or participate in social media or social networking platforms while off-duty shall conduct themselves with professionalism and in such a manner that will not reflect negatively upon the City. Be aware of your City of Flowery Branch association in online social networks. If you identify yourself as a City of Flowery Branch employee or have a public facing position for which your City of Flowery Branch association is known to the general public, ensure your online profile and related content (even if it is of a personal and not an official nature) is consistent with how you wish to present yourself as a City of Flowery Branch professional, appropriate with the public trust associated with your position.

Section 3: Guidelines for Official City Social Media Sites and Content

All City-sanctioned social media sites shall be maintained by the City Manager or Designee. Any content to be posted on City-sanctioned social media sites must meet the approval of the City Manager or Designee before it is posted.

All personnel that engage in social media activities on the City's behalf and all City-sanctioned social media sites shall adhere to applicable federal, state and local laws, regulations and policies, including the Georgia Open Records Act and the records retention schedules issued by the Georgia Archives. All content must be managed, stored and retrieved to comply with these laws.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

All online content posted as representative of the City, or on the City's behalf, shall clearly indicate that it is subject to the records retention schedules issued by the Georgia Archives and public disclosure pursuant to the Georgia Open Records Act. All City-sanctioned social media sites shall clearly indicate that any articles and any other content posted or submitted for posting are subject to the aforementioned records retention schedules and public disclosure. Note, for purposes of this policy each individual posting does not need the aforementioned disclaimer when such disclaimer is clearly posted on a social network site that contains the disclaimer in a readily accessible area of the site.

Any content posted as representative of the City, or content posted to a City-sanctioned social media site containing any of the following, shall not be allowed:

- a. Comments not topically related to the particular site or blog article being commented upon;
- b. Profane language or content;
- c. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
- d. Sexual content or links to sexual content;
- e. Conduct or encouragement of illegal activity;
- f. Information that may tend to compromise the safety or security of the public or public systems; or
- g. Content that violates a legal ownership interest of any other party.

Any content removed from a City social media site will be maintained in accordance with the Georgia Open Records Act.

Content submitted for posting on a City-sanctioned social media site that is deemed unsuitable for posting by the City Manager or Designee because it violates criteria in the preceding item (Item 4, above) of this policy, shall be retained pursuant to the applicable records retention schedules along with a description of the reason the specific content is deemed unsuitable for posting. Where hyperlinks are used on a City-sanctioned social media site, the site shall include a disclaimer which states: "The City does not guarantee the authenticity, accuracy, appropriateness or security of the link, website, or content linked hereto."

All data transmitted, received, accessed, or stored by the City of Flowery Branch network systems or a third-party vendor (cloud), remains the property of the City of Flowery Branch.

The City of Flowery Branch reserves the right to access or audit this information in accordance with local, state and federal laws. Additionally, in the event an employee is no longer a City of Flowery Branch employee or doing work with the City of Flowery Branch, the City of Flowery Branch retains the ownership to all work-related data and login information that was created to perpetuate business for the City of Flowery Branch (i.e. passwords, usernames, customer lists created for City of Flowery Branch business, Twitter handles created for the City of Flowery Branch business). The employee is hereby notified that passwords and usernames are administrative identifications and do not create an expectation of privacy in the event of a routine audit, public record requests, lawsuit, and internal investigation.

The City Manager or Designee will maintain a listing of all employees authorized to post on all City social media sites. Personnel are not allowed to create City of Flowery Branch websites without approval of the City Manager or Designee.

Section 4: Guidelines for Personal Social Media Sites and Content

Section 3, “Guidelines for Personal Social Media Sites and Content,” of this Social Networking Policy shall apply to all officials, appointed board members and employees in the performance of their official duties for or on behalf of the City of Flowery Branch unless otherwise noted.

Use common sense when using personal social media sites. Remember that what you write is public, may be public for a long time, and has the propensity to spread to large audiences. Personnel should refrain from posting information that they would not want their supervisor or other employees to read or that they would be embarrassed to see in the newspaper or on television. The City expects its employees to be truthful, courteous, and respectful toward supervisors, co-workers, citizens, customers, and other persons associated with the City. Personnel shall not engage in name-calling or personal attacks or other such demeaning behavior.

Personnel may use social media on their own time and using their own equipment and may use social media to express their thoughts or ideas as long as they do not negatively impact the City of Flowery Branch’s policies or business. To ensure the City of Flowery Branch’s safety, operational fluidity, and public trust, the list below provides guidelines on prohibited conduct on an official’s, board member’s, or employee’s personal social media site. The list is not meant to be an exhaustive list of all prohibited conduct for personal social media use, but rather a guideline on forms of speech that are not protected under the First Amendment or allowed by the City of Flowery Branch:

- a. Hate speech or libelous speech as such is defined by local, state or federal law; Sexually harassing speech as such is defined by local, state or federal law;

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, or that might constitute harassment or bullying. Examples of such conduct include, but are not limited to, offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law;

- b. Obscenity prohibited by local, state or federal law;
- c. Fighting words, extortion, and other threats prohibited by local, state or federal law;
- d. Disclosure of private health or financial information protected by local, state or federal law;
- e. Disclosure of other confidential information protected by local, state or federal law;
- f. Disclosure of confidential information gained during the course and scope of employment that compromises the safety of others;
- g. Disclosure of information obtained from emergency dispatches—such as, personal health information, financial information, or private family information received in a dispatch;
- h. On-duty or off-duty speech that compromises City investigations and the applicable department's mission; and
- i. All other speech prohibited by local, state or federal law not mentioned in this list.

Officials and personnel (employees or appointed board members) agree to avoid persistent and unwelcome posts, pictures, audio, video or any other communication that harasses another co-worker, vendor or other third party. There is zero tolerance for any harassing communications to a co-worker, vendor or other third party based on race, sex, religion, creed, ancestry, national origin, age, disability, marital status, or other protected classification by state or federal law. Users also agree not to violate local, state or federal harassment laws. All officials and personnel (employees or appointed board members) are hereby notified they may be personally liable for social media harassment. To report violations of this provision, please refer to the City's harassment policy which shall govern all harassing communications.

Officials and personnel (employees or appointed board members) are not allowed to use their personal social media sites to display any video, audio, pictures, confidential work data, writings, logos or any other communications that identify their employment with the City of Flowery Branch.

Where applicable, personnel are allowed to identify themselves as an employee of the City of Flowery Branch, however, if commenting on issues, but not posting online content as an approved representative of the City or on the City's behalf, all personnel must make it clear that they are speaking for themselves, and not on

behalf of the City by displaying a disclaimer that states: “This is my own opinion and not necessarily an opinion or position held by the City of Flowery Branch, the Mayor or the City Council.” City officials are expressly exempted from this provision and may identify themselves as City officials without the use of the aforementioned disclaimer.

Nothing in this policy shall be construed to limit an official’s authority to engage in social media activities without needing to place any disclaimer in such posting so long as the speech is subject to First Amendment protection.

In no situation shall personnel insinuate that the City of Flowery Branch endorses or authorizes the employee’s personal website, blog or private social network account. Additionally, no one is to directly or indirectly suggest that the City of Flowery Branch endorses a commercial service or product.

Personal or business venture social media account names shall not be tied to the City. For example, City of Flowery Branch employee would not be an appropriate personal account name or “handle” for a social media account.

Personnel, City contract employees, and City volunteers shall not use their City email account or password in conjunction with a personal social networking site.

To others online, there is no clear distinction between your work life and your personal life. Always be honest and respectful in both capacities.

Any violation of this policy is subject to disciplinary action up to and including termination.

City of Flowery Branch Personnel Policy

*Developed under the authority of the City Council
by the City Manager's Office
~~and the Human Resources Department~~
approved on XXXXXXXX*

**Tonya – Do you want to use this letter or another one from you or the Mayor?

Dear Employee,

Welcome to the City of Flowery Branch. We are excited to have you as a part of our innovative and [awesomediverse](#) team of employees. The City of Flowery Branch is a unique and groundbreaking municipality, requiring input and contribution from every team member. This employee handbook contains key policies and expectations of the City of Flowery Branch as your employer. You will find the information both necessary and informative and are encouraged to use the handbook as the vital resource it is intended to be.

The City of Flowery Branch is committed to [outstanding excellence in](#) service ~~ing to~~ our citizens and visitors. Providing an outstanding quality of life to our community is our top priority. As a part of our team, you will discover that your involvement will not only benefit the ~~City, but~~ [City but](#) be a rewarding experience to you on both a professional and personal level. [Please share your innovative and creative ideas with your Director and me; and then](#) ~~We expect you to~~ own the results of your innovation and productivity and be an active participant in the growth and development of your career and of the City of Flowery Branch's future.

Welcome aboard and I look forward to working with you.

Sincerely,

[Tonya D. Parrish](#)
~~Mayor or~~ City Manager

Employee Acknowledgment Form

This Personnel Handbook describes the policies and procedures at the City of Flowery Branch, and I understand that I should consult [Human Resources](#) [the City Clerk](#) regarding any questions not answered in the Personnel Handbook. I acknowledge that I am an employee at-will and have entered my employment with the City of Flowery Branch voluntarily and acknowledge that there is no specified length of employment. Any employment agreement that would alter my status as an employee at-will must be specified and executed in writing by the City Manager and myself, and approved by the City Council. No other agreements will be enforceable or change my status as an employee at-will.

This Personnel Handbook replaces and supersedes any earlier personnel practice, policy, or guideline. However, since the policies and procedures described within this handbook are subject to change from time to time, I acknowledge that revisions may occur. I understand that such changes may supersede, modify, or revoke existing policies. The City Manager has the power to change the policy and may do so at any time without notice.

Furthermore, I acknowledge that the Personnel Handbook is neither a contract of employment nor a legal document. I have received a copy of the City of Flowery Branch Personnel Handbook and I understand that it is my responsibility to read and comply with the policies contained in the manual and any revisions made to it.

Employee Name: _____

Employee Signature: _____ Date: _____

Table of Contents Will Update Once Changes Are Made.

Administration A. Personnel Administration Authority Error! Bookmark not defined.
Error! Bookmark not defined.

B. Attendance & Work Hours.....	<u>151</u> 140
C. Employee Status Changes.....	<u>222</u> 115
D. Hiring & Selection.....	<u>282</u> 720
E. Performance Management & Review	<u>383</u> 728
F. Termination of Employee Status	<u>403</u> 930
G. Use of City Property & Equipment.....	<u>444</u> 333
H. Safety & Accident Reporting.....	<u>504</u> 938

Compensation & Benefits

Compensation & Pay Plan.....	1
Employee Benefits – Leave Type.....	9
Group Benefit Plan.....	28
Worker’s Compensation	30
Amendments to Chapter.....	32

Employee Relations

Standards of Conduct.....	1
Discipline.....	11
Grievances.....	14
Workplace Discrimination & Harassment.....	17
Substance Abuse and Alcohol & Drug Testing.....	20

CHAPTER I

ADMINISTRATION

I. ADMINISTRATION

A. PERSONNEL ADMINISTRATION

Section 1: Authority

(a) General

With the exception of matters reserved by state law or the city charter to the City Council, the general and final authority for personnel administration rests with the City Manager. This Personnel Handbook provides statements of policy and establishes required procedure relating to personnel administration that are necessary to effectively and efficiently manage city operations. It is issued by the City Manager under the authority of the City Council.

(b) Scope of Authority

The City Manager possesses the authority to administer city operations. The City Manager's authority includes, but is not limited to:

1. Discipline, discharge, or release of employees pursuant to the procedures described in this handbook;
2. Direct the work forces;
3. Hire, assign, or transfer employees;
4. Determine the mission of city departments;
5. Determine the methods, means, and allocation/assignment of personnel needed to carry out the City's mission;
6. Introduce new or improved methods or facilities or change such methods or facilities;
7. Determine reasonable work schedules and establish the methods and processes by which such work is performed;

Require the performance of duties stated and intended in job descriptions, with the understanding that every duty is not always described;

8. Determine position availability by:
 - a. Authorizing lateral assignments;
 - b. Freezing, hiring, and promoting;
 - c. Authorizing delay in position uses due to budget, facilities, or other business necessity;
 - d. Authorizing temporary assignment into a vacancy.
9. Delete positions, reclassify positions, and/or reassign employees to different positions with different classifications and pay as required by business necessity.

(c) Delegated Authority

The City Manager may delegate authority to ~~Department Head~~Department Directors in the following areas:

1. Discipline, discharge, or release of employees pursuant to the procedures described in this handbook;
2. Direct the work forces;
3. Hire, assign, or transfer employees;
4. Recommend the mission of specific departments;
5. Determine the methods, means, and allocation/assignment of personnel needed to carry out the department's mission;
6. Introduce new or improved methods or facilities or change such methods or facilities;
7. Recommend work schedules and establish the methods and processes by which such work is performed;

Require the performance of duties stated and intended in job descriptions, with the understanding that every duty is not always described;

8. Recommend positions, reclassify positions, and/or the reassignment of employees to different positions with different classifications and/or pay; and
9. Fiscal responsibility of the department.

(d) Administration of Policy

Proper policy administration includes selecting goals and encouraging the discharge of duties above the minimum standards. The provisions of this Handbook create high standards of conduct so that training and performance can be aimed at the highest levels and may in appropriate cases, be the basis for internal discipline. This handbook provides general information about city policies, procedures, expectations, and benefits. The information in this handbook, however, cannot anticipate every situation or answer every question regarding your employment. Therefore, the policies set forth in this Handbook may not cover all situations. The City Manager shall make interpretive decisions for those situations that are not specifically covered by this handbook and may, in the best interest of city operations, override any provision in this handbook.

The intent of this personnel policy handbook is compliance with all applicable federal and state law. In the event of a change in law or a conflict in federal or state law with the contents of this handbook, the federal and/or state law shall supersede the policies contained within this handbook.

Section 2: "At-Will" Employment

All employment relationships are at-the will of the City of Flowery Branch and the employee. Employees may resign or quit at any time for any or no reason, with or without cause or notice. Similarly, the City of Flowery Branch may discharge an employee at any time for any reason, with or without cause or notice.

This handbook is not intended to and does not create an employment contract between the City and its employees. Your employment is for no specified period of time, and this Handbook does not limit your right or the

City's right to terminate your employment at any time for any reason or no reason.

Section 3: Departmental Operating Rules

Departmental operating rules and regulations related to employment matters, not in conflict with this Handbook, may be used and/or established by the ~~Department Head~~Department Director. All such departmental operating rules and regulations and subsequent amendments thereto adopted pursuant to this Section shall be submitted to the ~~Director of Human Resources~~City Manager and Finance Director ~~Designee for approval prior to adoption, within ten (10) days of their adoption by the department for maintenance in the Human Resources Department.~~ To the extent there are any questions as to the controlling rule, the rule requiring the most stringent level of employee performance shall govern.

Section 4: Revisions to Handbook

This Handbook may be amended in whole or in part from time to time at the sole discretion of the City in order to maintain legal compliance, operative effectiveness, and desired workplace conditions. Amendments will be available to all employees upon adoption.

Section 5: Personnel Records

A record of service will be managed by the ~~Director of Human Resources~~City Clerk for every active employee. Service records for terminated employees shall be retained as required under all applicable record retention laws. An employee has the right to review and request copies of their personnel file. These requests will be facilitated by the ~~Director of Human Resources~~City Clerk. Open records requests and confidentiality of personnel records will be managed as defined in the City's policies and the Georgia Open Records Act.

It is the responsibility of the employee to notify the City of any personal data changes, such as name, address, phone number, emergency contact information, change in beneficiaries, etc. Name changes will require legal documents as back-up, i.e. marriage certificate, divorce decree, etc.

Section 6: Personnel Handbook

(a) Scope

The provisions of this Handbook apply to all employees of the City of Flowery Branch, Georgia, both on and off duty, unless otherwise indicated, restricted by authority, or limited by law.

(b) Not a Contract

This handbook does not constitute a contract of employment or benefits. Nothing in this handbook should be construed as a guarantee of continued benefits from, or employment by, the City of Flowery Branch. All employees are subject to discharge with or without cause.

(c) Changes

The City Manager reserves the authority to recommend, modify, revoke, amend, suspend, interpret, terminate, or change any or all of the provisions of this handbook. Except in the case of emergency, employees will be given appropriate notice of any change.

(d) Titles/Headings

The use of titles or headings in this Handbook shall not govern, limit, modify, or affect the scope of meaning or intent of any provision.

(e) Validity/Severability

Any statement in a directive found to be illegal, incorrect, or inapplicable shall not affect the validity of the remaining contents.

(f) Distribution

Every city employee will have access to a copy of this handbook and copies of amendments and revisions as they are adopted.

(g) Compliance

All provisions of this Handbook are applicable to regular full-time, part-time, seasonal, and temporary employees, except where otherwise noted in the Handbook.

(h) Official Copy

An official copy of the City of Flowery Branch, Georgia Personnel Handbook containing the latest revisions is maintained by the ~~Director of Human Resources~~ City Manager or Designee City Clerk and can be found in the offices of such department.

Section 7: Definitions

The following words and phrases shall have the following meanings. All other words not defined herein shall have the common and ordinary dictionary meanings unless a different meaning is required by the context.

(a) Comp Time

The comp time rate of pay is one and one-half (1½) times the regular rate of pay for non-exempt employees.

(b) Days

Unless otherwise provided, “days” refers to business days, rather than calendar days or shift days.

(c) Demotion

Demotion is defined as the change of an employee from a position in one grade to a position in another grade at a lower level. Demotions may be to one or more grade levels lower than the current employee status.

(d) Department

The recognized departments for the City of Flowery Branch:

- Mayor & Council
- City Manager's Office
- City Clerk
- Community Development [and Planning](#)
- [Downtown and Events](#)
- Public Works
- Municipal Court
- Finance
- ~~Human Resources~~
- Police Department
- ~~Water/Wastewater~~
 - [Tourism](#)

(e) **Department Director**

The highest administrative employee of a department, whether indicated as Director, Chief, or other job title or rank.

(f) **Disability**

A physical or mental impairment that substantially limits one or more of the major life activities of an individual.

~~(f)~~(g) **Employee**

- **Regular Full-time Employee:** Any employee filling an approved, budgeted position with a regularly scheduled work week of more than thirty (30) hours per week.
- **Regular Part-time Employee:** Any employee filling an approved, budgeted position with a regularly scheduled work week of thirty ~~(30)~~ hours or less per week. Regular part-time employees are not eligible for employee benefits unless specifically noted.
- **Police ~~Shift Officer~~ Employee:** Those employees designated as a sworn law enforcement officer ~~police protection personnel~~ and assigned to the police department working a shift other than the regular work week.
- **Temporary Employee:** Any employee filling a position for a specified length of time, for either ~~long or short term~~ long or short-term work

Formatted: Indent: Left: 1.24", No bullets or numbering

Commented [MH1]: I think it needs to 29hrs or less or we may have provide insurance

Commented [TP2R1]: I agree with this.

assignments. Temporary employees are not eligible for employee benefits unless specifically noted.

- Contract Employee: Any individual hired pursuant to an individual written employment contract which governs their employment relationship with the City.

Formatted: Font color: Black

Formatted: Font: Not Bold, Font color: Black

(g)(h) Exempt Employee

An employee defined according to the federal Fair Labor Standards Act (FLSA) to be subject to equal pay provisions but exempt from minimum wage and overtime pay provisions. Exempt employee's compensation is based on an annual salary basis and there is no compensation for hours worked in excess of the defined work week.

(h)(i) Health Impairment

A temporary or permanent mental or physical impairment including, but not limited to injury (on or off the job), illness, or other job-restricting impairment, which diminishes or precludes one's capacity for, or renders one unfit for performance of the essential job functions of the position.

(i)(i) Non-Exempt Employee

An employee defined according to the FLSA to be subject to equal pay, minimum wage, and overtime provisions. For regular employees, hours worked in excess of the 40-hour work week will be paid at a rate of 1½ times the employee's regular rate of pay. For police ~~shift-officer~~ employees, hours worked in excess of the ~~86-hour bi-weekly work period~~ 12.25 hour shift will be paid at a rate of 1½ times the employee's regular rate of pay. For guard employees, hours worked in excess of the 85-hour bi-weekly work period will be paid at a rate of 1½ times the employee's regular rate of pay. Non-exempt employees take vacation and sick leave hours in quarter hours increments.

(j)(k) On-the-job Injury

An injury arising out of employment or sustained in the course of employment.

(k)(l) Overtime Rate

The overtime rate of pay is one and one-half (1½) times the regular rate of pay for non-exempt employees.

(m) Promotion

A promotion is defined as the change of an employee from a position in one grade to a position in another grade of a higher level.

(n) Qualified Person with a Disability

An individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.

(o) Reassignment

Reassignment is defined as the movement of an employee within the classification plan not otherwise covered by demotion, promotion, or reclassification. The terms reassignment and transfer may be used interchangeably.

(m) Reclassification

A position whose classification is altered due to job duties and responsibilities. Reclassifications can be to a higher, lower, or same pay grade.

(n) Relative

For purposes of this handbook, relatives are defined as follows:

- Spouse
- Parent or Step-parent
- Parent-in-law
- Child or Step-child
- Sister or Step-sister
- Brother or Step-brother
- Sister-in-law

- Brother-in-law
- Grandparent and Grandparent-in-law
- Grandchildren
- Aunt or Uncle
- Niece or Nephew
- First Cousin

(o) Supervisor

The term supervisor shall apply to any employee formally assigned to supervisory responsibilities for personnel and operations of a work unit within a larger department of City government. Department Directors and the City Manager should be understood to be supervisors of individuals who report directly to them.

(p) Unauthorized Absence

Failing to report for duty or failure to remain at work as scheduled without proper notification, authorization, or excuse.

B. ATTENDANCE & WORK HOURS

Section 1: Policy Statement

~~In order to~~To maintain a high level of responsiveness to the City of Flowery Branch citizenry, it is important that employees follow established work hours, avoid tardiness and unauthorized absences, and follow reporting requirements.

Section 2: General Provisions

(a) General Business Hours

All offices of the City will be kept open continuously from 8:00 a.m. to 4:30 p.m. Monday through Friday. Unless otherwise approved by the City Manager, the regular work week is from 8:00 a.m. to 4:30 p.m. Each department may schedule alternate work schedules to meet their needs and the needs of citizens with approval of the City Manager.

(b) Dress Code

Formatted: Font: Not Bold, No underline

Employees are expected to maintain the highest standards of personal cleanliness and present a neat, professional appearance at all times. Our professional image is an important aspect of our organization. Whether or not your job responsibilities place you in direct contact with city officials, state officials, legislators or the public, you represent the City with your appearance as well as your actions. The properly attired man or woman helps to create a favorable image for the City. Situations in which inappropriate attire is worn and/or any exceptions to the dress code will be addressed by the employee's Department director in consultation with the City Manager. Employees who are improperly attired may be required to leave work to change their attire. Employees will not be compensated for the time they are away from work to change improper attire.

Unless otherwise announced by City Manager, every Friday employees may wear casual attire which is clean, neat, and presentable. Any other casual day will be designated at the City Manager's discretion.

The following clothing is not appropriate attire for casual day: shorts, halters, tank tops, jeans with holes, stretch pants, sweatpants, lounge pants, low neckline front or back, flip flops and slippers or clothing that has words, pictures, scenes, etc. Exceptions may be authorized by the City Manager for special events or weather conditions, such as allowing tailored shorts for hot weather.

Employees within the Public Works and Water/Wastewater Departments will be provided work boots paid for by the City in the amount of \$150.00. During extenuating circumstances or events, the City may pay up to \$175.00 after approval from the Finance Director or designee. Any amount above the approved price, will be the responsibility of the employee at the time of purchase.

(b)(c) Hours Worked

~~Except as otherwise noted below, a~~Authorized paid leave is not considered hours worked for the purpose of determining overtime eligibility or Family Medical Leave (FML) eligibility.

~~1. Vacation and sick leave hours are not considered hours worked for the purpose of determining overtime eligibility.~~

Formatted: Indent: Left: 1"

Formatted: Indent: Left: 1"

Formatted: Font: Not Bold, No underline, Underline color: Auto

Formatted: Indent: Left: 0.99", No bullets or numbering

~~2. Vacation and sick leave hours are not considered hours worked for the purpose of determining eligibility for Family Medical Leave (FML).~~

(e)(d) Attendance Requirements

Maintaining good attendance is a condition of employment and an essential job function of every employee. An employee will refrain from unauthorized absences or tardiness; abusing sick leave; absences or tardiness that causes significant disruption of service, and excessive amount of time off the job, regardless of reason. An employee absent from the job without proper authorization for three consecutive workdays may be considered to have resigned their position, unless exigent circumstances are demonstrated upon review on a case-by-case basis.

(d)(e) Additional Work

All employees ~~are~~ may be required to work in excess of their official hours, when necessary, as determined by department management. Such additional work assignments may be rotated and allocated among employees qualified to perform the duties. Excess hours may be required or granted for a specific period of time or on a regular basis as operating circumstances warrant. Additional work by non-exempt employees must be approved in advance by the employee's supervisor. This includes, but is not limited to, work before or after regular work hours or work taken home.

(e) ~~Time Increments~~ Time Entry

~~Hourly computations for the purpose of compensation and the use of vacation and sick leave will be computed in quarter hour increments for non-exempt employees.~~

All non-exempt employees are required to utilize the electronic time and attendance software for all hours worked. All non-exempt employees will approve and submit their electronic timecard to their Department Director or Supervisor for approval at the end of each pay period. The Department Director or Supervisor is responsible for timely reviewing and approving their department timecards for payroll processing.

(f) Meal Breaks

Mealtime should be thirty (30) minutes in length. Other rest periods of short duration during the day should not be disruptive to operations and should not exceed a total of fifteen (15) minutes in length and be approved by the employee's supervisor. In compliance with the Fair Labor Standards Act, ~~meal-time~~mealtime during a shift or tour of duty is not considered compensable time, unless the employee is required to respond to calls during the ~~meal-time~~mealtime. Department Directors may allow other mealtime lengths that are greater than thirty (30) minutes.

Section 3: Alternative Work Schedules

(a) General Provisions

Subject to operational requirements, regular full-time employees may be permitted to work an alternative work schedule that allows the employee to work outside the normal work hours of 8:00 a.m. to 4:30 p.m. Monday through Friday.

(b) Approval Process

Any change in an employee's work schedule must be agreed to in writing by the department director and the employee prior to implementation. In addition, the City Manager ~~and the Director of Human Resources~~City Manager or Designee must approve any change in an employee's work schedule to ensure there is no conflict with statutory/regulatory requirements or city policy.

(c) Restrictions

- The City may cancel or suspend an employee's alternative work schedule privileges at any time, for any or no reason.
- Daily and weekly work schedules can be modified at the City's discretion to meet changing operational needs.
- Approval of an alternate work schedule does not restrict employees from working more than their scheduled work hours.
- Employees can be required to depart from their alternate work schedule as necessary, to work additional hours, to attend training, or for other business purposes as determined by the City.

- No alternate schedule will be approved that has the potential to unduly increase the City's overtime pay liability or that results in an inconvenience to, or disruption of, the City's business.

(d) Telecommuting

Telecommuting is defined as working one or more days each workweek from home or an alternate work area instead of commuting to the city worksite where the employee would be required to work if they did not telecommute.

~~The City recognizes telecommuting as a valuable alternative work arrangement, where appropriate, for eligible employees.~~

The fundamental assumptions behind utilizing telecommuting are:

- Productivity – it is expected to continue at a satisfactory and acceptable level during telecommuting periods.
- Organizational benefit – telecommuting will be done to benefit the organization and the services provided. Examples of this include during a pandemic or during office renovations, etc.
- Management discretion – The City Manager will have the final authority in the applicability of telecommuting for each situation and shall have the right to terminate the telecommuting program or a telecommuting agreement at any time.

The City may allow telecommuting during certain situations. However,
~~Telecommuting~~ is not appropriate for all employees. No employee is entitled to, or guaranteed the opportunity to, telecommute. Offering the opportunity to work at home is a management option, based on the recommendation of the employee's ~~department head~~ department director. An employee's participation is strictly voluntary. All telecommuting agreements must meet the criteria in this policy and may be terminated at any time by either the employee or the supervisor. The City Manager, or designee, and the Department Director will be the final approving authority for any telecommuting arrangements made for city employees.

Not all city jobs lend themselves to telecommuting. Employees may be considered on an individual basis for their telecommuting eligibility. A primary consideration for administering telecommuting in the City is that it does not interfere with services provided to the public during business

hours. An employee's work must be of a nature that face-to-face interaction with other employees, external customers, or project workgroups is minimal and the employee's tasks can be performed successfully away from the office. Telecommuting agreements are entered into for the good of the City and the services provided.

Employer-initiated requests may be implemented during an emergency situation. Those may include times during an office space renovation, pandemic, hazardous weather, or other events that could result in the office needing to be closed while operations continue.

Employee-initiated requests will be considered on an individual basis for the following reasons:

- Temporary office renovation project
- Short-term emergency situations (hazardous weather, school or childcare closures, illness of immediate family members)
- Short-term planned or unplanned / preapproved situation (recovering from surgery, caring for a family member after surgery, repair technician appointment, etc.)
- Regular basis consideration when both the employee and the position are suited to such arrangements

Formatted: List Paragraph, Bulleted + Level: 1 +
Aligned at: 1.75" + Indent at: 2"

City employees shall devote full time and attention to City business during telecommuting/business hours. Employees will not engage in outside employment during this time. Telecommuting is not a program designed to assist with dependent care. Primary care for dependents (~~child~~ ~~care~~ ~~childcare~~/elder care) during agreed-upon work hours shall be provided by someone other than the telecommuting employee. All telecommuting employees are required to maintain in-office periods, to attend staff meetings and interact as necessary with other staff, both within and outside of the department. Telecommuting employees shall not hold business meetings with internal or external clients, customers, or colleagues at their residence. Telecommuters shall be available to be called into the City work location at any time, without prior notice, for any reason, unless a medical condition would prohibit compliance at that time.

The amount of time an employee is expected to work per day or per pay period will not change due to participation in the telecommuting program. Employee salary, benefits, and insurance coverage will not change due to telecommuting participation. If a reduced workweek is agreed upon, this is

a separate issue from telecommuting and will be treated just as a reduced workweek arrangement would be at the normal work location.

The employee must submit a sick or vacation leave request to cover any hours not worked due to (personal or family) illness, doctor appointments, or funeral attendance during the telecommuting period. Supervisory approval for leave and overtime requests shall be required in advance, just as in the normal work environment. Overtime must be pre-approved by the supervisor.

Office supplies will be provided by the City and should be obtained during the telecommuter's in-office work periods. Out-of-pocket expenses for supplies normally available in the office will not be reimbursed. All supplies must be returned to the City as soon as the telecommuting arrangement is no longer valid or if the equipment will no longer be needed by the employee to do their work.

The City will not provide office furniture.

It is important that consistent communications be maintained by telecommuting employees. Telecommuters shall be available at their remote locations by telephone and/or e-mail to management and other City staff during agreed-upon work hours. The City will not provide cell phones to telecommuters unless they are otherwise provided in the normal scope of business. Telecommuters shall notify the office if they leave their telecommuting location, just as they would inform the receptionist or someone else when leaving the traditional office during the workday. Reimbursement for cellular phone calls from the remote work location requires ~~department head~~ department director approval.

All employees approved for a telecommuting arrangement must continue to comply with all City policies, which includes the technology policy. Employees will always protect City equipment and property. If damage or theft occurs, an employee must report it to their direct supervisor immediately. Equipment must be password protected, include up to date virus protection, stored in a safe and clean area when not in use, and free of suspicious, unauthorized, or illegal software.

Employees will maintain accurate records of all hours worked and meal breaks through the electronic timekeeping system that the City utilizes.

Formatted: Indent: Left: 0", First line: 0"

(e) Alternative Work Schedule

Alternative work schedules may be permitted allowing employees to work outside the normal working hours of Monday through Friday from 8:00 am to 4:30 pm. Any change in an employee's work schedule must have agreed on in writing between the Department Director and employee. The City Manager must also approve prior to implementation.

The City may cancel or suspend an employee's alternative work schedule at any time, for any or no reason. Work schedules may be modified at the City's discretion to meet the changing operational needs. Employees can be required to depart from their alternat work schedule as necessary, to attend training, work additional hours, or other business purposes as determined by the City. No alternate schedule will be approved that has the potential to unduly increase the City's overtime pay liability or that results in an inconvenience to, or disruption of, the City's business.

C. EMPLOYEE STATUS CHANGES

Section 1: Policy Statement

Employees may undergo any number of changes in status and/or compensation. The purpose of this chapter is to identify and describe the more common of these changes.

Section 2: General Provisions

(a) Requirement

All promotions, demotions, reassignments, or transfers are contingent on position availability, the employee meeting the minimum qualifications, and the availability of funds in the discretion of the City Manager and City Council.

(b) **Probation Period Requirements** - We currently have 90-day orientation period, do we want to do probationary period?

Commented [TP3]: We and the PD need to match. Check on what theirs is please.

1. Original Probation Period

Newly hired employees are subject to a twelve (12) month probationary period in the position to which they are hired (the “Original Probation Period”).

2. Position Probation Period

Employees who are promoted, demoted, are subject to a six (6) month probationary period in the new position (the “Position Probation Period”). If the probationary period is to be extended, the employee will be notified in writing at least two weeks prior to the expiration of the Original Probation Period.

3. Extension of Probation

The probationary period may be extended one time for a period not to exceed three months by the ~~Department Head~~Department Director with notice to the ~~Director of Human Resources~~City Manager or Designee.

Probation Period Restrictions

Except as the result of disciplinary action or business necessity, no status change described in this Handbook may occur while an employee is in a probationary period.

(c) **Compensation**

Status changes described in this Handbook may affect compensation, based on position classification and availability of funds.

(d) **Effective Dates**

Except for temporary reassignments in emergency situations, status changes described in this Handbook can only be effective at the beginning of a pay period.

Section 3: Promotions and Demotions

(a) Eligibility for Promotion

Employees may be eligible to promote to higher classified positions based on qualifying skills and demonstrated performance. Employees should consult their Department Director regarding career tracks and job requirements for promotion within their area should opportunities arise. Employees should also check the City website for announcements and requirements for job openings.

(b) Reasons for Demotion

Employees may be demoted as the result of failure to meet minimum performance standards established for their position, disciplinary action, job elimination due to business necessity, or accommodation.

Section 4: Reassignment

(a) Management Reassignment

An employee may be reassigned to a position in the same rank or classification with different duties and responsibilities. This action may be taken at the discretion of ~~department head~~department director.

(b) Temporary Reassignment to Higher Classification

Employees may be temporarily assigned to an acting status in a higher position having different duties and responsibilities when:

1. An existing position is vacant or the incumbent is or will be absent from work for at least thirty (30) days.
2. Operational effectiveness precludes dispersing the duties of the position among other equally classified employees.
3. The employee meets the minimum qualifications of and is capable of performing the assigned duties of the higher level position, and

4. The City Manager or their designee approves the temporary acting status in writing prior to the reassignment.
5. A PAF (Personnel Action Form) must be generated to reflect all changes.

(c) Employee-Sought Reassignment

Employees may voluntarily seek transfers to equally or lower classified available positions for which they are qualified. Such transfers may not be granted if the City Manager determines that it is not in the best interest of City operations.

Section 5: Management Reclassification

(a) General Overview

Reclassification of a position may occur at the request of a department director and upon approval of the City Manager when the job duties actually performed and the minimum qualifications of the position have significantly changed since the job description was written.

Reclassification may result in a position being placed in a higher, lower, or same classification. Employees whose positions are reclassified will be given advanced written notice of the reclassification by the department director.

(b) Approval

All requests for reclassifications should be submitted to the ~~Director of Human Resources~~ City Manager or Designee, ~~who will review and make a recommendation to the City Manager or designee~~ for approval.

Section 6: Nepotism & Conflicts of Interest

(a) General Overview

When relatives, as defined earlier in the definition section, work within the same department, potential conflicts of interest can arise. In order to prevent these conflicts, the city prohibits two (2) or more relatives to be employed within the same department.

Formatted: Highlight

(b) Options

1. Voluntary movement of either or both employees based on availability of positions in other departments and qualifying skills of the employee(s).
2. Involuntary reassignment to an available position of equivalent status/grade.
3. Resignation or dismissal from City service.

Non-Fraternization

Romantic or sexual relationships between a manager/supervisor and a direct report employee can cause real or perceived conflicts of interest. In order to prevent these conflicts, the City prohibits such relationships or any conduct that is intended or may reasonably be expected to lead to the formation of a romantic or sexual relationship between a manager/supervisor and an employee in a direct reporting relationship. This policy applies regardless of whether or not both parties freely consent to such relationships. Should a manager desire to date or become involved with a direct report employee, the manager should first resign from their position with the City.

Should two employees within the same department but not in a direct reporting relationship desire to become involved in a romantic relationship, they should disclose the relationship to the Department Director who shall then make a decision regarding the effect of the relationship on work product and ~~work flow~~ workflow within the department. If in the judgment of the department director, the relationship between two employees within the department creates a negative effect on departmental operations, then one of the two will be asked to transfer or resign their position with the City.

By its prohibition of romantic and sexual relationships, the City does not intend to inhibit the social interaction (such as lunches or dinners or

attendance at entertainment events) that are or should be an important part or extension of the working environment.

D. HIRING AND SELECTION

Section 1: Policy Statement

The City is committed to employ, in its best judgment, the most highly qualified candidates for approved positions in compliance with all applicable employment laws. It is the policy of the City to provide equal employment opportunity for all employment to all applicants and employees.

~~Human Resources~~ ~~The City Clerk's~~ The City Manager or designee authorization is required to initiate any action for an open position including any recruitment efforts, advertising, or interviewing, and approval is required to extend any offers of employment to any perspective candidate.

Commented [MH4]: Consistent with below

Section 2: General Provisions

(a) Equal Employment Opportunity

The City of Flowery Branch provides equal opportunity to all employees and applicants without regard to race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, or status as covered veterans in accordance with applicable federal, state and local laws. This policy applies to all terms and conditions of employment including, but not limited to hiring, placement, promotion, termination, reduction in force, recall, transfers, leaves of absence, compensation, and training.

(b) The Americans with Disabilities Act

The Americans with Disabilities Act (ADA) prohibits, under certain circumstances, discrimination based on disability in the areas of employment, public services, and public accommodations. ADA requires employers to reasonably accommodate qualified individuals with disabilities. It is City of Flowery Branch's policy not to discriminate against individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. The City of Flowery Branch will provide reasonable accommodations to both employees and members of the public, if so requested, unless it creates an undue hardship for the City. The factors

to be considered with respect to an undue hardship are: (1) the nature and cost of the accommodations; (2) the overall financial resources of the facility at which the reasonable accommodations is to be made; (3) the number of persons employed at that facility; (4) the effect on expenses and resources or other impact upon that facility; (5) the overall financial resources of the City; (6) the overall number of employees and facilities; (7) the operations of the particular facility as well as the entire City; and (8) the relationship of the particular facility to the City. These are not all of the factors but merely examples.

Reasonable accommodations must be requested in writing and submitted to the City Manager. The request will be reviewed and considered by the Reasonable Accommodation Committee comprised of the City Manager, the Department Director, and the Safety Officer, and will render a written decision within 10 working days.

Any employee who believes that there has been a violation of this City policy, or any applicable law relating to accommodating a person with a disability, should immediately contact their Department Director. If the Department Director is unable to resolve the issue, the individual is to contact the City Manager. All complaints will be promptly investigated. All individuals are expected to cooperate with an investigation. The information obtained during the course of an investigation will, generally, be held in confidence and will only be disclosed to those individuals who have a need for the information.

(c) Selection Criteria

Selection for employment with the City of Flowery Branch is based solely on job-related qualifications and is contingent on satisfactory results of such exams or tests as either required by law or administered due to job-related duties.

(d) Minimum Age

Eighteen is the minimum age of employment for the City with the following exceptions:

1. The minimum age for certified police uniformed services is age 21.

2. Selected temporary positions where persons are at least age 16 and are allowed by law to work in jobs that are non-hazardous.

Section 3: Application Process

(a) Recruitment Requests

Upon a vacancy, the department director should notify the ~~Director of Human Resources~~City Manager or Designee. An advertisement will be published for every vacancy stating the position, the minimum training requirements, the salary range, how to apply, and the closing deadline for application submission. This notice will be published for a minimum of fourteen (14) calendar days. At the recommendation of the ~~department head~~department director and approval of the ~~Director of Human Resources~~City Manager or Designee, an attempt at internal recruiting may be the initial course of action, in which case the advertising period may be altered.

Formatted: Not Highlight

(b) Forms and Submission

All candidates for a position, ~~whether or not~~whether currently employed by the City, must complete a new employment application, resume or letter of interest and file it with the City's ~~Director of Human Resources~~City Manager or Designee for Designee for each vacancy of interest. Additional information outside the initial employment application may be required from candidates.

(c) Examinations

As determined by the department director and under the review and management of the ~~Director of Human Resources~~City Manager or Designee, the selection process may include, but not necessarily be limited to, one or more of the following: Oral interviews, evaluation of experience and training, written basic skills test, physical ability skills test, driver history, criminal history, truth verification testing, psychological testing, and reference and background checks. Any personnel involved in finance, or the handling of cash will be required to have a credit check completed and the results will be taken into consideration for employment.

(d) Falsified or Omitted Material

Omission or falsification of any material fact on an application or resume or any other official agency documentation disqualifies an applicant for consideration of employment, transfer or promotion. Disciplinary action may be taken against a current employee for an omission or falsification, up to and including termination regardless of when the omission or falsification is discovered.

Section 4: Selection

(a) Job-Related Criteria

Selection for employment with the City of Flowery Branch is based on job-related criteria that may include, but is not limited to:

1. Possession of the necessary knowledge, skills, abilities, training, education, licenses, certifications and experience required for the position.
2. Satisfactory results on performance tests and/or physical or psychological examinations, or drug and alcohol tests.
3. Satisfactory results on criminal history, driving record, employment and education reference checks.

(b) Nepotism

All provisions of the nepotism policy in this Handbook will be adhered to during the selection process. ~~For further information, please refer to the nepotism policy. Department directors or elected officials shall be prohibited from hiring their own relative to a position within their department. In recognizing that there are situations where romantic or other personal relationships between employees can adversely impact the conduct of the City's activities, the City has a policy perspective on such relationships.~~

The City recognizes the right of individuals to privacy in their personal relationships and the City will only involve itself where such relationships have the potential to impact the City's activities.

It is not possible to outline all the scenarios which would cause concern to the City, but some of the more obvious include:

- Where one employee has access to sensitive, confidential information or to information not generally available to all employees.
- Where one employee is a manager or supervisor of the other involved employee.

Formatted: Indent: Left: 2", No bullets or numbering

The City will treat any situations of this nature on a case-by-case basis. However, employees should be aware in advance that a likely outcome of such relationships is that one of the employees involved may have to terminate employment to avoid potential adverse impact on the City's activities.

Formatted: Indent: Left: 0.49", Hanging: 0.01", No bullets or numbering

(c) Position Control

It is the responsibility of the ~~Director of Human Resources~~ Finance Director or designee to maintain a City wide position control in order to track authorized positions and the status thereof. The position control shall be the document of authority for determining the availability of positions for recruitment.

Section 5: Eligibility Registers

To the extent that the examination process adopted by the ~~Director of Human Resources~~ City Manager or Designee, for a particular position provides for the creation of a listing of participants who met certain minimum standards for performance so as to be eligible for employment, this listing shall be known as an Eligibility Register. Any examination process that results in the creation of an Eligibility Register shall specifically state in writing the method by which offers for employment will be extended to individuals appearing on the Eligibility Register and shall so notify all participants in the examination process. In any event, and under any examination process resulting in the creation of an Eligibility Register, an individual's existence on an Eligibility Register does not constitute an offer for employment or any guarantee of future employment. Therefore, an individual shall have no expectation of employment based upon appearance on an Eligibility Register. To the extent that the examination process

adopted for a particular position utilizes an Eligibility Register and specifically provides for future hiring based upon the Eligibility Register, any individual who is extended an offer of employment based upon appearance on that Eligibility Register more than sixty (60) days after the completion of the examination, shall be subject to submitting updated information, including re-submitting to the applicable background checks, drug tests, and medical exams. The subsequent submittal of updated information may result in an applicant being denied employment.

Section 6: **Re-Employment**

To be considered for re-employment, former employees must have demonstrated acceptable prior service with the City and must meet the current minimum qualifications for the position for which they are applying. Re-hired employees are subject to the conditions of employment and benefits of a newly hired employee, **except in the case of vacation leave where previous years of service for the city are credited as specified below in this Handbook.**

Formatted: Highlight

Section 7: **Probationary Period** ~~Currently we have a 90 day orientation~~

~~period.~~

Formatted: Highlight

(a) **Application**

Formatted: Indent: Left: 0", Space After: 0.05 pt, Tab stops: 1.35", Centered + 2.73", Centered

It is the purpose of the probationary period to provide a time by which both employee and employer can decide whether to continue employment. Probationary employees and supervisors should utilize the time to examine all aspects of the job and related performance.

1. **Original Probation Period**

Newly hired employees are subject to a **twelve (12) month** probationary period in the position to which they are hired (the "Original Probation Period").

Commented [TP5]: Again, we need to be consistent with the PD.

2. **Position Probation Period**

Employees who are promoted, demoted, reassigned or transferred are subject to a six (6) month probationary period in the new position (the

“Position Probation Period”). If the probationary period is to be extended, the employee will be notified in writing at least two weeks prior to the expiration of the Original Probation Period.

(b) Extension

The probationary period may be extended one time for a period not to exceed three months by the ~~Department Head~~Department Director with notice to the ~~Director of Human Resources~~City Manager or Designee. The employee must be notified in writing of their probationary status being extended at least two weeks prior to the expiration of the probation period.

(c) No Status Change

Employees in a probationary status are not eligible for reassignment, promotions or voluntary transfer, unless specifically approved by the City Manager.

(d) Appeal Rights

Employees in a probationary status do not have grievance or appeal rights to disciplinary action.

(Modified 3/2014)

Employees who are in probationary status due to a promotion will maintain their appeal rights except for any grievance or disciplinary action that is directly related to the promotion.

Formatted: Not Highlight

(e) Dismissal

Dismissal of an employee during the probationary period should be coordinated with the ~~Director of Human Resources~~City Manager or Designee and Designee and subject to review by the City Attorney. Newly hired employees terminated while on probation will not be compensated for any accrued vacation leave.

Section 8: Contract Employment

(a) General Overview

Personnel from temporary employment agencies or contract employees outside an agency may be utilized from time to time by the City to facilitate business needs. The temporary agency is responsible for hiring, training, assigning, disciplining, and terminating its contract personnel. For performance purposes, contract personnel assigned a City project will be supervised by the department director or designee. Contract employees are not eligible to receive City benefits. Contract employees outside an agency must supply their own equipment, manage their own schedule and are responsible for their own payroll tax payment and filing.

(b) Requests for Contract Employment

Requests for contract personnel must be placed through the ~~Human Resources Department~~City Manager or designee and will be reviewed by both ~~Human Resources~~City Manager and Finance, and subject to availability of funds. Temporary assignment must be approved by the Finance Director, ~~Director of Human Resources~~ and City Manager prior to the engagement of the contract service. The ~~Director of Human Resources~~City Manager or Designee will keep a list of approved temporary agencies and will coordinate the assignment once approval has been issued.

Section 9: Other Employment

(a) General Overview

The City recognizes that employees may seek additional employment during their off hours to earn additional income or develop new skills and experience. Despite any other outside employment, their City job is the primary employment responsibility for full-time employees. Working extended hours while at a secondary job may adversely affect the health, endurance, and productivity of employees. The City does not consider outside employment to be an excuse for poor job performance, tardiness, absenteeism, or refusal to work overtime or travel when required by the City. Outside employment also presents the opportunity for conflicts of interest.

(b) Outside Employment

~~Keep?~~ Outside employment is subject to written approval by the department director or designee. A City employee may engage in any business, trade, occupation, or profession that does not:

Formatted: Highlight

Commented [TP6]: I do not think we should keep this.

1. Bring the City into disrepute;
2. Reflect discredit upon the employee as an employee of the City;
3. Interfere with the performance of the employee's City duties;
4. Present a conflict of interest;
5. Result in misuse of City property or funds;
6. Result in use of the City position for unethical/or illegal personal gain;
7. Violate department policy or procedure; or
8. Decrease the health or endurance of employees or adversely affect their productivity.

(c) Dual City Employment & Volunteer Time

Employees may not hold more than one compensated position with the City.

(d) Prohibitions

1. Department directors are prohibited in engaging in any form of outside employment without the specific approval by the City Manager.
2. No employee shall engage in any employment or business where the work presents a conflict of interest.
3. No employee shall engage in any employment or business where the work of the secondary employer has been in the last twelve (12) months or is currently the subject of an investigation by the employee's City department.
4. With the exception of vacation leave, if you are on leave of any other

type, you are not able to work an off-duty job.

5. No employees shall engage in any private business or activity while on duty.

(e) Approval

1. An employee must obtain permission in writing from the department director or their designee before accepting any other employment or engaging in any other business. The prescribed form should be used for permission as it gathers the pertinent information for review of the request.
2. An employee must obtain permission in writing from the department director and the ~~Director of Human Resources~~City Manager before accepting an assignment as a volunteer for the City.
3. Permission granted is subject to revocation in the event of a subsequent unknown or occurring conflict with this policy.

E. PERFORMANCE MANAGEMENT AND REVIEW

Section 1: Policy Statement

The job performance of all employees will be reviewed ~~periodically-at least annually~~ to determine if salaries should be adjusted, if job descriptions should be revised, or if jobs need to be reclassified. ~~An annual periodic~~ formal performance review is intended to ensure that all employees:

1. Are aware of what duties and responsibilities are expected;
2. Understand the level of performance expected;
3. Receive timely feedback about their performance;
4. Have opportunities for education, training, and development;
5. Are evaluated in a fair and consistent manner;
6. Have performance goals established.

Section 2: General Provisions

(a) Timing

The performance of employees will be reviewed and documented:

1. Prior to completion of any probationary period.
2. ~~At least annually for all full-time employees.~~ Annually in the month of November, with all evaluations completed by November 31st. Associated merit raises will take effect on January 1st.
3. ~~In a timely manner that will coordinate with the fiscal year if evaluations are tied to pay.~~

Formatted: Superscript

Commented [TP7]: Revise this to be anniversary date.

Formatted: Superscript

(b) Performance Discussion

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Interim reviews by the supervisor of an informal nature throughout the year are ~~encouraged~~ expected. The purpose is to foster communication, assure common understanding of purpose and expectations, and to assist in detecting problems as they develop.

Performance Management and Review

Section 3: Review Process

(a) Review Discussion Content

Together the supervisor and employee will discuss the employee's performance during the review period and plan for the next review period. The contents of the review should:

1. Identify the principal duties of the job and measured results of those duties during the review period;
2. Review the expectations of the level of performance and the measured results of meeting those expectations during the review period;
3. Define the results that recognize significant work or projects during the review period;
4. Identify and address areas of employee development needs;
5. Develop an action plan for training to improve or add skills;
6. Set goals and objectives for the upcoming fiscal year; and
7. Offer advice on career advancement, specialization and training.

(b) Documentation

The supervisor will document the employee's evaluation and any agreed upon plans on the prescribed forms. ~~Subsequent to~~ After the review with the employees, both the evaluator and employee should sign the form. Your signature on the evaluation form does not necessarily indicate agreement with the contents of that form, but merely indicates that you have seen and understand the contents of that appraisal.

(c) Appeal of Performance Review

If an employee disagrees with the supervisor's assessment of their performance, the employee may write a letter of explanation stating their concerns with the evaluation. Any submittals from an employee on their performance evaluation, will be included in their file.

F. TERMINATION OF EMPLOYEE STATUS**Section 1: Policy Statement**

Employees leave the City of Flowery Branch workforce under various conditions that include retirement, voluntary separation, dismissal, or reductions in force. Regardless of reason, the end of employment shall be conducted in a discreet, respectful, and efficient manner. Procedures may exist affecting the employee's terminal pay and disciplinary action appeals. Employees should make themselves aware of these procedures.

Section 2: Resignation or Retirement**(a) Resignation**

An employee is ~~encouraged~~required to submit a resignation to his/her department director at least two (2) weeks prior to the effective date of the resignation. The resignation notice should indicate the last working day or shift with the City of Flowery Branch. An employee may be permitted or requested to leave immediately. Employees will not be allowed to use vacation during the notice period unless it was scheduled prior to giving notice. If the employee is requested by the City to not work through the notice period, the employee will be paid through the effective date of their resignation.

Formatted: Highlight

Department directors are required to submit a resignation to the City Manager at least four (4) weeks prior to the effective date of the resignation.

(b) Retirement

An employee must give written notice of intent to retire to his/her department director as soon as possible, but no less than thirty (30) calendar days prior to the intended retirement date. This notice is required in order to

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

facilitate timely processing of retirement benefits. The retirement notice should indicate the last working day or shift with the City of Flowery Branch. In the case of disability, application of disability retirement satisfies the notice requirement.

(c) Process of Exit

After receiving written notice of voluntary resignation or retirement, the department director shall notify the ~~Director of Human Resources~~[City Manager](#). Employees who leave the City's workforce will be paid for accrued paid time off as detailed in the Compensation & Benefits Chapter of this document, provided they have completed their initial probationary period ~~and submitted a proper two-week notice of resignation (described above)~~. All city property assigned to the employee is considered an advance of wages and must be returned in proper working condition before receiving

the final paycheck. Unreturned items will be deducted from the final payout to the extent allowed by law.

(d) Pending Disciplinary Action

An employee whose resignation or retirement notice is tendered and accepted after the initiation of a disciplinary action forfeits their right to appeal the disciplinary action.

(e) Involuntary Termination

Employees who are involuntarily terminated from the City will receive a written statement citing the reasons for the dismissal, the date of the dismissal, and appropriate notification for benefits.

Section 3: Lay-Off

(a) Statement of Policy

Lay-off is defined as a reduction in force that may result in the separation of employee(s) due to abolishment of a position, a shortage of funds or work, a need to increase efficiency, or a material change in the duties or organizational unit of the Department. No lay-offs shall be made for the purpose of dismissing an employee for incompetence, misconduct, or for other reasons, except as included in this Section. The lay-off does not reflect discredit upon the service of the employee.

(b) Procedures

A lay-off can be recommended by the City Council, ~~and/or~~ the City Manager, ~~and/or the Director of Human Resources~~. Any lay-off must be approved by the ~~Director of Human Resources~~ City Manager or Designee ~~prior~~ Designee prior to becoming effective.

Prior to the lay-off, the affected Elected Official/~~Department Head~~ Department Director shall make recommendations to the ~~Director of Human Resources~~ City Manager or Designee ~~who~~ Designee who shall consider work records, employee evaluation ratings, and length of service in determining which employees shall be laid-off. If it is found that two or

more persons in the Department in which the lay-off is to be made have equal ratings as determined by review of employee records and evaluation ratings, the order of lay-off shall be based upon seniority. No full-time employee shall be laid-off while another person is employed on a temporary or part-time basis in a position within the same job description if the employee is willing to accept the temporary or part-time work. In evaluating employees for purposes of a lay-off, care should be taken to accurately evaluate all employees. An employee shall not be laid-off based on race, color, creed, religion, sex, national origin, age, political affiliation, disability, or any other category protected by federal and/or State law.

(c) Lateral Transfers or Demotions to Preserve Employment

Prior to lay-off and in an effort to avoid separation of employment, the ~~Director of Human Resources~~ City Manager or Designee may Designee may direct Lateral Transfers or Demotions as necessary to place employees into positions for which they are qualified rather than lay them off. Lateral Transfers or Demotions in accordance with this Section will be effective unless the employee elects in writing to be laid off. Written notice of said election from the employee must be received by the ~~Director of Human Resources~~ City Manager or Designee within Designee within three (3) working days after the employee has received notice of the Lateral Transfer or Demotion.

(d) Lay-Off Register

The ~~Director of Human Resources~~ City Manager or Designee shall Designee shall prepare a register of employees who have been laid-off to be utilized as provided in this Section. The order of names appearing on this register will be based upon the order of the lay-off and when there is a tie, then seniority will be the determining factor. The names of the employees shall remain on the lay-off register for a period of one (1) year, unless the life of the register is extended an additional year by the ~~Director of Human Resources~~ City Manager or Designee in Designee in his/her sole discretion. During the life of the lay-off register, an employee may submit a written request to have his/her name removed from the list. Employees whose names appear on the lay-off register shall be given primary consideration when conditions warrant rehiring. "Primary consideration" shall mean that the employee does not have to go through the recruiting process, but that the City will notify the employees who appear on the lay-off register when

there is an opportunity to fill a position that the laid-off employee previously held or a comparable position, either full-time or part-time; provided the employee meets the minimum qualifications for the position. In any event, employees whose names appear on the lay-off register are welcome to apply for other positions with the City at any time. If an employee is hired for another position in the City during the life of the lay-off register, the employee's name shall be removed from the lay-off register and no other special consideration shall be given to the employee.

G. USE OF CITY PROPERTY & EQUIPMENT

Section 1: Policy Statement

The City of Flowery Branch is committed to providing a safe workplace and has a substantial investment in the property and equipment used to provide employees the tools for the effective and efficient accomplishment of city business. The appropriate use of facilities, vehicles, equipment, and other items of city property is expected from employees. Additionally, this policy governs the use of the City's computer and electronic communications system, which includes telephone, voice mail, fax machines, ~~I~~internet, electronic mail (e-mail) wireless internet connections and other computer usage.

Section 2: General Provisions

(a) Use of Equipment

All facilities, vehicles, furniture, supplies, and equipment provided and/or used in the course of employment, including without limitation, the telephone, computer, and electronic communications system, is the property of the City of Branch government and may only be used for approved purposes (collectively the "Property"). The Georgia Hands-Free Law must be followed at all times while operating a City vehicle.

(b) Privacy

No employee shall have an expectation of privacy in any Property. This includes the use of the computer and electronic communication system, including, but not limited to, the e-mail and voice mail messages they create, store, send and receive, and the ~~I~~internet sites they visit.

(c) Inspection of Property

Employees may be assigned and/or authorized the use of City-owned vehicles, lockers, desks, cabinets, computers, etc. for the convenience of the City and its employees. Management reserves the right to search city property assigned to employees and documents in employee desks, lockers, file cabinets, etc. The City has the right to monitor any and all aspects of its computer and electronic communication system, including, but not limited to, monitoring sites visited by users on the [Internet](#), reviewing material downloaded or uploaded by users to the [Internet](#), and reviewing email sent and received by users. Such monitoring may be conducted without prior notice. Use of the City's property automatically constitutes consent to such monitoring.

(d) Proper Authorization

An employee shall not, regardless of value, take City Property without authorization. The use of City Property for personal gain or for other than official duty-related use is forbidden.

(e) Discipline

Repayment for loss or damage may be required under this Chapter in addition to, or in lieu of, disciplinary action. Required repayment under this Chapter will be made by payroll deduction from the employee's pay as necessary to recoup the amount to be recovered.

Section 3: Vehicle Use & Operation

(a) Business Use

Except as specified in this Handbook, City vehicles are furnished for official City business and may not be used for personal reasons without express written consent by the applicable Department Director. Employees with take home privileges may make short stops that do not deviate from their normal route during their commute.

(b) Vehicle Assignment

Employees assigned a city vehicle may be authorized to use the vehicle for transportation to and from work. This "take home" provision, if granted, shall only apply to employees living within a ~~25-mile~~30-mile radius of the city limit. If take home status is granted, no personal use of the vehicle is permitted after the commute is complete. No passengers may be transported in take home vehicles unless they are connected to city business or unless authorized by City Manager or in the case of an emergency as approved by the ~~department head~~department director. Employees who are assigned a city vehicle are responsible for ensuring the preventative maintenance and repair schedule is met on the vehicle. Failure to ensure proper repair and maintenance may result in the revocation of the assignment. All vehicle assignments are subject to recall at any time.

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Section 4: Electronic Communication Systems

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

(a) General Provisions

“Electronic Communication Systems” is defined as ~~I~~internet, electronic mail, telephone, voice mail, facsimiles, ~~pag~~ers, mobile phones, 800-~~or 700-~~ mhz radios, computer and computer networks, directories, and files. Employees will not have privacy rights with respect to any activity using these Electronic Communication Systems. All data, including e-mail messages composed, sent and received are the property of the City of Flowery Branch.

(b) Professionalism

At all times, users have the responsibility to use Electronic Communication Systems in a professional, ethical, and lawful manner. Users should use the same care in drafting e-mail and other electronic documents as they would for any other written communications. Users should always strive to use good grammar and correct punctuation. Anything created or stored on the Electronic Communication Systems may be reviewed by others and the quality of communications is a direct reflection upon the City.

(c) Appropriate Use

Personal use of the Electronic Communication Systems is a privilege that may be revoked at any time. Unless prohibited by a department director, ~~O~~ccasional, limited, and appropriate personal use of the Electronic Communication Systems is permitted if the use does not:

1. Interfere with the user’s work performance;
2. Interfere with any other user’s work performance;
3. Compromise the integrity of the Electronic Communication Systems; or
4. Violate any other provision of this policy or any other policy, guideline, or standard of the City of Flowery Branch.

(d) Inappropriate Use

Under no circumstances should the Electronic Communication Systems be used for sending, transmitting, intentionally receiving, copying, or storing

any communication that is fraudulent, harassing, racially offensive, sexually explicit, profane, obscene, intimidating, defamatory, or in the City's sole opinion otherwise unlawful or inappropriate. Users encountering or receiving this kind of material should immediately report the incident to their supervisor and IT ~~Manager~~Vendor. Exceptions are limited to police investigations into criminal activities, which may require the use of the ~~I~~internet for information and intelligence gathering. This is permissible with the prior approval of the Police Chief. Other prohibited uses of the Electronic Communication Systems, include, but are not limited to:

1. Sending chain letters;
2. Sending copies of documents, messages, software, or other materials in violation of copyright laws;
3. Compromising the integrity of the City and its business in any way; and
4. The advertisement of personal business or conducting personal business activities.

(e) Misuse of Software

Users who become aware of any misuse of software or violation of copyright law should immediately report the incident to their ~~Department Director~~ IT Manager. Files obtained from sources outside the City include files downloaded from the ~~I~~internet, files attached to e-mail, and files provided by citizens or vendors. These files may contain dangerous computer viruses that can damage the City's computer network. Users should never download files from the internet, accept e-mail attachments from outsiders, or use disks from non-City sources without first scanning the material with City approved virus checking software. If a user suspects that a virus has been introduced into the City's network, they should notify the IT ~~Manager~~Vendor immediately. Without prior written authorization from the IT ~~Manager~~Vendor, users may not do any of the following:

1. Copy software for use on their home computers or to other computers;
2. Provide copies of software to any independent contractors of the City or to any third person;

3. Install software on any of the City's workstations or servers;
4. Download any software from the Internet or other online service to any of the City's workstations or servers
5. Modify, revise, transform, recast, or adapt any software; and
6. Reverse-engineer, disassemble, or decompile any software

(f) Passwords.

Authorized users will be given a login name that allows access to the network. The user will have a personalized password, which should be obscure in nature and not divulged to others. Any user with knowledge of any password not their own shall report it to their supervisor immediately. No employee shall attempt any unauthorized access to the system.

H. SAFETY & ACCIDENT REPORTING

Section 1: Policy Statement

The City of Flowery Branch is committed to providing a safe workplace. In accordance with this, employees are expected to take an active role in promoting workplace safety by reporting unsafe working conditions and by noting where fire extinguishers, first-aid kits, and emergency exits are located. Additionally, employees are required to participate in identifying and correcting where possible, the underlying causes of accidents and unsafe conditions.

Section 2: General Provisions

(a) Employee Responsibility

Employees are responsible for exercising care and good judgment in preventing accidents and for observing safety rules and procedures when performing their duties. Employees are required to:

1. Report all accidents to their supervisor immediately;
2. Report any unsafe work conditions, equipment, or practices to their supervisor as soon as possible;
3. Attend scheduled safety meetings and activities;
4. In the event of an injury resulting in lost work time, continued contact with the supervisor is required for the purpose of keeping records on the expected return to work status.

(b) Equipment Repair

Employees have a responsibility to report the need for repairs of any City-owned or leased property issued to the employee. No employee shall alter, repair, or in any way change, add to, or remove any parts or accessories of any City-owned or leased Property without the permission of the Department Director.

Section 3: Personal Protective Equipment

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

The City ~~will~~ may provide directly, or through an allowance approved in the annual budget each year, items of personal protection. Supervisors will direct use of personal protective items when warranted and employees are expected to comply with such direction.

Operation of Vehicles

(a) Vehicle Operator Qualifications.

In order to operate a city-owned vehicle in the course of business, an employee must:

1. Be at least 18 years of age;
2. Have a valid Georgia Driver's License for the class of vehicle to be driven or a valid Driver's License from the state in which the employee resides which allows employee to legally operate a city vehicle on Georgia roads;
3. Have a record of no more than two moving citations or one moving citation and one chargeable accident within a twenty-four (24) month period;
 - a. ~~The Department Director or their designee will make the sole determination of whether the accident was chargeable in nature. Chargeable citations include, but are not limited to, DWI/DUI/OUI/OWI, Felony, Suspended License, Fleeing, Excessive Speed~~
 - b. Employees whose primary duty is to drive a city vehicle that do not have an acceptable driving history must be relieved of such duties and assigned to non-driving positions or non-driving duties until their 24-month record reflects an acceptable driving history. If a non-driving position is not available, the employee may be terminated.
4. Be otherwise qualified under federal and state regulations to drive the vehicle in question; and
5. Be trained and authorized to operate the vehicle.

(b) Annual License Review

To ensure the maintenance and validity of driver's licenses, driving records of employees who operate city vehicles will be examined on an annual basis or as needed, as determined by the Department Director. The City will check motor vehicle records (MVR) of all applicants prior to making offers of employment. As part of the hiring process, applicants will be required to sign a written consent form allowing the City to check motor vehicle records at any time prior to or during their employment. The Department Director will be responsible for collection of license copies each year and for the submittal of licenses to the Police Chief who will have the employee's license run through GCIC for review.

(c) Notification Procedures

Employees who operate vehicles in the course and scope of their employment must notify their supervisor:

1. When their driver's license becomes invalid or suspended for any reason. Such employees will immediately be prohibited from operating vehicles on City business.
2. Immediately during work hours or by the next working day if after hours, upon the receipt of any ticket or citation for any violation of state law or a local ordinance relating to motor vehicle traffic operation, except this shall not apply to parking violations received in a personal vehicle. In addition, employees must notify their supervisor when at fault in a motor vehicle crash, whether cited by the police or not, and whether on duty or off. Likewise, employees required to operate any vehicles in the course of performing work for the City may be subject to discipline, including immediate termination if he/she is involved in an off-duty DUI, traffic citation, or accident that may indicated unfitness to safely operate a vehicle.
3. An employee who receives a citation for any violation while operating a City vehicle will be responsible for paying any fine or penalty incurred and will be subject to disciplinary action, up to and including termination.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

4. Failure to report a citation received, whether off or on duty, may be grounds for disciplinary action, up to and including termination.

(d) Operation of Vehicles

Employees shall operate any vehicle used for City business in a careful and prudent manner and shall obey the laws, policies, regulations, and procedures of the city and state pertaining to such operation. Tobacco use or vaping in City-owned or leased vehicles is prohibited. DO WE WANT TO INCLUDE VAPING?

(e) Duty Restrictions

A physical, mental, or driving skill impairment that cannot be reasonably accommodated that affects an employee's ability to safely operate a motor vehicle, or failure to comply with the driver qualifications outlined in this Chapter, precludes that employee from operating any City-owned or leased vehicle for city business. If the operation of a vehicle is an essential job duty, an attempt will be made to place the employee in a non-driving position. If such a position is not available, the employee will be immediately relieved of duty. If the vehicle prohibition is due to suspected physical or mental impairment, the employee will be subject to a health fitness evaluation as outlined in this handbook.

(f) Passenger Restraint Systems

All drivers and passengers in city vehicles are required to wear their seatbelt whether or not it is required law. The only exception will be for detainees being transported in the rear of the police vehicle if the detainee presents a risk to the officer in fastening the seat belt. The driver of the vehicle is responsible for compliance.

Formatted: Highlight

Commented [KH8]: Make sure this aligns with PD policy

Section 4: Accident Involvement

(a) Report Required

All of the following, collectively referred to throughout this Section as an "Accident," shall be reported to the immediate supervisor by the employee involved in the event and any City employees who witness the event:

1. All injuries to an employee or other person occurring during the course of business;
2. All accidents involving city-owned or issued vehicles or equipment, whether or not occurring during the course of business;
3. All accidents involving personal vehicles or equipment used during the course of business; and
4. All property damage occurring during the course of business.

(b) Employee Responsibilities

Unless transported from the accident scene for medical treatment, the employee involved in a job-related accident involving a vehicle or equipment will:

1. Render aid to other parties if possible and necessary;
2. Report the ~~A~~accident and any injuries immediately to local law enforcement in the event of a vehicular accident;
3. Immediately notify their supervisor or designee, as soon as possible if the supervisor is not available;
4. Record the name, address, and phone number of any witnesses, and note the specifics of the ~~A~~accident circumstances, if possible;
5. Be courteous, but not make or sign any statement for anyone other than the police officer responding to the scene;
6. Remain at the scene until excused by law enforcement personnel;
7. Not discuss or reveal information or provide statements to non-City personnel subsequent to the ~~A~~accident. This does not prohibit cooperation with law enforcement investigations outside the City's jurisdiction.
8. Submit to all requested post-~~A~~accident testing as directed by the supervisor or other City Management representative.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

(c) Administrative Accident Investigation

The supervisor or other designated employees will conduct an administrative investigation into the circumstances of the Accident and prepare a written report that includes a statement of the facts and analysis as to cause. The report will also include recommendations of any corrective action necessary to prevent recurrence of such Accidents. The City Attorney will facilitate claim/litigation management with the City's insurance carrier.

(d) Examinations and/or Tests

An employee who is involved in a reportable Accident may be required to undergo examinations and/or tests as specified in the Performance of Duty Standards and Substance Abuse Testing chapters of this handbook.

I. City Travel

Section 15: Travel Expenses

(a) Statement of Policy

The City is supportive of continuing education for employees to improve their skills and knowledge to better serve our city. All travel must be preapproved by the employee's Department Director or the City Manager prior to making any reservations. The claims of employees for reimbursement of actual travel expenses while traveling on official business of the City shall be submitted on a travel expense statement approved by the Department Director or City Manager before reimbursement is made. Itemized receipts must be included with travel expense statement unless otherwise stated.

(b) Reimbursable Expenses

(1) Transportation

- a. The mode of transportation used should be the most reasonable, convenient, and economical available.
- b. Transportation by common carrier shall be reimbursed at the actual amount expended for such transportation. Plane

Formatted: Numbered + Level: 1 + Numbering Style: I, II, III, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 1"

Formatted: Font: Not Bold

Formatted: Indent: Left: 2.25", No bullets or numbering

Formatted: Indent: Left: 2.25", No bullets or numbering

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

reservations must be booked for economy class at least three weeks prior to traveling, when possible.

- c. The reimbursement rate for personal mileage is equal to the rate published by the Internal Revenue Service.
- d. The travel expense statement shall include the date, purpose and destination of each trip. An employee shall be reimbursed only for travel related to the purpose of the trip.
- e. Requested mileage payment must be supported by the anticipated route obtained from a reputable internet map/direction system which gives anticipated mileage travelled. (i.e., MapQuest)
- f. Any travel incidental to a business trip shall also be included in the total number of miles traveled. ~~No reimbursement shall be allowed for any employee receiving a car allowance.~~
- g. Vehicles may be rented for official business subject to prior approval by the Department director or City Manager.

Formatted: Indent: Left: 2.25", No bullets or numbering

(2) Meals and Incidental Expenses

- a. Expenses incurred for personal meals and incidentals shall be a per diem reimbursement based on the IRS Federal Guidelines as set according to –the IRS Standards. This information can be found at: www.gsa.gov/portal/content/104877. Meals provided during a conference and covered in the conference registration ~~shall~~ may not be covered as designated by the Department Director. Itemized receipts associated with a travel per diem are not necessary.
- b. ~~Employees may only receive per diem for meals and incidental expenses occurring while officially on travel status. For example, if an employee departs at 3:00 pm, the employee is not eligible for breakfast or lunch per diem amounts for the day of departure. Travel day meal per diem will follow the IRS Federal Guidelines, typically 75% of the daily per diem~~

Formatted: Indent: Left: 0.49", Hanging: 0.01", Right: 0", Space After: 0.25 pt, Don't add space between paragraphs of the same style, Line spacing: Multiple 1.04 li, No bullets or numbering, Widow/Orphan control, Allow hanging punctuation, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers, Tab stops: Not at 1.58"

Formatted: Indent: Left: 2.25", No bullets or numbering

Formatted: Indent: Left: 1.75", No bullets or numbering

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

c. ~~Alcoholic beverages, meals or incidental expenses of non-~~ staff members will not be reimbursed and are the responsibility of the individual.

d. A daily per diem rate from the GSA portal must be attached to the travel request form.

(3) Hotel

a. Expenses incurred for lodging shall be reimbursed. The City shall pay single occupancy. Any additional cost incurred to upgrade shall be paid by the employee.

b. Employees and officials may be exempted from state sales tax and hotel/motel tax on rooms, lodging and accommodations when traveling on official business with the State of Georgia. The employee must pay with city issued funds (city check or city credit card) and furnish the State of GA Sales Tax Exempt Form and the Hotel/Motel Excise Tax Exempt Form at the time of check-in.

(4) Miscellaneous

a. Parking, toll fees, telephone, telegraph charges, etc. shall be reimbursed to an employee traveling on City business.

(c) Non-Reimbursable Expenses

City vehicles shall not be used when employees are on an unpaid lunch/meal period. Mileage will not be paid to employees choosing to use personal vehicle to travel to or from a location for an unpaid lunch/meal period without prior approval of the City Manager.

(d) Sharing Costs with a Municipality

At times employees may travel with a colleague from another municipality to a conference. When making these arrangements to share a hotel or a car, the costs will need to be reviewed by the Finance Director or Budget Manager to ensure fees are split evenly between each municipality. (For example: one person may drive and the other may pay for the hotel costs. Mileage would need to be calculated to verify it is equivalent to half the hotel costs.) This information must be documented and turned in with receipts for reimbursement.

Formatted: Indent: Left: 0.49", Hanging: 0.01", Right: 0", Space After: 0.25 pt, Don't add space between paragraphs of the same style, Line spacing: Multiple 1.04 li, No bullets or numbering, Widow/Orphan control, Allow hanging punctuation, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers, Tab stops: Not at 1.58"

Formatted: Normal, No bullets or numbering

Formatted

Formatted

Formatted: Font: Bold

Formatted: Indent: Left: 1.25", First line: 0.01"

Formatted: Font: Bold

Formatted: Indent: Left: 1.25"

Commented [TP9]: Is this pertinent? I cannot image ever using this...

Formatted: Indent: Left: 0", First line: 0"

Section 65: I Workplace Violence Policy

(a) Statement of Policy

The City is concerned about the well-being and personal safety of its employees and anyone doing business with the City. The City consequently strictly prohibits workplace violence. Acts of violence and/or threats of violence, whether expressed or implied toward individuals in the City workplace, are prohibited and will not be tolerated. All reports of incidents will be taken seriously and will be addressed appropriately. This policy defines prohibited conduct, as well as general procedures and potential responsive steps in the unfortunate event that workplace violence occurs despite these preventive measures. In addition, unauthorized, non-city issued firearms, weapons, ammunition, or explosives on city property is strictly prohibited.

Formatted: Indent: Left: 0", Hanging: 0.01"

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.99" + Indent at: 0.99"

(b) Scope

This prohibition against threats and acts of violence (including domestic violence) applies to all persons involved in the operation of the City, including but not limited to, the City personnel, contract and temporary workers, and anyone else on city property.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.99" + Indent at: 0.99"

(c) Definition of Workplace Violence

Workplace violence is any conduct that is severe, offensive or intimidating enough to make an individual reasonably fear for his/her personal safety or the safety of family, friends or property. Examples of workplace violence include, but are not limited to, threats or acts of violence or behavior that causes a reasonable fear or intimidation response that occurs on city premises, no matter what the relationship is between the City and the perpetrator or victim of the behavior or off city premises, where the perpetrator is someone who is acting as an employee or representative of the city at the time, where the victim is an employee who is exposed to the conduct because of work for the City, or where there is a reasonable basis for believing that violence may occur against the targeted employee or others in the workplace.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.99" + Indent at: 0.99"

Examples of conduct that may be considered threats or acts of violence under this policy include, but are not limited to the following:

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

- a. Threatening physical or aggressive contact directed toward another individual or engaging in behavior that causes a reasonable fear of such contact.
- b. Threatening an individual or his/her family, friends, associates or property with physical harm or behavior that causes a reasonable fear of such harm.
- c. Intentional destruction or threat of destruction of the City's or another's property.
- d. Harassing or threatening physical, verbal, written or electronic communications, including verbal statements, phone calls, emails, letter, faxes, website materials, diagrams or drawings, gestures and any other form of communication that causes a reasonable fear or intimidation response in others.
- e. Stalking. Stalking is defined as a pattern of conduct over a period of time, however short, which evidences a continuity of purpose and includes physical presence, telephone calls, emails and any other type of correspondence sent by any means.
- f. Veiled threats of physical harm or like intimidation or statements, in any form, that lead to a reasonable fear of harm or an intimidation response.
- g. Communicating an endorsement of the inappropriate use of firearms or weapons of any kind.
- h. Unauthorized possession of weapons of any type, whether licensed or not, and particularly firearms. The only exception is local, state, and federal law enforcement officers, police or arson investigators acting in the line of duty. Weapons, include, but are not limited to:
 - Any weapon which, per applicable law, is legal or illegal to possess;
 - Any firearm, loaded or unloaded, assembled or disassembled, including pellet, "BB", and stun guns;

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

- Knives (and other similar instruments) other than those present in the workplace for approved work purposes or for the specific purpose of food preparation and service;
- Any switchblade knife;
- Brass knuckles, metal knuckles, and similar weapons
- Bows, cross-bows and arrows;
- Explosives and explosive devices, including fireworks, ammunition and/or incendiary devices;
- Throwing stars, nun chucks, clubs, saps, and any other item commonly used as, or primarily intended for use as a weapon;
- Self-defense chemical sprays (Mace, pepper spray) in canisters or containers larger than two ounces;
- Any object that has been modified to serve as, or has been employed as, a dangerous weapon.

Domestic violence is defined as a pattern of coercive tactics carried out by an abuser against an intimate partner (the victim) with the goal of establishing and maintaining power and control over the victim. Where the abuser's tactics include any of the above-described conduct on City premises, this policy applies. Where such tactics include any of the above-described behaviors off City premises, this policy applies where the abuser is someone who is acting as an employee or representative of the City at the time, where the victim is an employee who is exposed to the conduct because of work for the City, or where there is a reasonable basis for believing that violence may occur against the victim or others in the workplace. The term "intimate partner" includes people who are legally married to each other, people who were once married to each other, people who have had a child together, people who live together or who have lived together, and people who have or have had a dating or sexual relationship, including same sex couples.

(d) Reporting Complaints

If you observe the possession of unauthorized non-City issued weapons on City premises, or if you are subjected to or threatened with firearms by a co-worker

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.99" + Indent at: 0.99"

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

or member of the public, or if you become aware of another individual who has been subjected to or threatened with violence, you must report this information to your supervisor or the ~~Director of Human Resources~~City Manager immediately. Supervisors must report all potential violations so they ~~Human Resources Department~~ can be handled ~~them~~ appropriately. Do not assume that any violation or threat is not serious. All complaints will be thoroughly investigated, and all complaints that are reported to management will be treated with as much confidentiality as possible. Employees who become angry, upset, or concerned with the actions of a co-worker, supervisor, member of the public or the City in general, are encouraged to seek assistance from the ~~Director of Human Resources~~City Manager or designee.

A 9-1-1 call may be appropriate first, in the good judgment of the employees or managers involved. Under this policy, decisions may have to be made quickly to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing. Nothing in this policy is intended to prevent quick action to stop or reduce the risk of harm to anyone, including requesting immediate assistance from law enforcement or emergency response resources.

Failure to report any threats or acts of violence in violation of this policy appropriately is itself a violation of this ~~policy, and~~policy and may subject any employees involved to discipline up to and including termination.

Retaliation against anyone for reporting an actual or suspected violation of this policy in good faith will not be tolerated and will subject the individual engaging in the retaliation to discipline up to and including termination. Any complaints about retaliation should be reported in the same manner as violations of this policy are to be reported.

(e) What to Expect from the City

All incidents of violence and threats of violence that are reported will be taken seriously and investigated.

(f) City Expectations of Targeted Employees

Stay Away Orders: The City reserves the right to seek orders of protection (also known as restraining orders or stay away orders) against any person who violates the Workplace Violence Policy. Additionally, employees themselves may seek and obtain orders of protection against individuals outside of the

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.99" + Indent at: 0.99"

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.99" + Indent at: 0.99"

workplace. Employees so protected are obligated to immediately notify the ~~Director of Human Resources~~City Manager or Designee and their supervisor if (a) an order of protection extends to the workplace; or (b) they reasonably believe that their safety (or the safety of others) in the workplace is affected by the order of protection. Employees should provide written notification of:

1. the existence of any such order and provide a copy of the order;
2. any violations or attempted violations of the order;
3. any changes to the order that affect the workplace; and
4. the order being lifted.

Employees who are subject to orders of protection requiring them to stay away from or refrain from contacting other individuals who are or may be in the workplace (including employees, customers, vendors and others) must immediately notify the ~~Director of Human Resources~~City Manager or Designee and provide a copy of the order.

Upon being notified of an order of protection, ~~Human Resources~~the City Manager or Designee will contact the reporting party to gather information about the individual and assess the situation. The City will make every effort to maintain confidentiality of such orders with the understanding that it will use the information as necessary to maintain safety in the workplace.

(g) Search Policy

If the City reasonably suspects that an employee either has or may have violated this policy, or that the employee possesses evidence that others pose a threat of workplace violence as defined by this policy, the City may request the individual to submit to a search of his or her person, personal effects, vehicles, and locker. In addition, the City may conduct searches of any City property including for instance ~~work stations~~workstations and areas, including desks, locker, credenzas, file cabinets, computers and computer-stored information, voicemail, email, business records, City vehicles and any other property or equipment owned by the City, at any time, without notice to or permission from affected employees, for purposes of enforcing the no violence policy. If an individual is asked to submit to a search, and refuses, that individual will be considered insubordinate and will be subject to discipline up to and including termination.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.99" + Indent at: 0.99"

Searches will be conducted by a supervisor with a second witness and may or may not be conducted in the presence of the person whose property is searched. Any weapons or evidence of violations of this policy will be confiscated, and may be turned over to law enforcement, as appropriate. Any illegal activity discovered during an inspection is subject to referral to the appropriate law enforcement authorities.

(h) Assistance Programs/Services

The City provides all employees and family members with a no cost Employee Assistance Program (EAP) that has professionals trained to handle domestic violence cases. These professionals provide counseling, support, and referrals. In addition, EAP is a resource for employees who want to learn more about domestic violence or find out how to help a friend, family or coworker. Many community agencies provide free services for safety planning, counseling, support groups, shelter, and legal assistance. Please contact the ~~Human Resource Department~~ City Manager or Designee if you need additional information.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.99" + Indent at: 0.99"

Chapter II

Compensation

& Benefits

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

II. COMPENSATION & BENEFITS

A. COMPENSATION

Section 1: Policy Statement

The City of Flowery Branch's compensation philosophy is to maintain a competitive pay structure for the purpose of recruiting and retaining an effective and efficient workforce. The pay structure is designed to pay employees based on what their job is worth; ensure they appropriately move through the salary range for their classification; and recognize performance through merit pay, where applicable. The pay plan is designed to comply with federal and state law, including the Fair Labor Standard Act (FLSA). All aspects of the pay plan are contingent upon the availability of funds as determined in the sole discretion of the Mayor and City Council.

Section 2: Pay System

(a) Pay Period

All City employees will be paid on a bi-weekly basis. The work week will begin on ~~Saturday-Monday~~ and end on ~~Friday-Sunday~~. The actual pay date will be ~~two~~ the Fridays following the end of a pay period. When a pay date falls on an official city holiday, employees will be paid on the date preceding the holiday.

(b) Direct Deposit

Participation in the direct deposit program is mandatory for all city employees. All pay-related items, such as allowances and reimbursements, will flow through the regular pay cycle. An employee's final check upon the end of employment will ~~not~~ be a direct deposit check, unless supplies and/or equipment has not been turned in. If this is the case, but a live check must be picked up in person by the employee once items are returned. or mailed upon request.

(c) Payroll Deductions

Federal and state laws require us to make certain deductions from employee's earnings, including income withholding and Social Security taxes. No deductions, other than those legally required, will be made from an employee's

Formatted: Font: Not Bold, No underline

Formatted: List Paragraph, Indent: Left: 1.47"

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

paycheck without their written consent. Authorized deductions may include participation in medical, dental, and other insurance plans. It is the responsibility of each employee to review all deductions annually during open enrollment to ensure accuracy.

(d) Types of Pay Other Than Base Rate

1. Overtime Pay

Overtime work is work performed by a qualified employee which exceeds the regular work week, as defined in the Fair Labor Standards Act (FLSA). ~~FLSA standard for non-public safety employees is a forty (40) hour workweek, for police shift employees, an eighty six (86) hour bi-weekly work period and for fire shift employees, a one hundred six (106) hour biweekly work period.~~ Compensation for overtime hours shall be at time and a half for hours worked in excess of the defined work period. Vacation and sick leave will not be considered as hours worked for overtime computation purposes. Refer to Section 1.7(i) for overtime definition and calculation per employee type.

2. Compensatory Time

It shall be the City's policy to allow the accrual of Compensatory Time (Comp Time) in lieu of payment for overtime hours worked by non-exempt employees to reduce the cost of overtime wages and to assist employee productivity and effectiveness without extra cost to the City. Comp Time is defined as time off granted to a regular non-exempt employee to offset hours worked by the employee over and above those required in the normal course of employment. The accrual of Comp Time for exempt employees is not allowed. Exempt employees, with the exception of the City Manager, accrue forty (40) hours of Comp Time annually on July 1st. Exempt Comp Time can roll over up to twenty (20) hours with a max accrual of sixty (60) hours.

Formatted: Superscript

Formatted: Highlight

Each department may decide to utilize Comp Time. The ~~department head~~department director is responsible for making that decision. Employees must agree to receive Comp Time in lieu of overtime payment.

a. Accrual

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Comp Time will accrue at a rate of one and one-half hours for each hour of employment for which overtime compensation is otherwise required and where the employee has not accrued Comp Time in excess of ~~24~~ ⁴⁰ 60 hours. Accrual of Comp Time must be approved in advance by the employee's supervisor except in cases of emergency. Supervisors are expected to organize their projects and tasks appropriately to minimize Comp Time accruals.

The maximum accrual of Comp Time for non-exempt employees is limited to ~~24~~ ⁴⁰ 60 hours. An employee who reaches this threshold shall, for additional overtime hours of work, be paid overtime compensation. Supervisors should attempt to schedule the utilization of Comp Time as it is accrued. Comp Time cannot be accrued to the point where it would be impossible to be utilized by the annual deadline.

b. Utilization

Comp Time accrued should be utilized (redeemed) at a time mutually agreeable to the employee and supervisor. This time will also be utilized with the least amount of disruption to productivity and effectiveness to minimize hardship. Use of Comp Time must be approved in advance by the employee's supervisor except in cases of emergency. The use of Comp time must be permitted upon employee request to use it unless to do so would unduly disrupt the employer's operations. In the event a supervisor denies the use of Comp Time that would cause an undue disruption, the supervisor must generate written documentation to support the decision. In order to prevent the excessive accrual of Comp Time and to avoid the extra overtime liability to the city, a supervisor may compel an employee to utilize Comp Time at their discretion.

Comp Time must be utilized by ~~September-December 30th~~ ^{June 30th} of each fiscal year for non-exempt employees or paid out as overtime. If an employee with accrued Comp Time is promoted to an exempt position, all accrued Comp Time will be paid out as overtime prior to the effective date of the promotion. All Comp Time earned by an employee must be used before the employee uses any accrued vacation or sick leave.

Formatted: Superscript

Formatted: Highlight

Formatted: Highlight

3. On-Call Status – NEED TO REVIEW THIS SECTION

Some operational divisions in the City may designate non-exempt employees to be on-call to provide for after-hours service needs. Any on-call policy shall be determined by the applicable ~~department~~

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

~~head~~department director with approval of the City Manager depending upon the needs of the individual department and appropriations in the fiscal budget.

- a. **Restricted On-Call** means the time spent on-call on or away from City premises under conditions that prevent the employee from using the time for personal activities. The employee on Restricted On-Call status is required to report for any on-call assignment that arises during the applicable on-call period. This category of on-call is compensatory. Employees in a restricted on-call basis will be paid one hour per day at their regular rate and receive overtime if called to respond to an emergency. This is contingent upon Council funding annually.
- b. **Unrestricted On-Call** means the time spent on-call on or away from City premises under conditions that do not prevent the employee from using the time for personal activities. The employee on unrestricted on-call status may choose to report for an on-call assignment but is not required to do so. Unrestricted on-call status is not compensatory, except for such time actually worked, should the employee report for an on-call assignment.

4. **Call Back Pay**

A call back occurs when there is an emergency, or after ~~2~~-hours service need for which an employee reports to work as a result. A call back does not include additional hours of work scheduled in advance.

- a. An employee responding to a call back will be paid the greater of two hours or the actual time worked on the call back assignment at their overtime rate.
WE DO TWO HOURS AND ACTUAL TIME WORKED
- b. Travel time is included in the calculation of call back hours.
- c. Exempt employees are not eligible for call back compensation.
- d. If any employee is directed back to work on a call back, no vacation or sick time utilized during same pay period will off-set overtime payment.

5. **Acting Status Pay**

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Employees who are temporarily re-assigned to perform the duties of a higher classification for thirty (30) consecutive days or more may receive a compensation increase for the duration of the temporary assignment. The appropriate increase shall be recommended by the ~~Director of Human Resources~~ City Council, City Manager or Designee, but at no time should be less than the minimum pay range for the temporary assignment classification.

6. Final Pay

Upon end of employment, employees will be paid at their base rate for accrued paid time off to a maximum as detailed in the Compensation & Benefits Chapter of this document. ~~Employees with less than 12 months active full-time service are not eligible for pay out of any accrued vacation.~~

Section 3: Compensation Plan

(a) Pay Plan

The City will maintain a Classification and ~~Compensation Pay~~ Plan, including a complete inventory of all positions in the City's service and an accurate description and specification for each grade of employment. ~~This plan was developed by Carl Vinson Institute of Government.~~ The plan will standardize titles, by categorization of every job by class on the basis of similarities in duties, responsibilities, each of which are indicative of a definite range of duties and responsibilities and has the same meaning throughout assigned departments. The Classification and ~~Compensation Pay~~ Plan will be designed to provide equal pay for equal work and to provide a pay range for each grade of positions, which will enable the City to recruit and retain qualified employees, as well as compete in the job market with other public employers. ~~The pay plan is a grad/step plan updated annually based on the cost-of-living adjustments applied to current employees as approved by City Council.~~ All aspects of the pay plan are contingent upon the availability of funds as determined in the sole discretion of the Mayor and City Council.

(b) Administration

The primary responsibility for day-to-day administration of the Classification and ~~Pay-Compensation~~ Plan rests with the City Manager or designee, as follows:

1. The ~~Director of Human Resources~~ City Clerk and Finance Director is charged with the maintenance of the Classification and ~~Pay-Compensation~~ Plan and its

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

administration so that it will reflect the duties performed by each employee and the grade to which each position is allocated.

2. It is the responsibility of the ~~Director of Human Resources~~ City Clerk and Finance Director to examine the nature of the positions as they are created and to allocate them to an existing grade in conformity with this section; to make such changes as are necessary in the duties and responsibilities of existing positions; to develop forms and to provide vital information when deemed necessary to determine the proper grade classification of each position; to periodically review the entire Classification and ~~Pay-Compensation~~ Plan; and recommend appropriate changes in the plan.
3. The ~~Director of Human Resources~~ City Clerk and Finance Director will facilitate the requests for newly authorized positions or changes in duties of an existing position change. The department director must submit a Position Review Request to ~~Human Resources~~ the Finance Director and City Clerk. The ~~Director of Human Resources~~ City Manager or Designee City Clerk and Finance Director will investigate the actual or suggested duties and make a report to the City Manager or designee for approval. Ultimate approval for new positions shall be by the Mayor and City Council.

(c) Use of the Classification & Pay Plan

The Classification and Pay Plan is to be used as:

1. As a guide in recruiting and evaluating candidates for employment;
2. In determining lines of promotion and in developing employee training programs;
3. In determining salary to be paid for various types of work;
4. In providing uniform job terminology understandable to all City officials and employees and by the public;
5. The official job title represented on the Classification and Pay Plan should be used in all personnel, accounting, budget, appropriation, and financial records. No person will be appointed to or employed in a position in the City service under a title not included in the Classification and Pay Plan and approved by the Mayor and City Council;

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

6. Other job titles may be used in the course of departmental routine to indicate authority, status in the organization and/or administrative rank;
7. It should be general practice for newly hired employees to be hired at the minimum pay rate of the applicable grade for the position. The City of Flowery Branch recognizes that in some instances it may be necessary to hire employees above the minimum pay rate of the applicable grade for the position. Department Directors ~~shall have the latitude~~ may recommend to hire personnel ~~without other approvals up to the midpoint of the position as long as budget is available to do so~~ above the minimum starting salary by completing a memo on City letterhead and submitting it to the City Manager and Finance Director for approval. ~~Department head~~ Department Directors should be mindful of internal equity when extending offers above the minimum. ~~Salary offers beyond the midpoint must be approved by the Director of Human Resources, Director of Finance and the City Manager.~~

(d) Maintenance of Pay Ranges

The City Manager or designee may make or cause to be made such comparative studies as he or she deems necessary of the factors affecting the level of salary ranges prior to the preparation of the annual budget, as well as at other times during the year. On the basis of information derived from such studies, the City Manager or designee may make recommendations for changes in salary ranges as deemed necessary to maintain the fairness, adequacy, and competitiveness of the overall salary structure.

Section 4: Changes in Salary

(a) Performance Reviews

The job performance of all employees will be reviewed ~~periodically~~ annually to determine if salaries should be adjusted, if job descriptions should be revised, or if jobs need to be reclassified.

(b) Salary Increases for Performance

Subject to annual budget appropriation, each department may be allocated a pool of merit dollars to be distributed by a percentage basis on a formula derived from the performance evaluation results. The City Manager reserves the right to make additional pay adjustments as necessary for business operations.

(c) Salary Changes Due to Promotions

Formatted: Highlight

The pay for employees receiving a promotion will be the greater of either the minimum of the pay grade of the promoted position or a five (5) percent increase. The City Manager may allow a greater increase up to 10% in order to address any internal equity issue. Any increase greater than 10% must go before Council for approval.

(d) Salary Changes Due to Reclassification

Formatted: Highlight

The pay for an employee whose position is reclassified to a higher pay grade will be upon the recommendation of the department director placed at least the minimum of the higher position and not to exceed a five percent increase if the existing salary already exceeds the minimum rate for the higher position. The pay for an employee whose position has been reclassified to the same or lower pay grade will not change.

(e) Salary Changes Due to Demotion

Formatted: Highlight

The pay changes for employees receiving a demotion will be as follows:

1. Demotions Based on Performance

The pay for employees receiving a demotion will be five (5) percent decrease in pay. At the ~~department head~~department director's request, the City Manager may allow a greater or lesser decrease in order to address any internal equity issue.

2. Voluntary Demotions (not performance based)

The salary of an employee who voluntarily demotes to a position in a lower pay grade based on a personal decision to do so will be determined upon the recommendation of the department director.

3. Involuntary Demotions (not performance based)

The salary of an employee who has been involuntarily demoted due to business needs or for accommodation purposes and not based on performance will not experience any change in pay.

(f) Other Salary Increases

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

The City Manager reserves the right to make additional pay adjustments as necessary for business operations provided that funds are available.

(g) Employees at Maximum of Pay Range (Modified January 2013)

As part of the City's pay plan, pay ranges are established based on market rates. Each range will consist of a minimum and maximum, except for ~~department heads~~ the City Manager whose range will be considered open.

Should an employee's pay rate reach the maximum of their assigned pay range, and a pay increase is offered to employees as part of the annual fiscal year budget (merit, market or across-the-board), effected employees will receive any increase, if applicable, over the maximum of their range as a quarterly lump sum payment starting as of the date coinciding with the budget. In such a case, the employee's pay rate shall not be adjusted, but the City shall take into account any such lump sum payment for purposes of computing overtime as applicable under the Fair Labor Standards Act.

EMPLOYEE BENEFITS- LEAVE TYPES (Revised 3/20/2017)

Section 1: Policy Statement

The City of Flowery Branch believes that employees should have the opportunity to enjoy time away from work to help balance their work and personal lives. City management recognizes that employees have diverse needs for time off from work. Because of this, the City has established leave practices to address the balance, as well as to protect the financial well-being of employees during certain absences from work. Employees are accountable and responsible for managing their own leave balances to allow for adequate reserves if there is a need to cover unanticipated events requiring time away from work.

Section 2: Overview of Requirements & Restrictions

(a) General Provisions

Except as provided otherwise in this chapter, the following apply to all paid leave benefits:

1. Approval of leave is subject to operational requirements of the department and any request for paid leave may be denied or rescheduled due to staffing needs;
2. Paid leave cannot be advanced;

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

3. All requests for leave must be submitted ~~in writing using the leave request form~~ electronically through the time management system utilized by the City, with as much notice as possible;
4. Except for military leave, any employee in an unpaid leave status will not accrue paid time off. This will not, however, constitute a break in service for accrual rate purposes;
5. Non-exempt employees shall record paid leave in quarter hour increments;
6. Exempt employees shall record paid leave in whole day increments; exceptions to this must be approved by the Human Resources Department

Formatted: Highlight

Commented [KH10]: Do we want to implement this process?

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

(b) Unpaid Leave Status

Unpaid leave will not be approved under normal circumstances. All requests for leave without pay must be approved by the City Manager or designee. Paid time off will not be accrued during leave without pay status. Please note that while an employee is on leave of absence without pay, there is no job protection by the City, except as required by law. Employees may continue, at their sole expense, their group health insurance coverage while on leave of absence without pay. In order to continue coverage, the employee must contact the ~~Director of Human Resources~~ City Manager or Designee to arrange for documentation and payment of premiums. If approved, unpaid leave status will be granted for a minimum of one (1) week or up to thirty (30) days. If an employee is granted a leave of absence, the employee will make written arrangements with his/her Department Director for making contact and giving weekly status updates and the anticipated return to work regarding his/her absence. The exceptions to these provisions are leave granted as Family Medical and Military Leave as specified later in this chapter.

Section 3: Paid Time Off (PTO)

~~Exempt employees take paid time off hours in whole day increments only; exceptions to this must be approved by the Human Resources Department.~~

(a) Eligibility

It is the policy of the City to provide paid time off for eligible employees. Paid time off is accrued and granted to:

1. Regular full-time, ~~police officer and fire shift employees, and regular part time~~ employees are considered eligible employees;
2. Eligible employees while on authorized paid time off will continue to accrue paid time off hours;
3. Eligible employees can take paid time off immediately once hours have been accrued and approved by department management (new hires have a six (6) month waiting period for paid time off, unless approved by the City Manager or designee);

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

4. Pay for paid time off shall be at the employee's regular rate of pay in effect for the employee's regular job on the pay date immediately preceding the employee's paid time off period.

(b) Paid Time Off Accrual Rate

1. All eligible employees will receive paid time off hours based on their current years of service with the City or a prearranged seniority date as established by the City. Department Directors will receive paid time off hours based on 10+ years of service.
- 1.2. Employees will begin accruing hours immediately upon hire, however leave cannot be utilized for the first 6 months of employment, unless prior approval from the City Manager is provided.
- 2.3. All eligible employees accrue paid time off hours on the following basis: The accrual rate increases on the first day of the pay period that includes the employees' anniversary date.
- 3.4. The following chart reflects the accrual rates for city employees:

Commented [MH11]: Was the intention to start with 4 week PTO and the accrual rate at 10+ years of service or start at 10+ years of service accrual rate?

Formatted: Indent: Left: 1.24", No bullets or numbering

Hours Per

Regular Full-time Employees		
Years of Employment	Hours Earned Per Pay Period	Hours Earned Per Year
Up to During Year 1 Year	4.88 3.54	126.8 92.04
During Year 2 through Year 4 4 thru 4 years	6.27 5.08	163 132.08
During Year 5 through Year 9 5 thru 9 years	7.67 6.62	199.3 172.12
Year 10 or more 10 thru 14 years	9.75 8.15	253.6 211.90
15 or more	11.84	307.9
Regular Part-time Employees		
Up to 1 Year	2.44	63.4
1 thru 4 years	3.135	81.5
5 thru 9 years	3.835	99.65
10 thru 14 years	4.875	126.8
15 or more	5.92	153.95
Fire Shift Employees		

Commented [KH12]: These amounts are if we combine sick and vacation leave into one bank

Formatted: Centered

Formatted Table

Formatted: Font: 16 pt

Formatted: Font: 16 pt

Formatted: Centered

Formatted: Font: 16 pt

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Years of Service	Biweekly Pay Period	Hours/Year
1 thru 4 years	8.31	216
5 thru 9 years	10.15	264
10 thru 14 years	12.92	336
15 or more	15.69	408
Police Shift Employees		

Up to 1 Year	5.12	133.1
1 thru 4 years	6.58	171.2
5 thru 9 years	8.05	209.2
10 thru 14 years	10.24	266.3
15 or more	12.43	323.3

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

(c) Use and Scheduling of Paid Time Off

1. Whenever possible, employees will be allowed to take paid time off at times most convenient to them. However, in order to ensure continued smooth operation and maintain a high level of quality in the delivery of service to the citizens of Flowery Branch, the City reserves the right to limit the number of employees that may be absent from a given department at any one time. Where there is a conflict in the paid time off choices of two (2) or more employees who cannot be spared at the time, the department management will determine who will take leave;
2. When a holiday occurs during the period an employee is on authorized paid time off, Paid time off shall not be charged for the holiday;
3. Paid time off may be used for appointments for medical or dental examinations or treatment when such appointments cannot be reasonably scheduled during non-working hours. Examination appointments must be approved at least one (1) workday in advance, by the department director or designee;
4. Paid time off may be used for unplanned sick absences. In unplanned circumstances, an employee should make every attempt to report to their supervisor within ~~thirty-sixty~~ (30, 60) minutes of the scheduled starting time the reason for absence. Public Safety may develop internal rules that establish stricter reporting standard;
5. Eligible employees will be allowed to carry over paid time off hours from one calendar year to the next according to the chart below. On December 31st of each year, the employee's paid time off credits will be totaled and any hours in excess of the applicable carry over will be forfeited.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

6.

Maximum PTO Hours Carry Over Per Year

Regular Full-time Exempt and Non-Exempt Employees	240 450
Part-time Employees	120
Fire Shift Employees	318
Police Shift Employees	252

Formatted: Space After: 0.25 pt, Tab stops: 1.63",
Centered + Not at 1.72"

(d) Paid Time Off Buy Back

Formatted: Highlight

As an incentive to decrease employee absenteeism and abuse of sick leave, the City will offer a paid time off buy back program. If hours are available, each employee will be able to sell back up to 48 hours of paid time off. In order to qualify, employees must have accrued the number of paid time off hours they wish to sell back.

Up to 16 hours of sold back paid time off will be paid at 100% of the employee's regular rate of pay. The remaining hours sold back will be paid at the rates reflected in the following chart:

Rate of Pay for Sold Back PTO Hours

1-16 Hours	100%
17-32 Hours	75%
33-48 Hours	33%

(e)(d) Payment of Accrued Paid Time Off at Termination

At the time of separation from employment, all employees will be paid accrued paid time off, if the proper two (2) week notice was provided, up to the maximum number of hours on the chart below:

Maximum PTO pay out at time of separation:

Regular Full-time Employees	240
Part-time Employees	120
Fire Shift Employees	318
Police Shift Employees	252

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

(e) Donation of Time

The City has established a leave donation program which enables eligible employees to voluntarily donate accrued leave to other eligible employees who have exhausted all paid leave. Recipients have typically been absent for extended periods due to their own or a family member's illness.

To be eligible to donate leave a donor must have been continuously employed for not less than twelve (12) months by the City in a position entitled to earn leave and must have a balance of not less than forty (40) hours after donation. All donations must be in increments of whole hours.

To be eligible to receive donated leave a recipient must: (1) be employed in a position entitled to earn and use leave, (2) not be in a leave without pay status, (3) be continuously employed for not less than twelve (12) months in a position entitled to earn leave, (4) have exhausted all accrued leave, and (5) have exhausted all available compensatory time.

Donations, not to exceed a total of one hundred sixty (160) hours within 365 days will be credited to the recipient's time bank upon written approval of the City Manager.

Recipient must immediately use donated leave upon receipt. Donated leave hours cannot be banked for future use or disbursement. Once a recipient returns to duty, donated leave accepted but not used by the recipient will be automatically returned to the donor employee. If the donating employee is ineligible to receive returned leave, the leave will be lost.

Leave donation is strictly voluntary. No employee may threaten, coerce, or attempt to threaten or coerce another employee for the purpose of interfering with rights involving the donation or use of leave.

Prohibited acts include but are not limited to promising to confer or conferring a benefit such as an appointment of promotion or salary increase; or making a threat to engage in, or engaging in an act of retaliation against an employee because of leave donations. Any employee violating this rule may be subject to disciplinary action, up to and including termination of employment. Donors are prohibited from accepting compensation or gifts from recipients in exchange for leave donations.

Eligible employees requesting donated leave will submit such request in writing to the City Clerk specifying the number of hours requested and the reason for said request.

Commented [MH13]: I think this may cause a liability in the future if the individual who donates it need it later. May consider creating a sick bank for PTO accrued over the 450 max hrs.

Formatted: Font: Not Bold, No underline, Font color: Black

Formatted: Indent: Left: 0.75"

Formatted: Indent: Left: 0.81"

The City clerk will poll individuals that are eligible for donating leave and notify the requester of any donated hours pledged in writing signed by the donor. No information received by requester shall be disclosed to any potential donor. No information received by any potential donor shall be disclosed to the requested or other potential donor.

Formatted: Font color: Custom Color(RGB(83,141,211))

Formatted: List Paragraph, Left, Indent: Left: 0.99"

Section 6: Other Leave Types

(a) Bereavement Leave

1. Employees may be granted up to ~~24 hours~~ three (3) regularly scheduled workdays of bereavement leave with pay upon death of a member of the employee's immediate family. Immediate family is defined in the definition section.

2. Employees must request bereavement leave by contacting their supervisor prior to the leave period.

~~2.3.~~ Arrangements for additional time using annual leave or a personal leave of absence without pay must be approved by the Department director. The City understands that a death in the family can be a difficult time, and we will make reasonable efforts to accommodate your leave request under these circumstances.

Formatted: List Paragraph, No bullets or numbering

~~3.4.~~ There is no accumulation of bereavement leave and no payment upon separation from city employment. Hours do not have to be taken simultaneously.

(b) Civil Leave

1. Jury Duty.

All regular full-time employees selected for jury duty shall be entitled to receive civil leave with pay for the period of absence. ~~An employee shall not be entitled to fees received as a juror and should ask the court not to compensate them for being on jury duty. An employee may must notify their Department Director of their selection for jury duty or being subpoenaed, and must provide a copy of the selection notice or subpoena. be required to present a statement from the court indicating jury service.~~

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

2. Official Court Attendance

All employees subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the City are considered to be working. ~~Any fees paid for such services will be returned to the City. Employees who are subpoenaed, ordered to appear, or otherwise voluntarily participating in a Court appearance or judicial process other than as specifically identified herein shall not be entitled to leave with pay, but must take vacation leave.~~

3. Voting

Employees are permitted time off to vote in any municipal, county, state, or federal political party primary or election for which such employee is qualified and registered to vote on the day on which such primary or election is held. The time taken off to vote must not exceed two (2) hours, is unpaid leave and is permitted only if your supervisor is informed at least one (1) working day in advance that an individual plans to take time off to vote. The City may specify the hours during which the employee may be absent from work to vote.

If the polls open at least two (2) hours before the employee is scheduled to arrive at work or the polls close two (2) hours after the employee is scheduled to leave work, then time off to vote is not allowed.

4. Military Leave

Employees are entitled to military leave in accordance with state and federal law. An employee going on military leave should present a copy of their official orders to the ~~Director of Human Resources~~ City Manager or Designee and department management as soon as received or they may fill out a Military Leave Verification form. Any employees, other than a temporary employee, who is a member of any force of the organized militia or of any reserve force or reserve component of the armed forces of the United States will be allowed leave of absence for ordered military duty without loss of pay for a period not exceeding a total of eighteen (18) calendar days in any one (1) calendar year and not exceeding eighteen (18) calendar days in any one continuous period of absence. If the Governor declares an emergency or an employee is called to active duty from the National Guard, that employee shall be paid for up to thirty (30) days in one (1) year, not to exceed thirty (30) consecutive days. All other military leave is unpaid. An employee may elect to take annual leave instead of time off without pay for unpaid military leave.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Formatted: Font: (Default) Times New Roman

Formatted: Font:

Formatted: Normal, Indent: Left: 1.25"

Formatted: Normal, Indent: Left: 0"

Commented [KH14]: Do we have this form?

Formatted: Highlight

Formatted: Highlight

Time during which an employee is on ordered military duty shall not constitute an interruption of continuous employment. No employee shall be subjected directly or indirectly to any loss or diminution of time, service, increment, vacation, holiday privileges, or any other right or privilege by reason of such absence or be prejudiced with reference to continuance in employment, re-employment, reinstatement, transfer, or promotion by reason of such absence.

(c) Family Medical Leave

Pursuant to the federal Family and Medical Leave Act, (“FMLA”), 29 U.S.C. §2601, et seq., employees may be eligible for a family and/or medical leave of absence for up to twelve (12) weeks of paid or unpaid leave in any twelve-month period for one or more of the following:

- the birth, adoption, or placement of a child;
- the serious medical condition of a parent, spouse, or child; or
- the employee’s own serious medical condition that prevents him/her from performing the functions of his/her job.

For purposes of this Section, a “12-month period” means a rolling twelve (12) months measured backward from the date the employee uses any FMLA leave. If the provisions in this Handbook conflict or come into conflict with the FMLA as it presently exists or is amended from time to time, the provisions contained in the FMLA shall control.

1. Eligibility

To be eligible for leave, an employee must have been working for the City of Flowery Branch for at least twelve months and must have worked at least 1,250 hours during the twelve-month period prior to the request for leave. Eligible employees under FMLA shall be entitled to leave upon the conditions and limitations of FMLA.

2. Concurrent Utilization of Paid Leave and/or Compensatory Time

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

An employee requesting leave pursuant to the FMLA is required to utilize all accrued personal leave and/or compensatory time available as part of the 12week leave period. If the available paid leave for the employee is less than twelve working weeks, the additional weeks of leave necessary to obtain the twelve work weeks of leave available under the FMLA shall be provided without compensation. In any event, any combination of personal leave, compensatory time, and/or unpaid family and medical leave shall not exceed twelve (12) weeks. Use of personal and/or compensatory leave, or any combination thereof, must be used concurrently with FMLA leave. FMLA requests will be retroactively dated to the beginning of the current personal and/or compensatory leave, or any combination thereof in the event that the paid leave is commenced prior to the request for FMLA leave. Regardless of paid or unpaid FMLA leave, the employee will receive holiday compensation for the holidays recognized by the City set forth in this Handbook.

3. Concurrent Worker's Compensation and FMLA Leave

An employee qualifying for Worker's Compensation Leave must run any requested FMLA leave concurrently with that of all concurrent and/or intermittent Worker's Compensation Leave. The employee must elect to use either worker's compensation benefits or paid leave during the FMLA period.

4. Intermittent Leave or Reduced Schedule Leave

Leave for childbirth, adoption, or foster care may not be taken intermittently or on a reduced schedule. Leave for a serious health condition of a qualifying family member or of the employee may not be taken on an intermittent basis or on a reduced leave schedule unless medically necessary. The taking of any leave intermittently or on a reduced schedule basis shall reduce the total amount of FMLA leave that has been approved for the eligible employee according to the actual hours of leave taken. For example, if an eligible employee takes ten (10) hours of leave intermittently over twenty (20) business days, the employee's bank of available FMLA leave will be reduced only by ten (10) hours and not by twenty (20) days.

If an eligible employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, the ~~Director of Human Resources~~ City Manager or Designee may require the employee to transfer temporarily to an available equivalent position for which the employee is qualified that better accommodates recurring periods of absence.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

5. Spouses Employed by Same Employer

In any occasion in which a husband and wife are eligible for leave under the FMLA and are both employed by the City, the aggregate number of work weeks of leave to which both may be entitled may be limited to twelve (12) work weeks during any 12-month rolling period, in the case where leave is taken for childbirth, adoption, foster care, or to care for a sick parent.

Commented [MH15]: I think this might violate FMLA, I think FMLA extends to each individual so they would both get 12 weeks

6. Foreseeable Leave

In any case in which the necessity for leave under the FMLA is foreseeable, based on an expected birth or placement of a child or based on planned medical treatment or supervision, the employee shall provide the ~~Director of Human Resources~~ City Manager or Designee with written application for the requested leave and certification no less than thirty (30) days before the date the leave is to begin.

In a case where the necessity for leave is based on planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider and shall provide the ~~Director of Human Resources~~ City Manager or Designee with at least thirty (30) days' notice before the date the leave is to begin, except that if the date of the treatment requires leave to begin in less than thirty (30) days, the employee shall provide such notice as is practicable.

7. Certification of Serious Health Conditions

An eligible employee, who requests leave for a serious health condition of the employee or a qualifying family member, shall submit certification from an appropriate health care provider to the ~~Director of Human Resources~~ City Manager or Designee when requesting leave.

Certification shall be sufficient if it states:

- a. the date on which the serious health condition commenced;
- b. the probable duration of the treatment or condition;
- c. the appropriate medical facts within the health care provider's knowledge; and

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

- d. the estimated amount of time the employee needs to care for the qualifying family member or a statement of the extent to which the employee is unable to perform the essential functions of the employee's position.

In any case in which the ~~Director of Human Resources~~City Manager or Designee has reasonable doubt as to the validity of the certification, the ~~Director of Human Resources~~City Manager or Designee may require the employee to obtain the opinion of a second health care provider at the expense of City. In any case in which the second opinion differs from the original certification, the ~~Director of Human Resources~~City Manager or Designee may require the employee to obtain the opinion of a third health care provider designated or approved jointly by the ~~Director of Human Resources~~City Manager or Designee and the employee at the expense of the City. The opinion of the third health care provider shall be considered to be final and shall be binding on the City and the employee. The ~~Director of Human Resources~~City Manager or Designee may also require that the employee obtain subsequent re-certification on a reasonable basis.

8. Accruals and Benefits during FMLA Leave

An employee on unpaid FMLA leave shall not be entitled to the accrual of any seniority or employment benefits during the period of unpaid FMLA leave, including but not limited to, the accrual of personal leave. The employee, while on paid FMLA leave, is entitled to accrue personal leave during the periods of paid FMLA leave. For the purposes of pension or retirement plans, any period of FMLA leave will be treated as continuous service for the purposes of vesting and eligibility to participate.

FMLA time will not be counted as part of an employee's probationary period, but will be added to the remaining probationary period, extending the ending date of the probationary period.

During any period of leave, City will maintain any health insurance provided by City to the employee for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

9. Appeals of Denials

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

In the event that the ~~Director of Human Resources~~ City Manager or Designee denies in whole or in part a request for leave pursuant to the FMLA, an employee has the right to appeal that decision consistent with the following procedures.

Any such appeal from an employee must be filed within three (3) working days following receipt of the denial decision from the ~~Director of Human Resources~~ City Manager or Designee. The written notice of appeal shall include the request for the leave and all supporting documentation provided to the ~~Director of Human Resources~~ City Manager or Designee. The appeal shall be filed with the City Manager who has the authority to amend or reverse the decision of the ~~Director of Human Resources~~ City Manager or Designee. Failure of the employee to appeal within three (3) working days shall result in forfeiture of any further right of appeal of a denial.

The City Manager shall review the record of the appeal and shall, within five (5) working days, issue a final determination. The decision of the City Manager shall be final.

10. Return to Duty from FMLA Leave

As a condition for return to duty, the employee may be required to provide certification from the employee's health care provider that the employee is able to resume work. Upon expiration of the period of leave pursuant to the FMLA, the employee shall be returned to his/her former position or a position of equal grade and pay, provided that the employee has complied with the terms of the leave and reported for return of duty at the appropriate time. While the employee shall be restored to a position of employment without loss of employment benefits accrued prior to the date on which the leave commenced, the employee shall have no greater rights than those in effect prior to the commencement of the leave.

An exception to the employment restoration provisions of the policy may be made if the employee on leave is a salaried employee and is among the highest paid ten percent (10%) of the City's employees and restoring employment of the employee would result in substantial and grievous economic injury to the City. A doctor's release may be required if the employee is returning from a medical leave of three or more days.

11. Military Family Leave Entitlements

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

12. Procedures

Employees must follow specific procedures to request a family or medical leave. These procedures are as follows:

- a. Complete the request for Family Medical Leave of Absence on the approved form available from the ~~Director of Human Resources~~City Manager or Designee.
- b. The form must be signed by the employee and submitted to their Supervisor. The Supervisor will then submit the approved form to the ~~Department Head~~Department Director. When possible, the form should be submitted by the employee thirty (30) days in advance of the effective date of the leave.
- c. Employees requesting family and medical leaves of absence due to illness must complete a leave certification requirements form, available from the ~~Director of Human Resources~~City Manager or Designee.
- d. The employee must submit a completed request for Family Medical Leave of absence form along with a leave policy form.
- e. To request leave for the care of a child, parent, or spouse with a serious health condition, the employee must provide certification from the health care provider who is treating the child, parent, or spouse, including the date on which the condition commenced; the probable duration of the condition;

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

the appropriate medical facts regarding the condition; an estimate of the time needed to care for the individual involved (including any recurring medical treatment); and a statement that the condition warrants the health care provider's involvement.

- f. To request leave due to an employee's serious health condition, the employee must provide certification from a licensed health care provider who is treating their own serious health condition as set forth herein.
- g. To request intermittent or a reduced leave schedule, the employee must provide the following additional information from the health care provider:
1) for leave for the employee, the employee must provide a statement of medical necessity for their intermittent or reduced leave, the expected duration of the schedule, a listing of the dates of their planned medical treatment and the duration of the treatment(s), 2) For leave to care for a son, daughter, spouse or parent, the employee must provide a statement attesting to the necessity of intermittent or reduced leave for the employee to provide care or to assist in the person's recovery, and an estimate of the expected duration and schedule of their intermittent or reduced leave.

(d) Administrative Leave

A ~~Department Head~~Department Director, ~~the Director of Human Resources, or their respective designee,~~ with notification to the ~~Human Resources Department~~City Manager, may place an employee on Administrative Leave when an employee is being investigated by City for possible misconduct or by a law enforcement agency for possible violation of a criminal law or in any instance where it is considered to be in the interest of City and/or the employee. In addition, written notification must be provided by the official who placed the employee on Administrative Leave to the Finance Department with instructions that the leave shall be with pay.

Administrative Leave shall be with pay for the initial 14 calendar days of the Administrative Leave period. Every effort shall be made to complete the investigation within the initial period.

At the expiration of the initial ~~ten day~~14 day period, if the investigation has not been completed, the employee may be placed on Administrative Leave without pay for an additional 21 calendar days upon written notification to the Human Resources Department by the official who placed the employee on Administrative Leave.

At the conclusion of the 21-day unpaid Administrative Leave period, if the investigation has not been concluded, an extension may be considered or the employee may be terminated.

The purposes of Administrative Leave are to provide an investigatory opportunity or to relieve the employee of his/her duties when it is deemed in the best interest of the City and the employee. Designation of the leave as “administrative leave” is to prevent any possible stigma against an employee during a period of Administrative Leave. Notice of the conclusion of the Administrative Leave period shall be provided in writing to the employee by the applicable ~~Department Head~~Department Director with copies of the written notice provided to the ~~Director of Human Resources~~City Manager or Designee.

The decision to place an employee on Administrative Leave is entirely discretionary. Certain acts of misconduct or criminal arrests may be more suitable for immediate termination as determined by the ~~Department Head~~Department Director and the ~~Director of Human Resources~~City Manager or Designee.

(e) Leave Due to City Office Closure

In the event of hazardous weather, or other occurrence resulting in the closure of the City offices, all employees who are scheduled to work during the period for which the City is officially closed will be paid. Full-time employees shall be paid closure pay according to hours worked in their regularly scheduled shifts. Part-time employees shall be paid for four (4) hours of pay. Temporary and seasonal employees shall not be paid. WE HAVE CURRENTLY – The City may grant unpaid time off or authorize the use of annual leave, compensatory time or a floating holiday. These instances occur on a case-by-case basis and the City reserves the right to authorize time off on a discretionary basis.

If questionable weather exists, but the City is open for business, employees should make their own independent safety determinations concerning travel to work. If the employee elects not to attend work due to safety concerns when the City is open for business, the employee’s absence will be charged against any accrued personal leave or compensatory time. If no such accrued leave exists, the employee will not be compensated. Public Safety employees are expected to monitor weather conditions and report to work as scheduled.

Employees should look to hear from their Department Director or Supervisor for instructions on closures. The City Manager will contact each Department Director

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Formatted: Highlight

Formatted: Highlight

with instructions on closings and the Department Director will then contact each of their employees. There will additionally be an effort to publicize the closings by local radio, television stations, accesswdun.com, gainesvilletimes.com, or the City website.

If a non-exempt employee who is not a public safety employee is called into work when the City is officially closed, it is considered a call-out for emergency reasons and the employee shall be compensated for time and one-half of his/her regular rate for hours actually worked in the form of over-time for non-exempt employees and compensatory time for exempt employees. If the employee is not called into work, but reports to work during the period of time that the City is officially closed, the employee will be paid at his/her regular rate of pay.

(f) Holidays

The City observes the following holidays:

New Year's Day
Martin Luther King, Jr. Day
~~President's Day~~
Good Friday
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day
Christmas Eve
Floating Holiday
Employee's Birthday

Commented [KH16]: I will rearrange to be in correct order

When a holiday falls on a Saturday, the preceding Friday shall be declared a holiday for city employees. When a holiday falls on a Sunday, the following Monday shall be declared a holiday for city employees. The birthday floating holiday must be taken within a month of the employee's birthday. ~~The City Manager will designate the floating holiday on a year-by-year basis.~~

Formatted: Highlight

A non-exempt ~~shift-police department~~ employee who is required to work on an official city holiday will be paid at a rate of ~~10.6 hours for fire department employees and 8.4 12.25 holiday hours plus hours worked. for police department employees.~~ Employees must work their regularly scheduled work-day or shift

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

before the holiday⁷ or be on an approved leave status the day before and after the holiday, in order to receive holiday pay.

(g) Maternity Leave Policy

Maternity Leave is afforded to all employees pursuant to, and governed by, the provisions of the Family and Medical Leave Act (“FMLA”) and those provisions set forth in the following Section.

Full-time employees who have been employed with the City for a period of at least 6 (six) consecutive months, and give birth to a child/children, shall be entitled to Paid Maternity Leave not to exceed 6 (six) weeks. Such Paid Maternity Leave shall be provided to the employee to cover absence immediately following childbirth and shall begin the date of childbirth.

Commented [MH17]: Are we offering paid maternity leave?

All Maternity Leave, paid or unpaid, shall run concurrent to FMLA Leave. Upon expiration of Paid Maternity Leave, or for periods of Maternity Leave prior to childbirth, an employee must utilize any available Paid Time Off to run concurrent to FMLA Leave. Upon expiration of any Paid Time Off, the remainder of FMLA leave, if any, shall be unpaid.

Maternity Leave shall begin when the employee is no longer reasonably able to carry out the duties and responsibilities of her position. Medical certification from a healthcare provider may be required to support a request for Maternity Leave prior to childbirth. Time for termination of Maternity Leave shall be at the expiration of FMLA Leave or Paid Maternity Leave (for eligible employees), whichever is later.

The City will seek to provide modified duty work assignments for all pregnant employees who are temporarily unable to perform their job duties due to pregnancy. Modified duty employment opportunities will be considered in all Departments, not just the Department in which the pregnant employee was working before she requests a light duty assignment.

Modified duty employment opportunities are intended to assist pregnant workers who are temporarily not able to perform their normal job duties. All modified duty assignments will be productive. Duties must never be demeaning or appear worthless in any way.

The City will make efforts to retain pregnant employees who need temporary modified duty in accordance with the Pregnancy Discrimination Act of 1987.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

B. GROUP BENEFIT PLAN

Section 1: Policy Statement

It is the policy of the City of Flowery Branch to provide its employees with various insurance, retirement and **educational assistance** benefits. The benefits plan is designed to provide a supplemental package of programs which contribute to the physical and mental health and well-being of the employee and their dependents. The plan is designed to enhance the attractiveness of working for the City and to aid the City's competitiveness in recruitment and retention efforts.

Formatted: Highlight

Section 2: General Provisions

(a) Administration

The primary responsibility for the day-to-day administration of the benefits plan shall rest with the ~~Director of Human Resources~~City Manager or Designee within the limits of these policies and procedures, as well as the actual plan documents that govern the particular benefit. Availability of benefit packages, questions on benefits, and employee discussion regarding benefits can be obtained from the ~~Director of Human Resources~~City Clerk.

(b) Eligibility

Eligibility for health insurance, death benefits, retirement benefits, and ~~tuition reimbursement~~ shall include regular full-time, and police ~~and fire shift~~ employees.

1. Employee contributions deducted via payroll will begin concurrent with employee eligibility.
2. Benefit eligibility will expire at the end of the last day of the month that the employee worked for the city.
3. All employees, elected officials and police ~~and fire volunteers~~ shall be covered by worker's compensation and have access to the Employee Assistance Program.

Formatted: List Paragraph, No bullets or numbering

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

~~3.4.~~ Employees that select to waive healthcare coverage may be entitled to an increase in salary. This should be discussed with the City Clerk, Department Director, and Finance Director.

(c) Benefits Continuation

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City of Flowery Branch's health plan for a certain period of time provided by law when a qualifying event would normally result in the loss of eligibility.

Under COBRA, the employee or qualified beneficiary pays the full cost of coverage at the City of Flowery Branch's group rates, plus an administrative fee established by the City.

Certain deadlines and application requirements will apply. Please consult the human resources department if you wish to apply for COBRA benefits.

Section 3: Benefits Offered:

The City of Flowery Branch intends to provide a comprehensive benefit package to aid the recruitment and retention of staff. Benefits will include but not be limited to: health insurance, life insurance, retirement, long-term and short-term disability, ~~and tuition reimbursement~~. We will annually publish a document that details our benefit plans. The actual plan documents, rather than any summary statements in this Chapter, should be relied upon in determining an employee's rights and obligations.

Full-time employees are provided a term life insurance policy provided by the City through the company of its choice in the amount determined annually at the policy renewal date and continue for as long as the employee is employed by the City. Employee coverage is \$25,000; spouse coverage is \$5,000, and children coverage is \$2,500.

Additionally, the city maintains liability insurance coverage, which includes Law Enforcement Liability coverage. This liability coverage protects the city and city employees from claims that may arise out of the course of operations for the city.

Short-Term Disability insurance is a separate benefit offered to employees. The City does not contribute to the costs of this benefit. Short-Term Disability allows employees to be paid

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

while out of work for up to 6 weeks due to injury or illness that occurred off the job. The amount an employee is paid will depend on the policy that is selected.

Long-Term Disability insurance is also offered to employees to ensure they receive a portion of their average monthly wages for an extended absence due to a covered disability. The absence could be a result of an accident, injury, or illness that either occurred on or off the job. The City does not contribute to the costs of this benefit.

Effective as of November 1, 2014, the City adopted the Georgia Municipal Employees Benefit System (GMEBS) Defined Benefit Retirement Plan for its employees. Participation is mandatory for all eligible employees. An eligible employee is defined as all regular employees that meet the eligibility conditions of 40 hours per week for at least 6 months per year. The monthly normal retirement benefit amount for eligible regular employees shall be 1/12 of 2% of final average earnings multiplied by years of total credited service. (Example: $((2\% \times \$35,000 \text{ final average earnings}) \times 5 \text{ years of total credited service}) / 12 = \$291.67 \text{ monthly benefit}$). In order for an employee to become 100% vested in the plan, an employee must work a minimum of five (5) years. An employee will remain 0% vested until the five (5) year minimum is satisfied. Full terms and conditions are stated in the GMEBS Defined Benefit Retirement Plan Adoption Agreement, the GMEBS Master Plan Document, and the GMEBS Trust Agreement.

Formatted: Justified, Indent: Left: 0", First line: 0.5", Right: 0.08"

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

C. WORKER'S COMPENSATION

Section 1: Policy Statement

It is the intent of the City of Flowery Branch to comply with the provisions of the Worker's Compensation Laws of the State of Georgia. All City of Flowery Branch employees and elected officials who are injured on the job are protected by the Georgia Worker's Compensation Act. The provisions of this act are the exclusive remedy for employees injured on the job and provide benefits and procedures for obtaining benefits for occupational injuries and diseases arising out of and in the course of an employee's employment with the City of Flowery Branch.

Section 2: General Provisions

(a) Definition

"Injury" shall be defined as provided for in O.C.G.A. § 34-9-1.

(b) Responsibility

Worker's compensation can be a very complex environment if proper procedures are not followed. Specific responsibilities lie with the Human Resources department, all supervisors and the employee.

1. Human Resources

The ~~Director of Human Resources~~ City Clerk is responsible for the management of the City's worker's compensation program in accordance with the provisions of the Georgia Worker's Compensation Act and other Federal, state, or local regulations. The ~~Director of Human Resources~~ City Clerk is responsible for timely submission of the First Report of Injury form to the State and for all other Worker's Compensation records, files and reports. The ~~Director of Human Resources~~ City Clerk will, in accordance with the law and applicable City policies and procedures, determine the continuing employment status of employees who are out of work on Worker's Compensation. An employee out of work on Worker's Compensation who does not return to work when released to do so by a qualified physician may be terminated.

2. Supervisors

City of Flowery Branch supervisors are responsible for assuring their employees report all on-the-job injuries to them immediately or as soon as

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

possible following the occurrence of the injury. Supervisors will ensure that a written report of the injury is completed and turned into the ~~Department Head~~Department Director who will then forward it to the ~~Director of Human Resources~~City Clerk within the twenty-four hour time period.

3. Employees

All City of Flowery Branch employees are required to report all on-the-job injuries to their supervisor immediately when possible, but in all cases no later than twenty-four (24) hours after the occurrence of the injury. The employee is obligated to cooperate with the worker's compensation program directives and activities and any fraudulent activity will be grounds for termination.

Section 3: Procedures

- (a) An employee injured on the job must report the injury to their supervisor immediately, on the forms prepared and provided by the ~~Director of Human Resources~~City Clerk.
- (b) The employee's supervisor must follow the appropriate procedures prescribed for reporting the injury which includes completion of the First Report of Injury form and the Supervisor and Employee Statement forms.
- (c) Treatment of the injury shall be provided at one of the designated medical facilities that are posted at each work site and the employee must select a doctor from the approved panel of physicians provided by the city. In an emergency, the employee may receive medical care from any doctor until the emergency is over, then the employee must obtain treatment from a doctor on the City's approved panel of physicians. The City reserves the right to refuse payment of medical services for any employee examined by a physician not listed on its approved panel of physicians.
- (d) An employee injured by an accident arising out of or in the course of employment shall not be charged for any absence from duty due to the injury on the day of the injury.
- (e) There is a seven calendar day waiting period before worker's compensation benefits are due. The seven-day waiting period includes those days the employee would not have worked even if there has been no injury. The City of Flowery Branch will compensate employees during this seven day waiting period. The employee will not have to use their accrued sick or vacation leave in the event of a worker's

compensation injury during those first seven days. The employee is eligible to receive medical benefits during the seven-day waiting period. Beginning with the first day after an on-the-job injury and continuing through the seventh day following the injury, the injured employee may elect to be compensated by using their available sick or vacation balance. However, if the disability lasts for 21 consecutive days, compensation is retro-active for the first seven days. The first seven days of disability are not reimbursable unless the employee is disabled more than the 21 consecutive days. If the employee is reimbursed from the state for the initial seven day period, he/she will be responsible for returning that money to the City.

- (f) Beginning with the eighth day following the injury, the employee will be compensated with the statutory worker's compensation rate of $66 \frac{2}{3}$ of weekly salary up to the maximum prevailing rate required by the Worker's Compensation Law. The employee may continue their available balance of sick or vacation time to supplement the worker's compensation benefit.
- (g) During the first six months of a job related injury, the employee's position will be secure and the affected department may use temporary employment if the budget allows.
- (h) If the employee is unable to return to their regular position, the city may require the employee to perform a light duty assignment that is approved by the assigned physician until a time the employee can return to work on a unrestricted basis. The City has no obligation to create a light duty assignment if work is not available.
- (i) Worker's compensation leave must run concurrent with Family Medical Leave.

E. **SUPPLEMENTAL PAY AND TUITION REIMBURSEMENT BENEFITS**

Section 1: Supplemental Pay for Sworn Police Receiving College Credit Toward Degrees

~~The City will offer \$1000 in supplemental base pay to sworn police and certified fire personnel who complete 60 semester hours of college credit (or equivalent quarter hours) from an accredited college or university with proof of transcript. Sixty hours typically equates to an Associate's Degree. The City will also offer an additional \$1000 to an employee's base pay for completing his/her Bachelor's Degree and \$1000 for an employee who attains their Master's degree from an accredited college or university. The most an employee may receive is \$3000 in educational supplemental pay during their tenure with the City. All supplemental pay will be added to the base pay amount. These supplements will be applied either during the hiring process~~

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Formatted: Indent: Left: -0.01", Hanging: 0.01"

Formatted: Normal, Indent: Left: -0", Space After: 0 pt, Line spacing: Multiple 1.08 li

Formatted: Indent: Left: -0.01", Hanging: 0.01"

Formatted: Left, Indent: Left: -0.01", Space After: 0 pt, Line spacing: Multiple 1.08 li

for those prospective employees who meet the above educational standard or for those existing full-time employees who meet the above standards during their course of employment.

Section 2: Tuition Reimbursement

The tuition reimbursement program has been designed to assist employees with long-term educational goals. The City offers tuition reimbursement to eligible employees, contingent upon fund availability. Reimbursable expenses include tuition, registration and application fees, books and other required fees. The cost of supplies, parking, gasoline, student activity cards, and other related items are excluded.

(a) Application and Approval

To be eligible for tuition reimbursement benefits an employee must be employed with the City for at least six (6) months and must execute a Tuition Reimbursement Agreement with the City to be submitted in conjunction with the Employee's application for tuition reimbursement. The tuition reimbursement application must be approved prior to the beginning of any training and development activity or reimbursement will not be made available. An employee must receive approval from Human Resources and the department director.

(b) Reimbursement

An employee who takes an approved training or development course may be reimbursed one hundred percent (100%) up to a maximum of \$3,000 per calendar year of tuition costs under the following terms and conditions:

- (1) In order to be reimbursed, the course must be job-related or related to a position to which the employee can be promoted;
- (2) The course has been successfully completed with a minimum grade of "C" at the undergraduate level and "B" at the graduate level; and
- (3) Funds for reimbursement are available in the department budget.

The employee shall submit proof of tuition payment, other receipts eligible for reimbursement and a copy of their grade(s) to Human Resources within ten (10) days after receiving their grades.

(c) Re-Payment

Consistent with the Tuition Reimbursement Agreement that the Employee executes and submits with his/her application for tuition reimbursement, if the employee leaves employment with the City voluntarily within six (6) months of the conclusion of the training or development course for

Formatted: Indent: Left: -0.01", Hanging: 0.01"

Formatted: Normal, Indent: Left: -0", Space After: 0 pt, Line spacing: Multiple 1.08 li

Formatted: Indent: Left: -0.01", Hanging: 0.01"

Formatted: Left, Indent: Left: -0.01", Space After: 0 pt, Line spacing: Multiple 1.08 li

Formatted: Indent: Left: -0.01", Hanging: 0.01"

Formatted: Indent: Left: -0.01", Hanging: 0.01", No bullets or numbering

Formatted: Indent: Left: -0.01", Hanging: 0.01"

Formatted: Indent: Left: -0.01", Hanging: 0.01", No bullets or numbering

Formatted: Indent: Left: -0.01", Hanging: 0.01"

Formatted: Left, Indent: Left: -0.01", Space After: 0 pt, Line spacing: Multiple 1.08 li

Formatted: Indent: Left: -0.01", Hanging: 0.01"

Formatted: Left, Indent: Left: -0.01", Hanging: 0.01", Space After: 0 pt, Line spacing: Multiple 1.08 li, No bullets or numbering

Formatted: Indent: Left: -0.01", Hanging: 0.01"

Formatted: Left, Indent: Left: -0.01", Space After: 0 pt, Line spacing: Multiple 1.08 li

Formatted: Indent: Left: -0.01", Hanging: 0.01"

Formatted: Indent: Left: -0.01", Hanging: 0.01", No bullets or numbering

Formatted: Indent: Left: -0.01", Hanging: 0.01"

Formatted: Left, Indent: Left: -0.01", Space After: 0 pt, Line spacing: Multiple 1.08 li

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

~~which the Employee received tuition reimbursement, the Employee shall be responsible for full re-payment of the reimbursement amount to the City.~~

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Chapter III

Employee Relations

III. EMPLOYEE RELATIONS

A. STANDARDS OF CONDUCT

Section 1: Policy Statement

All employees are expected to maintain acceptable standards of conduct, efficiency, and economy in the performance of their work. All employees are expected to maintain minimum standards of conduct both on and off duty in order to:

1. Promote impartial, objective and effective performance of their duties;
2. Avoid activities that are adverse to the City's interest or adversely affect the City's reputation;
3. Ensure safe and efficient operations; and
4. Encourage a high degree of confidence in and support for city operations.

The following list of standards of employee conduct is not intended to be all inclusive of every type of conduct prohibited by city employees. Other standards of conduct are established throughout this handbook and other standards may be established and published by departments as operations deem necessary. Moreover, generally accepted standards of conduct shall apply even where not specifically stated.

Section 2: General Provisions

(a) Conformance to Law

An employee shall obey and not engage in any conduct prohibited by the laws of the United States, Georgia, or any other state and political subdivision thereof. Conduct described as a violation of such laws may be cause for disciplinary action, regardless of whether charges are filed, prosecuted or whether the employee is adjudicated guilty or not guilty.

(b) Violation of Rules

An employee shall not commit any act contrary to good order and discipline or constituting a violation of any of the provisions of the rules and regulations of the City and its departments.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

(c) Ethics

1. No elected official, appointed officer, or employee of the City or any agency or political entity to which this handbook applies shall knowingly:
 - a. Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties or which would tend to impair the independence of his or her judgment or action in the performance of official duties;
 - b. Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of official duties or would tend to impair the independence of his or her judgment or action in the performance of official duties;
 - c. Disclose confidential information concerning the property, government, or affairs of the governmental body by which engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or herself or others;
 - d. Accept any valuable gift, whether in the form of service, loan, object, or promise, from any person firm, or corporation which to his or her knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the governmental body by which he or she is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
 - e. Represent other private interests in any action or proceeding against this city or any portion of its government; or
 - f. Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which he or she has a financial interest.
2. Any elected official, appointed officer, or employee who has any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the City shall disclose such private interest to the City Council. The Mayor or any councilmember who has a private interest in any matter pending before the City Council shall disclose such private interest

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

and such disclosure shall be entered on the records of the City Council, and he or she shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this Handbook applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.

3. No elected official, appointed officer, or employee of the city or any agency or entity to which this Handbook applies shall use property owned by such governmental entity for personal benefit, convenience, or profit, except in accordance with policies promulgated by the City Council or the governing body of such agency or entity.
4. Any violation of this Section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the City Council;
5. Except as authorized by law, no member of the Council shall hold any other elective City office or other City employment during the term for which elected. The provisions of this subsection shall not apply to any person holding employment on the date of enactment of this Handbook.

Section 3: Attention/Dereliction

(b) Attention

~~Except when approved in Fire Services, Anan~~ employee shall remain awake, alert, observant and occupied with City business when on the job. Employees are expected to perform their job duties:

1. Timely, promptly and without undue delay;
2. Without unnecessary supervision;
3. Ensuring they are engaged productively at all times or as directed;
4. Demonstrating appropriate initiative and dependability in the quality, volume, and prioritization of job duties.
5. Avoiding excessive tardiness, excessive absenteeism, and unexcused absences.

(c) Insubordination

An employee shall adhere and execute any and all lawful orders of a supervisor, including those relayed from a supervisor through another employee. A lawful order is any order in keeping with the performance of any duty, issued either verbally or in writing by the department director or any other supervisor, direct or indirect. The willful disobedience of any order lawfully issued by a supervisor or any mutinous, insolent, uncooperative, or abusive language or conduct toward a supervisor shall be insubordinate.

Section 4: Competence, Judgment & Supervision

(a) Competence

An employee shall maintain sufficient competence to properly perform the assigned duties and responsibilities of the position. The employee's efforts shall be directed and coordinated in a manner that demonstrates and maintains the highest standards of efficiency in carrying out the functions and objectives of the City. Failure to do work at an acceptable level of competence as determined by the applicable supervisor may be grounds for disciplinary action.

(b) Judgment

An employee shall exercise sound judgment relevant to the conduct and performance of duty.

(c) Supervision

A supervisor shall, in accordance with department management expectation:

1. Demonstrate qualities of leadership necessary for the position;
2. Maintain a positive attitude in support of department decisions and goals;
3. Exercise appropriate supervision of subordinates and responsibilities;
4. Effectively plan, develop, and coordinate supervision and training of subordinates;
5. Observe and appropriately counsel subordinates;
6. Take appropriate action when a subordinate fails to perform; and

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

7. Properly account for all funds and property under their control

Section 5: Health Fitness.

(a) Fitness for Duty

An employee must be physically and mentally fit to perform essential job functions.

(b) Evaluation for Fitness

When it is reasonably demonstrated that the physical or mental impairment of an employee constitutes a hazard to individuals or property or may prevent the employee from effectively performing the essential job functions of the position, the employee may be required to submit to an evaluation of health fitness for duty by a physician of the city's choosing and expense. All such testing shall be coordinated by the ~~Director of Human Resources~~City Manager or Designee.

(c) Periodic Evaluation

An employee may be required to take periodic examinations and/or undergo a program of treatment to qualify for continued employment, to the extent allowable by law.

(d) Disclosure Required

An employee who becomes aware of a physical or mental impairment that affects or reasonably threatens to affect their ability to perform essential job functions shall report the condition immediately to the ~~Department Head~~Department Director.

(e) Status During Evaluation

Pending completion of the health fitness evaluation, the employee may be required to use accrued leave, may be placed in an unpaid or paid leave status, or may be temporarily reassigned, depending on the circumstances and the length of the evaluation period.

Section 6: Absences & Reporting.

(a) Unauthorized Absence

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

No employee shall be absent without authorization. This includes failure to report for work at the assigned time and place, or leaving a place of duty or assignment without authorization.

(b) Reporting for Work

An employee shall report to work on time and physically and mentally fit at the time and place specified by the supervisor and remain physically and mentally fit throughout the work-day.

(c) Reporting Absence

An employee who cannot report to work due to illness or emergency shall notify the immediate supervisor within the time limits established by the department director. Failure to do so may result in an unexcused absence.

(d) Fictitious Reporting

Employees are responsible for immediately reporting any suspected violation of policy. An employee is responsible for immediately reporting to their department director in writing any arrest or complaint filed against them. Reports submitted by employees shall be truthful and without attempt to deceive any supervisor or official of the City.

Section 7: Response

(a) Responding to Calls for Service

No employee shall fail to timely respond to official calls for service, dispatched calls, notices of assignment, subpoenas or any other method of direction to perform.

(b) Requests for Assistance

When the public requests assistance or advice or makes complaints or reports, the employee shall gather all information in an official and courteous manner and shall judiciously act upon the situation consistent with prescribed procedures.

(c) Personal Appearance

All employees must maintain a neat and well-groomed appearance, wearing any uniform or other appropriate business apparel.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Section 8: Professional Conduct

(a) Courtesy

Employees shall be courteous to the public and fellow employees. An employee's conduct should always be civil, orderly, and courteous. Employees shall be diplomatic and tactful, controlling their temper and exercise patience and discretion in all situations. Employees should refrain from using coarse, violent, profane or insolent language.

(b) Conduct Unbecoming or Prejudicial to Good Order

An employee's conduct at all times, both on and off the job, shall reflect favorably on the employee and the City. Unbecoming conduct includes acts that tend to bring the City into disrepute, discredit the employee, or tend to impair or interfere with the operation of the City or employee.

(c) Unprofessional Conduct.

Inappropriate conduct includes but is not limited to:

1. uncooperative attitude, including, but not limited to, disrespect to a supervisor, co-worker, or the public;
2. conflict of interest;
3. reporting to work/or working under the influence of drugs and alcohol;
4. use of abusive or obscene language;
5. violation of telephone/computer usage/or political activity policy;
6. theft, abuse or misuse of City property or vehicles, violations of traffic laws while driving a City vehicle, failure to report damage or destruction of City property to a supervisor, loaning property or equipment of the City without permission or proper authority;
7. illegal gambling;
8. falsifying records/making false claims;
9. fighting;

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

10. sabotage;
11. deliberate damage to City property;
12. acceptance of a bribe;
13. mishandling cash or other City property;
14. discriminatory attitude or prejudice concerning another person to include gossip;
15. conviction of a felony or a crime of moral turpitude, and/or arrests that bring discredit to the City or otherwise threaten to interfere with the City operations;
16. acts during duty hours which are incompatible with public service;
17. falsification or destruction of official records or documents, or use of official position for personal benefit, profit, or advantage;
18. when duly and properly called as a witness before any City board, appeals board, state or federal judicial or administrative tribunal, and when before such tribunal, failing to answer truthfully any question concerning performance of official duties with the City;
19. failure to report an occupational injury or accident during the shift on which it occurred;
20. absence due to incarceration;
21. use of any form of physical abuse of the public, supervisors, or other employees, or making threats to the public supervisors, or other employees;
22. violating any lawful official regulation or order or failing to obey any proper directive made and given by a superior officer;
23. guilty of disgraceful conduct;
24. careless or negligent with the monies or other property of the City;
25. failure to pay or make reasonable provisions for future payment of debt to such an extent that such failure is detrimental to the work relationship;

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

- 26. use or threatening of use, or attempt at use of personal or political influence to secure employment benefits, including but not limited to, promotion, leave of absence, transfer, change of pay rate, or character of work;
- 27. violating the established procedures during an examination process or obtaining information, through unauthorized or illegal means, which provides an unfair advantage on an examination;
- 28. failure to acquire a valid license, registration, or certification when such license, registration, or certification is required and specified in the specification for the class to which the position occupied by the employee is classified;
- 29. Wasted time, inefficiency, and/or loitering during working hours; and/or
- 30. Abuse of leave policies.

(d) Immoral Conduct

An employee shall at all times maintain high standards of moral conduct in personal affairs and shall not be a participant in any incident involving moral corruption that may impair the employee's ability to perform as a City employee or cause the City to be brought into disrepute.

Section 9: Other Standards

(a) Identification

An employee must furnish their name, job title, and department name to any person requesting that information as a result of actions taken by the employee in the course of City business. Employees ~~may be~~ are required to obtain an official, City-issued identification and have it available for inspection during business hours.

(b) Examinations and/or Tests

Upon order of the department director for matters related to duty performance and investigations authorized by law, an employee shall submit to any medical, chemical, drug, alcohol, ballistics, or other test, polygraph, fingerprinting, or counseling program, and shall sign any related authorization forms.

(c) Horseplay/Rough Play

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

No employee shall engage in horseplay or rough play while on the job or in any City facility. Injuries as a result of horseplay/rough play are not considered within the scope of employment and may not be covered under worker's compensation.

(d) Fighting

An employee shall not engage in unnecessary violence or harassment toward any person, except where authorized by law, even in the event of provocation.

(e) Firearms and Lethal Weapons

Except for employees commissioned by the City of Flowery Branch as police officers, City employees are prohibited from possessing firearms while on duty or in any City facility or vehicle, regardless of whether the employee possesses a firearms license.

(f) Fraudulent Employment

No employee shall procure or maintain employment in the City by means of willful misrepresentation or omission of any fact concerning the employee's personal history, qualifications for employment or physical condition.

(g) Tobacco free Environment

Consistent with the public health concerns addressed by the adoption of the Georgia Smokefree Air Act of 2005, all City enclosed buildings and vehicles are hereby declared to be smoke-free areas. In addition, based upon the maintenance and cleanliness issues presented by the uses of smoke-less tobacco that gives rise to increased facilitated costs and resulting public health concerns, all City enclosed buildings and vehicles are hereby declared to be tobacco-free areas as well as any area or vehicle that is within the view of the public. No employee shall engage in conduct in violation of this policy.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

B. DISCIPLINE (as amended 2/1/2016)

Section 1: Policy Statement

The City of Flowery Branch believes that each employee wants to provide quality public service by meeting high standards of job performance and conduct and by following established policies, procedures, regulations, and practices.

The primary purpose of disciplinary action is to correct or prevent the recurrence of employee performance or conduct that is detrimental to quality job performance or the interest of the citizenry, the employee, the City or other employees. The City's discipline policies emphasize the employee's responsibility for the consequences of their own behavior with a focus on communicating expectations for changes in behavior and needed improvement.

When an employee's conduct results in deficiencies in job performance or violations of law, City regulations or rules, it is the policy of the City to take appropriate action to improve and/or correct the conduct or performance or, if necessary, remove the employee from the City workforces through application of the standardized disciplinary options and procedures in this chapter.

Section 2: General Provisions

(a) Level of Discipline

Disciplinary action will be consistent with the nature of the deficiency or infraction involved and with other relevant factors. In reaching a decision as to the level of discipline to be applied, the supervisor should consider such factors as the type and severity of the infraction, the results of the infraction, the employee's work record, prior disciplinary actions, and any mitigating circumstances which may be relevant to the situation.

(b) Format & Location of Actions

All disciplinary action should be documented in writing. All appeals by employees must be in writing. All responses to, and decisions on, appeals must be in writing.

(c) Progressive Discipline

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

While it is expected that disciplinary action options be exercised progressively, the nature of the deficiency or violation in any particular situation may preclude the exercise of a less severe discipline option. Typical disciplinary actions may include oral or written warning, suspensions (with or without pay), training and termination.

(d) Suspension of Exempt Employees

Except in the case of a major safety violation, any suspension of an exempt employee must be made in full week increments only. Major safety violation suspensions may be made in full day increments.

(e) Disciplinary Options

Only ~~Department Head~~Department Directors are authorized to demote or terminate employees with the authority delegated by the City Manager. The ~~department head~~department director or a designee may suspend employees.

STEP	USE	RESPONSE / APPEAL
Counseling	An informal discussion between a supervisor and employee about the need to improve minor performance problems or as a reminder about violation of a minor rule that does not threaten the safety or the employee or others, or that does not involve honesty. Documents kept in the department	No appeal
Oral Reprimand	An oral warning/instruction from the supervisor to the employee about the need to improve performance deficiencies or about violation of a rule that does not threaten the safety or the employee or others, or that does not involve honesty. Documents kept in the department	No appeal

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Written Reprimand	A written warning/admonishment from the supervisor to the employee about the need to improve performance or about a rule violation. Documents kept in Human Resources	Employee has five days to appeal to the Department Director or through the chain of command to the next level supervisor. Appeal does not go beyond the next level of supervision of the supervisor issuing the appeal.
Suspension	Relief from duty for a specified amount of time. Requires coordination with Human Resources and the City Attorney. Documents kept in Human Resources	Employee has five days to appeal to the Department Director. After the Department Director's decision, the employee has five days to appeal to the City Manager (or his/her designee). The final decision rests with the City Manager (or his/her designee).
Demotion	Reduction in rank or classification consistent with deficiency of the violation. This is not an option for probationary employees. Requires coordination with Human Resources and the City Attorney. Documents kept in Human Resources	Employee has five days to appeal to the Department Director. After the Department Director's decision, the employee has five days to appeal to the City Manager (or his/her designee). The final decision rests with the City Manager (or his/her designee).

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Dismissal	Involuntary separation of employee from City employment. Requires coordination with Human Resources and the City Attorney. Documents kept in Human Resources	Employee has five days to appeal to the Department Director. After the Department Director's decision, the employee has five days to appeal to the City Manager (or his/her designee). The final decision rests with the City Manager (or his/her designee). Probationary employees do not have appeal rights to dismissal.
-----------	---	--

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

C. GRIEVANCES

Section 1: Policy Statement

The City of Flowery Branch is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, or question receives a timely response. The City strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect and are encouraged to offer positive and constructive criticism.

If employees disagree with established rules of conduct, policies, or practice, they may express their concern through a grievance process. No employee shall be penalized, formally or informally, for voicing a complaint in a reasonable, professional manner using the grievance process. While a formal grievance process is in place, employees are encouraged to first informally discuss any issue with their immediate supervisor.

Section 2: General Provisions

(a) Scope

The grievance procedure provides an avenue for any eligible employee to obtain management review of work-related issues that are felt to adversely affect the employee, for which no other means of response, review, appeal or resolution for is provided in this handbook. Grounds for submission of a grievance include:

1. Unfair application, interpretation or violation of City or department regulations;
2. Acts of retaliation as a result of utilization of the grievance process.

(b) Statement of Grievance

At each step in the process, the written grievance must include the following:

1. A statement of the grievance and the facts upon which it is based;
2. A description of the specific wrongful act and harm done to the grieving employee, and

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

3. A statement of the remedy or adjustment sought.

Section 3: Grievance Steps

(a) Step One – Department Director

The employee should first seek to resolve the issue informally. If unable to do so, the employee should file a written grievance to the ~~Director of Human Resources~~ City Manager or Designee and the Department Director within five working days of the incident or when the employee became knowledgeable of the incident. The Department Director will attempt to resolve the matter and submit a written response to the employee within five working days after receipt. Note: In the public safety departments, it is expected that grievances follow the chain of command. Under no circumstances will a grievance be allowed to extend beyond 25 business days.

(b) Step Two – City Manager

If the Department Director is unable to resolve the grievance or the response is unacceptable to the employee, the employee must within five (5) working days of receiving the response, present the written grievance to the City Manager. Within ten (10) days of receipt of the grievance, the City Manager or his/her designee will investigate the grievance and respond in writing to the employee. The City Manager's or his/her designee's decision is final.

Section 4: Areas Not Grievable

The following areas are NOT grievable:

- (a) Issues which are pending or which have been concluded by other administrative or judicial procedures;
- (b) Management's rights to assign work and/or establish work processes;
- (c) Budget allocations and expectations and organizational structure, including the persons or number of persons assigned to particular jobs or units;
- (d) The content or rating of a performance evaluation;

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

- (e) The selection of an individual by the ~~Department Head~~ **Department Director** or City Manager to fill a position through appointment, promotion, or transfer, except when the employee can show adverse effect because of unlawful discrimination;
- (f) Any matter which is not within the jurisdiction or control of the City;
- (g) Internal security practices established by the City Manager and/or City Council; and
- (h) Decisions, practices, resolutions or policies made or passed by the City Council or City Manager.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

D. WORKPLACE DISCRIMINATION & HARASSMENT

Section 1: Policy Statement

It is the policy of the City of Flowery Branch that harassment and discrimination of any kind will not be tolerated, and complainants will be protected from reprisal. Employees and non-employees are encouraged to come forward confidentially to discuss any situation that they deem inappropriate. The City of Flowery Branch expressly prohibits any form of unlawful employee harassment based on race, color, religion, gender, sexual orientation, national origin, age, disability, or veteran status. Improper interference with the ability of City of Flowery Branch employees to perform their expected job duties is absolutely not tolerated.

Section 2: Discriminatory Harassment

The EEOC's definition of harassment is unlawful harassment which is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age, sexual preference or disability, or that of his/her relatives, friends, or employees, and that

- (a) has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
- (b) the purpose or effect of unreasonably interfering with an individual's work performance; or
- (c) otherwise adversely affects an individual's employment opportunities.

All employees, supervisors, and elected officials/~~department head~~~~department directors~~ are expected to avoid any behavior or conduct that could reasonably be interpreted as harassment. Any form of harassment related to an individual's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status, is a violation of this Policy and will be treated as a disciplinary matter. For purposes of this Policy, the term "discriminatory harassment" shall be construed consistent with applicable law and may include, but is not limited to, any of the following.

- (a) Offensive remarks, comments, jokes or slur pertaining to an individual's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status;
- (b) Offensive pictures, drawings, posters, photographs, reading materials, computer monitors, or other tangible items, or communications including e-mail, that are reasonably offensive or that reasonably exploit an individual's race, color, national

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status;

- (c) Threatening reprisals based on an employee's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status; or
- (d) Conduct that has the purpose or effect of unreasonably interfering with an individual's work performance and/or conduct that creates an intimidating, hostile or offensive working environment.

Section 3: Sexual Harassment

(a) Definition

The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as a form of sex discrimination that violate Title VII of the Civil Rights Act of 1964, including and not limited to, unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for an employment decision, and
3. Such conduct has the purpose or effect to interfere with an individual's work performance or creates a hostile or intimidating environment.

(b) Quid Pro Quo

Quid Pro Quo literally means "this for that" and exists when submission to, or rejection of, such conduct is used as a basis for employment decisions such as raises or promotions or affects public services.

(c) Hostile Environment

Hostile Environment includes any lewd sexual conduct, pictures, words, or touching that interferes with a person's job performance or creates an intimidating,

offensive working or public service environment even if there are no occurrences of tangible or economic loss.

(d) Prohibited Behavior

Behavior prohibited by this policy can include but is not limited to unwelcome sexual remarks or compliments, sexual jokes, sexual innuendo or propositions, sexually suggestive gestures or facial expressions, sexual remarks about a person's clothing or body, exhibiting sexually explicit publications or materials, kissing, touching, and sexual contact.

Section 4: Complaint Procedure & Investigation

If an employee feels that this policy has been violated, regardless of whether it is by a fellow worker, a supervisor, or a member of the general public, the employee should ask the offender to immediately stop the behavior. The employee will then report the incident(s) immediately to their department director and the ~~Director of Human Resources~~ City Manager or Designee. If the ~~Director of Human Resources~~ City Manager or Designee is involved in the behavior, the report should be made to the City Manager or designee. Any supervisor who receives a complaint related to harassing or offensive behavior or who has reason to believe that such behavior is occurring shall report these concerns to the ~~Director of Human Resources~~ City Manager or Designee or to the City Manager or designee. At any point, the employee who feels they have been harassed, may go outside the chain of command or their department and go to the Human Resources Department or the City Manager or his/her designee.

All reports of harassing or offensive behavior will be investigated promptly, fairly and discreetly. Investigatory procedures may vary from case to case depending upon the circumstances. The investigation will be conducted as confidentially as possible. All employees have a responsibility both to cooperate fully with the investigation and to keep the matter confidential whether the employee is the accused person, the complainant or merely a potential witness. Persons who are interviewed are prohibited from discussing the matter outside the course of the investigation with co-workers, friends or management. The City will keep the information it gathers as confidential as possible, consistent with state and federal laws and the needs of the investigation.

Section 5: Corrective Action

If management concludes that a complaint of harassment has merit, appropriate action will be taken. Resolutions can include, but not necessarily be limited to, an apology, a transfer, direction to stop the offensive behavior, counseling or training, verbal or written warning, suspension with or without pay or termination. In the event that harassment or offensive behavior reoccurs, it should

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

immediately be reported to the ~~Director of Human Resources~~City Manager or Designee or to the City Manager or designee. Any employee found to be acting in a harassing manner will be subject to disciplinary action up to and including termination. Non-employees may be reported to the appropriate law enforcement agency and/or barred from the premises.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

E. SUBSTANCE ABUSE & DRUG AND ALCOHOL TESTING

Section 1: Policy Statement

The City has a vital interest in maintaining a safe, healthy, and efficient working environment free from the adverse effects of employee drug and alcohol abuse. Employee drug and alcohol abuse poses serious safety and health risks to the user, and to those who work or come in contact with the user in the workplace. Accordingly, the City does not and will not tolerate any employee's consumption, possession, sale, distribution or making arrangements to distribute, manufacturing or presence in the body of illegal drugs or alcoholic beverages on City work time, while on City or customer property (including in personal vehicles while on City property or offsite at customer property during City work time), during lunch or breaks when an employee is scheduled to return to work, while in City vehicles, while offsite during attendance at training or meetings in connection with an employee's work for the City and/or while using, occupying, performing or engaging in any activity on City property and facilities. The City further expresses its intent, through this policy, to comply with Federal, State and local laws and regulations that relate to the maintenance of a workplace free of illegal drugs and alcohol. If possession of an illegal substance is necessary in the course of a police investigation, the Police Chief may grant a waiver to this policy for a finite period of time.

Section 2: Application

This policy applies to all City employees (whether full-time or part-time), volunteers, interns, and any other individuals performing services on the City's behalf, whether paid or unpaid. For purposes of this policy section, all such persons shall be referred to herein as City employees. Visitors, vendors, and contractors are governed by this policy to the extent they are on City Premises or in City vehicles and will not be permitted to conduct business if found to be in violation of this policy.

Section 3: Definitions

For purposes of this Substance Abuse and Drug and Alcohol Testing Policy (the "Policy"), the following definitions apply:

(a) Alcohol or Alcoholic Beverages

Any beverage or substance that contains alcohol manufactured for the primary purpose of personal consumption, including, but not limited to, beer, wine, and distilled spirits.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

(b) City Premises

Includes all property, facilities, land, platforms, buildings, structures, fixtures, installations, parking lots, and vehicles, whether leased or used by the City of Flowery Branch government or its officials, managers, supervisors, employees, or other agents. This definition also includes locations other than city offices, including all other locations of city-sponsored recreational, social, or educational events, and any place where a City of Flowery Branch employee is located while traveling to or from such location in the course and scope of his duties on behalf of the City, including an employee's own vehicle when the employee is using it on city business, or when the vehicle is parked on city property. This definition shall not be interpreted to imply that the City assumes or accepts responsibility for any wrongful, tortious, negligent or criminal acts of any person whom it employs when such person is not acting pursuant to a city supervisor's instruction in furtherance of the City's business, nor shall it constitute a waiver of any immunity which the City of Flowery Branch or its officials or employees might have under federal, state or local laws or ordinances.

(c) Illegal Drugs (includes Controlled Substances)

Any drug or substance the law prohibits individuals from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring, including, without limitation, all drugs listed as controlled substances under Title 16 of the Official Code of Georgia Annotated. This definition encompasses any measurable amount of any drugs or controlled substances such as amphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene, or other drugs made unlawful under Federal or State laws, or a metabolite of any such substances, "look-alikes," "designer drugs" having the same or similar psychotropic effects, unauthorized alcoholic beverages, marijuana, hallucinogens (whether natural or synthetic), inhalants, unauthorized prescription drugs, or authorized drugs which are not prescribed for a verifiable medical condition and/or are not used in strict accordance with this policy and with the prescribing physician's instructions, or any other substances that are mood-altering, mind or consciousness-affecting, or which are likely to have an effect upon a person's perceptions, sensations, thought processes, self-awareness, emotions, or other mental or physiological or psychological reactions or behavior. It also includes

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

urinaids or other substances, natural or synthetic, of a similar nature or purpose designed or used to alter a urine specimen or to conceal illicit chemical substances or other metabolites in an initial screening test.

(d) Impaired

The condition of being weakened, diminished, or damaged, or of functioning poorly, incompetently, uncontrollably, or with less control or ability, due to the consumption, use, or abuse of illegal drugs, controlled substances, and/or alcohol, or if the employee's drug test results indicate the presence of an illegal drug or controlled substance in an amount that constitutes a positive test under accepted scientific standards.

(e) Legally Obtained Drug

Includes prescription drugs and over-the-counter medications.

(f) Over-The-Counter Medication

Includes any drug or substance that does not require a prescription, but which has the capacity to affect a person physically, mentally, or emotionally or which could otherwise affect a person's ability to perform.

(g) Prescription Drug

Any drug or substance that is attainable only by lawful prescription from a licensed physician.

(h) Reasonable Suspicion

A belief based on objective facts sufficient to lead a prudent person to conclude that a particular city employee has used, consumed, is impaired by, or is under the influence of illegal drugs, controlled substances, and/or alcohol. Reasonable suspicion must be directed at a specific person and must be based upon specific and articulable facts and the logical inferences and deductions that can be drawn upon such things as observable phenomena, such as direct observation of the possession or use of an illegal drug, controlled substance, and/or alcoholic beverage, or the direct observation of physical symptoms of being impaired by or under the

influence of illegal drugs, controlled substances, and/or alcohol, such as slurred speech, unsteady gait, a pattern of unusual or abnormal conduct or erratic behavior, odor of the employee, information provided by a reliable and credible source, and/or involvement in a work-related accident, and/or deviation from safe working practices.

(i) Safety-Sensitive Positions

Positions of employment with the City where a lapse of judgment or impaired physical/mental ability in performing any essential job function could reasonably result in a significant threat of harm to the employee, fellow employees, citizens, inmates, or others. Safety-Sensitive Positions include, but are not limited to, those which, as a part of the essential job functions, (1) require the performance of law enforcement duties as a POST-certified law enforcement officer; (2) require or involve possession of a firearm; (3) require or involve providing emergency medical, rescue, or fire suppression services; (4) require or involve interacting with incarcerated persons; (5) require or involve interacting with persons who are on probation for drug charges; (6) directly involve the enforcement of drug laws; (7) directly involve access to, the handling of or the testing of illegal drugs that have been seized by, confiscated by or taken into custody by law enforcement; (8) require or involve performing duties essential to drug interdiction; (9) primarily require or involve maintenance or operation of a motor vehicle, motorized equipment, heavy machinery or heavy equipment; (10) require the holding of a commercial driver's license; and (11) require or involve performing duties which directly affect public health or safety.

Section 4: Prohibitions

The City prohibits all City employees from engaging in the following conduct or behavior while performing City business, while on City property or City premises, while on customer property performing city business, while in use of city property, or while operating or riding in a city vehicle and/or conducting city business:

- (a)** The use or consumption of illegal drugs, controlled substances, and/or alcohol;
- (b)** The possession of illegal drugs, controlled substances, and/or alcohol;

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

- (c) The abuse of prescription medications and over-the-counter medications;
- (d) Being impaired by and/or under the influence of illegal drugs, controlled substances, and/or alcohol;
- (e) The manufacture, sale, purchase, transfer, dispensing of, and/or distribution of illegal drugs, controlled substances, prescription medications, and/or alcohol; and/or
- (f) The use of City property to store, conceal, or transport illegal drugs, controlled substances, and/or alcohol.

Section 5: Use of Legally Obtained Drugs

The abuse and/or inappropriate use of legally obtained drugs while on the job, while performing City business, while on City Premises, while in operation of a City vehicle, or while in operation of any other equipment or vehicle in performance of City business is prohibited and shall constitute grounds for disciplinary action, up to and including termination. The following policies shall apply to the use of ~~use of~~ legally obtained drugs:

- (a) City employees must not be on the job, on call, on City Premises, operating a City vehicle, or operating any other equipment or vehicle while in performance of City business while impaired due to any drug, legal or illegal, that renders the City employee unfit for duty. An employee is “unfit for duty” if, in the City’s opinion, the employee’s use of legally obtained drugs jeopardizes his or her ability to work safely and efficiently.
- (b) A City employee who is using legally obtained drugs must notify his or her immediate supervisor of any and all known or experienced symptoms and probable adverse side effects that may render the employee unfit for duty. An employee’s failure to so notify the City constitutes grounds for disciplinary action, up to and including termination. A City employee is not expected to notify the City of legally obtained drugs that are unlikely to render him or her unfit for duty.
- (c) City employees using legally obtained drugs while on the job shall do so in strict accordance with physician and/or manufacturer’s directions. It is the employee’s responsibility to notify the prescribing physician of the duties required by the employee’s position and to ensure that the physician approves the use of the prescription medication while the employee is performing his or her duties.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

(d) Any prescription medication brought onto City or customer property or taken aboard City vehicles must be retained in its original container labeled with the names of the employee and the prescribing physician.

(e) No City employee may take another person's medication.

Section 6: When Drug Testing is Required

(a) Job Applicants for Safety-Sensitive Positions

All applicants for full-time and part-time Safety-Sensitive Positions of employment with the City will be tested for drugs after a conditional offer of employment has been extended. No such applicant or new hire shall be permitted to report for duty until the results of the drug test are obtained. All applicants for temporary full-time and temporary part-time Safety-Sensitive Positions of employment will be tested for drugs after a conditional offer of employment has been extended.

(b) Transfers to Safety-Sensitive Positions

City employees who are transferred, reclassified, promoted, or demoted from a non-Safety-Sensitive Position into a Safety-Sensitive Position will be tested for drugs before performing any job duties in the new position.

(c) Reasonable Suspicion

All City employees will be subject to immediate testing when there is reasonable suspicion that the employee has used or misused drugs or alcohol in violation of this policy. Any City employee who is required to take a reasonable suspicion test will be immediately placed on administrative leave without pay pending the results of the test and confirmation of the results. Supervisors or directors who suspect that an employee is under the influence of drugs or alcohol shall document all credible evidence on the Reasonable Suspicion Incident Checklist provided by the Human Resources Department and shall seek confirmation of the observations from the ~~Director of Human Resources~~ City Manager or Designee or another employee with Reasonable Suspicion training before transporting the employee for testing. A reasonable suspicion test may be required based upon, but not limited to the following:

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

1. the personal observation of the City employee's job performance, appearance, behavior, speech, or odor by the trained individual creating a reasonable suspicion that the City employee has used drugs or alcohol in violation of this policy;
2. personal observation of the City employee by another individual who has fully disclosed the observation to the City;
3. observation of the City employee by a nurse or physician engaged in the treatment or evaluation of a work-related injury who has disclosed such observations to the City;
4. information from a law enforcement agency received by the City.
5. specific and objective facts indicating that a city employee's drug or alcohol use may have caused or been a contributing factor to an on-duty motor vehicle accident. The following facts, if present, may independently or collectively, depending upon the circumstances, give rise to reasonable suspicion in this instance:
 - a. the appearance, behavior, speech or odor of the City employee immediately prior to or after the accident;
 - b. the City employee left the scene or attempted to leave the accident scene without legal authority or permission to do so;
 - c. the City employee acted contrary to a safety rule, established safety practice or otherwise engaged in demonstrably unsafe behavior for which there is no reasonable explanation;
 - d. the City employee was arrested or received a traffic citation;
 - e. the City employee or any person received medical attention as a result of the accident; and
 - f. the City employee has been involved, as a contributing factor, in a pattern of repetitive on-duty accidents whether or not they involved actual or potential injury.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

6. specific and objective facts indicating that a City employee's drug or alcohol use may have caused or been a contributing factor to an on-duty accident involving the use of motorized equipment, heavy machinery or heavy equipment. The following facts, if present, may independently or collectively, depending on the circumstances, give rise to reasonable suspicion in this instance:

- a. the appearance, behavior, speech or odor of the City employee immediately prior to the accident;
- b. the City employee left the accident scene or attempted to leave the accident scene without legal authority or authorization to do so, or failed to report the accident to the appropriate individual or otherwise attempted to keep appropriate persons from learning about the accident or the extent of the accident;
- c. the City employee acted contrary to a safety rule, established safety practices or otherwise engaged in demonstrably unsafe behavior without a reasonable explanation;
- d. the City employee or any other person received medical attention as a result of the accident; and
- e. the City employee has been involved as a contributing factor in a pattern of on-duty accidents whether or not they involved actual or potential injury.

Additionally, any untrained supervisor or director may require a reasonable suspicion test(s) for drugs or alcohol when a trained supervisor or director or the ~~Director of Human Resources~~ City Manager or Designee has reviewed the underlying facts and agrees that reasonable suspicion exists to require a test.

(d) Required Testing After Certain Accidents

Drug and alcohol testing must be performed within policy guidelines when any City employee holding a safety-sensitive position, while in operation of a City vehicle, equipment, or heavy machinery, or while in operation of any other vehicle or equipment while in the performance of City business, is the apparent cause of an accident that results in: (1) a fatality; or (2) a citation issued to the City employee; or (3) an injured person requiring immediate medical treatment; or (4) damage to City property; or (5) damage to any other property. Alcohol and drug test(s)

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

required after any of the above accidents shall be completed within eight (8) hours of such an accident. This testing is to be performed in addition to any drug or alcohol test(s) that may be ordered by law enforcement authorities. The involved City employee must report immediately for testing, or be subject to disciplinary action, up to and including termination.

(e) Random Testing

All City employees ~~holding Safety Sensitive Positions~~ will be subject to random drug testing, as follows:

1. tests will be ordered on a random, unannounced basis from the pool of identified City employees, ~~holding Safety Sensitive Positions.~~
2. a random selection method and test rates as adopted by the ~~Director of Human Resources~~ City Manager or Designee will be used to select City employees, thereby allowing each city employee an equal chance of being tested each month. Random selection test rates are subject to change as determined by the Human Resource Director. This selection will be facilitated and monitored by the City's occupational medicine provider.
3. a city employee's name will remain in the pool after being selected so that every employee will have an equal chance of being tested each time selections are made. Therefore, it is possible that a city employee ~~holding a Safety Sensitive Position~~ who is randomly selected for testing may be randomly selected again during the same year.
4. ~~Human Resources~~ the City Clerk will notify the supervisor or director when an employee has been selected through the random process. The employee will report to the testing facility taking with them the Chain of Custody Form. The supervisor or director is not to inform the associate that he or she has been chosen for the test until immediately prior to the time the employee is given their notice.
5. City employees are allowed to continue working pending the results of the test. If the testing facility notifies the City that the City employee has produced a confirmed positive sample, ~~Human Resources~~ the City Clerk will contact the appropriate director with the results.

6. all information received by the City of Flowery Branch as a result of any testing procedure is considered confidential but may be entered into evidence or disclosed in any civil action or administrative proceedings when the information is relevant to the City's defense in any such action or proceedings.

(f) After-Care Testing

Persons ~~in Safety Sensitive Positions~~ returning to work from an approved treatment program for drug or alcohol abuse may be subject to unannounced testing at the discretion of the ~~Director of Human Resources~~ City Manager or Designee for a period of one (1) year following the City employee's return to work.

(g) Return to Duty Testing

All City employees ~~in Safety Sensitive Positions~~ who are absent from work for more than thirty (30) days, for any reason, or following any workers' compensation leave, medical leave, or short term disability leave shall be tested for drugs immediately upon returning to work and before performing any job duties.

Section 7: Procedures for Testing

- (a) Alcohol screening will be conducted using a federally approved evidential breath testing device or the use of a swab/saliva test performed by an approved independent medical facility. In the event that it is not reasonable under the circumstances to conduct an alcohol test based on a breath test or a swab/saliva test, the City reserves the right to test for the presence of drugs or alcohol by a blood test analysis.
- (b) All drug tests shall be administered and accounted for by an approved laboratory and/or medical facility that are operating in compliance with the U.S. Department of Health and Human Services (DHHS). Testing will involve an initial screening test(s) and confirmation of positive tests by gas chromatography/mass spectrometry (GC/MS) analysis, or other test(s) that are approved by the DHHS for screening and confirmation of drugs or alcohol in a person's system. Tests will be certified, to the fullest extent possible under the circumstances, by a laboratory approved by the DHHS.
- (c) All positive test results for drugs will be interpreted by a physician approved by the City as a medical review officer (MRO) before the results are reported to the City.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Prior to notifying the City, the MRO will make reasonable efforts to contact the City employee for the purpose of allowing the City employee to offer an alternative medical explanation for the positive test result. If the MRO is able to contact the applicant or City employee and determine there is a legitimate medical explanation for the positive test, the result will be communicated as negative to the City. The MRO's inability to contact the applicant or city employee before providing test results to the City will not void the test results or make the test results unusable in any subsequent disciplinary action. An applicant or city employee who fails to respond to an inquiry by the MRO within forty-eight (48) hours of such inquiry shall have waived his or her opportunity to offer an alternative medical explanation for the positive result or to request confirmation testing. Because the City employee is present for interpretation of an alcohol test, the procedure concerning prior notification by the MRO is not applicable. ~~A~~An MRO will not be used when a blood test for alcohol is conducted.

- (d) Upon notification by the MRO of a confirmed positive result for drugs, the City employee may request, within three (3) calendar days of such notification, that the remaining portion of his/her specimen undergo a second confirmation test at his/her expense at a DHHS laboratory of his/her choice. If the test conducted by the laboratory selected by the City employee is negative for the presence of drugs, a third test may be made at the City's sole expense at a separate DHHS facility of its own choosing. The results of the third facility will be determinative. If the results from the third facility are negative, all prior positive tests will be disregarded and shall not be the basis for any disciplinary or adverse action. This option of a confirmation test is contingent upon there being enough of the specimen remaining to allow for a confirmation test.
- (e) Any City employee ordered to be tested based upon reasonable suspicion, shall be immediately removed from duty, escorted to the testing facility, and taken home (unless other suitable arrangements have been made to transport the City employee). Under no circumstances will the City employee be allowed to drive himself or herself home. The City employee shall be suspended without pay pending the results of the test and any confirmation tests, if applicable. If the positive test is explained or negated by the MRO and/or subsequent confirmation testing, the City employee shall be reinstated with back pay and the suspension without pay will be expunged from the City employee's personnel file.

Section 8: Investigation of Prohibited Drug and Alcohol Use and Searches

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

All City-issued, City-owned or City-leased equipment, property, and facilities, including, but not limited to, desks, workstations, file cabinets, lockers, vehicles, computer equipment, or any other property or equipment owned, leased, or provided by the City is subject to inspection at any time and for any reason. No employee shall have any privacy interest whatsoever in any City-issued, City-owned or City-leased equipment, property and facilities. If a search uncovers evidence of City employee wrongdoing, illegal activity, or City employee violations of City rules or policies, the evidence may be used to support disciplinary action, up to and including termination. In cases involving suspected illegal activities, the evidence may be turned over to appropriate legal authorities. The City also reserves the right to conduct searches on city property of city employees and/or their personal property when, in the city's view, there is a reasonable suspicion that a City employee is buying, selling, transporting, or otherwise in possession of illegal drugs or controlled substances on the City's property or during working time. A refusal to submit to, or cooperate with, a search may result in immediate discipline, including discharge.

(a) Consent for testing

Commented [KH18]: Do we have this consent form?

Prior to date of hire, all City employees and job applicants are required to sign a consent form consenting to any and all frequency of drug and/or alcohol test(s) set forth in this policy and permitting the release of test results to the City and/or the MRO. Signed consent forms shall be kept on file by the ~~Human Resources department~~ City Clerk and are enforceable for the duration of employment.

(b) Refusals to undergo testing

The City has a zero tolerance policy regarding test refusals. As such, any City employee so refusing to immediately proceed as directed will be subject to disciplinary action including termination from employment.

Other actions that constitute a test refusal occur when a City employee:

1. fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the City, after being directed to do so by the City;
2. fails to remain at the testing site until the testing process is complete;

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

3. fails to provide a urine, breath, saliva or blood specimen for any drug or alcohol test required;
4. in the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of his/her provision of a specimen;
5. fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
6. fails or declines to take a second test the City or collector has directed the City employee to take;
7. fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process;
8. fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational or obstructive way that disrupts the collection process; refuses to be escorted to the designated collection site when so directed, is physically absent resulting in the inability to conduct testing).
9. City employees who refuse to submit to a test or test positive for alcohol or illegal drugs may be disqualified for unemployment compensation benefits.
10. City employees who refuse to submit to a test, or test positive for alcohol or unlawful drugs following a workplace injury may be disqualified for workers compensation benefits.

(c) Confidentiality

All reports of test results for drug and alcohol, searches, or any employee referral, or participation in an assistance program or treatment program for addictive disorders, will be maintained in strict confidence. Any person authorized to have access to such confidential information, who, without authorization, discloses it to

another person shall have engaged in gross misconduct and be subject to severe disciplinary action, up to and including, termination. The confidentiality of such information shall not apply to any use by or communication to the City's attorneys, or where the information is relevant to the City's defense in an administrative proceeding or civil action. Such information may also be disclosed to the extent required by any federal, state or local law, statute, ordinance or regulation.

(d) Discipline for Violations of Policy

1. Immediate Suspension

A City employee who tests positive for drugs or alcohol shall immediately be relieved from duty, placed on suspension without pay, and sent home pending disciplinary action. If the positive test is explained or negated by the MRO and/or subsequent confirmation testing, the City employee shall be reinstated with back pay and the suspension without pay will be expunged from the City employee's personnel file.

2. Disciplinary Action

A City employee who violates any provision of this policy is subject to discipline, up to and including termination. If terminated, the City employee will not be eligible for rehire for a minimum period of two (2) years.

3. Immediate Termination

The following reasons shall be presumed to result in immediate termination of a City employee:

- a. manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, or selling, or otherwise transferring an illegal drug(s) or controlled substance(s) while on the job, on call, on City property, while operating City equipment or vehicles, or while operating any other equipment or vehicles on City business.
- b. operating City motorized equipment while unfit for duty due to the use of drugs and/or alcohol.

- c. conviction for violation of any drug law.
- d. refusing to consent to or to take a drug or alcohol test pursuant to this policy.
- e. failure to appear at the designated collection site to take a drug or alcohol test when so directed.
- f. a confirmed positive test for drugs or alcohol.

(e) Employee Assistance Program (EAP)

The City cares about the health and well-being of its employees and recognizes that a variety of personal problems can disrupt their personal and work lives. While many employees solve their problems either on their own or with the help of family and friends, sometimes employees need professional assistance and advice. The City will maintain an Employee Assistance Program (EAP) that provides confidential access to professional counseling services for help in confronting personal problems such as alcohol and other substance abuse, marital and family difficulties, financial or legal troubles, and emotional distress. The EAP is available to all City employees and their immediate family members offering problem assessment, short-term counseling, and referral to appropriate community and private services.

1. The EAP is strictly confidential and is designed to safeguard your privacy and rights. Information given to the EAP counselor may be released only if requested by you in writing. All counselors are guided by a Professional Code of Ethics. Personal information concerning employee participation in the EAP is maintained in a confidential manner. No information related to an employee's participation in the program is entered into the personnel file.
2. In certain situations, an employee's supervisor may make a direct referral to EAP. Supervisors will undergo training to discuss EAP services and identify issues that may warrant a supervisory referral to EAP.

3. The following information will be made available to the supervisor making a directed referral:
 - a. the City employee kept or did not keep the appointment with the EAP counselor;
 - b. the City employee did or did not complete the EAP recommended treatment/assistance;
 - c. a referral for treatment/assistance was made by an EAP counselor and was accepted or rejected by the City employee; and/or
 - d. the City employee did or did not complete the EAP recommended treatment/assistance.
4. A City employee's failure to successfully complete the treatment plan or to release the information regarding his/her participation may result in disciplinary actions.
5. There is no cost for City employees to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline community and private services available. The counselor will also let City employees know whether any costs associated with private services may be covered by their health insurance plan. Costs that are not covered are the responsibility of the City employee.
6. City employees desiring assistance or consultation through EAP are encouraged to contact EAP directly or Human Resources for further information regarding an EAP counselor.

F. SOCIAL NETWORKING (modified 3/15)

A. PURPOSE

Social media websites provide an opportunity for individuals to interact with people throughout the world. Given the multitude of concerns (legal, political, and ethical) raised by social networking (Facebook, Twitter, etc.) this policy establishes prudent and acceptable practices regarding usage of social networking by City of Flowery Branch officials and employees. Additionally, this policy identifies specific guidelines and standards that personnel, defined as City employees or appointed board members for purposes of this policy, must adhere to when utilizing social media websites.

While the City of Flowery Branch encourages its personnel to enjoy and make good use of their off-duty time, certain activities on the part of its personnel may become a problem if they have the effect of: impairing the work of any official or employee; harassing, demeaning, or creating a hostile working environment; disrupting the smooth and orderly flow of work; or harming the goodwill and reputation of the City among its citizens or in the community. For these reasons, the City reminds its personnel that the following guidelines apply in their use of social media, both on and off duty.

Under this policy, the City disavows, and is not responsible for, any sites, posts, opinions, or content not coordinated through and approved by the City Manager or his/her designee. If City personnel post data purporting or implying to be on behalf of the City while using a social media site without the approval of the City Manager or his/her designee, the City is not responsible for that content, such content is not to be construed as reflecting the views or opinions of the Mayor, City Council or other City management, and the City is not responsible for archiving such content in accordance with applicable records retention schedules, or providing copies in accordance with the Georgia Open Records Act. Furthermore, the absence of explicit reference to a particular site does not limit the extent of the application of this policy. If you are uncertain as to the propriety of a post, opinion or other content, consult your ~~department head~~department director before proceeding.

B. GENERAL GUIDELINES FOR PERSONNEL

1. While on duty, the use of City equipment or internet service by personnel must be limited to work-related tasks. Social media activities should never interfere with work commitments.
2. No personnel may post online content as a representative of the City, or on the City's behalf, without the City Manager or his/her designee's approval.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

3. If discussing City-related issues, but not posting online content as an approved representative of the City or on the City's behalf, all personnel must make it clear that they are speaking for themselves, and not on behalf of the City by displaying a disclaimer that states: "This is my own opinion and not necessarily an opinion or position held by the City of Flowery Branch, the Mayor or the City Council."
4. Personnel who choose to maintain or participate in social media or social networking platforms while off-duty shall conduct themselves with professionalism and in such a manner that will not reflect negatively upon the City. Be aware of your City of Flowery Branch association in online social networks. If you identify yourself as a City of Flowery Branch employee or have a public facing position for which your City of Flowery Branch association is known to the general public, ensure your online profile and related content (even if it is of a personal and not an official nature) is consistent with how you wish to present yourself as a City of Flowery Branch professional, appropriate with the public trust associated with your position.

C. GUIDELINES FOR OFFICIAL CITY SOCIAL MEDIA SITES AND CONTENT

1. All City-sanctioned social media sites shall be maintained by the City Manager or his/her designee. Any content to be posted on City-sanctioned social media sites must meet the approval of the **City Manager or his/her designee before it is posted.**
2. All personnel that engage in social media activities on the City's behalf and all City-sanctioned social media sites shall adhere to applicable federal, state and local laws, regulations and policies, including the Georgia Open Records Act and the records retention schedules issued by the Georgia Archives. All content must be managed, stored and retrieved to comply with these laws.
3. All online content posted as representative of the City, or on the City's behalf, shall **clearly** indicate that it is subject to the records retention schedules issued by the Georgia Archives and public disclosure pursuant to the Georgia Open Records Act. All City-sanctioned social media sites shall clearly indicate that any articles and any other content posted or submitted for posting are subject to the aforementioned records retention schedules and public disclosure. Note, for purposes of this policy each individual posting does not need the aforementioned disclaimer when such disclaimer is clearly posted on a social network site that contains the disclaimer in a readily accessible area of the site.
4. Any content posted as representative of the City, or content posted to a City-sanctioned social media site containing any of the following, shall not be allowed:

Formatted: Highlight

Commented [KH19]: This needs to be on all our social media pages

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

- a. Comments not topically related to the particular site or blog article being commented upon;
- b. Profane language or content;
- c. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
- d. Sexual content or links to sexual content;
- e. Conduct or encouragement of illegal activity;
- f. Information that may tend to compromise the safety or security of the public or public systems; or
- g. Content that violates a legal ownership interest of any other party.

Any content removed from a City social media site will be maintained in accordance with the Georgia Open Records Act.

- 5. Content submitted for posting on a City-sanctioned social media site that is deemed unsuitable for posting by the City Manager or his/her designee because it violates criteria in the preceding item (Item 4, above) of this policy, shall be retained pursuant to the applicable records retention schedules along with a description of the reason the specific content is deemed unsuitable for posting. Where hyperlinks are used on a City-sanctioned social media site, the site shall include a disclaimer which states: "The City does not guarantee the authenticity, accuracy, appropriateness or security of the link, website, or content linked hereto."
- 6. All data transmitted, received, accessed, or stored by the City of Flowery Branch network systems or a third-party vendor (cloud), remains the property of the City of Flowery Branch.

The City of Flowery Branch reserves the right to access or audit this information in accordance with local, state and federal laws. Additionally, in the event an employee is no longer a City of Flowery Branch employee or doing work with the City of Flowery Branch, the City of Flowery Branch retains the ownership to all work-related data and login information that was created to perpetuate business for the City of Flowery Branch (i.e. passwords, usernames, customer lists created for City of Flowery Branch business, Twitter handles created for the City of Flowery Branch business). The

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Commented [KH20]: We need this added to sites as appropriate

employee is hereby notified that passwords and usernames are administrative identifications and do not create an expectation of privacy in the event of a routine audit, public record requests, lawsuit, and internal investigation.

7. The City Manager or his/her designee will maintain a listing of all employees authorized to post on all City social media sites. Personnel are not allowed to create City of Flowery Branch websites without approval of the City Manager or his/her designee.

D. GUIDELINES FOR PERSONAL SOCIAL MEDIA SITES AND CONTENT

1. Section D, "Guidelines for Personal Social Media Sites and Content," of this Social Networking Policy shall apply to all officials, appointed board members and employees in the performance of their official duties for or on behalf of the City of Flowery Branch unless otherwise noted.
2. Use common sense when using personal social media sites. Remember that what you write is public, may be public for a long time, and has the propensity to spread to large audiences. Personnel should refrain from posting information that they would not want their supervisor or other employees to read or that they would be embarrassed to see in the newspaper or on television. The City expects its employees to be truthful, courteous, and respectful toward supervisors, co-workers, citizens, customers, and other persons associated with the City. Personnel shall not engage in name-calling or personal attacks or other such demeaning behavior.
3. Personnel may use social media on their own time and using their own equipment and may use social media to express their thoughts or ideas as long as they do not negatively impact the City of Flowery Branch's policies or business. To ensure the City of Flowery Branch's safety, operational fluidity, and public trust, the list below provides guidelines on prohibited conduct on an official's, board member's, or employee's personal social media site. The list is not meant to be an exhaustive list of all prohibited conduct for personal social media use, but rather a guideline on forms of speech that are not protected under the First Amendment or allowed by the City of Flowery Branch:
 - Hate speech or libelous speech as such is defined by local, state or federal law; o
 - Sexually harassing speech as such is defined by local, state or federal law; o
 - Statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, or that might constitute harassment or bullying. Examples of such conduct include, but are not limited to, offensive posts meant to intentionally harm someone's reputation or posts that

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

- could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law;
- Obscenity prohibited by local, state or federal law;
 - Fighting words, extortion, and other threats prohibited by local, state or federal law;
 - Disclosure of private health or financial information protected by local, state or federal law;
 - Disclosure of other confidential information protected by local, state or federal law;
 - Disclosure of confidential information gained during the course and scope of employment that compromises the safety of others;
 - Disclosure of information obtained from emergency dispatches—such as, personal health information, financial information, or private family information received in a dispatch;
 - On-duty or off-duty speech that compromises City investigations and the applicable department’s mission; and
 - All other speech prohibited by local, state or federal law not mentioned in this list.
4. Officials and personnel (employees or appointed board members) agree to avoid persistent and unwelcome posts, pictures, audio, video or any other communication that harasses another co-worker, vendor or other third party. There is zero tolerance for any harassing communications to a co-worker, vendor or other third party based on race, sex, religion, creed, ancestry, national origin, age, disability, marital status, or other protected classification by state or federal law. Users also agree not to violate local, state or federal harassment laws. All officials and personnel (employees or appointed board members) are hereby notified they may be personally liable for social media harassment. To report violations of this provision, please refer to the City’s harassment policy which shall govern all harassing communications.
5. Officials and personnel (employees or appointed board members) are not allowed to use their personal social media sites to display any video, audio, pictures, **confidential** work data, writings, logos or any other communications that identify their employment with the City of Flowery Branch.
6. Where applicable, personnel are allowed to identify themselves as an employee of the City of Flowery Branch, however, if commenting on issues, but not posting online content as an approved representative of the City or on the City’s behalf, all personnel must make it clear that they are speaking for themselves, and not on behalf of the City

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Commented [KH21]: Can we not share posts or list in our Info that we are employed with CoFB?

by displaying a disclaimer that states: “This is my own opinion and not necessarily an opinion or position held by the City of Flowery Branch, the Mayor or the City Council.” City officials are expressly exempted from this provision and may identify themselves as City officials without the use of the aforementioned disclaimer.

Nothing in this policy shall be construed to limit an official’s authority to engage in social media activities without needing to place any disclaimer in such posting so long as the speech is subject to First Amendment protection.

7. In no situation shall personnel insinuate that the City of Flowery Branch endorses or authorizes the employee’s personal website, blog or private social network account. Additionally, no one is to directly or indirectly suggest that the City of Flowery Branch endorses a commercial service or product.
8. Personal or business venture social media account names shall not be tied to the City. For example, City of Flowery Branch employee would not be an appropriate personal account name or “handle” for a social media account.
9. Personnel, City contract employees, and City volunteers shall not use their City email account or password in conjunction with a personal social networking site.
10. To others online, there is no clear distinction between your work life and your personal life. Always be honest and respectful in both capacities.

Any violation of this policy is subject to disciplinary action up to and including termination.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Task Order #2 with ESG Engineering, Inc. for the Modification, Expansion and Additional Wastewater Reclamation facility Design and Issuance of Construction Manager at Risk (CMAR) Request for Qualifications (RFQ).

COUNCIL MEETING DATE: January 5, 2023

HISTORY:

The City of Flowery Branch engaged Infratec Consultants on February 16, 2017 to design an expansion of its wastewater treatment plant. A 2.2MGD plant was designed and it was bid in May 2022. Part of this engagement was obtaining a 2.2MGD permit from EPD which the city now has. Unfortunately, the bids came in at more than double the existing budget (\$20M) for the plant and ranged from \$52M - \$57M. City staff went through a value engineering effort using ESG, Engineering, Inc. to try to get the costs closer to the budgeted amount, but found that it was not possible without major modifications to the design of the plant.

FACTS AND ISSUES:

During the value engineering effort, the concept of construction manager at risk (CMAR) was explored. Also explored, was the idea that the current plant is operating at almost 1MGD and has a useful life for years in the future especially with some rehabilitation and modification.

This task order with ESG Engineering, Inc. is for the design of this rehabilitation and modifications of our existing plant as well as a new 1.5MGD plant allowing the city to utilize up to 2.2MGD permitted by EPD. ESG Engineering, Inc. will also develop the RFQ for CMAR allowing the construction manager to be involved in the design process/decision making from the beginning which will ensure budget control, potentially alleviate long lead time issues on equipment, provide a maximum not-to-exceed price earlier in process, and allow construction of the new facility to be built into the contractor's backlog well in advance of the classical Design-Bid-Build process.

Construction administration/oversight and observation services were contemplated by the engineer and will be agreed to at a later time prior to commencement of construction.

OPTIONS:

- 1) Approve task order #2 with ESG, Engineering, Inc.
- 2) Do not approve the task order and offer alternatives.

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

Yes

AMOUNT AND SOURCE OF FUNDS:

\$1.5M - GEFA Loan

RECOMMENDATION:

Approval of Task Order #2 with ESG Engineering, Inc. for the Modification, Expansion and Additional Wastewater Reclamation facility Design and Issuance of Construction Manager at Risk (CMAR) Request for Qualifications (RFQ).

SAMPLE MOTION:

I make a motion to approve task order #2 with ESG Engineering, Inc. for the modification, expansion and additional wastewater reclamation facility design and issuance of construction manager at risk (CMAR) request for qualifications (RFQ).

COLLABORATING DEPARTMENT:

Water/Wastewater

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [ES - Task Order #2 ESG Engineering WRF CMAR.pdf](#)
- [Task Order Flowery Branch WRF Design \(RB edits\).pdf](#)



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Approval of Task Order #2 with ESG Engineering, Inc. for the Modification, Expansion and Additional Wastewater Reclamation facility Design and Issuance of Construction Manager at Risk (CMAR) Request for Qualifications (RFQ).

DATE: December 28, 2022

(X)RECOMMENDATION

() POLICY DISCUSSION

() STATUS REPORT

() OTHER

BUDGET INFORMATION:

ANNUAL-

CAPITAL- \$1,500,000

COUNCIL ACTION REQUESTED ON: January 5, 2023

PURPOSE: To engage ESG Engineering, Inc. for the Modification, Expansion and Additional Wastewater Reclamation facility Design and Issuance of Construction Manager at Risk (CMAR) Request for Qualifications (RFQ).

HISTORY: The City of Flowery Branch engaged Infratec Consultants on February 16, 2017 to design an expansion of its wastewater treatment plant. A 2.2MGD plant was designed and it was bid in May 2022. Part of this engagement was obtaining a 2.2MGD permit from EPD which the city now has. Unfortunately, the bids came in at more than double the existing budget (\$20M) for the plant and ranged from \$52M - \$57M. City staff went through a value engineering effort using ESG, Engineering, Inc. to try to get the costs closer to the budgeted amount, but found that it was not possible without major modifications to the design of the plant.

FACTS AND ISSUES: During the value engineering effort, the concept of construction manager at risk (CMAR) was explored. Also explored, was the idea that the current plant is operating at almost 1MGD and has a useful life for years in the future especially with some rehabilitation and modification.

This task order with ESG Engineering, Inc. is for the design of this rehabilitation and modifications of our existing plant as well as a new 1.5MGD plant allowing the city to utilize up to 2.2MGD permitted by EPD. ESG Engineering, Inc. will also develop the RFQ for CMAR allowing the

construction manager to be involved in the design process/decision making from the beginning which will ensure budget control, potentially alleviate long lead time issues on equipment, provide a maximum not-to-exceed price earlier in process, and allow construction of the new facility to be built into the contractor's backlog well in advance of the classical Design-Bid-Build process.

Construction administration/oversight and observation services were contemplated by the engineer and will be agreed to at a later time prior to commencement of construction.

OPTIONS:

- 1) Approve task order #2 with ESG, Engineering, Inc.
 - 2) Do not approve the task order and offer alternatives.
-
-

RECOMMENDED SAMPLE MOTION:

I make a motion to approve task order #2 with ESG Engineering, Inc. for the modification, expansion and additional wastewater reclamation facility design and issuance of construction manager at risk (CMAR) request for qualifications (RFQ).

DEPARTMENT: Administration

Prepared by: Tonya Parrish

City of Flowery Branch General Services Agreement

Task Order No. 2

Task Order No. 2, is an Agreement (“AGREEMENT”) between ESG Engineering, Inc and the City of Flowery Branch (“OWNER”), for a PROJECT generally described as follows: Flowery Branch Water Reclamation Facility (WRF) Expansion Engineering Design and Construction Services.

Article 1. Scope of Work

The ENGINEER agrees to furnish OWNER with the following specific services order; all work will be executed to achieve the earliest possible construction schedule, completion date, and commissioning for the expanded WRF:

Task 1 – Construction Manager at Risk RFQ and Permitting Support

It is anticipated that the WRF expansion project will be completed through the Construction Manager at Risk delivery model in order to help with cost control throughout the design and decision-making process. As part of this effort an RFQ will be developed for the selection of the CMAR contractor. Included in this scope of work is the effort required for the RFQ, coordination in bringing the CM onboard and coordination throughout the design process.

In addition to support required for the delivery of the project through the CMAR process it is anticipated that additional coordination, meetings, and deliverables (DDR) will be required by the GA EPD for the approval of the expansion design. Included in this scope of work is the effort required to coordinate and provide the support required to obtain GA EPD approval of the WRF facility expansion design. It is assumed that the existing permit will be utilized for discharge and a complete discharge permit process is not required. In addition to the facility DDR and design drawing approval, it is anticipated that a wasteload allocation request in Mud Creek for a discharge at the LAS facility will be included and completed parallel to the design effort. (The WLA request will also include a request to keep the LAS permit active.) The complete effort required for a discharge into Mud Creek including the Antidegradation Report, Environmental Impacts Document, and NPDES permit application is not included in this scope of work but can be added once it is determined that Mud Creek has available capacity for discharge.

Task 2 – Existing Unit Process Modifications/Expansion

The existing WRF is in need of a capacity expansion from the current capacity of 0.9MGD (0.4MGD to Lake Lanier and 0.51 to LAS). The existing facility utilizes a package biological treatment system, secondary clarification, cloth media filtration and tertiary membrane filtration, and belt filter press dewatering among other treatment processes. In order to achieve the immediate expansion to 1.5MGD as well as incorporate future capacity capabilities up to 2.2MGD, the expansion design must be completed.

Based on a preliminary review of the existing facility, it is assumed that the existing WRF will have the following unit processes expanded/modified to accomplish the expansion to 1.5MGD and 2.2MGD.

1. Screening and Grit Removal

The existing WRF was originally constructed with a single screen and bar rack for the influent screening process. The final headworks (screening and grit) solution needs to be selected, designed, and installed in order to properly protect the downstream process and assets of the new and existing facility including the existing EQ tank.

2. Equalization Tank and Pump Station

This upgrade component will include the design of improved equalization aeration and a new pump station. The size of the tank will work as installed and does not require a volume change.

3. Bioreactor Structure and Secondary Clarification

The existing bioreactor structure, aeration system, and existing secondary clarifiers are currently being rehabilitated in order to improve their current operation. It is anticipated these changes will be implemented by early 2023. Once in operation the performance of the rehabilitated system will be reviewed. Depending on the performance of the system, the addition of a secondary clarifier or other process improvements will be considered. For the purpose of this scope of work, no new structures for the existing facility are included in the design but can be added if determined it is needed.

5. Cloth Media Filter and Tertiary Membrane System Modifications

The existing cloth media filter and tertiary membranes at the existing facility will most likely require minor improvements in order to optimize these systems with the expanded facility. Included in the design are the necessary design modifications to accommodate these improvements. It is not expected that new structures, relocated facilities, or expanded capacity will be required for these facilities.

6. Disinfection System Modifications

A new UV disinfection system shall be included in the design to accommodate the entire facility flow. The configuration or open channel or closed vessel will be evaluated with staff and the appropriate system will be selected for design.

7. Cascade Reaeration

The existing reaeration system will be replaced in design to provide reaeration for the entire facility capacity. It is anticipated that the facility will be a cascade style system provided there is sufficient space in the hydraulic profile. If difficulties are encountered the design can be adjusted to a supplied air reaeration system if needed.

8. Dewatering Facility

The existing dewatering facility (belt filter press) is undersized for the ultimate plant capacity but is sufficient for the initial expansion to 1.5MGD. However, the age of the existing machine has caused it to require repair. During the design, a replacement unit will be evaluated to determine if the replacement cost can fit within the overall project budget. If the cost of the other processes required to expand the facility capacity utilizes the entire expansion budget, the existing unit will need to remain in service until it is able to be rebuilt or the replacement unit can be purchased.

9. Emergency Generator Evaluation and Modification

The existing generator is currently able to keep certain essential unit processes online but with the addition of equipment for the facility expansion, as well as the new EQ aeration system, the overall capabilities will be reviewed. It is expected that the generator will require replacement or duplication in order to meet the power requirements of the essential processes. The preliminary design will review the facility needs and the design will include the necessary upgrades to address emergency power for the required processes at 1.5 and 2.2MGD capacities.

10. Effluent Pumping Systems

Based on the existing size and configuration of the effluent and reuse pumping systems it is expected that the existing pipe and outfall to Lake Lanier is sufficient size to convey the 1.5MGD flow. During the design a hydraulic model will be developed to confirm the piping capacity and select the appropriate pumps to increase the output to the lake discharge location.

Task 3 – New Unit Process Addition for Facility Expansion

To meet the capacity needs of the City of Flowery Branch a new treatment facility (biological treatment and clarification) will be required to be designed and installed parallel to the existing plant. To balance the use of the existing facility assets and new components, the selected capacity for the new parallel facility has been selected to be 1.5MGD. During the preliminary design phase, and including input from the CM, the potential process options will be reviewed and comparatively evaluated to determine the best value option while meeting the treatment and operational needs. It is anticipated that the process option that minimizes the number of facilities required and optimizes the size of the biological treatment process will need to be selected to meet the available construction budget. Included in this design scope is the design of the biological treatment, aeration, clarification, and tertiary polishing for the entire MMADF of 1.5MGD. This will include chemical feed systems for the new and old facilities.

Article 2. Compensation

Compensation by OWNER to ENGINEER will be as follows:

The total cost for Task Order No. 2, enumerated in ARTICLE 1 (Tasks 1 through 3) herein will be completed for the itemized amounts below unless changed by written amendment signed by both Parties.

Design assumptions included in Appendix A.

Task 1 CMAR and Permitting Support	\$75,000 NTE*
Task 2 Existing Unit Process Modification	\$350,000**
Task 3 New Unit Process Addition	\$1,150,000**

* NTE is Not to Exceed amount without prior authorization from City

**Basis for Design Engineering (Task 2 + Task 3) Pricing- 3.75% of \$40,000,000

OTHER PROVISIONS

As provided in the General Services Agreement, this TASK ORDER will become part of the referenced AGREEMENT when executed by both parties.

For the OWNER, **City of Flowery Branch**.

Dated this _____ day of _____, 2023

By: _____
Name Title

Attest: _____
Shelia Cooper, City Clerk

For the **ESG Engineering, Inc**,

Dated this _____ day of _____, 2022

By: _____
Name Title

APPENDIX A ASSUMPTIONS

1. The ENGINEER's design team will hold internal bi-weekly progress meetings.
2. The design will be based on the federal and state statutes and regulations and local codes and standards in effect at the start of the project. Any changes in these statutes, regulations, or codes may necessitate a change in scope with potential changes in compensation and / or schedule.
3. As-built documents from previous construction are accurate, and no additional construction or maintenance alterations have taken place subsequently.
4. The OWNER will pay any permit processing fees.
5. All geotechnical services will be contracted, managed, and paid for by the OWNER if required.
6. Right-of-way easements will not be required.
7. Structures will have conventional spread foundations. Over excavation, preload, piles, or underdrain systems are not included in the ENGINEER's scope.
8. Uplift due to high groundwater levels, if any, will be addressed by ENGINEER with thickened base slabs. Design of pile foundations systems or other special foundations are not included in the ENGINEER's scope.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consulting Agreement with Jimmy Dean for Wastewater Consulting Services

COUNCIL MEETING DATE: January 5, 2023

HISTORY:

The City of Flowery Branch has benefitted from the employment of Jimmy Dean for over 24 years as its Water/Wastewater Director.

FACTS AND ISSUES:

Jimmy Dean has decided to retire at the end of 2022 and has agreed to work an average of two days per week as there is so much going on with the city's water system and at the wastewater treatment plant.

The attached consulting agreement spells out the terms and conditions of this contractual relationship most notably the hourly rate of \$75.

OPTIONS:

Approve the consulting agreement.

Do not approve the consulting agreement and offer alternatives.

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

Yes

AMOUNT AND SOURCE OF FUNDS:

Up to \$108,000 - Water/Wastewater Fund

RECOMMENDATION:

Approve a consulting agreement with Jimmy Dean for wastewater consulting services during calendar year 2023.

SAMPLE MOTION:

I make a motion to approve the consulting agreement with Jimmy Dean.

COLLABORATING DEPARTMENT:

Water/Wastewater

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [ES - Consulting Agreement - J Dean.pdf](#)

- Consulting Agreement - J Dean.pdf



**FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY**

SUBJECT: Consulting Agreement with Jimmy Dean for Wastewater Consulting Services

DATE: December 28, 2022

(X)RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL- Up to \$108,000

() OTHER

CAPITAL-

COUNCIL ACTION REQUESTED ON: January 5, 2023

PURPOSE: To approve a consulting agreement with Jimmy Dean for wastewater consulting services during calendar year 2023.

HISTORY: The City of Flowery Branch has benefitted from the employment of Jimmy Dean for over 24 years as its Water/Wastewater Director.

FACTS AND ISSUES: Jimmy Dean has decided to retire at the end of 2022 and has agreed to work an average of two days per week as there is so much going on with the city's water system and at the wastewater treatment plant.

The attached consulting agreement spells out the terms and conditions of this contractual relationship most notably the hourly rate of \$75.

OPTIONS:

- 1) Approve the consulting agreement.
 - 2) Do not approve the consulting agreement and offer alternatives.
-

RECOMMENDED SAMPLE MOTION:

I make a motion to approve the consulting agreement with Jimmy Dean.

DEPARTMENT: Administration

Prepared by: Tonya Parrish

**CONSULTING AGREEMENT BY AND BETWEEN
THE CITY OF FLOWERY BRANCH AND JIMMY DEAN**

This Consulting Agreement ("Agreement") is entered into as of January 5, 2023, but effective as of January 2, 2023 ("Effective Date"), by and between the City of Flowery Branch, a Georgia municipal corporation ("City"), and Jimmy Dean, a resident of the state of Georgia whose permanent address is 255 Night Hawk View, Demorest, Georgia, 30535 ("Consultant").

WHEREAS, City provides public water and sewer utility services including but not limited to the construction, operation and maintenance of a water system and a sewer system within and without the jurisdiction of the City;

WHEREAS, Consultant retired from City contemporaneous with the Effective Date of this Agreement;

WHEREAS, Consultant is a former employee of City and has knowledge of the public water and sewer utility services provided by City; and,

WHEREAS, City desires to obtain, and Consultant desires to provide, consulting services in accordance with the terms of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are herein contained, City and Consultant agree as follows:

1. Consulting Services. During the term of this Agreement, Consultant agrees to provide advice and assistance on matters about which Consultant has knowledge and familiarity ("Consulting Services") to City making himself available as reasonably requested by City. Where such Consulting Services must be provided in person, City will accommodate Consultant's availability to every extent possible. Any time expended on travel associated with the provision of Consulting Services shall be considered as Consulting Services.
2. Authority and Relationship. Except as otherwise consented to or directed by City in writing, Consultant does not have the authority to act on behalf of the City to (a) accept or reject any inquiry; (b) respond to a request/complaint from any person; or, (c) enter into any agreement or contract. City and Consultant agree that Consultant is an independent contractor of City and that no employer-employee relationship shall exist between City and Consultant.
3. Compliance with Laws. In rendering the Consulting Services under this Agreement, City and Consultant agree that they will comply with any and all applicable laws, regulations, decrees or other local, state or federal directives having the force of law.

4. Fees. Consulting Services shall be billed at an hourly rate of \$75.00 not to exceed \$9,000 per calendar month. Such amounts will be payable within thirty (30) days of the receipt of Consultant's invoice. Time spent on Consulting Services shall be tracked and billed in increments of not less than .25 of an hour. Consultant shall be responsible for all personal income taxes and similar obligations with respect to any and all payments hereunder, including without limitation, all federal and state income tax, social security tax and any withholding or similar obligations of Consultant. City shall provide Consultant with a phone to be used only for providing the services set forth in this Agreement.
5. Term. This Agreement shall automatically terminate one (1) year after the Effective date with no further documents to be executed by the parties. This Agreement may only be extended by an amendment to this Agreement set forth in writing signed by both the City and Consultant.
6. Payments Due Upon Cancellation. City and Consultant shall have the right to cancel this Agreement for any reason upon thirty (30) days written notice. If the Agreement is cancelled by either party, Consultant is not entitled to any additional payments other than fees earned up and through the date of cancellation.
7. Notices. All formal notices, request, consents and other communications hereunder shall be in writing and shall be emailed to the other party at the email address provided below with a copy forwarded by first class mail or overnight courier, fully prepaid and addressed as follows:

To the City at:

Tonya Parrish, City Manager
City of Flowery Branch
5410 West Pine Street
Post Office Box 757
Flowery Branch, Georgia 30542
770-967-6731
tonya@flowerybranchga.org

To the Consultant at:

Jimmy Dean
Jimmy Dean Consulting Services
255 Night Hawk View
Post Office Box 1514
Demorest, Georgia 30535
678-776-1074

8. Miscellaneous. This Agreement sets forth the understanding between the parties and supersedes all other agreements and understandings, whether written or oral, of the parties with respect to the Consulting Services. Without the prior written consent of City, this Agreement shall not be transferred or assigned by Consultant. This Agreement shall bind and inure to the benefit of the permitted successors and assignees of the parties. The terms and provisions of this Agreement may not be modified or amended except in writing executed by City and Consultant. This Agreement shall be construed under, governed by and enforced pursuant to the laws of the State of Georgia.

CITY OF FLOWERY BRANCH:

CONSULTANT:

By: Edward R. Asbridge, Mayor
Date: _____

By: Jimmy Dean
Date: _____

ATTEST:

Shelia Cooper, City Clerk



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Resolution 23-001 Appointment of Assistant City Clerk

COUNCIL MEETING DATE: January 5, 2023

HISTORY:

The City of Flowery Branch has had a city clerk since its establishment. From time to time it is possible that the city clerk may not be available to take minutes or perform other pertinent duties.

FACTS AND ISSUES:

The city clerk, Shelia Cooper, has been cross-training Mrs. Nancy Rodriguez on the duties of city clerk. It is in the best interest of the City of Flowery Branch to have an appointed assistant city clerk.

OPTIONS:

- 1) Approve Resolution 23-001 appointing Nancy Rodriguez as assistant city clerk.
- 2) Do not approve Resolution 23-001.

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Appoint Nancy Rodriguez as assistant city clerk.

SAMPLE MOTION:

I make a motion to approve Resolution 23-001 appointing Nancy Rodriguez as assistant city clerk.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [ES - Res 23-001 Appt of Asst City Clerk.pdf](#)
- [Res 23-001 Appointment Asst City Clerk.pdf](#)



**FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY**

SUBJECT: Resolution 23-001 Appointment of Assistant City Clerk

DATE: December 29, 2022

(X)RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL-

() OTHER

CAPITAL-

COUNCIL ACTION REQUESTED ON: January 5, 2023

PURPOSE: To appoint Nancy Rodriguez as assistant city clerk.

HISTORY: The City of Flowery Branch has had a city clerk since its establishment. From time to time it is possible that the city clerk may not be available to take minutes or perform other pertinent duties.

FACTS AND ISSUES: The city clerk, Shelia Cooper, has been crosstraining Mrs. Nancy Rodriguez on the duties of city clerk. It is in the best interest of the City of Flowery Branch to have an appointed assistant city clerk.

OPTIONS:

- 1) Approve Resolution 23-001 appointing Nancy Rodriguez as assistant city clerk.
 - 2) Do not approve Resolution 23-001.
-
-

RECOMMENDED SAMPLE MOTION:

I make a motion to approve Resolution 23-001 appointing Nancy Rodriguez as assistant city clerk.

DEPARTMENT: Administration

Prepared by: Tonya Parrish

RESOLUTION NO. 23-001
TO APPOINT AN ASSISTANT CITY CLERK

WHEREAS Section 8.2 of the Charter of the City of Flowery Branch authorizes the Council to appoint and assign duties to a City Clerk; and

WHEREAS Section 3.1 of the Charter of the City of Flowery Branch empowers the Council to establish, abolish or alter all nonelective offices, positions of employment, departments and agencies of the city, as necessary for the proper administration of the affairs and government of the city; and

WHEREAS the Council finds that it is in the best interest of the public health, safety and welfare to appoint an Assistant City Clerk.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Flowery Branch that Nancy Rodriguez is hereby appointed as the Assistant City Clerk.

SO RESOLVED this 5th day of January, 2023.

Edward R. Asbridge, Mayor

ATTEST:

Shelia Cooper, City Clerk

Approved as to form:

E. Ronald Bennett, Jr., City Attorney



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider December 1, 2022 City Council Meeting Minutes

COUNCIL MEETING DATE: January 5, 2023

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Unofficial December 1, 2022 City Council Meeting Minutes.pdf](#)



**City of Flowery Branch
City Council Meeting
Thursday, December 1, 2022, 6:00 PM
City of Flowery Branch City Hall
5410 W. Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

Mayor Edward Asbridge called the council meeting to order at 6:00 p.m.

Present: Mayor Asbridge and Council Members Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, and Chris Mundy.

Also present were City Manager Tonya Parrish, City Clerk Shelia Cooper, Finance Director Matthew Hamby, Planning and Community Development Director Rich Atkinson, Deputy Police Chief Todd Templeton, Public Works Director Bill Whidden and City Attorney Ron Bennett.

Absent: Community Relations Director Renee Carden and Police Chief Chris Hulsey.

PLEDGE OF ALLEGIANCE:

Mayor Asbridge led the Pledge of Allegiance.

ADOPTION OF AGENDA:

There was a motion to adopt the agenda as presented.

MOTION: Joe Anglin

SECOND: William McDaniel

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

EXECUTIVE SESSION:

There was a motion made to enter executive session at 6:03 p.m. for matters related to the acquisition/disposition of real estate and for matters related to certain personnel issues.

MOTION: Joe Anglin

SECOND: Oliver McClellan

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

There was a motion made to exit executive session at 6:19 p.m.

MOTION: Joe Anglin

SECOND: Oliver McClellan

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

NEW BUSINESS -WORK SESSION:

Consideration of Ordinance No. 677 Establishing Director of Public Works and Utilities, Manager of Public Works, and Manager of Public Utilities - First Reading

City Manager Parrish presented a recommendation of Ordinance 677 to establish a Director of Public Works and Utilities that would oversee the water wastewater department and public works department. The recommendation is to have a manager of the public works department and a manager of the water wastewater department.

Consideration of Employee Insurance for Calendar Year 2023

Tammie Starkey, NFP Brokerage, presented 2022/2023 Employee Benefits Renewal. Alliant is discontinuing the small group markets in 2023 but they allowed the City to remain for the month of December 2022 to complete this calendar year. NFP completed a full marketing of all benefit plans several plans with the Anthem plan being 6.2% below current premiums. This plan will be renewed on January 1st of each year. NFP recommends passing the savings along to employee dependent tiers. NFP also completed full marketing analysis on Dental and Anthem -9.3% reduction on premiums. Dental also will have a high and low deductible for employee choice. NFP completed a full marketing analysis for Vision and Anthem came in with a 4% increase premium. There will be a combined identification card for Medical, Vision and Dental through Anthem. NFP completed a full marketing analysis for Life and Disability and the recommendation is Hartford. The life insurance basic life premium is a reduction of 15%. Flexible Spending Accounts will be a new benefit option for employees. This allows employees to save pre-tax for medical, dental, vision, prescription expenses or dependent care expenses. Open enrollment would be December 12-14, 2022. Employees will be able to make elections and changes for the 2023 plan year. Onsite education and enrollment assistance will be available to all employees. Enrollment elections will be made online, and the new plans effective date is January 1, 2023.

Consideration of Conceptual Intersection Improvements at McEver Road and Gaines Ferry Road.

City Manager Parrish is seeking direction from Council on intersection improvements at McEver Road and Gaines Ferry Road. Below are two cost estimates, one for traffic signals and one for a roundabout at this intersection.

Table 6 – COST ESTIMATE, ALTERNATIVE 1, TURN LANES

ITEM	QUANTITY	UNITS	UNIT COST	EXTENSION
TRAFFIC CONTROL AND MOBILIZATION	LS	LS	100,000	80,000
CLEARING/GRUBBING	LS	LS	100,000	100,000
GRADING	LS	LS	100,000	100,000
GR AGGR BASE, 8 IN, INCL MATL	11,000	SY	20	220,000
4 IN RECYCLED ASPH CONC	10,500	SY	35	367,500
STRIPING, 5 IN, WHITE	6000	LF	0.70	4,200
LANDSCAPING	LS	LS	10,000	10,000
CONSTRUCTION COST				881,700
CONTINGENCY (15% Of CONST COST)				132,255
ENGINEERING (15% Of CONST COST)				132,255
ROW ACQUISITION, 0.4 AC				2,000
UTILITY RELOCATION				50,000
TOTAL				\$1,198,210

Table 8 – COST ESTIMATE, ALTERNATIVE 2, ROUNDABOUT

ITEM	QUANTITY	UNITS	UNIT COST	EXTENSION
TRAFFIC CONTROL AND MOBILIZATION	LS	LS	100,000	100,000
CLEARING/GRUBBING	LS	LS	200,000	200,000
GRADING	LS	LS	200,000	200,000
GR AGGR BASE, 8 IN, INCL MATL	10,000	SY	20	200,000
4 IN RECYCLED ASPH CONC	8100	SY	35	283,500
CONC MEDIAN, 6 IN	1300	SY	55	71,500
LIGHTING	LS	LS	60,000	60,000
STRIPING, 5 IN, WHITE	4500	LF	0.70	3,150
LANDSCAPING	LS	LS	50,000	50,000
CONSTRUCTION COST				1,168,150
CONTINGENCY (15% Of CONST COST)				175,222.50
ENGINEERING (15% Of CONST COST)				175,222.50
ROW ACQUISITION, 0.4 AC				50,000
UTILITY RELOCATION				150,000
TOTAL				\$1,718,595

Capital Projects Update

Elias Gobble presented a detailed capital projects update. He explained that ClearGov is how the City will publish all capital project updates on the City website. ClearGov can be found by accessing our website, then click on Your Government, Finance, Financial Transparency Center

that will take you directly to ClearGov and all capital projects. You can subscribe and get automatic updates on all our capital projects.

DEPARTMENT REPORTS:

Police Department:

Deputy Chief Todd Templeton reported that Full Throttle Fitness will be hosting a fundraiser event for Shop with a Cop on Friday, December 2, 2022. Shop with a Cop Program will be Saturday, December 3, 2022 and will have a police escort and a catered lunch afterwards.

Council Report:

Council Member Anglin stated the Christmas Parade was wonderful.

ADJOURNMENT WORK SESSION:

Mayor Asbridge adjourned the work session at 6:56 p.m.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Asbridge called the voting session to order at 6:56 p.m.

PUBLIC COMMENTS:

Kay Wilson, 6310 Gaines Ferry Road, Flowery Branch, GA 30542.

Ms. Wilson expressed her concerns about this intersection and detailed that her family was in an accident a few years back and she would like to see a roundabout at the intersection of Gaines Ferry Road and McEver Road.

Mary Willis, 6219 Spring Lake Drive, Flowery Branch, GA 30542

Ms. Willis would like to see traffic simulations for the intersection of Gaines Ferry and McEver Road.

Gary Carter, 6313 Chelsea Way, Flowery Branch, GA 30542

Mr. Carter is concerned about the intersection of Gaines Ferry and McEver Road.

CONSENT AGENDA:

- Consider November 17, 2022 City Council Meeting Minutes
- Consider Mayor Asbridge Per Diem for November 2022
- Consider 2023 City Council Meeting Dates

There was a motion made to approve the consent agenda.

MOTION: Chris Mundy

SECOND: Oliver McClellan

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

NEW BUSINESS - VOTING SESSION:

Consider the First Read of Ordinance 672, a request submitted by BLT Martin Road, LLC for a Conditional Use Permit (CUP) to construct a self-storage facility at 4153 Falcon Parkway.

City Attorney Bennett read the caption to Ordinance 672.

There was a motion made to approve the first reading of Ordinance 672.

MOTION: Oliver McClellan

SECOND: William McDaniel

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

Council Member Anglin asked what type of material will be on the side of the building facing Martin Road and the applicant stated the material has yet to be determined. Council Member Anglin stressed the importance of the outside material, especially on the side that faces Martin Road.

Council Member Mezzanotte inquired about the entrance into the facility. The applicant stated there is only one entrance on Falcon Parkway.

Consider the First Read of Ordinance 674, a request for a Conditional Use Permit (CUP) submitted by Coro Realty to build and operate a Self-Storage Facility at 6401 McEver Road.

City Attorney Bennett read the caption to Ordinance 674.

There was a motion made to approve the first reading of Ordinance 674.

MOTION: Chris Mundy
SECOND: Joe Anglin
AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

Council Member Mezzanotte inquired about the entrance from Gaines Ferry Road and the applicant was not in attendance, but City Planner Atkinson said he would have a work session at the next meeting.

Consideration of Ordinance No. 677 Establishing Director of Public Works and Utilities, Manager of Public Works, and Manager of Public Utilities - First Reading

City Attorney Bennett read the caption to Ordinance 677.

There was a motion made to approve the first reading of Ordinance 677.

MOTION: Joseph Mezzanotte
SECOND: Oliver McClellan
AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

Council Member Anglin clarified that this would make a director of Public Works and Utilities and this director will oversee the operations of the two departments. City Manager Parrish stated that each department will have a manager. The managers will not have the same benefits as the director.

First Amendment to FB Main Street, a Master Condominium Shopping Center Lease Agreement with 4 Elephants Catering, LLC

There was a motion made to approve the first amendment to FB Main Street, a Master Condominium Shopping Center Lease Agreement with 4 Elephants Catering, LLC which will extend the agreement by ninety days before rent commences.

MOTION: Joe Anglin
SECOND: Oliver McClellan
AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

Consideration of Employee Insurance for Calendar Year 2023

There was a motion made to approve staff recommendations for employee insurance for calendar year 2023.

MOTION: Oliver McClellan
SECOND: William McDaniel
AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

Consideration of Conceptual Intersection Improvements at McEver Road and Gaines Ferry Road.

There was a motion made to approve consideration of conceptual intersection improvements at McEver Road and Gaines Ferry Road for roundabouts and design of right-hand turn lanes and without right-hand turn lanes.

MOTION: Joe Anglin
SECOND: Oliver McClellan
AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

EXECUTIVE SESSION:

There was a motion made to enter executive session at 7:21 p.m. for matters related to certain personnel matters.

MOTION: Joe Anglin
SECOND: Oliver McClellan
AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

There was a motion made to exit executive session at 7:34 p.m.

MOTION: Joe Anglin
SECOND: William McDaniel
AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

ADJOURNMENT:

There was a motion made to adjourn at 7:34 p.m.

MOTION: Oliver McClellan

SECOND: Joe Anglin

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

Edward R. Asbridge, Mayor

Date

Shelia R. Cooper, City Clerk



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider December 15, 2022 City Council Meeting Minutes

COUNCIL MEETING DATE: January 5, 2023

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Unofficial December 15, 2022 City Council Meeting Minutes.pdf](#)



**City of Flowery Branch
City Council Meeting
Thursday, December 15, 2022, 6:00 PM
City of Flowery Branch City Hall
5410 W. Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

Mayor Asbridge called the council meeting to order at 6:01 p.m.

Present: Mayor Asbridge and Council Members Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, and Chris Mundy.

Also present were Public Works Director Bill Whidden, Tax Clerk Nancy Rodriguez, Community Relations Director Renee Carden, Police Chief Christopher Hulsey, Finance Director Matthew Hamby and City Attorney Ron Bennett.

Absent: City Manager Tonya Parrish, City Clerk Shelia Cooper and Planning and Community Development Director Rich Atkinson.

PLEDGE OF ALLEGIANCE:

Mayor Asbridge led the Pledge of Allegiance.

ADOPTION OF AGENDA:

There was a motion to adopt the agenda as presented.

MOTION: Chris Mundy

SECOND: Joe Anglin

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

PUBLIC HEARING:

A Public Hearing to consider Variance Requests submitted by Jason Jackson: Ordinance 678 for 6005 Lights Ferry Road, Ordinance 679 for 6006 Lights Ferry Road, Ordinance 680 for 6010 Lights Ferry Road, Ordinance 681 for 6014 Lights Ferry Road, Ordinance 682 for 6016 Lights Ferry Road, and Ordinance 683 for 6018 Lights Ferry Road, Flowery Branch, GA.

City Attorney Bennett presented a variance request submitted by Jason Jackson regarding six addresses that are eight legal lots of record zoned R-2. The legal lots are 50 feet wide and 100 feet deep.

In Favor:

Jason Jackson, 3883 Carter Road

Against:

None

Council had a discussion regarding the variance request for 6005, 6006, 6010, 6014, 6016, and 6018 Lights Ferry Road, Flowery Branch, GA 30542.

Mayor Asbridge closed the public hearing at 6:15 p.m.

UNFINISHED BUSINESS - WORK SESSION:

Work Session to discuss Ordinance 674, a request for a Conditional Use Permit (CUP) submitted by Coro Realty to build and operate a Self-Storage Facility at 6401 McEver Road.

Public Works Director Bill Whidden presented Ordinance 674, a request for a Conditional Use Permit (CUP) submitted by Coro Realty to build and operate a self-storage facility at 6401 McEver Road.

Council held a detailed discussion with the Barry Dunlop, Paradigm Engineering, 7 Dunwoody Park, Atlanta, GA 30338 regarding the Conditional Use Permit for a self-storage facility at 6401 McEver Road.

NEW BUSINESS -WORK SESSION:

FY2022 Audit Presentation by Rushton LLC.

Clay Pilgrim with Rushton, LLC presented the FY2022 audit and reported there are no material weaknesses, and one significant deficiency were noted in the internal controls of the City of Flowery Branch, Georgia. No instances of material noncompliance or other matters that are required to be reported were noted. There were no material weaknesses or significant deficiencies noted in the internal controls of the City of Flowery Branch, Georgia over the compliance requirements applicable to the major programs.

Consideration of FY2024 Budget Calendar

Budget Manager Krystle Hightower presented FY2024 Budget Calendar for consideration. Training will be offered to all department directors in the process of completing budget workbooks. Department directors will work independently on their budget with Finance assisting as needed.

Consideration of Rejecting All Bids for Wastewater Reclamation Facility Received on July 15, 2022 and Issue a Request for Qualifications (RFQ) for Construction Manager at Risk (CMAR).

Public Works Director Whidden presented a request to consider rejecting all bids received for the Wastewater Reclamation Facility (WRF) and to obtain direction on issuing a request for

qualifications for a Construction Manager at Risk (CMAR). The City of Flowery Branch engaged with Infratec Consultants on February 16, 2017, with task order FBR19001 to design an expansion of its wastewater treatment plant. Infratec Consultants designed the project. Bids were received on July 15, 2022, on this design. The City secured a loan with GEFA for \$23.3M for the engineering and construction of the new WRF. The low bid for the project, a 2.2MGD wastewater treatment plant was \$52M. The city received three bids on the project ranging from \$52,095,000 to \$56,980,000. After much review and a value-engineering effort performed by ESG, Engineering, Inc., the recommendation is to reject all bids, redesign the project (a separate item to be considered by Council), and issue a request for qualifications (RFQ) for a Construction Manager at Risk (CMAR). CMAR is an alternate deliver approach (from design build, or design, bid, build). By utilizing this approach, the City will bring on a contractor for the project early in the process and the contractor will work very closely with the City and the City's engineer. Estimations of costs will be given during the design phase, and the contractor will provide a guaranteed maximum price at 80% design. The construction manager will be presented to Council for award after the RFQ responses are received.

Consideration of Purchasing Two (2) Fleet Vehicles Using SPLOST VIII Funds for Public Safety and the Local Resources Fund for Community Development.

Police Chief Hulsey presented a request to consider purchasing two (2) fleet vehicles using SPLOST funds for Public Safety and the Local Resources Fund for Community Development. The last time the Police Department purchased a fleet vehicle was in FY 2021. SPLOST VIII has funding for public safety vehicles. The three (3) additional positions approved for the police department in July 2022 and a vehicle with engine issues have all put the police department in a bind. Planning Director Mr. Atkinson and City Manager Parrish did approve of reassigning one (1) vehicle that was not a City-marked vehicle for the Task Force Position earlier this fiscal year. Planning Director Atkinson's vehicle now needs to be replaced for the building official position. Therefore, the City needs two vehicles, one for the police department and one for the building official. The price for the public safety vehicle is approximately \$44,900 and the city will use State Contract #99999-001-SPD0000183. The price for the building official's vehicle is approximately \$38,500 and will be purchased under state contract #99999-SPD-ES40199373.

Consideration of Resolution 22-022 Fourth Quarter Budget Amendment FY2022

Budget Manager Krystle Hightower presented Resolution 22-022, Fourth Quarter Budget Amendment FY2022. A budget is balanced when the sum of estimated revenues and appropriated fund balances is equal to expenditure/expense appropriations for each applicable fund. Revenue estimates and governmental needs change throughout the year which requires approval from Council for said budget amendments.

DEPARTMENT REPORTS:

Community Relations Director Report:

Community Relations Director invited citizens to events happening in the City.

Police Chief Report:

Police Chief Hulsey reported the Seventeenth Annual Shop with a Cop was a success. The police department took nineteen children to shop with our Flowery Branch Police Department. He thanked Renee Carden, Jake Xayavong and the many donors who contributed to make this the most successful Shop with a Cop to date.

Council Report:

Council Member Mundy reminded citizens of the road closures for the 5K race.

ADJOURNMENT WORK SESSION:

Mayor Asbridge adjourned the work session at 7:25 p.m.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Asbridge called the voting session to order at 7:25 p.m.

PUBLIC COMMENTS:

Mark Weber, 6114 Stella Light Drive, Flowery Branch, GA 30542

Mr. Weber is concerned about the wastewater treatment plant and the possibility of reworking the design of the wastewater treatment plant.

UNFINISHED BUSINESS - VOTING SESSION:

Consider the Second Read of Ordinance 672, a request submitted by BLT Martin Road, LLC for a Conditional Use Permit (CUP) to construct a self-storage facility at 4153 Falcon Parkway.

City Attorney Bennett read the caption to Ordinance 672.

There was a motion to Table Ordinance 672 until January 5, 2023 City Council Meeting.

MOTION: Joe Anglin

SECOND: Oliver McClellan

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

Consider Second Reading of Ordinance No. 677 Establishing Director of Public Works and Utilities, Manager of Public Works, and Manager of Public Utilities

City Attorney Bennett read the caption to Ordinance 677.

There was a motion to approve Ordinance 677.

MOTION: Joseph Mezzanotte
SECOND: William McDaniel
AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

Council Member Anglin wanted to note this is not three new positions but three positions that are being adjusted with new titles.

NEW BUSINESS - VOTING SESSION:

Consideration of FY2024 Budget Calendar

There was a motion to approve FY2024 Budget Calendar as presented.

MOTION: Chris Mundy
SECOND: Oliver McClellan
AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

Consideration of Rejecting All Bids for Wastewater Reclamation Facility Received on July 15, 2022 and Issue a Request for Qualifications (RFQ) for Construction Manager at Risk (CMAR).

There was a motion to reject all the bids for the wastewater plant and direct staff to issue a request for qualifications for Construction Manager at Risk (CMAR).

MOTION: Joe Anglin
SECOND: Chris Mundy
AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

Council Member Anglin stated that this is not a knee jerk reaction and there have been many discussions regarding this consideration.

Mayor Asbridge stated there will be some design changes that will soften the blow and be less.

Council Member Mezzanotte stated that the technology has changed, and the new facility will be designed around newer technology.

Consideration of Purchasing Two (2) Fleet Vehicles Using SPLOST VIII Funds for Public Safety and the Local Resources Fund for Community Development.

There was a motion to approve two new fleet vehicles with funding coming from SPLOST VIII and the Local Resources Fund.

MOTION: Chris Mundy
SECOND: William McDaniel
AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

Consideration of Resolution 22-022 Fourth Quarter Budget Amendment FY2022

Attorney Bennett read the caption.

There was a motion to approve Resolution 22-022.

MOTION: Joe Anglin
SECOND: Oliver McClellan
AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

EXECUTIVE SESSION: There was no executive session.

ADJOURNMENT:

There was a motion to adjourn at 7:41 p.m.

MOTION: Oliver McClellan
SECOND: Joe Anglin
AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

Ed Asbridge, Mayor

Date

Shelia Cooper, City Clerk



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Mayor Asbridge Per Diem for December 2022

COUNCIL MEETING DATE: January 5, 2023

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Mayor December 2022 Per Diem.pdf](#)



City of Flowery Branch
Mayor & Council Attendance Sheet Per Diem Pay

Name: Mayor Edward Asbridge Month/Year: December 2022

Meeting Date	Description of Meeting
December 3, 2022	Shop with A Cop
December 8, 2022	Eggs & Issues at Lanier Tech
December 14, 2022	Chamber – Issues Committee

My signature certifies that I am eligible to be paid for 5 meeting dates, maximum of 5 per month, in accordance with the Per Diem Pay as described in Ordinance 477 and at a rate of \$50.00 per meeting.

Total of \$150.00

Signature



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Purchase and Closing Documents for the Finalization of Purchasing the Land on Atlanta Highway that has Two Wells on it for the City's Water Supply.

COUNCIL MEETING DATE: January 5, 2023

HISTORY:

Staff of the City of Flowery Branch identified two wells on a piece of property on Atlanta Highway years ago as a potential source for the city's water supply. After much testing and negotiation, the price of \$445,000 has been agreed upon by the State of Georgia and the City of Flowery Branch. Previously, on August 4, 2022, council passed Resolution 22-013 notifying the state of its intent to purchase the property. The state met and agreed to sell the property to the City of Flowery Branch, and is now prepared to close the transaction.

FACTS AND ISSUES:

The State issued a request for interest from potential purchasers of the wellsite property. The city responded to the State's request and then was granted permission by the State to perform due diligence to determine whether the wellsites are suitable as a municipal water source. City staff and consultants have performed such testing and have confirmed that the wellsites remain so suitable. Moreover, the city has obtained approval from the EPD to use these wells for use as a municipal water supply.

The city currently operates three wells. One well inadequately produces water at a rate of 16,000 gallons per day (gpd). The other two wells produce approximately 131,000 and 175,000 gpd. In the near future, the city will need 450,000 - 500,000 gpd to serve its expected water utility customers. When purchased, these two wells will accomplish that future need. By using four to five of these wells regularly, a maximum of 500,000 gpd could easily be available for the citizens to use without compromising the source or having to buy additional water from another entity. The City of Flowery Branch is currently permitted to draw 750,000 gpd of water from the aquifer.

OPTIONS:

- 1) Approve the closing consummating the purchase of the real property and wells at 4735, 4741, 4745 and 4755 Atlanta Highway from the State of Georgia.
- 2) Do not approve the closing.

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

Yes

AMOUNT AND SOURCE OF FUNDS:

\$445,000 - GEFA Loan

RECOMMENDATION:

Approve purchase and closing documents for the finalization of purchasing the land on Atlanta Highway that has two wells on it for the city's water supply.

SAMPLE MOTION:

I make a motion to approve the closing of the real property and wells at 4735, 4741, 4745 and 4755 Atlanta Highway from the State of Georgia authorizing the mayor, city manager, city clerk and city attorney to sign all necessary documents to consummate the transaction.

COLLABORATING DEPARTMENT:

Water/Wastewater

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Closing Statement-Henderson Well.pdf](#)
- [Resolution 22-013 Intent to Purchase Real Property and wells Atlanta Highway signed.pdf](#)
- [ES - Purchase of real property and wells on Atlanta Hwy.pdf](#)

SALE CLOSING STATEMENT

SELLER: The State of Georgia, acting by and through its State Properties Commission

PURCHASER: City of Flowery Branch, Georgia

PROPERTY: Approximately 2.144 of an acre improved property, located in land lots 98 and 112, 8th Land District, and being known as the Henderson Well, and being more particularly described in Exhibit "A" attached hereto.

CLOSING DATE: _____

SELLER'S SUMMARY:

Purchase Price\$445,000.00

(Less: Earnest Money Held by Seller)..... (\$0.00)

TOTAL PURCHASE PRICE DUE SELLER AT CLOSING\$445,000.00

Plus: Due Diligence Expense Reimbursement\$0.00

TOTAL FUNDS DUE SELLER AT CLOSING.....\$445,000.00

* * * * *

PURCHASER'S SUMMARY:

Purchase Price\$445,000.00

(Less: Earnest Money Held by Seller)..... (\$0.00)

TOTAL PURCHASE PRICE DUE FROM PURCHASER AT CLOSING\$445,000.00

Plus: Due Diligence Expense Reimbursement\$0.00

TOTAL FUNDS DUE FROM PURCHASER AT CLOSING\$445,000.00

NET CASH FOR PURCHASE PRICE DUE TO SELLER AT CLOSING:\$445,000.00

NET CASH FOR DUE DILIGENCE EXPENSE REIMBURSEMENT DUE TO SELLER AT CLOSING:
.....\$0.00

NOTES TO SALE CLOSING STATEMENT:

1. In executing this Sale Closing Statement, Purchaser and Seller acknowledge that the figures and computations set forth above are complete and correct. Notwithstanding the foregoing, should Seller or Purchaser discover any error in the figures set forth above after the closing, Seller and Purchaser agree to adjust between themselves the payments made pursuant hereto to compensate for any bona fide error.
2. \$445,000.00 PURCHASE PRICE balance due Seller at closing shall be wired to Seller's account as follows:

Bank Name:	JPMorgan Chase & Co.
Bank Address:	P.O. Box 182051 Columbus, OH 43218-2051
Account Name:	State Properties Commission Revenue Collections
Account Number:	291872379
Routing Number:	021000021
3. The parties acknowledge and agree that upon receipt of confirmation of the wire in the amount of \$445,000.00, which is the balance of the PURCHASE PRICE due Seller at closing, Seller shall immediately deliver via overnight delivery to Purchaser a Quitclaim Deed conveying title of the Tract described on Exhibit "A" attached hereto and by reference incorporated herein.
4. The parties hereto acknowledge and agree that this Sale Closing Statement is true and correct and each hereby authorizes the disbursement of funds in accordance with this Sale Closing Statement.
5. Seller hereby represents to Purchaser that Seller does not owe any broker or brokers a commission in connection with this transaction.

SELLER:

STATE OF GEORGIA, acting by and through the
State Properties Commission

By: _____

Name: _____

Title: _____

(SIGNATURES CONTINUE ON FOLLOWING PAGE)

PURCHASER:

City of Flowery Branch, Georgia

By: _____
(Seal if Corporation)

Name: _____

Title: _____

By: _____
(Seal if Corporation)

Name: _____

Title: _____

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND BEING LOTS 1, 2, 3, & 4 OF MR. & MRS. T. STANLEY PERRY SUBDIVISION, LYING IN LAND LOTS 98, & 112, 8TH DISTRICT, CITY OF FLOWERY BRANCH, HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND (1/2" OPEN TOP PIPE) ON THE SOUTH RIGHT OF WAY OF RAILROAD AVENUE (APPARENT 40' RIGHT OF WAY) LOCATED SOUTH 25°45'39" EAST 93.54 FEET FROM THE CENTERLINE INTERSECTION OF RAILROAD AVENUE WITH STATE ROUTE #13, ALSO KNOWN AS ATLANTA HIGHWAY; THENCE ALONG THE SOUTH RIGHT OF WAY OF RAILROAD AVENUE NORTH 34°56'43" EAST, 203.25 FEET TO THE SOUTH RIGHT OF WAY OF STATE ROUTE #13, ALSO KNOWN AS ATLANTA HIGHWAY (APPARENT 100' RIGHT OF WAY); THENCE ALONG THE SOUTH RIGHT OF WAY OF STATE ROUTE #13, ALSO KNOWN AS ATLANTA HIGHWAY 300.53 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A CHORD OF NORTH 40°11'18" EAST 300.33 FEET AND A RADIUS OF 2342.95 FEET TO AN IRON PIN SET (1/2" REBAR WITH A YELLOW CAP STAMPED "ROCHESTER, LSF#000484"); THENCE LEAVING THE SOUTH RIGHT OF WAY OF STATE ROUTE #13, ALSO KNOWN AS ATLANTA HIGHWAY, AND ALONG THE PROPERTY NOW OR FORMERLY OF WATER STONE CROSSING COMMUNITY ASSOCIATION, INC. THE FOLLOWING COURSES AND DISTANCES SOUTH 41°54'55" EAST, 157.24 FEET TO AN IRON PIN SET (1/2" REBAR WITH A YELLOW CAP STAMPED "ROCHESTER, LSF#000484"); THENCE SOUTH 28°39'59" WEST, 456.57 FEET TO AN IRON PIN SET (1/2" REBAR WITH A YELLOW CAP STAMPED "ROCHESTER, LSF#000484"); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF SHERYLL CROW NORTH 58°13'12" WEST, 230.85 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 2.144 ACRES.

BEING MORE PARTICULARLY SHOWN ON PLAT OF SURVEY ENTITLED "SURVEY FOR STATE OF GEORGIA-GEORGIA ENVIRONMENTAL FINANCE AUTHORITY & LLI MANAGEMENT COMPANY, LLC" DATED MAY 14, 2018, UPDATED AND REVISED MAY 21, 2018, RECORDED IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF HALL COUNTY, GEORGIA, IN PLAT BOOK 00876, PAGE 00001, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF FOR MORE PARTICULARITY.

RESOLUTION NO. 22-013

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLOWERY BRANCH, GEORGIA
TO EXPRESS ITS INTENT TO ACQUIRE CERTAIN PROPERTY FROM THE STATE OF GEORGIA FOR
CONSIDERATION OF \$445,000 FOR THE PURPOSE OF SECURING A WATER SUPPLY
FOR THE CITY'S MUNICIPAL WATER SYSTEM.**

WHEREAS, the State of Georgia (the "State") is the record owner of properties located in Flowery Branch, Hall County, Georgia: 0.67 ± acres known as 4755 Atlanta Highway (Parcel ID 08098 001001), 0.39 ± acres known as 4745 Atlanta Highway (Parcel ID 08098 001002), 0.39 ± acres known as 4741 Atlanta Highway (Parcel ID 08098 001003), and 0.39 ± acres known as 4735 Atlanta Highway (Parcel ID 08098 001004) (collectively referred to herein as the "Property"); and

WHEREAS, several test well sites have been developed on the Property; and

WHEREAS, the City of Flowery Branch (the "City") operates a utility which provides municipal water service to its customers; and

WHEREAS, the City has determined that it requires additional water supply to adequately provide said water service to its customers; and

WHEREAS, the State of Georgia (the "State") issued a request for interest from potential buyers of the Property; and

WHEREAS, the City expressed its interest in purchasing the Property to the State to utilize the well sites to secure additional water supply via groundwater captured in underground aquifers accessed below the surface of the Property; and

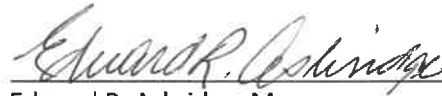
WHEREAS, with permission from the State, the City has exercised sufficient due diligence by testing the well sites to determine whether the Property and its well sites are suitable as a water source; and

WHEREAS, the City has determined that the Property and the groundwater contained thereunder is suitable as a water supply for the City's municipal water system; and

WHEREAS, the City desires to acquire the Property from the State to develop it in order to make use of it as a source of water supply for the City's municipal water system.

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Flowery Branch, Georgia that it intends to acquire any and all rights of ownership of the Property in fee simple including but not limited to all improvements and equipment thereon, and any and all rights to access, withdraw, and utilize the water found thereon or thereunder as may be necessary to supply water to the City's municipal water service system for consideration in the amount of Four Hundred Forty-Five Thousand and No/100 Dollars (\$445,000).

SO RESOLVED, this 4 day of August, 2022.


Edward R. Asbridge, Mayor

ATTEST:


Shelia Cooper, City Clerk

Approved as to form:


E. Ronald Bennett, Jr., City Attorney



SECTION A – SELLER'S INFORMATION (Do not use agent's information)				SECTION C – TAX COMPUTATION	
SELLER'S BUSINESS / ORGANIZATION / OTHER NAME LLI Management Company, LLC				Exempt Code If no exempt code enter NONE	Govt./NonProfit Public Corp
MAILING ADDRESS (STREET & NUMBER) 7000 Lanier Islands Parkway				1. Actual Value of consideration received by seller Complete Line 1A If actual value unknown	\$0.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Buford, GA 30518 USA		DATE OF SALE 8/30/2018		1A. Estimated fair market value of Real and Personal property	\$0.00
SECTION B – BUYER'S INFORMATION (Do not use agent's information)				2. Fair market value of Personal Property only	\$0.00
BUYER'S BUSINESS / ORGANIZATION / OTHER NAME State of Georgia				3. Amount of liens and encumbrances not removed by transfer	\$0.00
MAILING ADDRESS (Must use buyer's address for tax billing & notice purposes) 60 Executive Park South, NE				4. Net Taxable Value (Line 1 or 1A less Lines 2 and 3)	\$0.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Atlanta, GA 30329 USA		Check Buyers Intended Use () Residential () Commercial () Agricultural () Industrial		5. TAX DUE at .10 per \$100 or fraction thereof (Minimum \$1.00)	\$0.00
SECTION D – PROPERTY INFORMATION (Location of Property (Street, Route, Hwy, etc))					
HOUSE NUMBER & EXTENSION (ex 265A)		PRE-DIRECTION, STREET NAME AND TYPE, POST DIRECTION			SUITE NUMBER
COUNTY HALL		CITY (IF APPLICABLE) Flowery Branch		MAP & PARCEL NUMBER 08098 001 001-004	ACCOUNT NUMBER
TAX DISTRICT	GMD	LAND DISTRICT	ACRES 2.144	LAND LOT	SUB LOT & BLOCK
SECTION E – RECORDING INFORMATION (Official Use Only)					
DATE	DEED BOOK 8145	DEED PAGE 334	PLAT BOOK	PLAT PAGE	

ADDITIONAL BUYERS

None

FILED & RECORDED
DATE: 9/4/2018
TIME: 12:45PM
DEED BOOK: 8145
PAGES: 334-337
FILING FEES: \$16.00
PT61: 0692018006556
TRANSFER TAX: \$.00
Recorded By: NT
Charles Baker, C.S.C.
Hall County, GA

After recording return to:

→ Kip Shepherd
Attorney at Law
3651 Mars Hill Road
Suite 350B
Watkinsville, GA 30677

In Re: Law Department File No.: 1168434; 8300-MB-02RCA
2.144 Acres Governor's Water Supply Program

STATE OF GEORGIA

COUNTY OF HALL

GENERAL WARRANTY DEED

THIS GENERAL WARRANTY DEED, hereinafter referred to as "Deed", is made this 30th day of August, 2018, by and between, LLI Management Company, LLC, whose address is 7000 Lanier Islands Parkway, Buford, GA 30518, Party of the First Part, hereinafter referred to as "Grantor" and STATE OF GEORGIA, whose address for the purposes of this Deed is 60 Executive Park South, NE, Atlanta, GA 30329, Party of the Second Part, hereinafter referred to as "Grantee" (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH:

Grantor, for and in consideration of the sum of **SIX HUNDRED SEVENTEEN THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$617,500.00)**, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which is hereby acknowledged, has bargained, sold, granted, aliened, conveyed and confirmed, and by the presents does hereby bargain, sell, grant, alien, convey and confirm unto Grantee, all that tract or parcel of land hereinafter referred to as the "Property", containing 2.144 acres of land, situate, lying and being in Land Lots 98 and 112, 8th District, City of Flowery Branch, Hall County, Georgia, and being more particularly described in the legal description marked **EXHIBIT "A"** which is attached hereto, incorporated herein and by this reference made a part hereof,

TO HAVE AND TO HOLD the Property, with all singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of Grantee forever in **FEE SIMPLE**.

AND Grantor will warrant and forever defend the right and title to the Property unto Grantee against the claims of all persons whomsoever.

Grantor hereby transfers all water rights and permits to the State of Georgia.

Grantor hereby transfers all mineral rights in and to said property to the Grantee.

IN WITNESS WHEREOF, Grantor has signed and sealed this Deed, on the day, month and year first above written

[Signature on Following Page]

LLI MANAGEMENT COMPANY, LLC

By:

Virginia Williams

Title: Chief Executive Officer

See Resolution of LLI Management
Company, LLC recorded in Deed
Book 7228, page 215.

Signed, sealed and delivered as to Grantor,
in our presence:

B. L. Telford
Unofficial Witness

K. Shepherd
Official Witness, Notary Public

My Commission Expires



EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND BEING LOTS 1, 2, 3, & 4 OF MR. & MRS. T. STANLEY PERRY SUBDIVISION, LYING IN LAND LOTS 98, & 112, 8TH DISTRICT, CITY OF FLOWERY BRANCH, HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND (1/2" OPEN TOP PIPE) ON THE SOUTH RIGHT OF WAY OF RAILROAD AVENUE (APPARENT 40' RIGHT OF WAY) LOCATED SOUTH 25°45'39" EAST 93.54 FEET FROM THE CENTERLINE INTERSECTION OF RAILROAD AVENUE WITH STATE ROUTE #13, ALSO KNOWN AS ATLANTA HIGHWAY; THENCE ALONG THE SOUTH RIGHT OF WAY OF RAILROAD AVENUE NORTH 34°56'43" EAST, 203.25 FEET TO THE SOUTH RIGHT OF WAY OF STATE ROUTE #13, ALSO KNOWN AS ATLANTA HIGHWAY (APPARENT 100' RIGHT OF WAY); THENCE ALONG THE SOUTH RIGHT OF WAY OF STATE ROUTE #13, ALSO KNOWN AS ATLANTA HIGHWAY 300.53 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A CHORD OF NORTH 40°11'18" EAST 300.33 FEET AND A RADIUS OF 2342.95 FEET TO AN IRON PIN SET (1/2" REBAR WITH A YELLOW CAP STAMPED "ROCHESTER, LSF#000484"); THENCE LEAVING THE SOUTH RIGHT OF WAY OF STATE ROUTE #13, ALSO KNOWN AS ATLANTA HIGHWAY, AND ALONG THE PROPERTY NOW OR FORMERLY OF WATER STONE CROSSING COMMUNITY ASSOCIATION, INC. THE FOLLOWING COURSES AND DISTANCES SOUTH 41°54'55" EAST, 157.24 FEET TO AN IRON PIN SET (1/2" REBAR WITH A YELLOW CAP STAMPED "ROCHESTER, LSF#000484"); THENCE SOUTH 28°39'59" WEST, 456.57 FEET TO AN IRON PIN SET (1/2" REBAR WITH A YELLOW CAP STAMPED "ROCHESTER, LSF#000484"); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF SHERYLL CROW NORTH 58°13'12" WEST, 230.85 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 2.144 ACRES.

BEING MORE PARTICULARLY SHOWN ON PLAT OF SURVEY ENTITLED "SURVEY FOR STATE OF GEORGIA-GEORGIA ENVIRONMENTAL FINANCE AUTHORITY & LLI MANAGEMENT COMPANY, LLC" DATED MAY 14, 2018, UPDATED AND REVISED MAY 21, 2018, RECORDED IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF HALL COUNTY, GEORGIA, IN PLAT BOOK 00876, PAGE 00001, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF FOR MORE PARTICULARITY.

eFiled & eRecorded

DATE: 7/3/2018

TIME: 2:55 PM

PLAT BOOK: 00876

PAGE: 00001

RECORDING FEE: 8.00

PARTICIPANT ID: 8105354572

CLERK: Charles Baker

Hall County, GA

NOTE: By JP

SURVEYOR'S CERTIFICATE

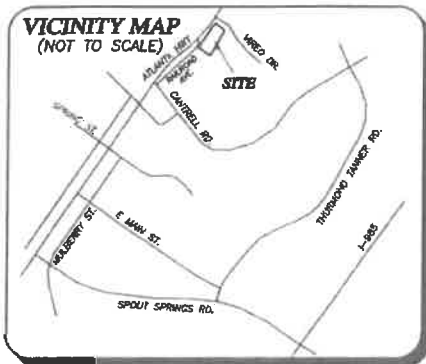
This survey is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS SURVEY DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. 15-6-57.

Robert S. Cleveland,
rscleveland@rochester-essoc.com,
770-718-0600
Georgia Registered Land Surveyor No. 2894

5/14/18

THIS BLOCK RESERVED FOR THE
CLERK OF THE SUPERIOR COURT

VICINITY MAP (NOT TO SCALE)



N40°11'18"E
CHD = 300.33'
ARC = 300.53'
RAD = 2342.65'

AREA 2.144 ACRES

N/F
LI MANAGEMENT COMPANY, LLC
DB 7232, PG 211
REFERENCE:
1. DB 5853, PG 455-481
2. PB 22, PG 10

STABLE
SILVER
BUILDING

ASPHALT
PARKING

20' SANITARY SEWER EASEMENT
DB 4161, PG 242 E, DB 5854, PG 246
DB 5853, PG 455-481

LOT 1
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 2
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 3
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 4
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 5
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 6
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 7
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 8
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 9
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 10
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 11
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 12
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 13
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 14
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 15
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 16
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 17
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 18
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 19
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 20
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 21
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 22
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 23
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 24
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 25
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 26
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 27
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 28
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 29
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 30
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 31
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 32
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 33
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 34
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 35
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 36
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 37
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 38
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 39
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 40
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 41
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 42
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 43
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 44
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 45
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 46
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 47
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 48
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 49
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 50
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 51
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 52
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 53
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 54
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 55
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 56
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 57
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 58
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 59
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 60
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 61
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 62
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 63
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 64
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 65
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 66
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 67
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 68
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 69
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 70
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 71
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 72
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 73
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 74
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 75
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 76
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 77
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 78
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 79
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 80
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 81
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 82
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 83
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 84
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 85
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 86
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 87
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 88
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 89
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 90
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 91
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 92
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 93
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 94
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 95
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 96
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 97
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 98
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 99
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 100
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 101
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 102
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 103
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 104
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 105
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 106
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 107
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 108
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 109
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 110
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 111
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 112
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 113
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 114
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 115
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 116
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 117
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 118
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 119
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 120
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 121
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 122
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 123
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 124
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 125
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 126
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 127
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 128
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 129
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 130
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 131
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 132
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 133
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 134
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 135
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 136
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 137
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 138
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 139
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 140
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 141
N/F
SHERRILL CROW
(DB 2820, PG 105)
(PB 25, PG 10)

LOT 14



**FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY**

SUBJECT: Authorization to close the purchase of 2.144 acres of real property and wells at 4735, 4741, 4745 and 4755 Atlanta Highway from the State of Georgia.

DATE: December 27, 2022

(X)RECOMMENDATION
() POLICY DISCUSSION
() STATUS REPORT
() OTHER

BUDGET INFORMATION:
ANNUAL-
CAPITAL- \$445,000

COUNCIL ACTION REQUESTED ON: January 5, 2023

PURPOSE:

Authorize the closing to consummate the purchase of the land on Atlanta Highway that has two wells on it for the city's water supply.

HISTORY: Staff of the City of Flowery Branch identified two wells on a piece of property on Atlanta Highway years ago as a potential source for the city's water supply. After much testing and negotiation, the price of \$445,000 has been agreed upon by the State of Georgia and the City of Flowery Branch. Previously, on August 4, 2022, council passed Resolution 22-013 notifying the state of its intent to purchase the property. The state met and agreed to sell the property to the City of Flowery Branch, and is now prepared to close the transaction.

FACTS AND ISSUES: The State issued a request for interest from potential purchasers of the wellsite property. The city responded to the State's request and then was granted permission by the State to perform due diligence to determine whether the wellsites are suitable as a municipal water source. City staff and consultants have performed such testing and have confirmed that the wellsites remain so suitable. Moreover, the city has obtained approval from the EPD to use these wells for use as a municipal water supply.

The city currently operates three wells. One well inadequately produces water at a rate of 16,000

gallons per day (gpd). The other two wells produce approximately 131,000 and 175,000 gpd. In the near future, the city will need 450,000 - 500,000 gpd to serve its expected water utility customers. When purchased, these two wells will accomplish that future need. By using four to five of these wells regularly, a maximum of 500,000 gpd could easily be available for the citizens to use without compromising the source or having to buy additional water from another entity. The City of Flowery Branch is currently permitted to draw 750,000 gpd of water from the aquifer.

OPTIONS:

- 1) Approve the closing consummating the purchase of the real property and wells at 4735, 4741, 4745 and 4755 Atlanta Highway from the State of Georgia.
- 2) Do not approve the closing.

RECOMMENDED SAMPLE MOTION:

I make a motion to approve the closing of the real property and wells at 4735, 4741, 4745 and 4755 Atlanta Highway from the State of Georgia authorizing the mayor, city manager, city clerk and city attorney to sign all necessary documents to consummate the transaction.

DEPARTMENT: Administration

Prepared by: Tonya Parrish



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider the second read of ordinance 674, a request for a Conditional Use Permit (CUP) submitted by Coro Realty to build and operate a Self-Storage Facility at 6401 McEver Road.

COUNCIL MEETING DATE: January 5, 2023

HISTORY:

FACTS AND ISSUES:

The applicant is requesting a conditional use permit to develop a climate controlled self-storage facility at 6401 McEver Road. The subject property is currently zoned Highway Business (HB) and a CUP is required for this use in this zoning district.

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve

SAMPLE MOTION:

I make a motion to approve ordinance 674.

COLLABORATING DEPARTMENT:

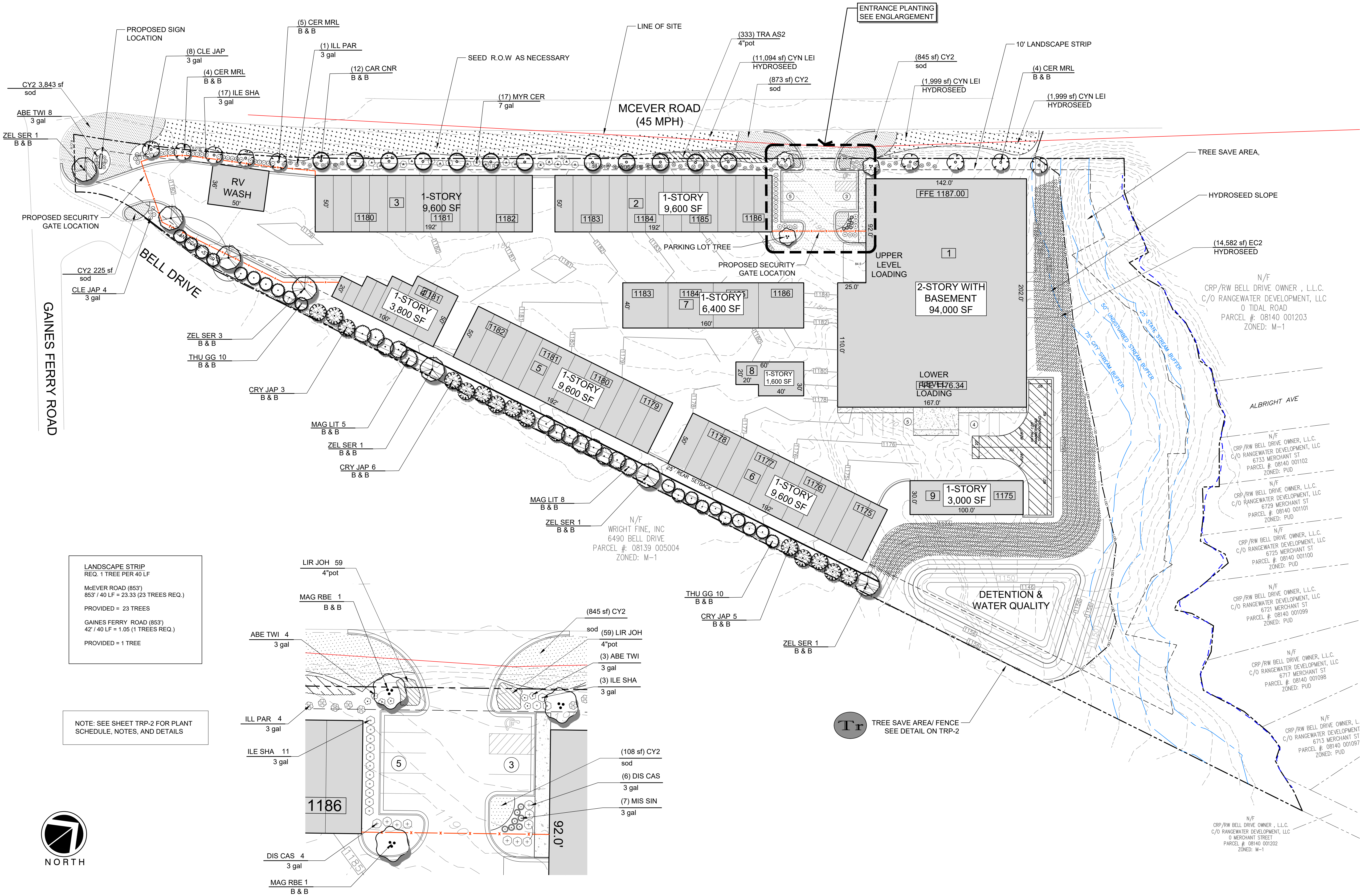
DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- [Combined Information.pdf](#)
- [Shamrock CUP Ordinance RB.pdf](#)
- [Staff report 4601 McEver Self-Storage.pdf](#)

- [IMG-20221116-WA0000.jpg](#)
- [IMG-20221116-WA0001.jpg](#)



LANDSCAPE STRIP
REQ. 1 TREE PER 40 LF

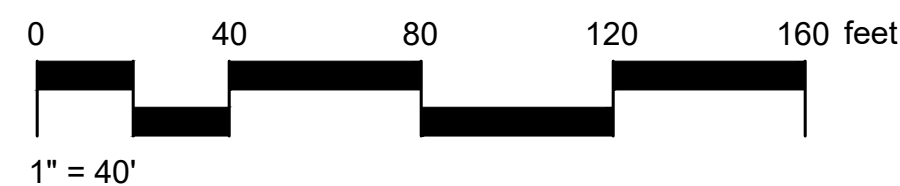
McEVER ROAD (853')
853' / 40 LF = 23.33 (23 TREES REQ.)

PROVIDED = 23 TREES

GAINES FERRY ROAD (853')
42' / 40 LF = 1.05 (1 TREES REQ.)

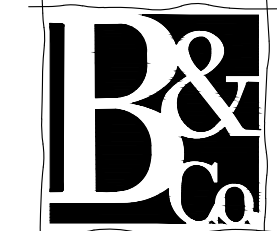
PROVIDED = 1 TREE

NOTE: SEE SHEET TRP-2 FOR PLANT
SCHEDULE, NOTES, AND DETAILS



ENTRANCE - ENLARGEMENT
SCALE: 1" = 20'

24 HOUR CONTACT:
SEAMUS BURKE (770) 745-4820



Brunson & Company
LANDSCAPE ARCHITECTS
903 BOMBAY LANE
ROSWELL, GA 30076
770 . 864 . 1987

CORO REALTY
3715 Northside Parkway NW
Bldg 400-100
Atlanta, GA 30327

OWNER:

**McEVER STORAGE
TREE REPLACEMENT PLANS**

Prepared For:
CORO REALTY

**6401 MCEVER ROAD
LAND LOT 139 & 140, 8TH DISTRICT
CITY OF FLOWERY BRANCH, HALL COUNTY, GEORGIA**



SEAL:

THIS DRAWING IS AND SHALL REMAIN THE PROPERTY OF
BRUNSON & COMPANY, L.L.C. AND SHALL NOT BE
REPRODUCED OR COPIED IN ANY FORM WITHOUT WRITTEN
CONSENT. BRUNSON & COMPANY, L.L.C. ASSUMES NO
LIABILITY FOR ANY ELEMENTS CONSTRUCTED FROM THIS
PLAN.

REVISIONS

DRAWING TITLE:

**TREE & LANDSCAPE
PLANS**

DATE:

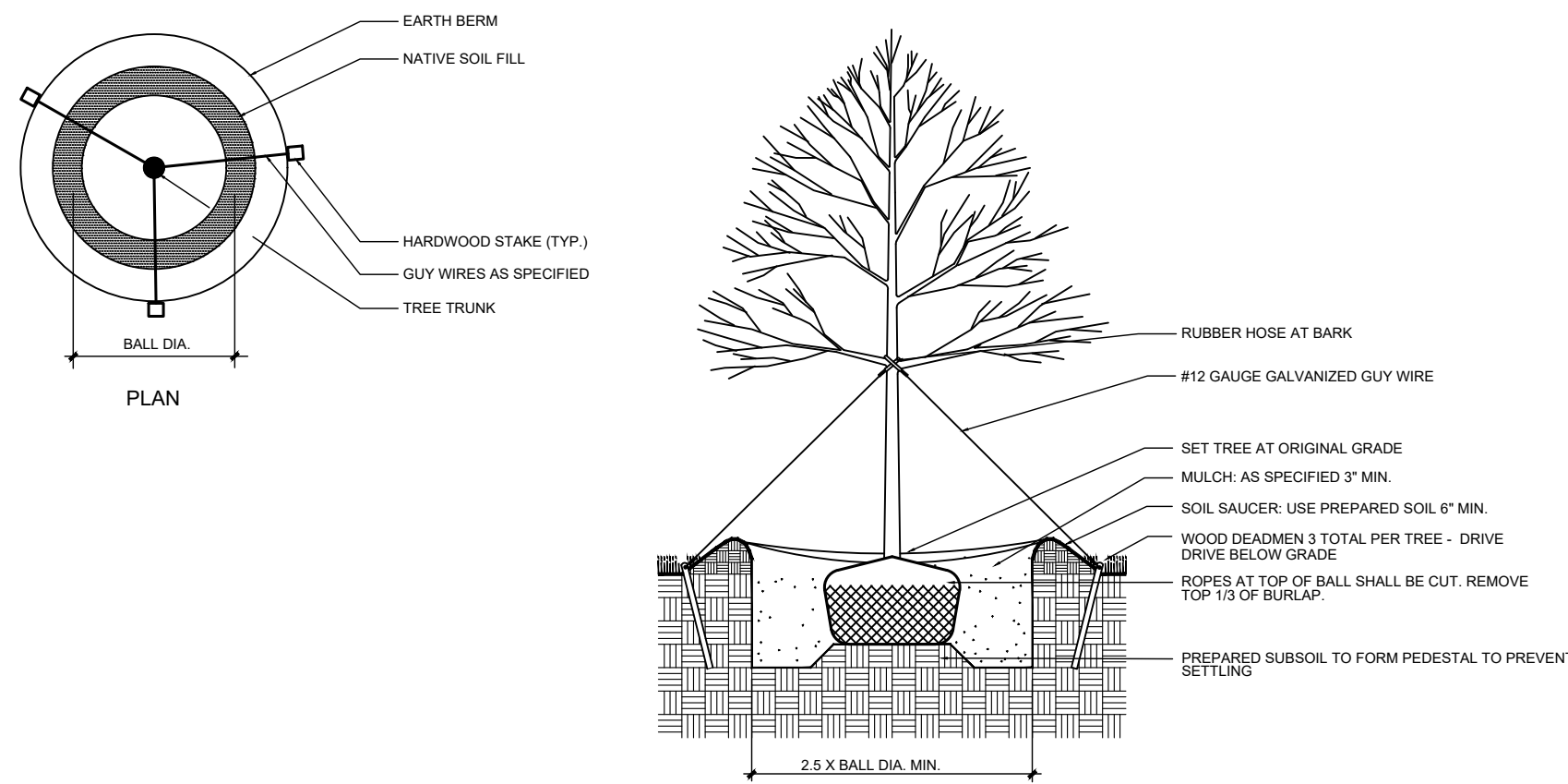
PROJECT #

9.14.22

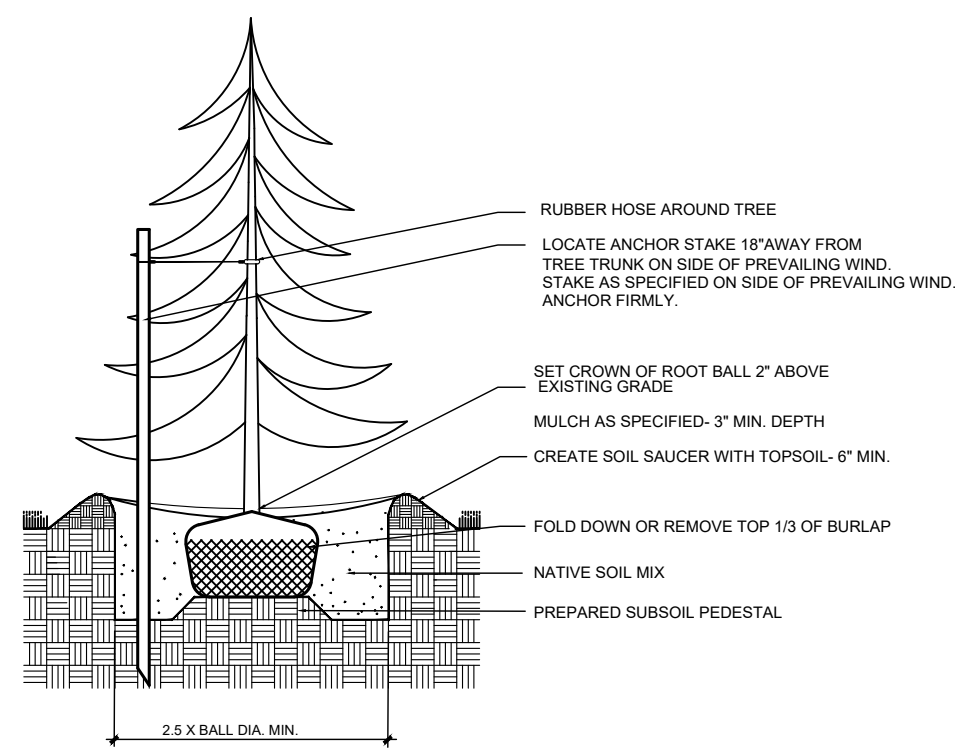
22.083

SHEET REF #

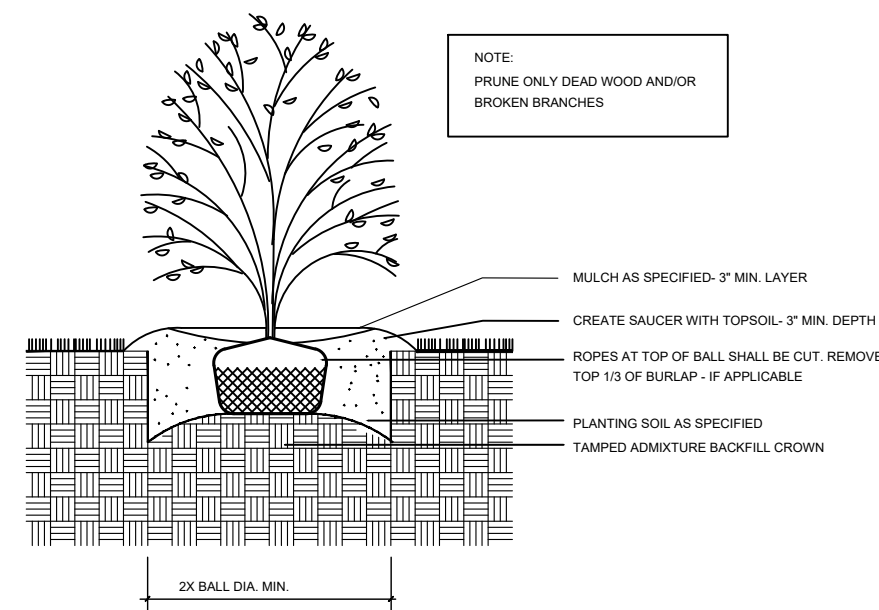
TRP-1



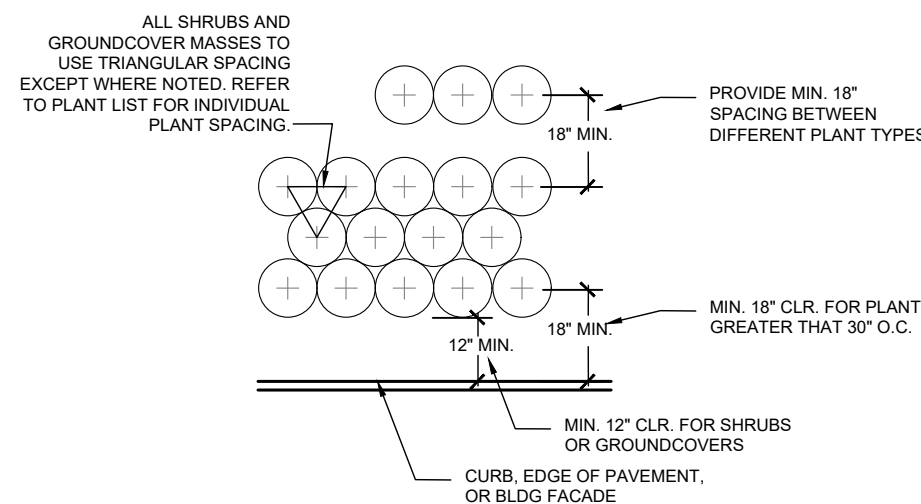
1 DECIDUOUS TREE - DETAIL
NTS
DETAIL-FILE



2 EVERGREEN TREE - DETAIL
NTS
DETAIL-FILE



3 SHRUB PLANTING - DETAIL
NTS
DETAIL-FILE



4 TYPICAL SHRUB / GROUNDCOVER SPACING
N.T.S.
1

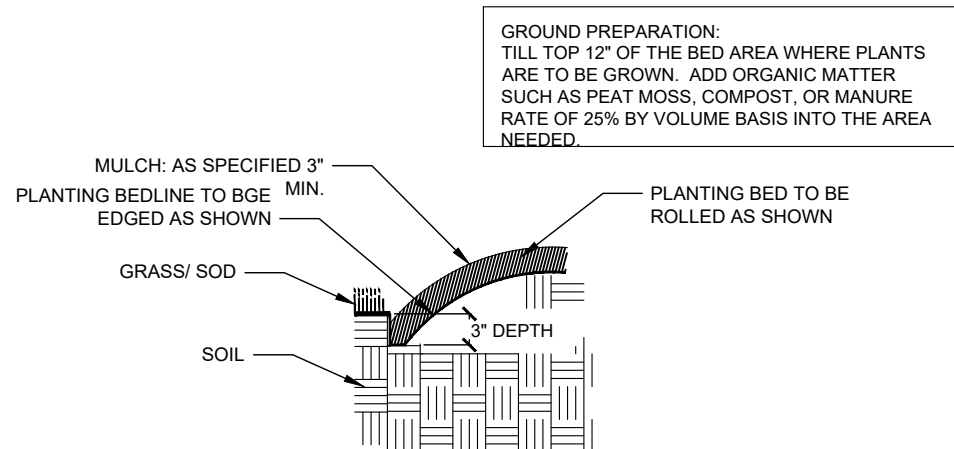
LANDSCAPE STRIP
REQ. 1 TREE PER 40 LF

McEVER ROAD (853')
853' / 40 LF = 23.33 (23 TREES REQ.)

PROVIDED = 23 TREES

GAINES FERRY ROAD (853')
42' / 40 LF = 1.05 (1 TREES REQ.)

PROVIDED = 1 TREE



5 PLANTING BED EDGE - SECTION
3/4" = 1'-0"
DETAIL-FILE

GENERAL NOTES:

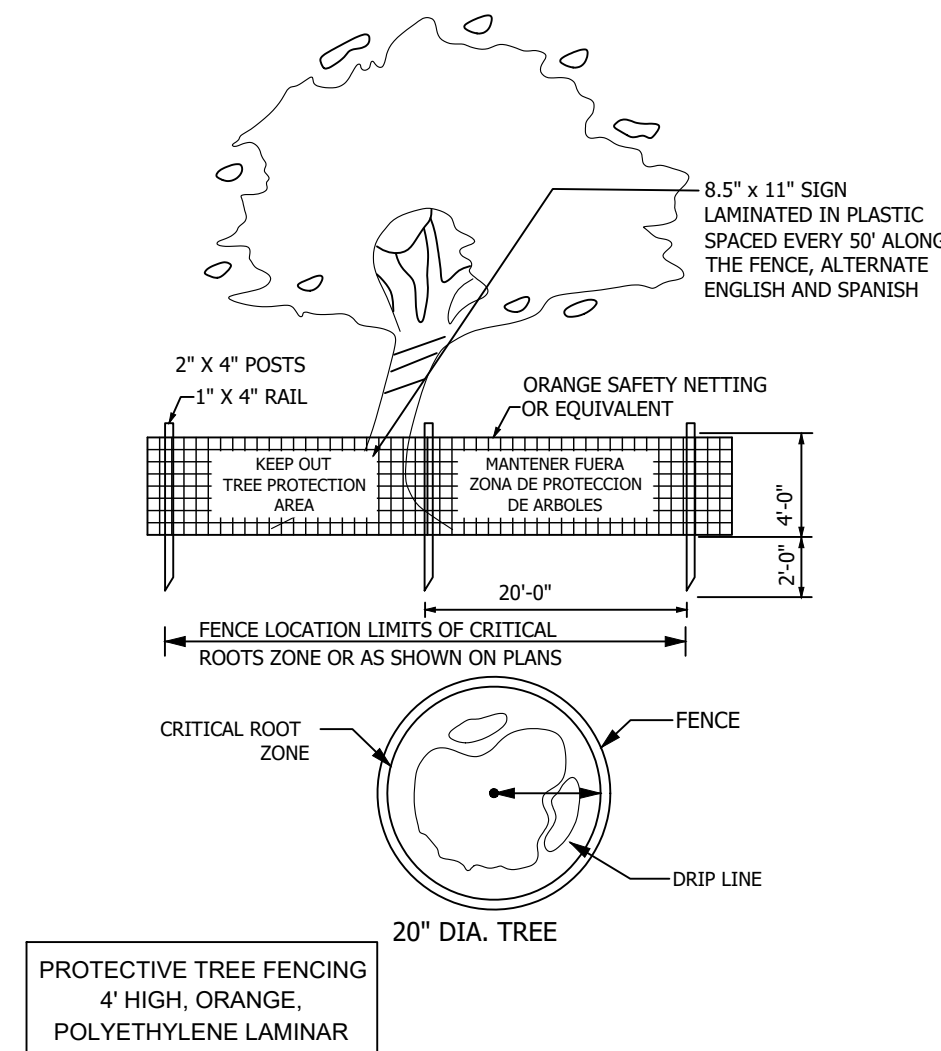
- THE SITE CONTRACTOR SHALL CONTACT THE APPROPRIATE UTILITY COMPANIES TO HAVE THE LOCATIONS OF THEIR UNDERGROUND UTILITIES MARKED PRIOR TO BEGINNING WORK. THE CONTRACTOR SHALL COORDINATE SERVICE ROUTING OF ALL GAS, TELEPHONE AND ELECTRICAL LINES WITH THE APPROPRIATE UTILITY COMPANY. CAUTION SHALL BE EXERCISED TO AVOID INTERRUPTION OF SERVICES. THE CONTRACTOR IS RESPONSIBLE FOR THE REPAIR OF ALL EXISTING UTILITIES DAMAGED DURING CONSTRUCTION. ALL CONSTRUCTION MUST COMPLY WITH EACH UTILITY'S STANDARDS AND SPECIFICATIONS AND NOT INTERFERE WITH TREE PLANTING SITES OR EXISTING TREES TO BE PRESERVED.
- THE OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPING. LANDSCAPING SHALL BE MAINTAINED IN A GOOD CONDITION SO AS TO PRESENT A HEALTHY, NEAT AND ORDERLY APPEARANCE AT LEAST EQUAL TO THE ORIGINAL INSTALLATION. ANY DEAD VEGETATION AND LANDSCAPING MATERIAL OR ANY DAMAGED NON-LIVING LANDSCAPING MATERIALS SHALL BE PROMPTLY REPLACED.
- THE QUANTITIES SHOWN IN THE PLANT SCHEDULE ARE SOLELY FOR INFORMATION OF THE CONTRACTOR. THE CONTRACTOR SHALL VERIFY THE QUANTITIES SHOWN IN THE PLANT SCHEDULE WITH THE QUANTITIES SHOWN ON THE PLANTING PLAN. ALL DIFFERENCES IN THE QUANTITIES SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT FOR CLARIFICATION.
- DO NOT SCALE FROM THE DRAWING.
- FINAL LOCATIONS OF ALL PLANT MATERIAL SHALL BE SUBJECT TO THE APPROVAL OF THE OWNER'S REPRESENTATIVE. AFTER FLAGGING PLANT LOCATIONS AND PRIOR TO INSTALLATION, THE CONTRACTOR SHALL NOTIFY THE OWNER'S REPRESENTATIVE FOR INSPECTION.
- ALL PLANT MATERIALS SHALL CONFORM WITH THE LATEST EDITION OF AMERICAN STANDARDS OF NURSERY STOCK BY THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION. ALL PLANT MATERIAL SHALL MEET OR EXCEED THE SPECIFICATIONS OF THE FEDERAL, STATE AND COUNTY LAWS REQUIRING INSPECTION FOR DISEASE AND INSECT CONTROL. BOTANICAL NAMES SHALL TAKE PRECEDENCE OVER COMMON NAMES.
- THE CONTRACTOR SHALL REMOVE ALL DEAD WOOD, SUCKERS AND ALL BROKEN OR DAMAGED BRANCHES IN ACCORDANCE WITH AANS (AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS) IN ORDER TO PRESERVE THE NATURAL CHARACTER OF THE TREE.
- ALL PLANTING PITS SHALL BE FREE OF ROCKS, GRAVEL AND OTHER DEBRIS. ALL PLANTING PITS SHALL BE PREPARED IN ACCORDANCE WITH THE PLANTING DETAILS.
- PLANT QUALITY, ALL PLANTS SHALL BE BOUND, FREE OF DISEASE OR PESTS AND SHALL HAVE A HEALTHY NORMAL ROOT SYSTEM.
- NO SUBSTITUTION OF PLANT SPECIES OR VARIETY SHALL BE MADE WITHOUT PRIOR WRITTEN PERMISSION OF THE LANDSCAPE ARCHITECT.
- MAINTENANCE OF PLANTS SHALL INCLUDE, BUT NOT NECESSARILY BE LIMITED TO WATERING, SPRAYING, MULCHING, PRUNING, MOWING, FERTILIZING, ETC. OR OTHER ACTIVITIES AS DIRECTED BY THE OWNER'S REPRESENTATIVE.
- FINAL ACCEPTANCE SHALL BE GRANTED BY THE OWNER'S REPRESENTATIVE UPON COMPLETION OF THE ENTIRE PROJECT. THE CONTRACTOR SHALL PROMPTLY MAKE ALL REPLACEMENT BEFORE, DURING AND AT THE END OF THE GUARANTEE PERIOD AS DIRECTED BY THE OWNER'S REPRESENTATIVE.
- ALL PLANT MATERIAL THAT DIES, TURNS BROWN, OR DEFOOLIATES BOTH PRIOR TO THE FINAL ACCEPTANCE OF THE WORK AND DURING THE GUARANTEE PERIOD SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, VARIETY, QUANTITY, SIZE AND MEETING ALL PLANT SCHEDULE SPECIFICATIONS.
- BURLAP MATERIAL ON BALLED AND BURLAPPED PLANTS SHALL BE THE TYPE WHICH WILL DECAY WITHIN TWO YEARS (NO SYNTHETICS, PLASTIC, NYLON OR TREATED OR OTHER NON-NATURAL TYPES WILL BE ALLOWED.) AFTER SETTING BALLED AND BURLAPPED PLANTS IN THE PLANTING PIT, ALL BINDER TWINE SHALL BE CUT AND THE BURLAP REMOVED FROM THE TOP 1/3 (ONE-THIRD) OF THE ROOTBALL.
- THE OWNER'S REPRESENTATIVE RESERVES THE RIGHT TO REJECT AT ANY TIME UNTIL THE END OF THE GUARANTEE PERIOD ANY AND/OR ALL PLANT MATERIAL THAT DOES NOT MEET THE SPECIFICATIONS AS SET FORTH HERE AND IN THE PLANT SCHEDULE.
- ALL PLANT MATERIALS SHALL BE PLANTED AS PER THE PLANT DETAILS AND NOTES.
- ALL EXISTING TURF AND VEGETATION SHALL BE STRIPPED AND REMOVED PRIOR TO THE INSTALLATION OF ANY TURF AND PLANT MATERIAL. CARE SHALL BE TAKEN WHEN WORKING AROUND OR NEW PLANTS LABELED ON THE PLAN AS EXISTING OR TO REMAIN. ALL EXISTING PLANTS THAT ARE TO REMAIN, IF DAMAGED BY CONSTRUCTION, SHALL BE REPLACED BY THE CONTRACTOR AS DIRECTED BY THE OWNER'S REPRESENTATIVE.
- STANDARDS FOR TRANSPLANTING SHALL BE IN KEEPING WITH THOSE ESTABLISHED BY THE INTERNATIONAL SOCIETY OF ARBORICULTURE PUBLICATION, "TREE AND SHRUB TRANSPLANTING MANUAL" OR SIMILAR PUBLICATION. REFERENCE THE AMERICAN ASSOCIATION OF NURSERYMEN PUBLICATION "AMERICAN STANDARD FOR NURSERY STOCK" (ANSI 260, 1973) FOR PLANT MATERIAL QUALITY SPECIFICATIONS. REFERENCE THE LATEST EDITION OF THE "MANUAL FOR WOODY LANDSCAPE PLANTS, MICHAEL DIRR, ISA GUIDELINES AND ANSI STANDARDS, OR SIMILAR PUBLICATION ON SITE REQUIREMENTS FOR VARIOUS TREE SPECIES.
- THE LANDSCAPE CONTRACTOR SHALL COMPLETELY GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF ONE (1) YEAR BEGINNING AT THE DATE OF FINAL ACCEPTANCE. THE LANDSCAPE CONTRACTOR SHALL PROMPTLY MAKE ALL REPLACEMENTS BEFORE OF THE END OF THE GUARANTEE PERIOD (AS PER DIRECTION OF THE OWNER).
- THE OWNER AGREES TO PERFORM ALL LANDSCAPE MAINTENANCE (INCLUDING WATERING) THROUGHOUT THE ONE YEAR GUARANTEE PERIOD UNLESS OTHERWISE DETERMINED.
- ALL PLANTING BEDS TO BE MULCHED WITH 4" OF PINE STRAW UNLESS SPECIFIED SEPERATELY ON PLANS. ALL BEDS TO BE MULCHED IMMEDIATELY AFTER PLANTING.
- O.C. = PLANT ON CENTER
- LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING POSITIVE DRAINAGE AT 2% MINIMUM IN ALL PLANTED AREAS.

PLANT SCHEDULE - OVERALL

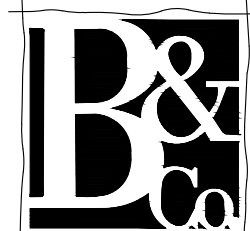
TREES	QTY	COMMON / BOTANICAL NAME	CONT	CAL	SIZE	SPACING
CAR CNR	12	COLLYNIAIR® AMERICAN HORNBEAM / CARPINUS CAROLINIANA 'COMTF1'	B & B	2" CAL		20' O.C.
CER MRL	9	MERLOT EASTERN REDBUD / CERCIS CANADENSIS 'MERLOT'	B & B	2" CAL		15' O.C.
CRY JAP	14	JAPANESE CEDAR / CRYPTOMERIA JAPONICA	B & B		6' HT. MIN.	14' O.C.
MAG LIT	13	DWARF SOUTHERN MAGNOLIA / MAGNOLIA GRANDIFLORA 'LITTLE GEM'	B & B		6' HT. MIN.	8' O.C.
MAG RBE	3	KELTYK® SWEETBAY MAGNOLIA / MAGNOLIA VIRGINIANA 'MVMTF'	B & B	2" CAL	9'-10' HT.	AS SHOWN
THU GG	20	GREEN GIANT ARBORVITAE / THUJA STANDISHII X PLICATA 'GREEN GIANT'	B & B		6' HT. MIN.	12' O.C.
ZEL SER	7	SAWLEAF ZELKOVA / ZELKOVA SERRATA 'GREEN VASE'	B & B	2" CAL	10'-12' HT.	60' O.C.
SHRUBS	QTY	COMMON / BOTANICAL NAME	CONT	SIZE	SPACING	
ABE TWI	15	TWIST OF LIME ABELIA / ABELIA X GRANDIFLORA 'TWIST OF LIME' TM	3 GAL		3' O.C.	
CLE JAP	12	CLEYERA / CLEYERA JAPONICA	3 GAL		3' O.C.	
DIS CAS	10	BLUE CASCADE DISTYLIUM / DISTYLIUM X BLUE CASCADE	3 GAL		3' O.C.	
ILE SHA	36	SHAMROCK INKBERRY HOLLY / ILEX GLABRA 'SHAMROCK'	3 GAL		4' O.C.	
ILL PAR	49	ANISE TREE / ILLICIAM PARVIFLORUM	3 GAL		6' O.C.	
MIS SIN	7	ADAGIO EULALIA GRASS / MISCANTHUS SINENSIS 'ADAGIO'	3 GAL		3' O.C.	
MYR CER	19	WAX MYRTLE / MYRICA CERIFERA	7 GAL		8' O.C.	
GROUND COVERS	QTY	COMMON / BOTANICAL NAME	CONT	SPACING		
CYN	5,894 SF	BERMUDAGRASS / CYNODON DACTYLON 'TIFGREEN'	SOD			
CYN LEI	13,093 SF	TIFWAY 419 BERMUDA GRASS / CYNODON DACTYLON X TRANSVAALENSIS 'TIFWAY 419'	HYDROSEED			
EC2	14,582 SF	WEEPING LOVEGRASS / ERAGROSTIS CURVULA	HYDROSEED			
LIR JOH	118	LILY TURF / LIRIOPE MUSCARI 'JOHN BURCH'	4"POT	16" O.C.		16" o.c.
TRA AS2	333	ASIATIC JASMINE / TRACHELOSPERMUM ASIATICUM 'ASIATIC'	4"POT	18" O.C.		18" o.c.

PLANT SCHEDULE LANDSCAPE STRIP

TREES	QTY	COMMON / BOTANICAL NAME	CONT	CAL	SIZE	SPACING
CAR CNR	12	COLLYNIAIR® AMERICAN HORNBEAM / CARPINUS CAROLINIANA 'COMTF1'	B & B	2" CAL		20' O.C.
CER MRL	9	MERLOT EASTERN REDBUD / CERCIS CANADENSIS 'MERLOT'	B & B	2" CAL		15' O.C.
MAG RBE	2	KELTYK® SWEETBAY MAGNOLIA / MAGNOLIA VIRGINIANA 'MVMTF'	B & B	2" CAL	9'-10' HT.	AS SHOWN
SHRUBS	QTY	COMMON / BOTANICAL NAME	CONT	SIZE	SPACING	
ABE TWI	7	TWIST OF LIME ABELIA / ABELIA X GRANDIFLORA 'TWIST OF LIME' TM	3 GAL		3' O.C.	
CLE JAP	8	CLEYERA / CLEYERA JAPONICA	3 GAL		3' O.C.	
ILE SHA	27	SHAMROCK INKBERRY HOLLY / ILEX GLABRA 'SHAMROCK'	3 GAL		4' O.C.	
ILL PAR	49	ANISE TREE / ILLICIAM PARVIFLORUM	3 GAL		6' O.C.	
MYR CER	19	WAX MYRTLE / MYRICA CERIFERA	7 GAL		8' O.C.	
GROUND COVERS	QTY	COMMON / BOTANICAL NAME	CONT	SPACING		
CYN LEI	1,718 SF	BERMUDAGRASS / CYNODON DACTYLON 'TIFGREEN'	SOD			
CYN LEI	13,093 SF	TIFWAY 419 BERMUDA GRASS / CYNODON DACTYLON X TRANSVAALENSIS 'TIFWAY 419'	HYDROSEED			
LIR JOH	118	LILY TURF / LIRIOPE MUSCARI 'JOHN BURCH'	4"POT	16" O.C.		16" o.c.
TRA AS2	719 SF	ASIATIC JASMINE / TRACHELOSPERMUM ASIATICUM 'ASIATIC'	FLAT			



Tr TREE PROTECTION FENCE - DETAIL
NTS
DETAIL-FILE



Brunson & Company
LANDSCAPE ARCHITECTS

903 BOMBAY LANE
ROSWELL, GA 30076

770 . 864 . 1987

CORO REALTY
3715 Northside Parkway NW
Bldg 400-100
Atlanta , GA 30327

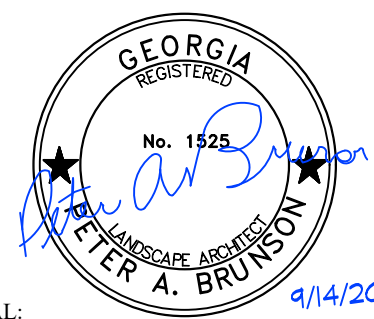
OWNER:

McEVER STORAGE
TREE REPLACEMENT PLANS

Prepared For:
CORO REALTY

6401 MCEVER ROAD

LAND LOT 139 & 140, 8TH DISTRICT
CITY OF FLOWERY BRANCH , HALL COUNTY, GEORGIA



SEAL:

THIS DRAWING IS AND SHALL REMAIN THE PROPERTY OF BRUNSON & COMPANY, LLC AND SHALL NOT BE REPRODUCED OR COPIED IN ANY FORM WITHOUT WRITTEN CONSENT. BRUNSON & COMPANY, LLC ASSUMES NO LIABILITY FOR ANY ELEMENTS CONSTRUCTED FROM THIS PLAN.

REVISIONS

NO.	DESCRIPTION

DRAWING TITLE:

LANDSCAPE
SCHEDULE/DETAILS

DATE:

9.14.22

PROJECT #

22.083

SHEET REF #

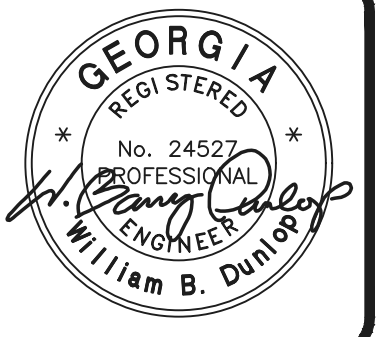
TRP-2

24 HOUR CONTACT:
SEAMUS BURKE (770) 745-4820

MCEVER ROAD
(45 MPH)

*****CAUTION*****

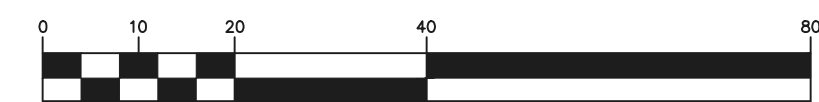
THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTORS CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.



GEORGIA811
Utilities Protection Center, Inc.

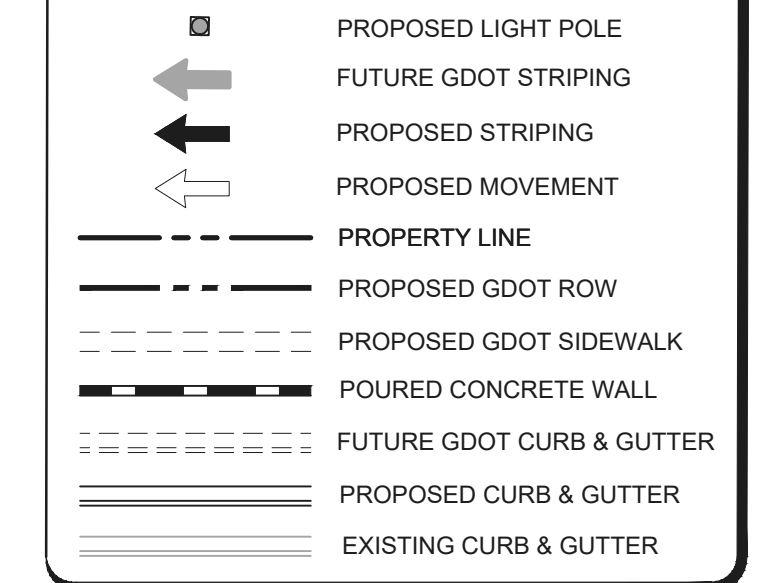
**Know what's below
Call 811 or (800) 282-7411
Before You Dig**

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

LEGEND



 **paradigm**
Engineering Services, Inc.
Seven Dunwoody Park
Suite 115
Atlanta, GA 30038
(770) 605-6030
www.Paradigmeng.net

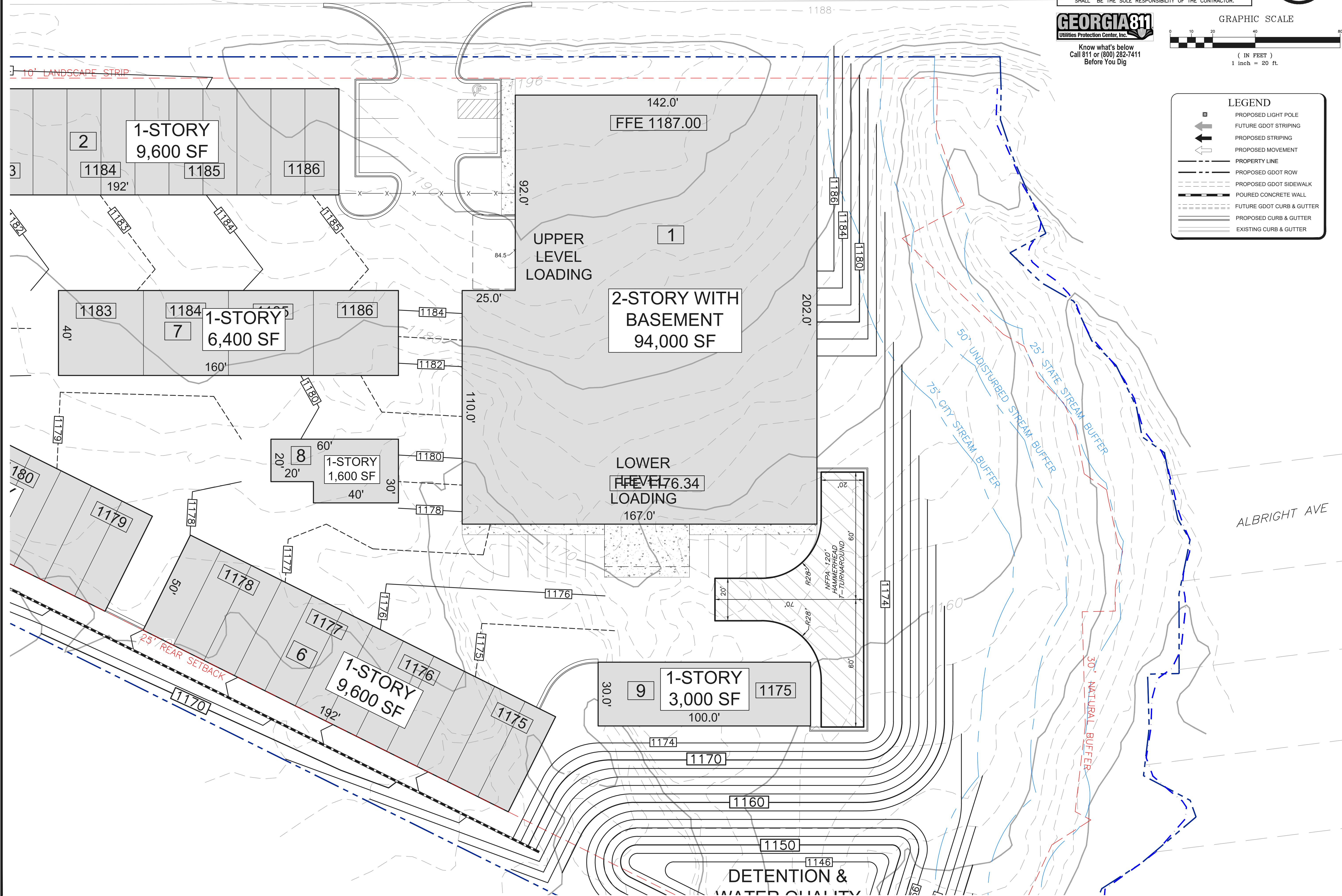
Project No.	P-2221
Design By:	WBD
Drawn By:	LBF
Checked By:	WBD
Date:	7/24/2022
Scale:	1" = 20'

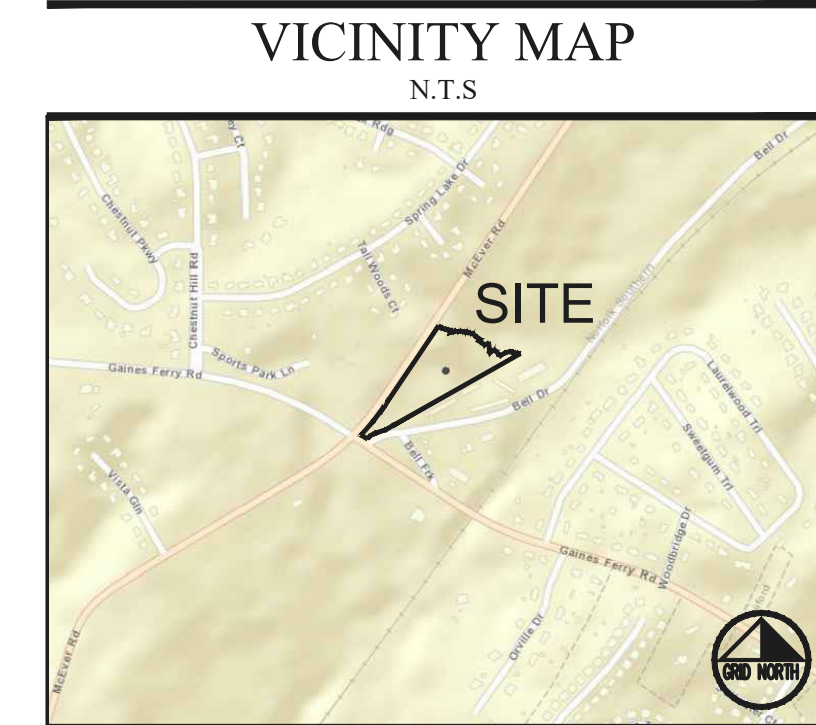
[illegible]

Coro Realty
115 Northside Parkway
Building 400-100
Atlanta, GA 30327
Office: (404) 846-40

GRADING & DRAINAGE PLAN
6401 MCEVER ROAD
6401 MCEVER ROAD
LAND LOT 139 & 140, 8TH DISTRICT
CITY OF FLOWERY BRANCH, HALL COUNTY, GEORGIA

Drawing No.
C3.2





N/F
CRP/RW BELL DRIVE OWNER, L.L.C.
C/O RANGEWATER DEVELOPMENT, LLC
0 TIDAL ROAD
PARCEL #: 08140 001203
ZONED: M-1

ALBRIGHT AVE

N/F
CRP/RW BELL DRIVE OWNER, L.L.C.
C/O RANGEWATER DEVELOPMENT, LLC
6733 MERCHANT ST
PARCEL #: 08140 001102
ZONED: PUD

N/F
CRP/RW BELL DRIVE OWNER, L.L.C.
C/O RANGEWATER DEVELOPMENT, L.L.C.
6729 MERCHANT ST
PARCEL #: 08140 001101
ZONED: PUD

N/F
CRP/RW BELL DRIVE OWNER, L.L.C.
C/O RANGEWATER DEVELOPMENT, L.L.C.
6725 MERCHANT ST
PARCEL #: 08140 001100
ZONED: PUD

N/F
CRP/RW BELL DRIVE OWNER, L.L.C.
C/O RANGEWATER DEVELOPMENT, L.L.C.
6721 MERCHANT ST
PARCEL #: 08140 001099
ZONED: PUD

N/F
CRP/RW BELL DRIVE OWNER, L.L.C.
C/O RANGEWATER DEVELOPMENT, LL
6717 MERCHANT ST
PARCEL #: 08140 001098
ZONED: PUD

N/F
CRP/RW BELL DRIVE OWNER, L.L.C.
C/O RANGEWATER DEVELOPMENT, L.L.C.
6713 MERCHANT ST
PARCEL #: 08140 001097
ZONED: PUD

N/F
CRP/RW BELL DRIVE OWNER, L.L.C.
C/O RANGEWATER DEVELOPMENT, L.L.C.
0 MERCHANT STREET
PARCEL #: 08140 001202
ZONED: M-1

ADDRESS: 6401 MCEVER ROAD
PARCEL NO.: 08140 000092
GROSS SITE AREA: 7.03 AC (288,056 SF)

ZONING
CURRENT ZONING: HB (HIGHWAY BUSINESS)
ZONING JURISDICTION: FLOWERY BRANCH, GEORGIA

PROPOSED USE
MULTI-FLOOR CLIMATE CONTROLLED SELF STORAGE
BUILDING 1: 94,000 SF

SINGLE STORY EXTERIOR ACCESS

BUILDING 2: 9,600 SF
BUILDING 3: 9,600 SF
BUILDING 4: 3,800 SF
BUILDING 5: 9,600 SF
BUILDING 6: 9,600 SF
BUILDING 7: 6,400 SF
BUILDING 8: 1,600 SF
BUILDING 9: 3,000 SF
SUB TOTAL: 53,200 SF

147,200 SF TOTAL

MAXIMUM BUILDING HEIGHT: 60' OR 5 STORIES
MAXIMUM BUILDING LENGTH: 200'
MAXIMUM STORAGE UNIT SIZE: 800 SF

MINIMUM LOT SIZE: 2 AC (MINI-WAREHOUSE)
MAXIMUM DEVELOPED AREA: 4 AC (MINI-WAREHOUSE)

MAXIMUM LOT COVERAGE BY BUILDINGS: 50% (144,028 SF)
PROPOSED LOT COVERAGE BY BUILDINGS: 30% (86,440 SF)

MINIMUM LANDSCAPED OPEN SPACE: 15% (43,208 SF)
PROPOSED LANDSCAPED OPEN SPACE: 36% (102,874 SF)

SETBACKS
FRONT YARD: NONE
SIDE YARD, INTERIOR LOT LINE: 10'
SIDE YARD, CORNER LOT: 15'
REAR YARD: 25'
LANDSCAPE STRIP ALONG ROW: 10'

REQUIRED PARKING
SELF-SERVICE STORAGE FACILITY (MINI-WAREHOUSE)
MINIMUM REQUIRED: ONE PER 40 STORAGE UNITS
MAXIMUM PERMITTED: ONE PER 25 STORAGE UNITS

PROPOSED PARKING
STANDARD SPACES: 16
ACCESSIBLE SPACES: 1
17 SPACES TOTAL

1. BOUNDARY AND CIVIL BASE INFORMATION WAS TAKEN FROM THE RE-TRACEMENT SURVEY BY ROBBIE HENDERSON SURVEYING & PLANNING, DATED JUNE 15, 2021.
2. NO WELLS OR SEPTIC SYSTEMS ARE PROPOSED OR EXIST ON SITE.
3. ALL HANDICAP RAMP FORMS MUST BE APPROVED BY CITY LAND DISTURBANCE INSPECTOR PRIOR TO CONCRETE POUR.
4. ALL PROPOSED PAVING AND CURB PER HALL COUNTY STANDARDS.
5. ALL STRIPING IN THE RIGHT OF WAY SHALL BE THERMOPLASTIC.
6. PAVEMENT IN RIGHT OD WAY SHALL MEET GDOT STANDARDS. SEE GDOT NOTES.

Diagram illustrating the proposed curb and gutter layout for the intersection of 10th Street and 11th Street, showing the proposed light pole, future and proposed GDOT striping, proposed striping, proposed movement, property line, proposed GDOT row, proposed GDOT sidewalk, poured concrete wall, future GDOT curb & gutter, proposed curb & gutter, and existing curb & gutter.

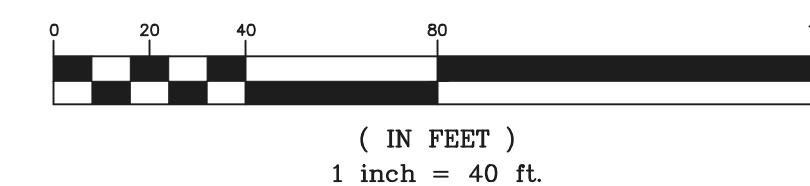
*****CAUTION*****

THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTORS CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

GEORGIA811
Utilities Protection Center, Inc.

Know what's below
Call 811 or (800) 282-7411
Before You Dig

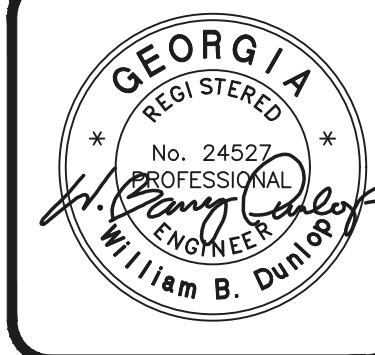
GRAPHIC SCALE



ZONING SITE PLAN
66401 MCEVER ROAD

6401 MCEVER ROAD
LAND LOT 139 & 140, 8TH DISTRICT
CITY OF FLOWERY BRANCH, HALL COUNTY, GEORGIA

Drawing No.
Z1.0



paradigm
Engineering Services, Inc.
Seven Dunwoody Park
Suite 115
Atlanta, GA 30038
(770) 605-6030
www.Paradigmenga.net

Project No.	P-2227
Design By:	WBD
Drawn By:	LBF
Checked By:	WBD
Date:	9/12/2022
Scale:	1" = 40'

[illegible]

Coro Realty
3715 Northside Parkway NW
Building 400-100
Atlanta, GA 30327
Office: (404) 846-4019



COVER SHEET

Date: September 15, 2022

To: Mr. Rich Atkinson, Director of Planning & Community
E-mail: rich@flowerybranchga.org

Cc: Patrick Higgins [Architect]
pha380@bellsouth.net

From: Diane Reid on behalf of Applicant Adam Holland, Coro Realty

Re: Self-Storage
6401 McEver Road
Land Lot 139 & 140, 8th District
City of Flowery Branch,
Hall County, GA

COMMENTS:

Enclosed please find the Conditional Use Application on behalf of Coro Realty, pertaining to the Self-Storage buildings located at 6401 McEver Road, Land Lot 139 & 140, 8th District, City of Flowery Branch, Hall County, GA.

Contents:

1. Cover sheet
2. Copy of Application Payment of \$350.00
3. Conditional Use Permit Application
 - a. Conflict of interest disclosure
 - b. Disclosure of campaign contributions
4. Letter of Intent - Detailed Description of Request
 - a. Appendix A – Z1.0 Site Zoning Plan
5. Development Statistics per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.6.
 - a. Appendix A – (2) Two Building renderings
6. Current survey of property
7. Legal Site Description
8. Site plans
 - a. C3.0, C3.1, C3.2 Civil Site and Grading Plans
 - b. C3.3 Detention Plan
 - c. SH.1 Site Survey
 - d. TRP-1, TRP-2 Landscape Plans
9. Analysis requirements per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34. 7.

SHAMROCK BUILDING SYSTEMS

1298 CONCORD RD SE, SMYRNA, GA 30080 ■ P: 770-745-4822 ■ F: 770-745-4822

DATE:09/15/2022 CK#:26002 TOTAL:\$350.00***** BANK:CORO REALTY ADVISORS(234579)
PAYEE:FLOWERY BRANCH PLANNING & COMMUNITY DEVELOPMENT(fbpced01)

Property Address - Code	Invoice - Date	Description	Amount
CORO REALTY ADVISORS LLC - cor110	COR110-09/15/22 - 09/15/22	APPLICATION FEE (LAKE LANIER STORAGE	350.00
			350.00

CORO REALTY ADVISORS LLC

3715 NORTHSIDE PKWY NW
BLDG 400 STE 100
ATLANTA, GA 30327

TRUIST BANK
6343 ROSWELL RD NE
ATLANTA, GA 30328

26002

64-1341/611

09/15/2022

\$350.00*****

TO THE
ORDER OF

****** THREE HUNDRED FIFTY AND 00/100 DOLLARS**

FLOWERY BRANCH PLANNING & COMMUNITY DEVELOPMENT

5410 Pine Street
Flowery Branch, GA 30542

CONTAINS AN ARTIFICIAL



CONDITIONAL USE PERMIT APPLICATION

City Provided Permit #

Date: August 31, 2022

Address of Request:

6401 McEver Road

Tax Map # 08140 000092 Current Zoning: HB (Highway Business)

Is this site located within the boundaries of the historic district? NO

Currently a conforming use? Undeveloped

Any conditions of zoning, CUP's, etc.? Self Storage

Applicant Information

Applicant: Adam Holland, Coro Realty

Address: 3715 Northside Parkway, NW, Building 400-100

E-mail address: aholland@cororealty.com

Phone number: (404)846-4019

Signature: 

Notary Seal: 
exp: 10-2-2023



**Property owner Information**

Property owner (please print): Stonebridge , LLC

Address: 117 Eagle Drive
Hixon, TN 37343

E-mail address: jrichardson@lupton.com

Phone number: 423-747-0503

Signature: *[Handwritten Signature]*

Notary Seal:



Rebecca Watson
my Commission Expires: 7/27/2026

Applicant Information Required at Time of Submittal

Please review the Flowery Branch Code of Ordinances, Appendix C, "Zoning Ordinance", Article 34, for complete requirements.

- Payment of \$350.00
- Legal description – one hard copy and on a flash drive
- Current survey of property – one hard copy and on a flash drive
- Site plan – one hard copy and on a flash drive
- Site plan shall meet the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.5
- Detailed description of request
- Development statistics per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.6
- Analysis requirements per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.7
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)



Conflict of Interest Disclosure

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who

Have a property interest in the real property affected by this request

None

Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request

None

Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request

None

Disclosure of Campaign Contributions

List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

Elected Officials Name

Amount of Description of Gift

N/A



Received by City of Flowery Branch Staff on _____

Name: _____

Title _____



LETTER OF INTENT – Conditional Use Permit

Director of Planning & Community Development
5410 Pine Street
P.O Box 757
Flowery Branch, GA 30542

Development Project:
Self-Storage
6401 McEver Road,
Flowery Branch,
Hall County, GA
September 15, 2022
Project Ref: 2022-009

Dear Richard Atkinson,

The above captioned property is zoned Highway Business (HB) and requires a conditional use permit. This letter of intent is to identify the Conditional Use Permit Application ("Application") by Coro Realty Advisors, LLC ("Applicant") with respect to approximately 7.03 acres being property commonly known as 6401 McEver Road, Flowery Branch (the "City"), Georgia 30542, Tax Parcel Identification Number 08140 000092 (the "Property").

The Applicant is requesting a Conditional Use Permit ("CUP") for Property currently zoned HB (Highway Business) to develop a climate controlled self-storage facility containing 10 buildings totaling 148,200sf.

The Existing use(s) and zoning of the subject property and nearby properties are consistent with surrounding usages. The following represent land usages adjacent to the subject property:

- The full site is currently a vacant lot, commercially undeveloped, and wooded land (zoned HB Highway Business, Flowery Branch).
- To the north of the site there is a residential development (zoned as a PUD Planned Unit Development, Flowery Branch).
- To the east of the site is a boat storage facility (zoned M1 Industrial, Flowery Branch).

Tel 770-745-4822
Fax 770-745-4822

1298 Concord Rd SE,
Smyrna, GA 30080

www.shamrockbuildingsystems.com

- To the south of the site is Gaines Ferry Road followed by wooded land and Hall County Fire Station 8 (zoned AR-III, Agricultural-Residential, Hall County).
- To the West of the site is McEver Road followed by sports park (zoned R-I Residential, Hall County).

Self-storage use is authorized in underlying HB zoning by Conditional Use Permit. (See appendix A for Z1.0 Zoning Site Plan). The existing value of the property under the existing zoning district classification is appraised at \$882,100 at the current year fair market value. No change to existing zoning district is requested and the value can be discerned.

The proposed development will result in a low impact, quality constructed project, with architectural materials and landscaping meeting or exceeding City's existing regulations. The Conditional Use improvements would enhance the value of adjacent properties.

There is no change to the zoning district and therefore no possible development creation of an isolated zoning district unrelated to adjacent and nearby districts. Since the current use is allowed with the conditional use permit there is no possible effects on the character of the zoning district. The character of zoning district will be unchanged. The existing use is undeveloped land, the proposed Self Storage use is allowable by the underlying HB zoning as a conditional use. No change in zoning district map is requested.

The Civil engineering of the proposed development will meet or exceed all city and county regulations relating to drainage, soil erosion, sedimentation and have no deleterious effect on environment. The proposed development is not located in a flood zone nor will proposed grading increase any downstream flow. Storm detention and water quality will also meet or exceed city, county, and state regulations. No aspect of the proposed development will affect air quality.

The proposed Conditional Use is consistent with surrounding uses, M-1 Industrial, is in conformance with the Comprehensive Plan and permitted in underlying HB zoning and overall zoning scheme and this zoning ordinance.

The Applicant is requesting a CUP for Property currently zoned HB to develop a climate controlled self-storage facility containing 9 buildings totaling 147,200sf. The storage buildings are comprised of one 2-Story with a basement, climate controlled self-storage building and multiple single-story exterior access storage units.



Applicant respectfully requests that the Community Development Department (the "Department") recommend approval of the Application to the Planning Commission and the City Council. Applicant is happy to answer questions or provide any additional information that the Department and the City may have regarding this Application.

Sincerely,



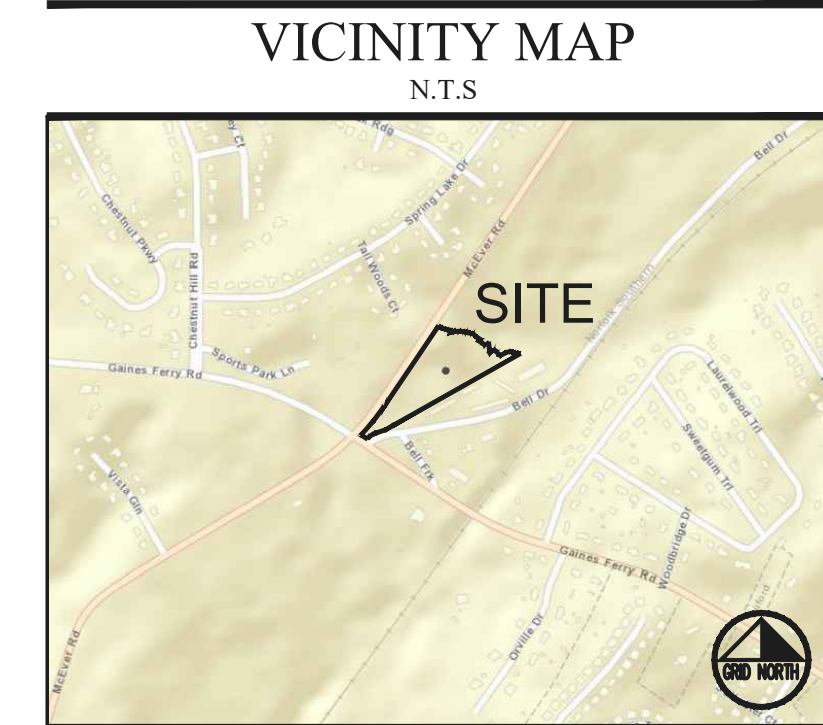
Diane Reid
Shamrock Building Systems, Inc.

DR:ph

Appendix A

- (2) Two Building renderings





ALBRIGHT AVE

N/F
CRP/RW BELL DRIVE OWNER, L.L.C.
C/O RANGEWATER DEVELOPMENT, L.L.C.
6713 MERCHANT ST
PARCEL #: 08140 001097
ZONED: PUD

N/F
CRP/RW BELL DRIVE OWNER, L.L.C.
C/O RANGEWATER DEVELOPMENT, LL
0 MERCHANT STREET
PARCEL #: 08140 001202
ZONED: M-1

Coro Realty



DEVELOPMENT STATISTICS – Conditional Use Permit

Director of Planning & Community Development
5410 Pine Street
P.O Box 757
Flowery Branch, GA 30542

Development Project:
Self-Storage
6401 McEver Road,
Flowery Branch,
Hall County, GA
September 15, 2022
Project Ref: 2022-009

Dear Richard Atkinson,

The above captioned property is zoned Highway Business (HB) and requires a conditional use permit. The Applicant is requesting a Conditional Use Permit ("CUP") for Property currently zoned HB (Highway Business) to develop a climate controlled self-storage facility containing 10 buildings totaling 148,200sf.

The development statistics and specifications are outlined on the civil site plans. Additional written details are specified in the sections below.

1. Maximum and proposed height of any structure:

Maximum Allowable Building Height: 60' Or 5 Stories

Proposed Height: 2-Story and basement: 36'-4" average grade plane to highest point of building.

Proposed Height: Storage Single-story: 22'-0" average grade plane to highest point of building.

Proposed Height: RV Wash: 22'-0" average grade plane to highest point of building.

2. *Maximum and proposed gross square footage of the building area:*

Maximum gross square footage of the building area = NA

Proposed Multi-Floor Climate Controlled Self Storage

Building 1: 31,333 sf

Lot Coverage (Total building- 2 stories plus basement= 94,000 Sf)

Single Story Exterior Access

Building 2: 9,600 sf

Building 3: 9,600 sf

Building 4: 3,800 sf

Building 5: 9,600 sf

Building 6: 9,600 sf

Building 7: 6,400 sf

Building 8: 1,600 sf

Building 9: 3,000 sf

Building 10 (RV Wash): 1,500 sf

Sub total: 54,700 sf

86,033 Sf Total Lot Coverage

148,200SF = Total Self-Storage Facility Containing 10 Buildings.

3. *See Appendix A for color renderings of proposed structures.*

4. *Material list (with percentages) of proposed structures:*

Building Number 1:

Elevation	Total SF	Glass Windows & Doors, SF/%	Brick, SF/%	EFIS, SF/%
Front	4625	202/4.4%	2416/52.2%	2007/43.4%
Right	6148	419/6.8%	3700/60.2%	2029/33%
Left	6542	0/0	2920/44.6%	3622/55.4%
Rear	5463	92/1.7%	2372/43.4%	2999/54.9%

Building Numbers: 2-3-4-5-6-7-8-9-10

Front facing and right/left elevations 50% brick, 50% EFIS

Rear elevation 20% brick, 80% EFIS.

Note that front facing wall area of buildings 2-10 with storage unit or RV parking roll-up doors, exclusive of doors, shall be 50% brick, 50% EFIS,

Rear facing wall area with storage unit or RV parking roll-up doors, exclusive of doors, shall be 20% brick, 80% EFIS.

5. *Maximum and proposed lot coverage of building area (square feet and percent):*

Minimum Lot Size: 2 Ac (Mini-Warehouse)

Maximum Developed Area: 4 Ac (Mini-Warehouse)

Maximum Lot Coverage By Buildings: 50% (144,028 Sf)

Proposed Lot Coverage By Buildings: 30% (86,033 Sf)

6. *Minimum and proposed square footage of landscaped area (square feet and percent):*

Minimum Landscaped Open Space: 15% (43,208 Sf)

Proposed Landscaped Open Space: 36% (102,874 Sf)

7. *Minimum and maximum and proposed number of parking spaces:*

Required Site Parking:

Self-Service Storage Facility (Mini-Warehouse)

Minimum Required: One Per 40 Storage Units

Maximum Permitted: One Per 25 Storage Units

Proposed Parking

Standard Spaces: 16

Accessible Spaces: 1

17 Spaces Total

8. *Other dimensional information as may be required by the Zoning Administrator.*

The setback requirements:

Front Yard: None

Side Yard, Interior Lot Line: 10'

Side Yard, Corner Lot: 15'

Rear Yard: 25'

Landscape Strip Along Row: 10'

Building Information:

Maximum Building Length: 200'

Maximum Storage Unit Size: 800 Sf



Applicant respectfully requests that the Community Development Department (the "Department") recommend approval of the Application to the Planning Commission and the City Council. Applicant is happy to answer questions or provide any additional information that the Department and the City may have regarding this Application.

Sincerely,



Diane Reid
Shamrock Building Systems, Inc.

DR:mmi

Appendix A

- (2) Two Building renderings





McEver Road Self Storage

McEver Road Self Storage



SURVEY NOTES:
THIS PLAT HAS BEEN PREPARED FOR THE EXCLUSIVE USE AND PURPOSE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON, SAID CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RECERTIFICATION BY THE SURVEYOR.

THIS SURVEY IS SUBJECT TO ANY AND ALL EASEMENTS, R/W's, ETC., OF RECORD OR NOT OF RECORD, ABOVE OR BELOW GROUND. ALL MATTERS OF TITLE ARE EXCEPTED.

THE PUBLIC RECORDS REFERENCED HEREON REFLECT ONLY THOSE RECORDS NECESSARY TO ESTABLISH THE BOUNDARIES SHOWN HEREON, AND REFERENCE TO THE SAME DOES NOT AND IS NOT INTENDED TO CONSTITUTE A TITLE SEARCH OR TITLE OPINION.

THE SURVEYOR DOES NOT WARRANT THE EXISTENCE OR NONEXISTENCE OF ANY WETLANDS OR HAZARDOUS WASTE IN THE SURVEY AREA.

ACCORDING TO FIRM MAP NO. 13139C 0290G, DATED 04/04/2018, THIS PROPERTY IS NOT LOCATED WITHIN ZONE X.

THE NORTH MERIDIAN SHOWN HEREON IS BASED ON GRID NORTH, GA WEST ZONE.

SURVEY NOTES:
1.) FIELD DATA:
AVERAGE GPS HORIZONTAL SIGNAL ACCURACY: 0.035'
2.) MEASUREMENTS WERE TAKEN WITH A CARLSON BRX6+ RECEIVER USING RTK METHODS PROCESSED WITH eGPS NETWORK.
3.) PLAT PRECISION: 1'/965,281'
4.) THIS PLAT HAS BEEN DONE FOR THE USE AND PURPOSE OF THE CLIENT ASCRIBED AND CONTRACTED WITH BELOW. ALL OTHER PARTIES ARE SUBSEQUENTLY PUT ON NOTICE AS TO THE LIMITED DEGREE OF RELIANCE UPON THIS PLAT BY THIRD PARTIES.
5.) THE PUBLIC RECORDS REFERENCED HEREON REFLECT THOSE RECORDS NECESSARY TO THE BOUNDARY OF THE SUBJECT PROPERTY. THEY DO NOT CONSTITUTE A TITLE SEARCH. PROPERTY IS SUBJECT TO ALL RIGHT OF WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.
6.) THE NORTH MERIDIAN SHOWN HEREON IS BASED ON GRID NORTH GA WEST ZONE OBTAINED BY GPS RTK METHODS.

SEE SURVEY FOR CALLERO HOLDINGS, LLC.
BY THIS FIRM DATED MAY 14, 2020

SEE SURVEY FOR VAN PUGH BOAT STORAGE WRIGHT FINE INC.
BY THIS FIRM DATED JULY 13, 2017

N/F
CITY OF
FLOWERY BRANCH
LIFT STATION
D.B. 6971, PG.32
08140000217
ZONED M1

1/2" R.O.D.

GRID NORTH GA. WEST

LEGEND

I.P.F. = IRON PIN FOUND
I.P.S. = IRON PIN SET
CTP = CRIMP TOP PIPE
R/W = RIGHT OF WAY
P/L = PROPERTY LINE
C/L = CENTER LINE
B/L = BUILDING LINE
L.L. = LAND LOT
L.L.L. = LAND LOT LINE
P.P. = POWER POLE
-P- = POWER LINE
N/F = NOW OR FORMERLY
D.B. = DEED BOOK
P.B. = PLAT BOOK
PG. = PAGE

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67, AUTHORITY O.C.G.A. SECS. 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.

*ANY STREAM OR STATE WATER LOCATED ON THIS PROPERTY MAY BE SUBJECT TO A 50 FOOT UNDISTURBED NATURAL VEGETATIVE BUFFER AND A 75 FOOT IMPERVIOUS SURFACE SETBACK.
*IF PROPERTY IS LOCATED IN THE NORTH OCONEE WATERSHED DISTRICT, THEN ADDITIONAL STREAM BUFFERS MAY BE REQUIRED FOR COMPLIANCE.
A PORTION OF THIS PROPERTY IS LOCATED IN A FLOOD HAZARD AREA AS SHOWN ON FLOOD INSURANCE RATE MAP 13139C 0089G, HALL COUNTY GEORGIA, DATED 04/04/2018.
*THIS PROPERTY IS NOT LOCATED IN THE HALL COUNTY FUTURE FLOOD ZONE PER HALL COUNTY GIS.
IF RESIDENTIAL PROPERTY IS SUBDIVIDED INTO SEVEN LOTS OF MORE WITH ALL LOTS ACCESSING EXISTING HALL COUNTY, GEORGIA ROADS, THEN STORMWATER MANAGEMENT IS REQUIRED FOR COMPLIANCE.

SURVEYOR'S CERTIFICATE

This survey is a retracement of an existing parcel of land and does not subdivide or create a new parcel or change any real property boundaries. The recording information of the document(s), map(s), plat(s) or other instrument(s) which created the parcel(s) are stated hereon. RECORDATION OF THIS SURVEY DOES NOT IMPLY APPROVAL OF THE LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, NOR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Further, the undersigned land surveyor certifies that this map, plat or plan complies with the minimum technical standards for property surveys in Georgia as set forth in Chapter 180-7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act O.C.G.A. 15-6-67.

RLS #2985



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	1502.60'	256.10'	255.79'	N 38°53'04" E
C2	4462.86'	73.14'	73.14'	S 71°23'59" W
C3	98.55'	54.11'	53.43'	S 50°28'24" W
C4	48.55'	24.00'	23.76'	N 50°44'46" E
C5	4412.96'	11.29'	11.29'	N 71°00'47" E

LINE	BEARING	DISTANCE
L1	S 57°31'08" E	15.72'
L2	S 54°31'52" E	13.75'
L3	S 74°24'55" E	20.76'
L4	S 79°36'31" E	19.50'
L5	S 79°11'05" E	17.54'
L6	S 05°46'23" W	19.17'
L7	N 77°38'15" E	20.54'
L8	N 63°53'00" E	17.47'
L9	S 80°19'21" E	20.39'
L10	N 79°25'30" E	16.32'
L11	S 82°08'57" E	21.68'
L12	S 66°29'07" E	14.41'
L13	N 69°33'58" E	12.96'
L14	S 66°31'24" E	16.57'
L15	S 68°15'04" E	15.48'
L16	S 86°13'48" E	11.26'
L17	S 44°20'40" E	25.81'
L18	S 55°55'27" E	37.56'
L19	S 32°56'46" E	14.79'
L20	S 57°26'47" E	25.46'
L21	S 49°14'26" E	22.51'
L22	N 61°54'47" E	24.79'
L23	S 75°19'12" E	8.36'
L24	S 05°59'17" E	34.29'
L25	S 01°24'33" W	21.47'
L26	S 31°01'09" E	8.50'
L27	N 45°28'56" E	15.97'
L28	N 63°51'50" E	22.08'
L29	S 50°44'22" E	23.15'
L30	S 29°49'56" E	21.86'
L31	S 66°37'23" E	14.65'
L32	N 61°29'58" E	40.48'
L33	N 74°27'42" E	30.38'
L34	N 88°23'09" E	14.75'
L35	S 37°22'52" E	12.80'
L36	S 83°51'45" E	10.75'
L37	S 88°56'11" E	20.65'
L38	S 79°35'18" E	18.89'
L39	S 60°19'51" W	63.83'
L40	S 69°14'42" W	16.68'
L41	N 57°43'14" W	51.16'
L42	N 69°14'42" E	14.38'
L43	S 38°31'28" E	30.78'
L44	S 34°11'27" E	29.04'
L45	S 25°45'28" E	27.05'
L46	S 19°55'19" E	16.36'
L47	S 08°07'18" E	17.51'

RE-TRACEMENT SURVEY FOR:

ESTATE OF BETH LUFTON

Surveyed by:

ROBBIE HENDERSON
Surveying & Planning
3040 PILGRIM MILL ROAD
CUMMING, GA 30041
PH: 706-654-2015
COA LSF #001242

Thou shall not remove thy neighbor's landmark, which they of old time have set in thine inheritance, which thou shall inherit in the land that the Lord thy God giveth thee to possess it.

Deuteronomy 19:14

SH.1 of 1



LEGAL SITE DESCRIPTION – Conditional Use Permit

Director of Planning & Community Development
5410 Pine Street
P.O Box 757
Flowery Branch, GA 30542

Development Project:
Self-Storage
6401 McEver Road,
Flowery Branch,
Hall County, GA
September 15, 2022
Project Ref: 2022-009

Dear Richard Atkinson,

Below is the legal Site Description:

All that tract or parcel of land lying and being in Land Lot 139 and 140 of the 8th District of Hall County, Georgia, and being particularly describe as follows:

Beginning at a point on the north east corner of the intersection of Gaines Ferry Road having a right of way of 50 feet with Mcever Road, having a right-of-way of 80 feet. Said point is the POINT OF BEGINNING.

Thence with a curve to the left and an arc length of 256.10 feet and a radius of 1502.60 feet being subtended by a chord of North 38 Degrees 53 Minutes 04 Seconds East with a distance of 255.79 feet to a point;

thence North 34 Degrees 05 Minutes 33 Seconds East a distance of 674.05 feet to a point;

thence South 57 Degrees 31 Minutes 08 Seconds East a distance of 15.72 feet to a point;

thence South 54 Degrees 31 Minutes 52 Seconds East a distance of 13.75 feet to a point;

Tel 770-745-4822
Fax 770-745-4822

1298 Concord Rd SE,
Smyrna, GA 30080

www.shamrockbuildingsystems.com

thence South 74 Degrees 24 Minutes 55 Seconds East a distance of 20.76 feet to a point;

thence South 79 Degrees 36 Minutes 31 Seconds East a distance of 19.50 feet to a point;

thence South 79 Degrees 11 Minutes 05 Seconds East a distance of 17.54 feet to a point;

thence South 05 Degrees 46 Minutes 23 Seconds West a distance of 19.17 feet to a point;

thence North 77 Degrees 38 Minutes 15 Seconds East a distance of 20.54 feet to a point;

thence North 63 Degrees 53 Minutes 00 Seconds East a distance of 17.47 feet to a point;

thence South 80 Degrees 19 Minutes 21 Seconds East a distance of 20.39 feet to a point;

thence North 79 Degrees 25 Minutes 30 Seconds East a distance of 16.32 feet to a point;

thence South 82 Degrees 08 Minutes 57 Seconds East a distance of 21.68 feet to a point;

thence South 66 Degrees 29 Minutes 07 Seconds East a distance of 14.41 feet to a point;

thence North 69 Degrees 33 Minutes 58 Seconds East a distance of 12.96 feet to a point;

thence South 66 Degrees 31 Minutes 24 Seconds East a distance of 16.57 feet to a point;

thence South 68 Degrees 15 Minutes 04 Seconds East a distance of 15.48 feet to a point;

thence South 86 Degrees 13 Minutes 48 Seconds East a distance of 11.26 feet to a point;

thence South 44 Degrees 20 Minutes 40 Seconds East a distance of 25.81 feet to a point;

thence South 55 Degrees 55 Minutes 27 Seconds East a distance of 37.56 feet to a point;

thence South 32 Degrees 56 Minutes 46 Seconds West a distance of 14.79 feet to a point;

thence South 57 Degrees 26 Minutes 47 Seconds East a distance of 25.46 feet to a point;

thence South 49 Degrees 14 Minutes 26 Seconds East a distance of 22.51 feet to a point;

thence North 61 Degrees 54 Minutes 47 Seconds East a distance of 24.79 feet to a point;

thence South 75 Degrees 19 Minutes 12 Seconds East a distance of 8.36 feet to a point;

thence South 05 Degrees 59 Minutes 17 Seconds East a distance of 34.29 feet to a point;

thence South 01 Degrees 24 Minutes 33 Seconds West a distance of 21.47 feet to a point;

thence South 31 Degrees 01 Minutes 09 Seconds East a distance of 8.50 feet to a point;

thence North 45 Degrees 28 Minutes 56 Seconds East a distance of 15.97 feet to a point;

thence North 63 Degrees 51 Minutes 50 Seconds East a distance of 22.08 feet to a point;

thence South 50 Degrees 44 Minutes 22 Seconds East a distance of 23.15 feet to a point;

thence South 29 Degrees 49 Minutes 56 Seconds East a distance of 21.86 feet to a point;

thence South 66 Degrees 37 Minutes 23 Seconds East a distance of 14.65 feet to a point;

thence North 61 Degrees 29 Minutes 58 Seconds East a distance of 40.48 feet to a point;

thence North 74 Degrees 27 Minutes 42 Seconds East a distance of 30.38 feet to a point;

thence North 88 Degrees 23 Minutes 09 Seconds East a distance of 14.75 feet to a point;

thence South 37 Degrees 22 Minutes 52 Seconds East a distance of 12.80 feet to a point;

thence South 83 Degrees 51 Minutes 45 Seconds East a distance of 10.75 feet to a point;

thence South 88 Degrees 56 Minutes 11 Seconds East a distance of 20.65 feet to a point;

thence South 79 Degrees 35 Minutes 18 Seconds East a distance of 18.89 feet to a point;

thence South 60 Degrees 32 Minutes 22 Seconds West a distance of 1010.43 feet to a point;

thence South 60 Degrees 19 Minutes 51 Seconds West a distance of 63.83 feet to a point;

thence with a curve to the left and an arc length of 73.14 feet and a radius of 4462.86 feet being subtended by a chord of South 71 Degrees 23 Minutes 59 Seconds West with a distance of 73.14 feet to a point;

thence South 69 Degrees 14 Minutes 42 Seconds West a distance of 16.68 feet to a point;

thence with a curve to the left and an arc length of 54.11 feet and a radius of 98.55 feet being subtended by a chord of South 50 Degrees 28 Minutes 24 Seconds West with a distance of 53.43 feet to a point;

thence North 57 Degrees 43 Minutes 14 Seconds West a distance of 51.16 feet to a point and the POINT OF BEGINNING.

Said tract contains 282,866 square feet, 6.494 acres.



ANALYSIS REQUIREMENTS – Conditional Use Permit

Mr. Rich Atkinson, Director of Planning & Community
Community Development Department
City of Flowery Branch
PO Box 757
5410 Pine Street
Flowery Branch, Ga 30542

Development Project:
Self-Storage
6401 McEver Road,
Flowery Branch,
Hall County, GA
September 15, 2022
Project Ref: 2022-009

Via Electronic Delivery and Hard Copy

Re: Conditional Use Permit Application ("**Application**") by Coro Realty Advisors, LLC ("**Applicant**") with respect to approximately 7.03 acres being property commonly known as 6401 McEver Road, Flowery Branch (the "**City**"), Georgia 30542, Tax Parcel Identification Number 08140 000092 (the "**Property**")

Zoning Impact Analysis (Section 34.7)

Applicant is requesting a Conditional Use Permit ("CUP") for Property currently zoned HB (Highway Business) to develop a climate controlled self-storage facility containing 10 buildings totaling 148,200sf over 7.03 acres.

Tel 770-745-4822
Fax 770-745-4822

1298 Concord Rd SE,
Smyrna, GA 30080

www.shamrockbuildingsystems.com

A. Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property?

The Property's location along McEver Road near Gaines Ferry Rd provide convenient access to major thoroughfares and close proximity to I-985. The Property backs up to Bell Drive and the railroad tracks and is immediately adjacent to an existing Boat Storage facility. The proposed CUP will allow for a low intensity neighborhood serving commercial use that will serve as a transition from the boat storage to residential uses to the north in accordance with the 2041 Comprehensive Plan.

B. Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property?

The proposed CUP will positively affect the existing use of nearby properties by activating a dormant site with a neighborhood serving transitional use in accordance with the Mixed-Use Neighborhood character area under the 2041 Comprehensive Plan.

C. Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned?

The Property is an undeveloped mid-block site currently zoned HB (Highway Business). The current HB zoning allows for the proposed use with a CUP which is being requested by the Applicant. While a climate controlled self-storage facility may require a CUP, the intensity of the use is less than many permitted uses under the existing HB zoning, thus mitigating the impact to surrounding neighborhood.

D. Whether the proposal will result in a use which would or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

The Subject Property is in an appropriate location for the proposed development, which is adjacent to an existing boat storage facility and would act as a transitional use to the residential subdivision to the north. The Subject Property sits on a major thoroughfare with multiple outlets with easy access to north and southbound state routes.

E. Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use map?

The proposal is in conformity with the policy and intent of the 2041 Comprehensive Plan. The proposed CUP is consistent with the Comprehensive Plan designation of Mixed-Use Neighborhood. The City's 2041 Comprehensive Plan describes the Mixed-Use Neighborhood character area as containing commercial development near significant intersections that serves the surrounding neighborhoods. The proposed climate controlled self-storage facility would provide a needed service to the surrounding neighborhoods while acting as a transitional use between the boat storage and nearby residential.

F. Whether there are other existing or changing conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the proposal?

The Property's location along McEver Road with easy access to major state routes and I-985 combined with it being a low intensity transitional use will be a benefit to the surrounding community. Further, the proposal will activate a dormant site and provide transitional use in accordance with the policy and intent of the 2041 Comprehensive Plan.

Applicant respectfully requests that the Community Development Department (the "Department") recommend approval of the Application to the Planning Commission and the City Council. Applicant is happy to answer questions or provide any additional information that the Department and the City may have regarding this Application.

Sincerely,



Diane Reid
Shamrock Building Systems, Inc.

DR:sa

SURVEY NOTES:
THIS PLAT HAS BEEN PREPARED FOR THE EXCLUSIVE USE AND PURPOSE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON, SAID CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RECERTIFICATION BY THE SURVEYOR.

THIS SURVEY IS SUBJECT TO ANY AND ALL EASEMENTS, R/W's, ETC., OF RECORD OR NOT OF RECORD, ABOVE OR BELOW GROUND. ALL MATTERS OF TITLE ARE EXCEPTED.

THE PUBLIC RECORDS REFERENCED HEREON REFLECT ONLY THOSE RECORDS NECESSARY TO ESTABLISH THE BOUNDARIES SHOWN HEREON, AND REFERENCE TO THE SAME DOES NOT AND IS NOT INTENDED TO CONSTITUTE A TITLE SEARCH OR TITLE OPINION.

THE SURVEYOR DOES NOT WARRANT THE EXISTENCE OR NONEXISTENCE OF ANY WETLANDS OR HAZARDOUS WASTE IN THE SURVEY AREA.

ACCORDING TO FIRM MAP NO. 13139C 0290G, DATED 04/04/2018, THIS PROPERTY IS NOT LOCATED WITHIN ZONE X.

THE NORTH MERIDIAN SHOWN HEREON IS BASED ON GRID NORTH, GA WEST ZONE.

LEGEND

I.P.F. = IRON PIN FOUND
I.P.S. = IRON PIN SET
CTP = CRIMP TOP PIPE
R/W = RIGHT OF WAY
P/L = PROPERTY LINE
C/L = CENTER LINE
B/L = BUILDING LINE
L.L. = LAND LOT
L.L.L. = LAND LOT LINE
P.P. = POWER POLE
-P- = POWER LINE
N/F = NOW OR FORMERLY
D.B. = DEED BOOK
P.B. = PLAT BOOK
PG. = PAGE

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67, AUTHORITY O.C.G.A. SECS. 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.

*ANY STREAM OR STATE WATER LOCATED ON THIS PROPERTY MAY BE SUBJECT TO A 50 FOOT UNDISTURBED NATURAL VEGETATIVE BUFFER AND A 75 FOOT IMPERVIOUS SURFACE SETBACK.

*IF PROPERTY IS LOCATED IN THE NORTH OCONEE WATERSHED DISTRICT, THEN ADDITIONAL STREAM BUFFERS MAY BE REQUIRED FOR COMPLIANCE.

A PORTION OF THIS PROPERTY IS LOCATED IN A FLOOD HAZARD AREA AS SHOWN ON FLOOD INSURANCE RATE MAP 13139C 0089G, HALL COUNTY GEORGIA, DATED 04/04/2018.

*THIS PROPERTY IS NOT LOCATED IN THE HALL COUNTY FUTURE FLOOD ZONE PER HALL COUNTY GIS.

IF RESIDENTIAL PROPERTY IS SUBDIVIDED INTO SEVEN LOTS OF MORE WITH ALL LOTS ACCESSING EXISTING HALL COUNTY, GEORGIA ROADS, THEN STORMWATER MANAGEMENT IS REQUIRED FOR COMPLIANCE.

SURVEY NOTES:
1.) FIELD DATA:
AVERAGE GPS HORIZONTAL SIGNAL ACCURACY: 0.035'
2.) MEASUREMENTS WERE TAKEN WITH A CARLSON BRX6+ RECEIVER USING RTK METHODS PROCESSED WITH eGPS NETWORK.
3.) PLAT PRECISION: 1'/965,281'
4.) THIS PLAT HAS BEEN DONE FOR THE USE AND PURPOSE OF THE CLIENT ASCRIBED AND CONTRACTED WITH BELOW. ALL OTHER PARTIES ARE SUBSEQUENTLY PUT ON NOTICE AS TO THE LIMITED DEGREE OF RELIANCE UPON THIS PLAT BY THIRD PARTIES.
5.) THE PUBLIC RECORDS REFERENCED HEREON REFLECT THOSE RECORDS NECESSARY TO THE BOUNDARY OF THE SUBJECT PROPERTY. THEY DO NOT CONSTITUTE A TITLE SEARCH. PROPERTY IS SUBJECT TO ALL RIGHT OF WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.
6.) THE NORTH MERIDIAN SHOWN HEREON IS BASED ON GRID NORTH GA WEST ZONE OBTAINED BY GPS RTK METHODS.

SEE SURVEY FOR CALLERO HOLDINGS, LLC.
BY THIS FIRM DATED MAY 14, 2020

SEE SURVEY FOR VAN PUGH BOAT STORAGE WRIGHT FINE INC.
BY THIS FIRM DATED JULY 13, 2017

N/F
CITY OF
FLOWERY BRANCH
LIFT STATION
D.B. 6971, PG.32
08140000217
ZONED M1

GRID NORTH GA. WEST

Surveyed by:

**ROBBIE
HENDERSON**
Surveying & Planning
3040 PILGRIM MILL ROAD
CUMMING, GA 30041
PH: 706-654-2015
COA LSF #001242

Thou shall not remove thy neighbor's landmark, which they of old time have set in thine inheritance, which thou shall inherit in the land that the Lord thy God giveth thee to possess it.

Deuteronomy 19:14

SH.1 of 1

SURVEYOR'S CERTIFICATE

This survey is a retracement of an existing parcel of land and does not subdivide or create a new parcel or change any real property boundaries. The recording information of the document(s), map(s), plat(s) or other instrument(s) which created the parcel(s) are stated hereon. RECORDATION OF THIS SURVEY DOES NOT IMPLY APPROVAL OF THE LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, NOR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Further, the undersigned land surveyor certifies that this map, plat or plan complies with the minimum technical standards for property surveys in Georgia as set forth in Chapter 180-7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act O.C.G.A. 15-6-67.

RLS #2985



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	1502.60'	256.10'	255.79'	N 38°53'04" E
C2	4462.86'	73.14'	73.14'	S 71°23'59" W
C3	98.55'	54.11'	53.43'	S 50°28'24" W
C4	48.55'	24.00'	23.76'	N 50°44'46" E
C5	4412.96'	11.29'	11.29'	N 71°00'47" E

LINE	BEARING	DISTANCE
L1	S 57°31'08" E	15.72'
L2	S 54°31'52" E	13.75'
L3	S 74°24'55" E	20.76'
L4	S 79°36'31" E	19.50'
L5	S 79°11'05" E	17.54'
L6	S 05°46'23" W	19.17'
L7	N 77°38'15" E	20.54'
L8	N 63°53'00" E	17.47'
L9	S 80°19'21" E	20.39'
L10	N 79°25'30" E	16.32'
L11	S 82°08'57" E	21.68'
L12	S 66°29'07" E	14.41'
L13	N 69°33'58" E	12.96'
L14	N 66°31'24" E	16.57'
L15	S 68°15'04" E	15.48'
L16	S 86°13'48" E	11.26'
L17	S 44°20'40" E	25.81'
L18	S 55°55'27" E	37.56'
L19	S 32°56'46" E	14.79'
L20	S 57°26'47" E	25.46'
L21	S 49°14'26" E	22.51'
L22	N 61°54'47" E	24.79'
L23	S 75°19'12" E	8.36'
L24	S 05°59'17" E	34.29'
L25	S 01°24'33" W	21.47'
L26	S 31°01'09" E	8.50'
L27	N 45°28'56" E	15.97'
L28	N 63°51'50" E	22.08'
L29	S 50°44'22" E	23.15'
L30	S 29°49'56" E	21.86'
L31	S 66°37'23" E	14.65'
L32	N 61°29'58" E	40.48'
L33	N 74°27'42" E	30.38'
L34	N 88°23'09" E	14.75'
L35	S 37°22'52" E	12.80'
L36	S 83°51'45" E	10.75'
L37	S 88°56'11" E	20.65'
L38	S 79°35'18" E	18.89'
L39	S 60°19'51" W	63.83'
L40	S 69°14'42" W	16.68'
L41	N 57°43'14" W	51.16'
L42	N 69°14'42" E	14.38'
L43	S 38°31'28" E	30.78'
L44	S 34°11'27" E	29.04'
L45	S 25°45'28" E	27.05'
L46	S 19°55'19" E	16.36'
L47	S 08°07'18" E	17.51'

Public Hearing Published 10/05/2022
Public Hearing 11/03/2022

First Reading 12/01/2022
Adopted **TBD**

ORDINANCE NO. 674

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT (CUP) TO OPERATE A SELF-STORAGE FACILITY ON A PARCEL OF REAL PROPERTY OWNED BY STONEBRIDGE, LLC, IDENTIFIED AS 6401 MCEVER ROAD, TAX PARCEL 08140 000092, TOTALING 7.03 +/- ACRES AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B” AND AS CONDITIONED ON ATTACHED EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Stonebridge LLC owns a parcel of land totaling 7.03 +/- acres identified as Parcel Tax Identification No. 08140 000092, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, Mr. Adam Holland, Coro Realty, has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting a conditional use permit (CUP); and

WHEREAS, the City Council held a public hearing at the meeting of November 3, 2022 duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS.

The City Council finds that the proposed conditional use permit request is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. The property could be used in accordance with the existing regulations and has a reasonable economic use as without the issuance of a conditional use permit however, an alternative use is appropriately considered.

4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is generally in conformity with the policy and intent of the comprehensive plan including the character area map and future land use plan map.
6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.
7. No determination has been made by staff with regard to the value differential between a development with or without a conditional use permit.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the issuance of a conditional use permit on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. APPROVAL OF CUP AND LEGAL DESCRIPTIONS.

A conditional use permit to operate a self-storage facility is hereby granted for the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, subject to the conditions set forth in Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. AMENDMENT OF THE ZONING MAP.

This Ordinance is enacted as an amendment to the Zoning Map of Flowery Branch, Georgia. Accordingly, the Zoning Administrator is hereby authorized to update the Official Map consistent with Article 3 of the Zoning Ordinance.

SECTION 4. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be **TBD**, 2022.

SECTION 6. REPEALER.

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

Approved this **TBD**.

Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, Jr., City Attorney

445

Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 139 and 140 of the 8th District of Hall County, Georgia, and being particularly describe as follows:

Beginning at a point on the north east corner of the intersection of Gaines Ferry Road having a right of way of 50 feet with Mciever Road, having a right-of-way of 80 feet. Said point is the POINT OF BEGINNING.

Thence with a curve to the left and an arc length of 256.10 feet and a radius of 1502.60 feet being subtended by a chord of North 38 Degrees 53 Minutes 04 Seconds East with a distance of 255.79 feet to a point;

thence North 34 Degrees 05 Minutes 33 Seconds East a distance of 674.05 feet to a point;

thence South 57 Degrees 31 Minutes 08 Seconds East a distance of 15.72 feet to a point;

thence South 54 Degrees 31 Minutes 52 Seconds East a distance of 13.75 feet to a point;

thence South 74 Degrees 24 Minutes 55 Seconds East a distance of 20.76 feet to a point;

thence South 79 Degrees 36 Minutes 31 Seconds East a distance of 19.50 feet to a point;

thence South 79 Degrees 11 Minutes 05 Seconds East a distance of 17.54 feet to a point;

thence South 05 Degrees 46 Minutes 23 Seconds West a distance of 19.17 feet to a point;

thence North 77 Degrees 38 Minutes 15 Seconds East a distance of 20.54 feet to a point;

thence North 63 Degrees 53 Minutes 00 Seconds East a distance of 17.47 feet to a point;

thence South 80 Degrees 19 Minutes 21 Seconds East a distance of 20.39 feet to a point;

thence North 79 Degrees 25 Minutes 30 Seconds East a distance of 16.32 feet to a point;

thence South 82 Degrees 08 Minutes 57 Seconds East a distance of 21.68 feet to a point;

thence South 66 Degrees 29 Minutes 07 Seconds East a distance of 14.41 feet to a point;

thence North 69 Degrees 33 Minutes 58 Seconds East a distance of 12.96 feet to a point;

thence South 66 Degrees 31 Minutes 24 Seconds East a distance of 16.57 feet to a point;

thence South 68 Degrees 15 Minutes 04 Seconds East a distance of 15.48 feet to a point;

thence South 86 Degrees 13 Minutes 48 Seconds East a distance of 11.26 feet to a point;

thence South 44 Degrees 20 Minutes 40 Seconds East a distance of 25.81 feet to a point;

thence South 55 Degrees 55 Minutes 27 Seconds East a distance of 37.56 feet to a point;

thence South 32 Degrees 56 Minutes 46 Seconds West a distance of 14.79 feet to a point;

thence South 57 Degrees 26 Minutes 47 Seconds East a distance of 25.46 feet to a point;

thence South 49 Degrees 14 Minutes 26 Seconds East a distance of 22.51 feet to a point;

thence North 61 Degrees 54 Minutes 47 Seconds East a distance of 24.79 feet to a point;

thence South 75 Degrees 19 Minutes 12 Seconds East a distance of 8.36 feet to a point;

thence South 05 Degrees 59 Minutes 17 Seconds East a distance of 34.29 feet to a point;

thence South 01 Degrees 24 Minutes 33 Seconds West a distance of 21.47 feet to a point;

thence South 31 Degrees 01 Minutes 09 Seconds East a distance of 8.50 feet to a point;

thence North 45 Degrees 28 Minutes 56 Seconds East a distance of 15.97 feet to a point;

thence North 63 Degrees 51 Minutes 50 Seconds East a distance of 22.08 feet to a point;

thence South 50 Degrees 44 Minutes 22 Seconds East a distance of 23.15 feet to a point;

thence South 29 Degrees 49 Minutes 56 Seconds East a distance of 21.86 feet to a point;

thence South 66 Degrees 37 Minutes 23 Seconds East a distance of 14.65 feet to a point;

thence North 61 Degrees 29 Minutes 58 Seconds East a distance of 40.48 feet to a point;

thence North 74 Degrees 27 Minutes 42 Seconds East a distance of 30.38 feet to a point;

thence North 88 Degrees 23 Minutes 09 Seconds East a distance of 14.75 feet to a point;

thence South 37 Degrees 22 Minutes 52 Seconds East a distance of 12.80 feet to a point;

thence South 83 Degrees 51 Minutes 45 Seconds East a distance of 10.75 feet to a point;



thence South 88 Degrees 56 Minutes 11 Seconds East a distance of 20.65 feet to a point;

thence South 79 Degrees 35 Minutes 18 Seconds East a distance of 18.89 feet to a point;

thence South 60 Degrees 32 Minutes 22 Seconds West a distance of 1010.43 feet to a point;

thence South 60 Degrees 19 Minutes 51 Seconds West a distance of 63.83 feet to a point;

thence with a curve to the left and an arc length of 73.14 feet and a radius of 4462.86 feet being subtended by a chord of South 71 Degrees 23 Minutes 59 Seconds West with a distance of 73.14 feet to a point;

thence South 69 Degrees 14 Minutes 42 Seconds West a distance of 16.68 feet to a point;

thence with a curve to the left and an arc length of 54.11 feet and a radius of 98.55 feet being subtended by a chord of South 50 Degrees 28 Minutes 24 Seconds West with a distance of 53.43 feet to a point;

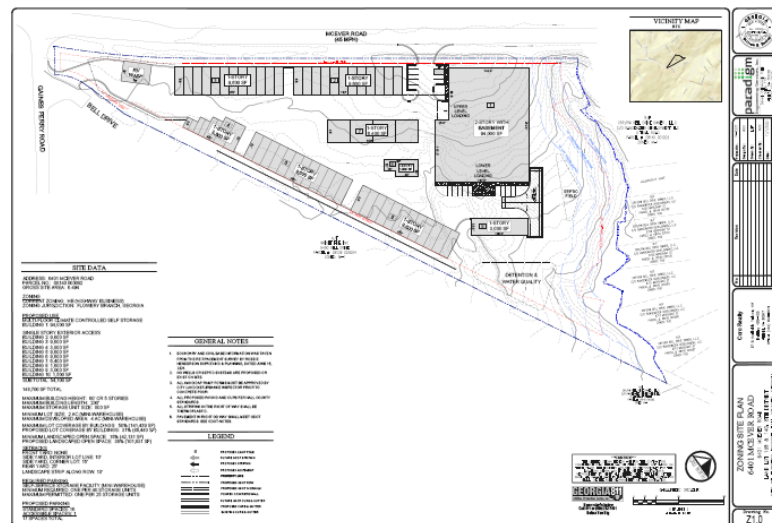
thence North 57 Degrees 43 Minutes 14 Seconds West a distance of 51.16 feet to a point and the POINT OF BEGINNING.

Said tract contains 282,866 square feet, 6.494 acres.

Exhibit “C”

Conditions of Condition Use Permit

1. The property shall be developed in substantial conformance with the site plan dated 11/1/2022 prepared Barry Dunlop and submitted to the Flowery Branch Community Development Department on 11/16/2022 and as shown below:



2. Property shall be gated and fully enclosed with a wrought iron fence with brick pillars and shall substantially adhere to the conceptual picture below:



3. Development shall adhere to requirements set forth in the Flowery Branch Zoning Ordinance Article 14, Section 14.11. except for 14.11.(e) which shall be superseded by above condition number two regarding the fencing requirements.



Applicant: Coro Realty

Property Owner: Stonebridge, LLC

Subject Property: 6401 McEver Road; Parcel ID#08140 000092

Request: Conditional Use Permit (CUP) to construct and operate a self-storage business in HB zoning

Current Use: Vacant

Character Area: Industrial Employment

Code:

Per the City of Flowery Branch Zoning Ordinance an HB zoned property who wishes to operate a self-storage business is required to obtain a conditional use permit.

Sec. 9.4. - HB, Highway Business District.

Purpose and Description . This zoning district is intended to implement the "commercial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "activity center" and "mixed use" character areas established in the comprehensive plan. Centered at the interchange of Spout Springs Road and I-985, and also extending north and south along Hog Mountain Road, this zoning district will be an accessible center of businesses, services, and complementary uses, which may include traditional neighborhood development and mixed-use developments, contributing extensively to the economic base of the city.

Character . This district is dominated by commercial uses but also intended to accommodate mixed-use developments. A grid block pattern of streets (connected local network) is provided, along with sidewalks and street trees. Pedestrian accessibility is promoted, although most activity is via the automobile for access. Entrances, frontages, and building facades are softened with landscaping and low-lying identification signs.

Permitted and Conditional Uses . Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." The widest possible range of uses is contemplated in this zoning district, except for industry and single-family, detached or manufactured homes. This character area is the proper place for big box retail, shopping centers, lodging and auto-related uses.

Dimensional Requirements . Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."

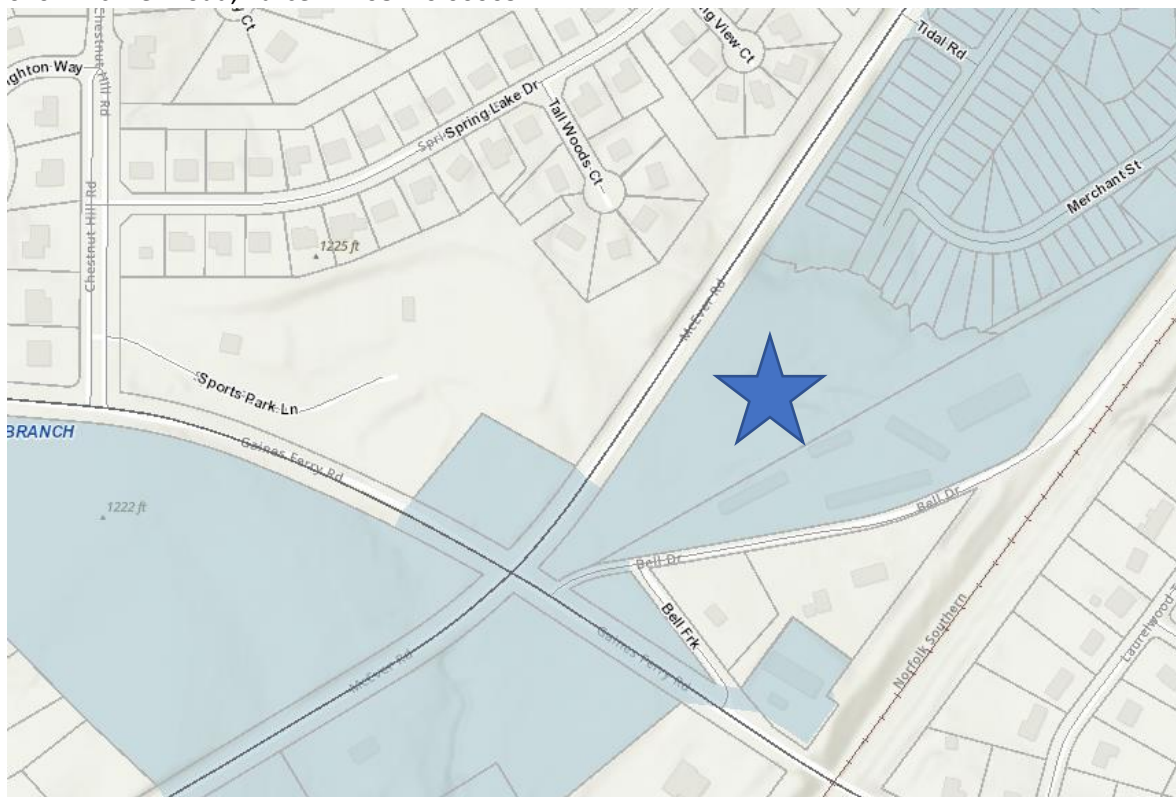


Table 9.1
Permitted and Conditional Uses in Nonresidential Zoning Districts
(P = Permitted Use C = Conditional Use X = Prohibited)

School, trade	C	C	X	X	X	C	C
Self-service storage facility (mini-warehouse)	X	X	X	C	X	P	P
Service and fuel-filling station	X	X	X	P	X	P	P
Showroom	X	X	X	X	X	P	P
Slaughterhouse	X	X	X	X	X	X	C
Solid waste handling and/or transfer facility	X	X	X	X	X	X	C
Special event facility	C	P	C	P	X	X	X
Taxi cab and limousine service	X	X	X	C	X	C	C
Tattoo Parlor	X	X	X	P	X	C	C
Temporary use approved by the Zoning Administrator	P	P	P	P	P	P	P
Therapeutic camp	X	C	X	X	X	X	X
Tow service	X	X	X	P	X	C	P
Truck stop or truck terminal	X	X	X	C	X	X	P
Utility company	P	P	X	P	X	P	P
Use	O-P	INST	NS	HB	CBD	M-1	M-2
Utility company substation	P	P	P	P	P	P	P
Vehicle emission testing facility	X	X	X	P	X	P	P

Property:

6401 McEver Road; Parcel ID#08140 000092:





CUP Requirements:

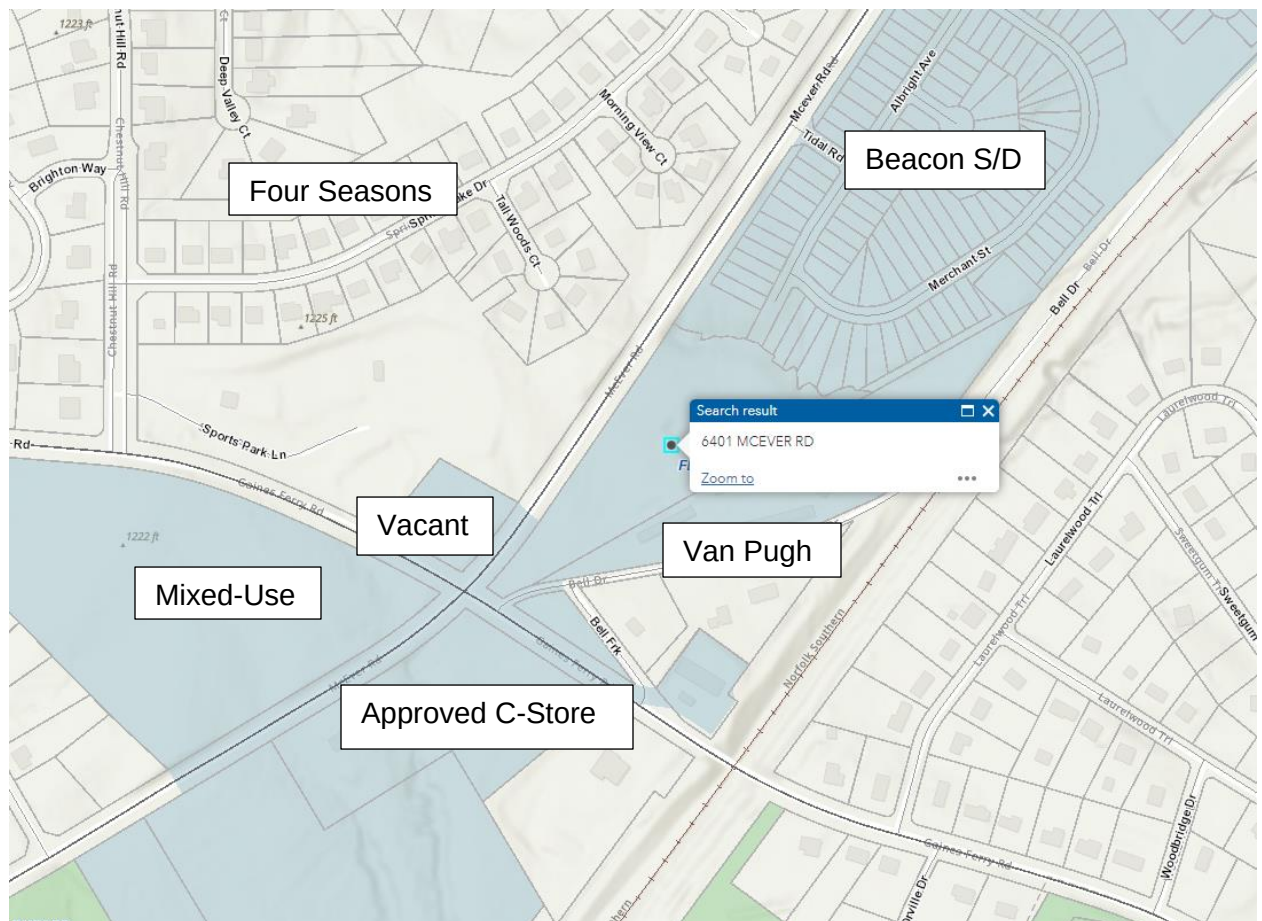
Sec. 34.7. Analysis Requirements.

Applications to amend the official zoning map and applications for conditional uses shall provide a written analysis comparing the proposed action with the criteria in this Section. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare, and after consideration of the analysis requirements which may in individual cases be considered criteria relevant to Zoning Administrator in making recommendations and by the City Council in the decision-making process.

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. *The subject property is currently zoned commercial (HB). The use (self-storage) is suitable for the area. Additionally, the Beacon subdivision is adjacent to the subject property and residents may utilize the units.*
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. *A commercial use at this location is suitable and will not adversely affect nearby properties. Currently zoned Highway Business, a retail use was envisioned for this site but has not come to fruition.*
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. *Currently zoned HB (Highway Business) many commercial uses are suitable. The property has a reasonable economic use with or without the issuance of this CUP.*
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. *No, the use would not be burdensome on infrastructure or the school system.*
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. *The current character area for this site is "mixed-use". This character area calls for a mix of commercial and residential with walkability and connectivity between uses. This use provides the commercial element to the existing residential, but connectivity is not achievable due to existing streams on the property. The proposal meets the basic intent of the comprehensive plan.*
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. *The site is zoned commercial and although retail was preferred, self-storage may be more in demand under the current economic climate that does not appear to be conducive to brick and mortar retail.*



- (g) Existing use(s) and zoning of the subject property and nearby properties. The subject property has a residential neighborhood to the north, an approved convenience store site to the south, Van Pugh boat storage to the east, and a vacant commercial piece to the west. Additionally, there is an approved mixed-use project on the southwest corner of McEver Road and Gaines Ferry Road and an established residential subdivision (Four Seasons) is also near the subject property.



- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. N/A

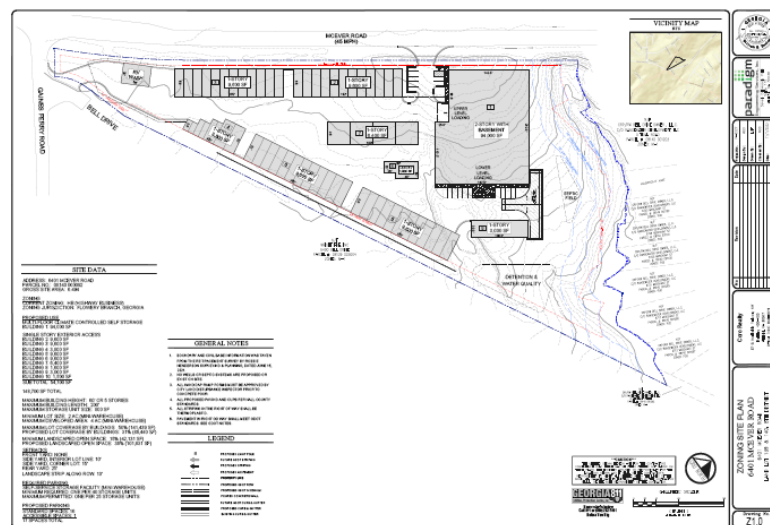


- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. **The use should not be a deterrent to the adjacent properties.**
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts **A CUP does not create a new zoning designation.**
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. **None.**
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. **None. It will be designed and built to current standards.**
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance **The use meets the intent of the zoning ordinance.**

Staff Recommendation:

It is staff's recommendation that the CUP request to construct and operate a self-storage facility should be approved with the following conditions:

1. The property shall be developed in general conformance with the site plan dated 11/1/2022 prepared Barry Dunlop and submitted to the Flowery Branch Community Development Department on 11/16/2022 and as shown below:





2. Property shall be gated and fully enclosed with a wrought iron fence with brick pillars and shall generally adhere to the conceptual picture below:



3. Development shall adhere to requirements set forth in the Flowery Branch Zoning Ordinance Article 14, Section 14.11. except for 14.11.(e) which shall be superseded by above condition number two regarding the fencing requirements.







FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider the Second Read of Ordinance 672, a request submitted by BLT Martin Road, LLC for a Conditional Use Permit (CUP) to construct a self-storage facility at 4153 Falcon Parkway.

COUNCIL MEETING DATE: January 5, 2023

HISTORY:

This parcel was rezoned from Agriculture (A) to Highway Business (HB) in 2020. The rezoning was requested to allow the construction of a retail strip center (see attached 2020 REZONING staff report Falcon Parkway). The applicant wishes to construct a self-storage facility instead of the retail center. The self-storage use requires a conditional use permit (CUP) in the Highway Business (HB) zoning district.

FACTS AND ISSUES:

Schedule

October 20 Public Hearing

November 3 Work Session (if requested)

November 17 Tabled

December 1 First Vote

December 15 Possible Second Vote

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve the second read of Ordinance 672.

SAMPLE MOTION:

I make a motion to approve the second reading of Ordinance 672.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

ATTACHMENTS

- [CUP Information 4153 Falcon Parkway.pdf](#)
- [FLOWERY BRANCH ELEVATIONS BASE-Layout2.pdf](#)
- [Flowery Branch_Preliminary Landscape Plan.pdf](#)
- [FloweryBranchSitePlan102822.pdf](#)
- [FLOWERY BRANCH ELEVATIONS BASE-Layout1.pdf](#)
- [Staff report Falcon Self-Storage.pdf](#)
- [Falon self-storage CUP Ordinance.pdf](#)



CONDITIONAL USE PERMIT APPLICATION

City Provided Permit #

Date: 08/10/2022

Address of Request:

4153 FALCON PARKWAY FLOWERY BRANCH GA 30542

Tax Map # 150044 A002024 Current Zoning: HB

Is this site located within the boundaries of the historic district? NO

Currently a conforming use? YES

Any conditions of zoning, CUP's, etc.? YES

Applicant Information

Applicant: BLT MARTIN ROAD, LLC

Address: 1776 PEACHTREE STREET, SUITE 100, ATLANTA GA 30309

E-mail address: jhan-a@tm-grp.com

Phone number: 770-436-7196

Signature: [Handwritten Signature]

Notary Seal:





Property owner Information

Property owner (please print): BLT MARTIN ROAD, LLC

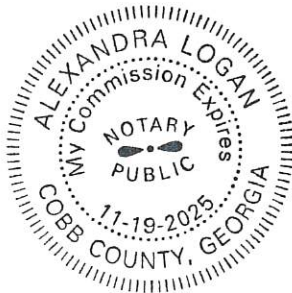
Address: 1776 PEACHTREE STREET, SUITE 100, ATLANTA GA 30309

E-mail address: jhaman@tpa-srp.com

Phone number: 770-436-7194

Signature: 

Notary Seal:



Applicant Information Required at Time of Submittal

Please review the Flowery Branch Code of Ordinances, Appendix C, "Zoning Ordinance", Article 34, for complete requirements.

- Payment of \$350.00
- Legal description – one hard copy and on a flash drive
- Current survey of property – one hard copy and on a flash drive
- Site plan – one hard copy and on a flash drive
- Site plan shall meet the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.5
- Detailed description of request
- Development statistics per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.6
- Analysis requirements per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.7
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)



Conflict of Interest Disclosure

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who

Have a property interest in the real property affected by this request

NONE

Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request

NONE

Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request

NONE

Disclosure of Campaign Contributions

List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

Elected Officials Name

Amount of Description of Gift

NA

NA

NA

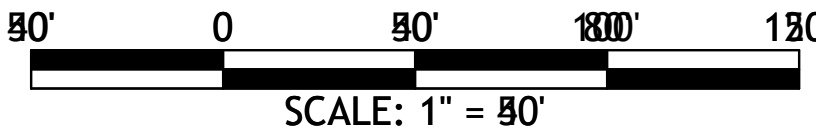
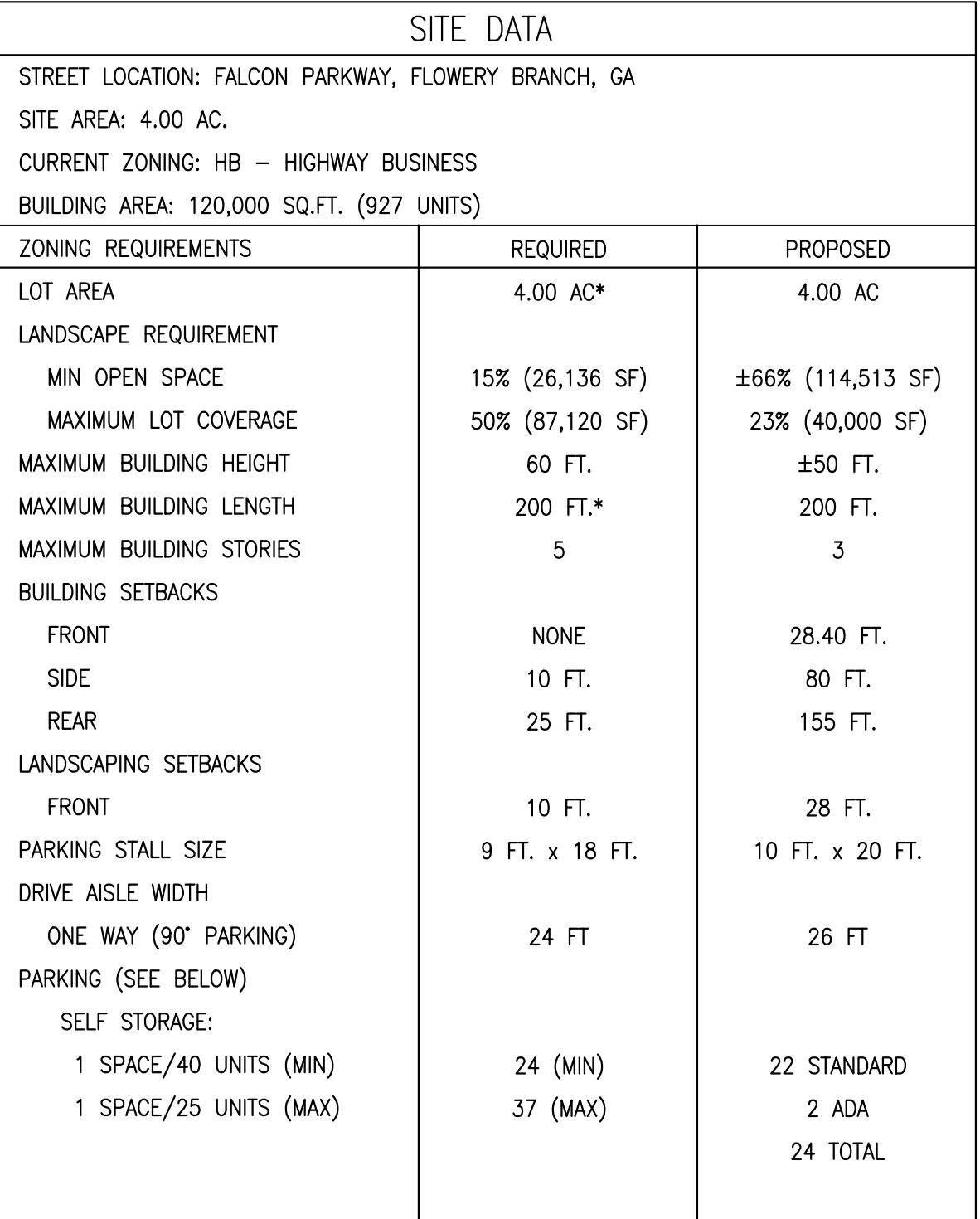
NA



Received by City of Flowery Branch Staff on _____

Name: _____

Title _____



4153 FALCON PAKRWAY,
FLOWERY BRANCH, GA
CONCEPTUAL SITE PLAN
AUGUST 13, 2022

BT STORAGE

NOTES

1. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THIS SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION SUPPLIED AND TO THE SURVEYOR'S BEST KNOWLEDGE ARE APPROXIMATELY AS SHOWN. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

2. I HAVE EXAMINED THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR THE CITY OF FLOWERY BRANCH, HALL COUNTY, GEORGIA AND INCORPORATED AREAS, COMMUNITY PANEL NUMBER 130333, MAP 13139 C 0284 G, PANEL 284 OF 377, EFFECTIVE DATE APRIL 4, 2018 AND FOUND NO PORTION OF THE PROPERTY SHOWN HEREON TO FALL WITHIN A DESIGNATED FLOOD ZONE "A" OR "AE" (AREAS OF 100 YEAR FLOOD). THE PROPERTY SHOWN HEREON TO FALLS WITHIN A DESIGNATED FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD).

3. THE ORTHOMETRIC HEIGHTS (ELEVATIONS AND CONTOURS) SHOWN HEREON WERE DETERMINED BY GPS OBSERVATIONS AND WERE ADJUSTED BY PLANNERS AND ENGINEERS COLLABORATIVE IN NOVEMBER 2018. NORTH AMERICAN DATUM OF 1983 (NAD83), NORTH AMERICAN VERTICAL DATUM OF 1988 (NAV88), GEORGIA WEST ZONE STATE PLANE COORDINATES.

4. THE TERM "CERTIFICATION" RELATING TO PROFESSIONAL ENGINEERING AND LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

5. THE UNDERGROUND UTILITIES SHOWN HEREON WERE DETERMINED BY LOCATING PAINT MARKINGS CREATED BY SUBSURFACE UTILITY INVESTIGATIONS, LLC. - PHONE-(770) 557-4142.

6. NO ZONING INFORMATION PROVIDED FOR BUILDING SETBACKS.

7. NO DESIGNATED PARKING SPACES ON SUBJECT PROPERTY.

8. NO PARTY WALLS LOCATED ON SUBJECT PROPERTY.

9. FALCON PARKWAY ROAD IMPROVEMENTS ARE RECENT. NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED ON THE SUBJECT PROPERTY IN THE PROCESS OF CONDUCTING THE FIELDWORK.

10. EXCEPTION #18, RIGHT OF WAY DEDICATION IN DB 7883 PG 251 SHOWS THE LOCATION OF EXISTING R/W AS PER STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION MAINLINE PLAN SR 13 (FALCON PKWY) PROJECT: NH500-0000-001 4251 PARCEL 26, JANE WOOD BANKS R/A, ETAL C/O REGIONS BARK TRUST DEPT. IN THE SURVEYORS OPINION, THESE PLANS SHOW THE EXISTING R/W AND RIGHT OF WAY BEING DEDICATED INCORRECTLY SHIFTED NORTH. A PORTION OF THE SUBJECT PROPERTY ON THE PLANS IS SHOWN ON THE SOUTH ADJOINER. RIGHT OF WAY MONUMENTS FOUND IN THE FIELD CONFIRM THIS AND ARE SHOWN. RIGHT OF WAY ALONG FALCON PARKWAY IS SHOWN AS A 90 FOOT OFFSET ALONG THE SOUTH MOST 2 CALLS AS SHOWN IN THE RIGHT OF WAY PLANS. AN EFFORT WAS MADE TO CONTACT ENGINEER OF RIGHT OF WAY PLANS BY PHONE AND EMAIL UNSUCCESSFULLY.

11. TOPOGRAPHY ON SITE IS FIELD RUN AND HAS BEEN MENDED WITH LIDAR UAV AERIAL TOPOGRAPHY TO THE SOUTH PERFORMED IN 2018.

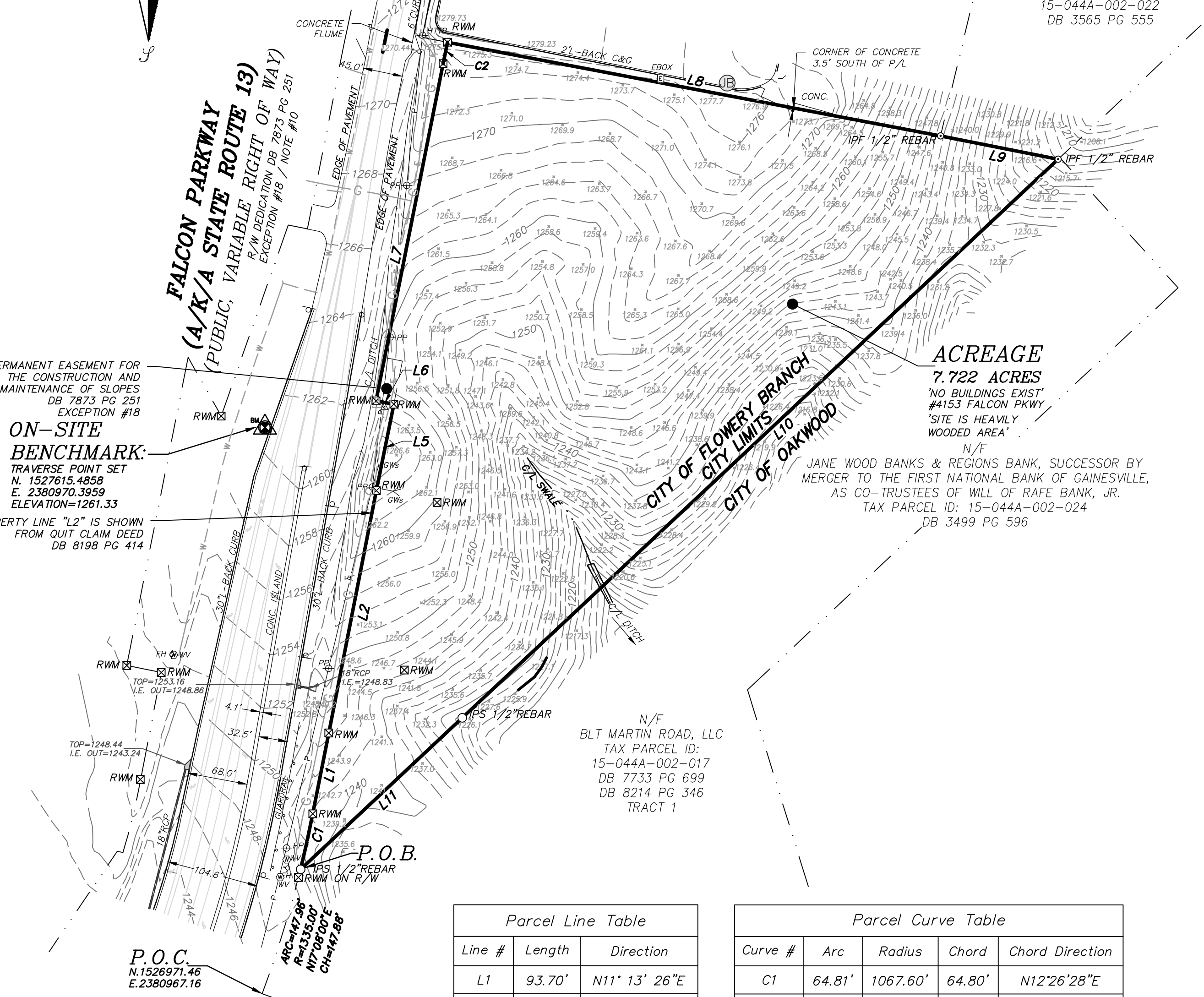
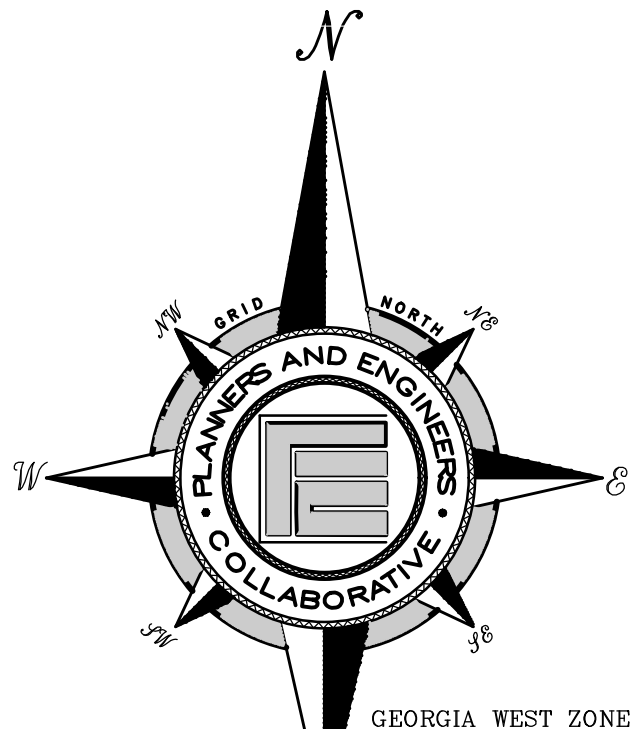
LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Flowery Branch GMD #1270, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

COMMENCING at the point located at the intersection of the Northerly Right of Way of Martin Road (Public, Variable R/W) and the Southeasterly Right of Way of Falcon Parkway (A/K/A State Route 13, Public, Variable Right of Way) having Georgia State Plain coordinates (NAD83, Georgia West Zone) of N.1526971.46 & E.2380967.16; thence leaving said intersection and following along said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13) along a curve turning to the left with an arc length of 147.96 feet, having a radius of 1335.00 feet, being subtended by a chord bearing of North 17 degrees 08 minutes 00 seconds East, and a chord length of 147.88 feet to a 1/2" iron pin set, which is the TRUE POINT OF BEGINNING.

Thence continuing along said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13) the following courses and distances: with a curve turning to the left with an arc length of 64.81 feet, with a radius of 1067.60 feet, with a chord bearing of North 12 degrees 26 minutes 28 seconds East, with a chord length of 64.80 feet to a right of way monument found; thence North 11 degrees 13 minutes 26 seconds East a distance of 93.70 feet to a right of way monument found; thence North 11 degrees 06 minutes 32 seconds East a distance of 280.86 feet to a right of way monument found; thence North 11 degrees 25 minutes 42 seconds East a distance of 100.29 feet to a right of way monument found; thence North 79 degrees 16 minutes 16 seconds West a distance of 20.61 feet to a right of way monument found; thence North 11 degrees 14 minutes 39 seconds East a distance of 391.04 feet to a right of way monument found; thence with a curve turning to the right with an arc length of 24.85 feet, with a radius of 2794.79 feet, with a chord bearing of North 11 degrees 45 minutes 30 seconds East, with a chord length of 24.85 feet to a right of way monument found; thence leaving said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13) South 79 degrees 13 minutes 59 seconds East a distance of 570.76 feet to a 1/2" rebar found; thence South 78 degrees 47 minutes 05 seconds East a distance of 136.23 feet to a 1/2" rebar found on the City Limits of Flowery Branch; thence following along said City Limits of Flowery Branch the following courses and distances: South 46 degrees 51 minutes 01 seconds West a distance of 928.91 feet to a 1/2" rebar set; thence South 46 degrees 51 minutes 01 seconds West a distance of 252.05 feet to a 1/2" rebar set on said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13, which is the TRUE POINT OF BEGINNING.

Said parcel having an area of 7.722 acres more or less.



Parcel Line Table		
Line #	Length	Direction
L1	93.70'	N11° 13' 26"E
L2	280.86'	N11° 06' 32"E
L3	OMITTED	OMITTED
L4	OMITTED	OMITTED
L5	100.29'	N11° 25' 42"E
L6	20.61'	N79° 16' 16"W
L7	391.04'	N11° 14' 39"E
L8	570.76'	S79° 13' 59"E
L9	136.23'	S78° 47' 05"E
L10	928.91'	S46° 51' 01"W
L11	252.05'	S46° 51' 01"W

Parcel Curve Table				
Curve #	Arc	Radius	Chord	Chord Direction
C1	64.81'	1067.60'	64.80'	N12°26'28"E
C2	24.85'	2794.79'	24.85'	N11°45'30"E

STRUCTURE LEGEND

CABLE / TV		SEWER	
	Cable / TV Marker		Grease Trap
	Cable / TV Pedestal		Sanitary Sewer Manhole
	Cable / TV Manhole		Cleanout
	Cable / TV Handhole		Sanitary Sewer Vent Pipe
	Cable / TV Cable Box		Sanitary Sewer Marker
ELECTRIC/POWER			Sanitary Sewer Force Main Valve
	Transformer		Sanitary Sewer Lift Station
	Guy Wire	SITE / TOPOGRAPHIC FEATURES	
	Electric Meter		Street Sign
	Power Pole/Utility Pole		Air Condition Unit
	Street Light/Light Pole		Bollard
	Electric Panel		Mailbox
	Electric Box		Satellite Dish
	Electric Manhole		Flag Pole
	Electric Handhole		Monitoring Well
	Spot Light		Antenna
FIBER OPTIC			Column
	Fiber Optic Marker		Camera Pole / Camera
	Fiber Optic Manhole		Bore Hole Location
	Fiber Optic Pedestal		Mile Post
GAS			Rail Road Mile Post
	Gas Meter	STORM / DRAINAGE	
	Gas Valve		Storm Structure Lid
	Gas Fill Cap		Drop Inlet
	Gas Manhole		Catch Basin
	Gas Marker		Single Wing Catch Basin
	Gas Pressure Relief Valve		Double Wing Catch Basin
	Gas Vault		Weir Inlet
	Gas Vent Pipe		Head Wall
	Gas Something)		Junction Box
PAVEMENT MARKING			Curb Inlet
	Pavement Marking		Flared-in Section
	Pavement Marking		Down Spout
	Turn Arrow Left/Right	TELEPHONE	
	Turn Arrow Left		Telephone Terminal Box
	Turn Arrow Right		Telephone Marker
	Turn Arrow Straight		Telephone Handhole Box
	Traffic Arrow Straight/Left		Telephone Manhole
	Traffic Arrow Straight/Right		Telephone Cabinet
	Traffic Arrow U-Turn	TRAFFIC	
	Handicap Pavement Marking		Overhead Traffic Signal
	Bike Lane Pavement Marking		Traffic Handhole Box
PROPERTY MONUMENTS			Traffic Signal Pole
	Right-of-Way Monument Found		Traffic Signal Loop Control Box
	Concrete Monument Found	WATER	
	Iron Pin Set		Fire Hydrant
	Iron Pin Found (Rebar found)		Irrigation Control Valve
	PK Nail Found		Water Meter
	Point		Water Valve
	Benchmark		Fire Department Connection
MISCELLANEOUS			Water Vault
	Land Lot Symbol		Pressure Irrigation Valve
			Water Vent Pipe
			Water Valve Marker
			Water Marker
			Water Manhole
			Water Air Release Valve
			Water Back Flow Preventer
			Sprinkler Head
			Sprinkler Valve

LINETYPES

PROPERTY		EXISTING OVERHEAD	
	Adjacent Property		Electric Line
	Property Line		Electric
	Center of Creek		Fiber Optic
FENCE LINES			Gas
	Barb Wire Fence		Telecommunications
	Chain Link Fence		Water
	Wood Fence		Television
	Woven Wire Fence		Storm Drainage Line
SITE / TOPOGRAPHIC FEATURES			Sanitary Sewer
	Guardrail		

ABBREVIATIONS

APPROX.	Approximate	I.E.	Invert Elevation
#4	1/2" Rebar	IPF	Iron Pin Found
C&G	Curb and Gutter	IPS	Iron Pin Set
CLF	Chain Link Fence	LP	Light Pole
CMP	Corrugated Metal Pipe	MM	Monitoring Well
CO	Clean Out	N/F	Now or Formerly
CPP	Corrugated Plastic Pipe	OTP	Open Top Pipe
DI	Drop Inlet	PB	Plot Book
DE	Drainage Easement	PS	Page
EOP	Edge of Pavement	PKF	PK Nail Found
EPH	Electric Power Pole	PKS	PK Nail Set
EPAN	Electric Panel	POB	Point of Beginning
ESMT	Easement	PDC	Point of Commencement
FES	Flared End Section	PVC	Polyvinyl Chloride Pipe
FEE	Finish Floor Elevation	RBC	Rebar Capped
FH	Fire Hydrant	RCP	Reinforced Concrete Pipe
FLGP	Flag Pole	RWM	Right of Way Monument
GA	Georgia	SSE	Sanitary Sewer Easement
GM	Gas Meter	SSMH	Sanitary Sewer Manhole
GW	Guy Wire	TRAN	Transformer
HDR	Hand Rail	VCP	Vitrified Clay Pipe
H.W.	Hard Wood	W.D.F.	Wood Fence
HW	Headwall	WM	Water Meter
ICV	Irrigation Control Valve	WV	Water Valve



TITLE EXCEPTIONS

Chicago Title Insurance Company Issuing Office File Number 3509-0002 with a commitment date of June 3, 2019 was used in the preparation of this survey and the listed exceptions are as follows:

10. All matters shown on that plat recorded at Plat Book 114, Page 12, Hall County, Georgia records. Comment: Affects all of subject property, as shown on survey.

11. Right of Way Deed from Rafe Banks, Jr. et al to State Highway Department of Georgia dated April 20, 1953, recorded in Deed Book 142, Page 126, aforesaid records. Comment: May affect. The location cannot be determined from the record document. Subsequent right of way dedications have been recorded to buy additional right of way.

12. Right of Way Deed from Rafe Banks, Jr. et al to State Highway Department of Georgia dated May 26, 1955, recorded in Deed Book 154, Page 178, aforesaid records. Comment: May affect. The location cannot be determined from the record document. Subsequent right of way dedications have been recorded to buy additional right of way.

13. Right of Way Deed from Rafe Banks, Jr. et al to Hall County dated July 5, 1966, recorded in Deed Book 332, Page 415, aforesaid records. Comment: May affect. The location cannot be determined from the record document. Subsequent right of way dedications have been recorded to buy additional right of way.

14. Right of Way Deeds from Regions Bank and Jane Wood Banks as CoTrustees, et al. to Hall County dated July 3, 2002, recorded in Deed Book 4243, Page 162, aforesaid records. Comment: Does not affect. Right of Way take is on the northwest side of State Route 13.

15. Right of Way Deeds from Regions Bank and Jane Wood Banks as CoTrustees, et al. to Hall County dated July 3, 2002, recorded in Deed Book 4243, Page 162, aforesaid records. Comment: Does not affect. Right of Way take is on the northwest side of State Route 13.

16. Right of Way Deeds from Regions Bank and Jane Wood Banks as CoTrustees, et al. to Hall County dated July 3, 2002, recorded in Deed Book 4243, Page 170, aforesaid records. Comment: Does not affect. Right of Way take is on the northwest side of State Route 13.

17. Easement from The McCrary Family Partnership, L.P. et al. to Georgia Power Company dated December 18, 2002, recorded in Deed Book 4458, Page 627, aforesaid records. Comment: Does not affect. Easement is on the northwest side of State Route 13.

18. Declaration of Taking Department of Transportation vs. Burwell Investments, Ltd. Dated February 17, 2017, recorded in Deed Book 7873, Page 251, aforesaid records. Comment: Affects. Right of Way take and Permanent Easement shown on survey.

The field data upon which this map or plat is based has a closure precision of one foot in 61,203 feet and an angular error of 00° 00' -04" per angle point and was adjusted using the compass adjustment rule.

This map or plat has been calculated for closure and is found to be accurate to within one foot in 5,919,020 feet.

EQUIPMENT USED:

ANGULAR: TOPCON TOTAL STATION

LINEAR: TOPCON TOTAL STATION

To BLANCHARD REAL ESTATE AND CHICAGO TITLE INSURANCE COMPANY:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1-4, 8, 9, 10, 13, and 16 of Table A thereof. The field work was completed on: 4/30/20

Date of Map or Plat: 4/27/2020, LAST REVISED 7/21/2020.

PLANNERS AND ENGINEERS COLLABORATIVE
"WE PROVIDE SOLUTIONS"

■ SITE PLANNING ■ LANDSCAPE ARCHITECTURE
■ CIVIL ENGINEERING ■ LAND SURVEYING
350 RESEARCH COURT PEACHTREE CORNERS, GEORGIA 30092
(770)451-2741 ■ WWW.PECATL.COM
C.O.A.-LSF000004

5				
4				
3				
2				
1	07/21/20	REVISE RW PER QC DB 8198 PG 414	MN	
REV	DATE	DESCRIPTION	BY	

LAND LOT(S) GMD #1270
DISTRICT FLOWERY BRANCH

ALTA/NSPS LAND TITLE SURVEY
FOR

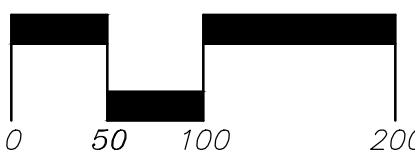
BLANCHARD REAL ESTATE AND
CHICAGO TITLE INSURANCE COMPANY
CITY OF FLOWERY BRANCH

HALL COUNTY
GEORGIA



DRAWN BY: MN
CHECKED BY: JH
FILE NO.: 17211.01
DATE: 4/27/2020
SCALE: 1"=100'

DATE OF FIELD WORK: 4/30/20



BLT MARTIN ROAD, LLC

October 4, 2022

Mr. Rich Atkinson
Flowery Branch Community Development
5410 Pine Street
Flowery Branch, GA 30542

RE: Conditional Use Permit Application
Tax Map 15044A002024

Mr. Atkinson:

In accordance with Flowery Branch Code of Ordinances; Appendix C – Zoning Ordinance, Article 34, section 4(e), please accept this letter of intent as part of the aforementioned rezoning application:

It is our intent to apply for a conditional use permit to construct a multi-story, climate-controlled storage facility. This request would follow all development guidelines outlined in the Flowery Branch Code of Ordinances and Zoning Ordinance 20-609.

This parcel was rezoned in 2020 from Agricultural (A) to Highway Business (HB). At that time, we believed the market conditions supported a small retail development as indicated in our rezoning application. Since then, our belief that the most highest and best use for the parcel is a best in class climate controlled storage facility. This is due to shifting population demographics, the maturation of the submarket (including the retail pads along Martin Road in the City of Oakwood) and the completion of a first phase and commencement of a second phase of multifamily development adjacent to the site. Further, in the time since the original rezoning, the site has been marketed heavily for a retail user without any success. This indicates that the market will not, as originally contemplated, support the retail development however there is a storage operator ready to commence development on the site.

The development will include inter-parcel access to the road currently being constructed to serve the second phase of the multifamily development. During the initial rezoning application, the site layout contemplated inter-parcel connectivity to the retail development along Martin Road, however upon further study, the only viable location for stormwater facilities is in the portion of the site that would allow for that connectivity. However, in keeping with the spirit of the initial rezoning, we are foregoing a new driveway on any public right-of-way and are instead proposing to use the permitted driveway depicted on the site plan.

Very truly yours,



Shawn Gleason

BLT MARTIN ROAD, LLC

October 4, 2022

Mr. Rich Atkinson
Flowery Branch Community Development
5410 Pine Street
Flowery Branch, GA 30542

RE: Conditional Use Permit Application
Tax Map 15044A002024

Mr. Atkinson:

In accordance with Flowery Branch Code of Ordinances; Appendix C – Zoning Ordinance, Article 34, section 34.7, please accept this site analysis as part of the aforementioned rezoning application:

1. Will the proposal permit a use that is suitable in view of the use and development of adjacent and nearby property
 - a. Yes. The proposal is to allow for a best in class multistory climate controlled storage facility which will support the increased residential density in the submarket. The façade of the structure will, pending staff comments, align with the look and finish of the existing first phase and in-progress second phase and will meet all development guidelines of both the Flowery Branch Code of ordinances for building and site conditions, as well as Zoning Ordinance 20-609 in terms of building finish.
2. Will the proposal adversely affect the existing use or useability of adjacent or nearby property?
 - a. No. The proposal would allow the subject parcel to be developed into a use that is symbiotic to those to the east. The parcel to the north is commercially zoned and currently in use as a cemetery and the parcels to the south/southeast are underdevelopment into commercial outparcels with various end users and uses.
3. Can the subject parcel be used in accordance with the existing regulations and have a reasonable economic use as currently zoned.
 - a. Yes. The underlying zoning currently allows the use as conditional. Therefore, the parcel can be used in accordance with the existing regulations. The parcel has been actively, but unsuccessfully, marketed for retail users for the last 2 years. Currently, there is an active user who is prepared to develop the site into a best in class, multistory, climate controlled self-storage facility.
4. Will the proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
 - a. No. As a use, self-storage has a minimal, if any, impact on traffic, utilities and schools.
5. Is the proposal in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map?

BLT MARTIN ROAD, LLC

- a. Yes. The site is noted as an activity center on the character area map. The activity center uses and intensities notes: “a wide range of uses is contemplated in this character area, except for heavy industry and residential. The character area is the proper place for big box retail, shopping centers, lodging and auto-related uses. Commercial intensities are within a range of 15,000 to 38,000 sf of building space/acre (FAR of 0.34 to 0.85). Five story height limit.

As currently designed, the 3 story, 120,000 square foot facility has a FAR of 0.689 and a intensity of 30,000 square feet of building space/acre.

Further, the future land use map notes the site as ‘commercial’.

6. Are there other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal.
 - a. Yes. The site has been marketed actively, but unsuccessfully, for a retail user for the last 2 years. Currently, there is an active and engaged operator who is prepared to develop the site into a best in class, multistory, climate controlled self storage facility.
7. What are the existing use(s) and zoning of the subject property and nearby properties.
 - a. Subject Property
 - i. Zoned – Highway Business (HB)
 - ii. Use – Undeveloped
 - b. Property to the north
 - i. Zoned – Highway Business (HB)
 - ii. Use – Memorial Park South Funeral Home
 - c. Property to the South/East (lies within the city of Oakwood)
 - i. Zoned - Planned commercial development (PCD)
 - ii. Use – Retail outparcels with varying users and uses
 - d. Property to the West (opposite Falcon Parkway)
 - i. Zoned – Agricultural (A)
 - ii. Use – Undeveloped
8. What is the current value of the property under the existing zoning district classification to the extent to which the property value of the subject property is diminished by the existing zoning district and the value of the property under the proposed zoning district.
 - a. The request for the parcel is not to change the zoning, but to allow a conditional use. To the best of our knowledge, the parcel appear to have been wooded and undeveloped since 1944. The proposed conditional use would allow the site to immediately be developed into a best in class multistory climate controlled storage facility.
9. Will a zoning map amendment be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations?
 - a. N/A. The proposal does not include a zoning map amendment, only for a conditional use permit to a use that is allowed with the same under the current zoning classification.

BLT MARTIN ROAD, LLC

10. Does the zoning map amendment create an isolated zoning district unrelated to adjacent and nearby districts?
 - a. N/A. The proposal does not include a zoning map amendment, only for a conditional use permit to a use that is allowed with the same under the current zoning classification.
11. Will the change in zoning district map impact the character of a zoning district?
 - a. N/A. The proposal does not include a zoning map amendment, only for a conditional use permit to a use that is allowed with the same under the current zoning classification.
12. What would the possible impact to the environment be including, but not limited to, drainage, soils erosion and sedimentation, flooding, air quality and water quality?
 - a. The City of Flowery Branch has already approved grading and infrastructure plans for the site which include negative stormwater impact mitigation (both downstream flooding and water quality) as well as permanent stabilization of all slopes and disturbed areas. Further, the use will not have any impact to air quality or other environmental concerns.
13. What relation does the proposed zoning map amendment have on the purpose of the overall zoning scheme and Flowery Branch zoning ordinance?
 - a. The proposal does not include a zoning map amendment, only for a conditional use permit to a use that is allowed with the same under the current zoning classification. However, the use is in keeping with both the Character Area Map and Future Land Use Map of Flowery Branch.

Very truly yours,



Shawn Gleason

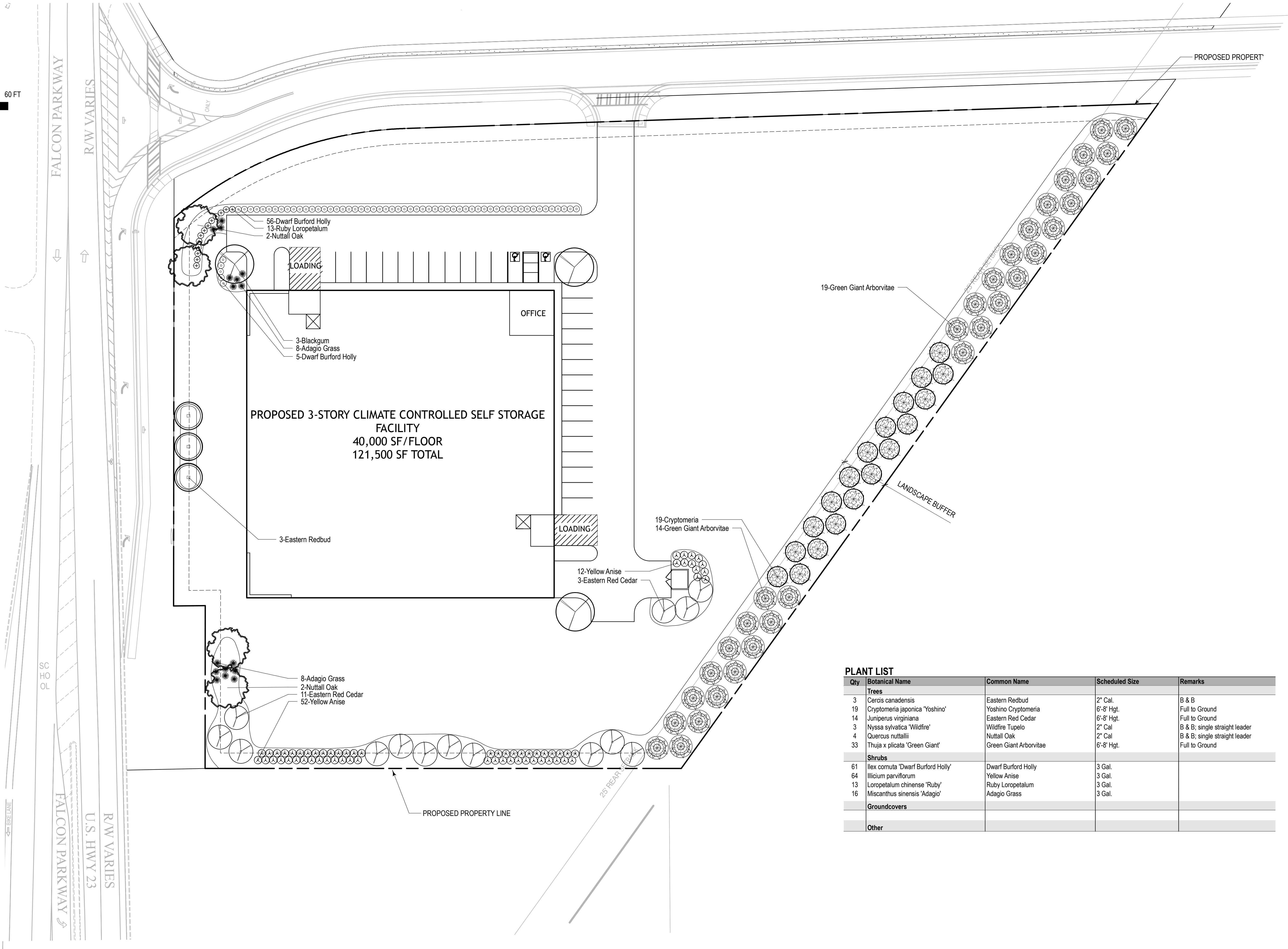
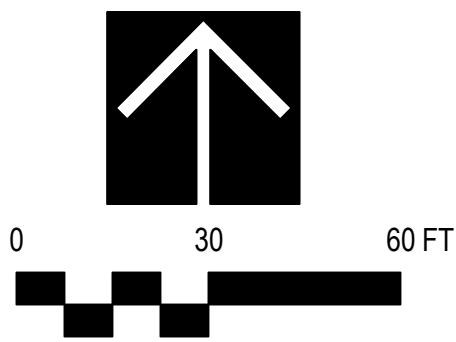
LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Flowery Branch GMD #1270, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

COMMENCING at the point located at the intersection of the Northerly Right of Way of Martin Road (Public, Variable R/W) and the Southeasterly Right of Way of Falcon Parkway (A/K/A State Route 13, Public, Variable Right of Way) having Georgia State Plane coordinates (NAD83, Georgia West Zone) of N.1526971.46 & E.2380967.16; thence leaving said intersection and following along said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13) along a curve turning to the left with an arc length of 147.96 feet, having a radius of 1335.00 feet, being subtended by a chord bearing of North 17 degrees 08 minutes 00 seconds East, and a chord length of 147.88 feet to a 1/2" iron pin set, which is the TRUE POINT OF BEGINNING.

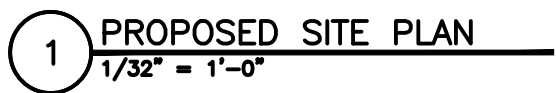
Thence continuing along said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13) the following courses and distances: with a curve turning to the left with an arc length of 64.81 feet, with a radius of 1067.60 feet, with a chord bearing of North 12 degrees 26 minutes 28 seconds East, with a chord length of 64.80 feet to a right of way monument found; thence North 11 degrees 13 minutes 26 seconds East a distance of 93.70 feet to a right of way monument found; thence North 50 degrees 10 minutes 29 seconds East a distance of 111.87 feet to a right of way monument found; thence North 11 degrees 03 minutes 53 seconds East a distance of 194.05 feet to a right of way monument found; thence North 78 degrees 55 minutes 35 seconds West a distance of 70.35 feet to a right of way monument found; thence North 11 degrees 25 minutes 42 seconds East a distance of 100.29 feet to a right of way monument found; thence North 79 degrees 16 minutes 16 seconds West a distance of 20.61 feet to a right of way monument found; thence North 11 degrees 14 minutes 39 seconds East a distance of 391.04 feet to a right of way monument found; thence with a curve turning to the right with an arc length of 24.85 feet, with a radius of 2794.79 feet, with a chord bearing of North 11 degrees 45 minutes 30 seconds East, with a chord length of 24.85 feet to a right of way monument found; thence leaving said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13) South 79 degrees 13 minutes 59 seconds East a distance of 570.76 feet to a 1/2" rebar found; thence South 78 degrees 47 minutes 05 seconds East a distance of 136.23 feet to a 1/2" rebar found on the City Limits of Flowery Branch; thence following along said City Limits of Flowery Branch the following courses and distances: South 46 degrees 51 minutes 01 seconds West a distance of 928.91 feet to a 1/2" rebar set; thence South 46 degrees 51 minutes 01 seconds West a distance of 252.05 feet to a 1/2" rebar set on said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13, which is the TRUE POINT OF BEGINNING.

Said parcel having an area of 7.338 acres more or less.

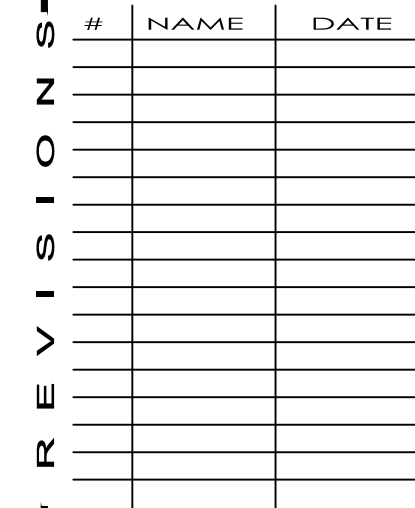


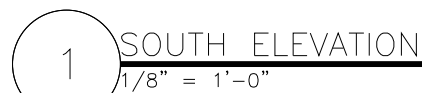
PLANT LIST				
Qty	Botanical Name	Common Name	Scheduled Size	Remarks
Trees				
3	Cercis canadensis	Eastern Redbud	2" Cal.	B & B
19	Cryptomeria japonica 'Yoshino'	Yoshino Cryptomeria	6'-8' Hgt.	Full to Ground
14	Juniperus virginiana	Eastern Red Cedar	6'-8' Hgt.	Full to Ground
3	Nyssa sylvatica 'Wildfire'	Wildfire Tupelo	2" Cal	B & B; single straight leader
4	Quercus nuttallii	Nuttall Oak	2" Cal	B & B; single straight leader
33	Thuja x plicata 'Green Giant'	Green Giant Arborvitae	6'-8' Hgt.	Full to Ground
Shrubs				
61	Ilex cornuta 'Dwarf Burford Holly'	Dwarf Burford Holly	3 Gal.	
64	Illicium parviflorum	Yellow Anise	3 Gal.	
13	Loropetalum chinense 'Ruby'	Ruby Loropetalum	3 Gal.	
16	Miscanthus sinensis 'Adagio'	Adagio Grass	3 Gal.	
Groundcovers				
Other				





A1.0







Applicant: BLT Martin Road, LLC

Property Owner: BLT Martin Road, LLC

Subject Property: 4153 Falcon Parkway; Parcel ID#150044 A002024

Request: Conditional Use Permit (CUP) to construct and operate a self-storage business in HB zoning

Current Use: Vacant

Character Area: Industrial Employment

Code:

Per the City of Flowery Branch Zoning Ordinance an HB zoned property who wishes to operate a self-storage business is required to obtain a conditional use permit.

Sec. 9.4. - HB, Highway Business District.

Purpose and Description . This zoning district is intended to implement the "commercial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "activity center" and "mixed use" character areas established in the comprehensive plan. Centered at the interchange of Spout Springs Road and I-985, and also extending north and south along Hog Mountain Road, this zoning district will be an accessible center of businesses, services, and complementary uses, which may include traditional neighborhood development and mixed-use developments, contributing extensively to the economic base of the city.

Character . This district is dominated by commercial uses but also intended to accommodate mixed-use developments. A grid block pattern of streets (connected local network) is provided, along with sidewalks and street trees. Pedestrian accessibility is promoted, although most activity is via the automobile for access. Entrances, frontages, and building facades are softened with landscaping and low-lying identification signs.

Permitted and Conditional Uses . Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." The widest possible range of uses is contemplated in this zoning district, except for industry and single-family, detached or manufactured homes. This character area is the proper place for big box retail, shopping centers, lodging and auto-related uses.

Dimensional Requirements . Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."

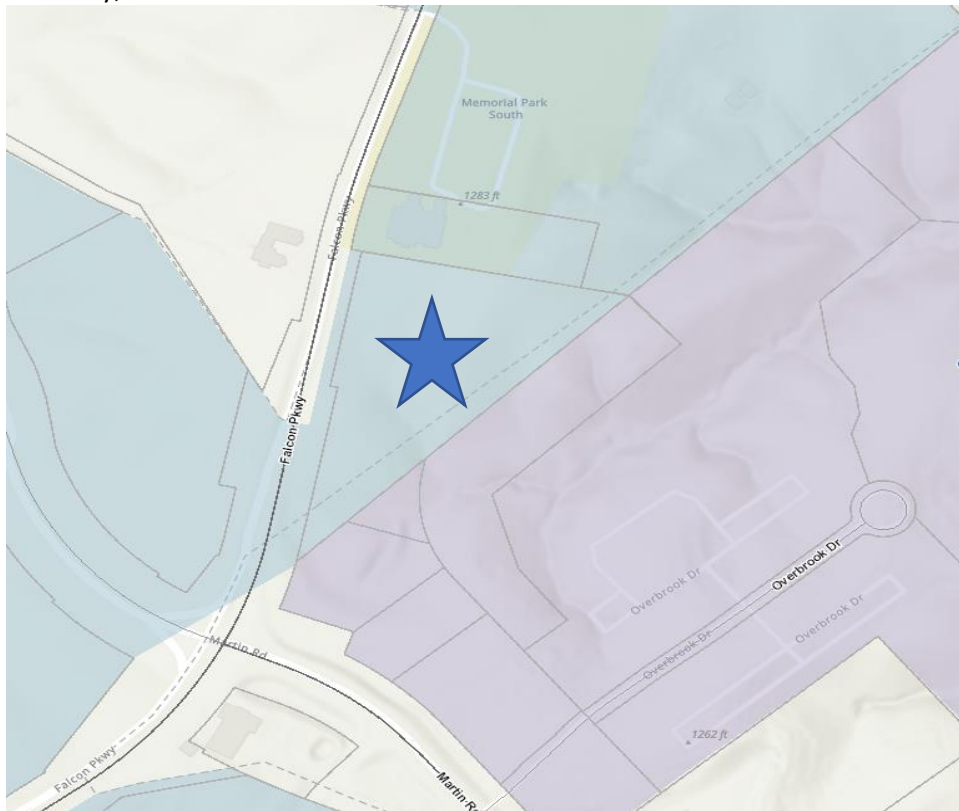


Table 9.1
Permitted and Conditional Uses in Nonresidential Zoning Districts
(P = Permitted Use C = Conditional Use X = Prohibited)

School, trade	C	C	X	X	X	C	C
Self-service storage facility (mini-warehouse)	X	X	X	C	X	P	P
Service and fuel-filling station	X	X	X	P	X	P	P
Showroom	X	X	X	X	X	P	P
Slaughterhouse	X	X	X	X	X	X	C
Solid waste handling and/or transfer facility	X	X	X	X	X	X	C
Special event facility	C	P	C	P	X	X	X
Taxi cab and limousine service	X	X	X	C	X	C	C
Tattoo Parlor	X	X	X	P	X	C	C
Temporary use approved by the Zoning Administrator	P	P	P	P	P	P	P
Therapeutic camp	X	C	X	X	X	X	X
Tow service	X	X	X	P	X	C	P
Truck stop or truck terminal	X	X	X	C	X	X	P
Utility company	P	P	X	P	X	P	P
Use	O-P	INST	NS	HB	CBD	M-1	M-2
Utility company substation	P	P	P	P	P	P	P
Vehicle emission testing facility	X	X	X	P	X	P	P

Property:

4153 Falcon Parkway; Parcel ID#150044 A002024:





CUP Requirements:

Sec. 34.7. Analysis Requirements.

Applications to amend the official zoning map and applications for conditional uses shall provide a written analysis comparing the proposed action with the criteria in this Section. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare, and after consideration of the analysis requirements which may in individual cases be considered criteria relevant to Zoning Administrator in making recommendations and by the City Council in the decision-making process.

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. *The subject property lies within a commercially zoned area. The use (self-storage) is suitable for the area. Additionally, there are new Oakwood apartments that may utilize the units.*
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. *A commercial use at this location is suitable and will not adversely affect nearby properties. Currently zoned Highway Business, a retail use was envisioned for this site but has not come to fruition.*
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. *Currently zoned HB (Highway Business) many commercial uses are suitable. The property has a reasonable economic use with or without the issuance of this CUP.*
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. *No, the use would not be burdensome on infrastructure or the school system.*
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. *The current character area for this site is "Industrial Employment". A self-storage facility is an inherently allowed use in the M-1 and M-2 zoning districts. The Comprehensive Plan specifically states the uses in these zoning districts are appropriate. Therefore, the proposed use is in conformity with the Comprehensive Plan.*
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. *The site is zoned commercial and although retail was preferred, self-storage may be more in demand under the current economic climate that does not appear to be conducive to brick and mortar retail.*



- (g) Existing use(s) and zoning of the subject property and nearby properties. **The subject property has a cemetery to the north, vacant agriculturally zoned property to the west (across Falcon Parkway), Hall County Board of Education to the south (across Martin Road), and a mixed-use development to the east (in Oakwood).**
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. **N/A**
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. **The use should not be a deterrent in any manner to the adjacent properties.**
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts **A CUP does not create a new zoning designation.**
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. **None.**
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. **None. It will be designed and built to current standards.**
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance **The use meets the intent of the zoning ordinance.**

Staff Recommendation:

It is staff's recommendation that the CUP request to construct and operate a self-storage facility submitted by BLT Martin Road, LLC should be approved.

Public Hearing Published 10/05/2022
Public Hearing 11/03/2022

First Reading 12/01/2022
Adopted 01/05/2023

ORDINANCE NO. 672

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT (CUP) TO OPERATE A SELF-STORAGE FACILITY ON A PARCEL OF REAL PROPERTY OWNED BY BLT MARTIN ROAD, LLC, IDENTIFIED AS 4153 FALCON PARKWAY, TAX PARCEL 150044 A002024 TOTALING 7.22 +/- ACRES AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B” AND AS CONDITIONED ON ATTACHED EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, BLT Martin Road, LLC owns a parcel of land totaling 7.22 +/- acres identified as Parcel Tax Identification No. 150044 A002024, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, BLT Martin Road, LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting a conditional use permit (CUP); and

WHEREAS, the City Council held a public hearing at the meeting of November 3, 2022 duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS.

The City Council finds that the proposed conditional use permit request is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. The property could be used in accordance with the existing regulations and has a reasonable economic use as without the issuance of a conditional use permit however, an alternative use is appropriately considered.

4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is generally in conformity with the policy and intent of the comprehensive plan including the character area map and future land use plan map.
6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.
7. No determination has been made by staff with regard to the value differential between a development with or without a conditional use permit.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the issuance of a conditional use permit on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. APPROVAL OF CUP AND LEGAL DESCRIPTIONS.

A conditional use permit to operate a self-storage facility is hereby granted for the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, subject to the conditions set forth in Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. AMENDMENT OF THE ZONING MAP.

This Ordinance is enacted as an amendment to the Zoning Map of Flowery Branch, Georgia. Accordingly, the Zoning Administrator is hereby authorized to update the Official Map consistent with Article 3 of the Zoning Ordinance.

SECTION 4. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be December 15, 2022.

SECTION 6. REPEALER.

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

Approved this 15th day of December 2022.

Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, Jr., City Attorney



LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Flowery Branch GMD #1270, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

COMMENCING at the point located at the intersection of the Northerly Right of Way of Martin Road (Public, Variable R/W) and the Southeasterly Right of Way of Falcon Parkway (A/K/A State Route 13, Public, Variable Right of Way) having Georgia State Plane coordinates (NAD83, Georgia West Zone) of N.1526971.46 & E.2380967.16; thence leaving said intersection and following along said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13) along a curve turning to the left with an arc length of 147.96 feet, having a radius of 1335.00 feet, being subtended by a chord bearing of North 17 degrees 08 minutes 00 seconds East, and a chord length of 147.88 feet to a 1/2" iron pin set, which is the TRUE POINT OF BEGINNING.

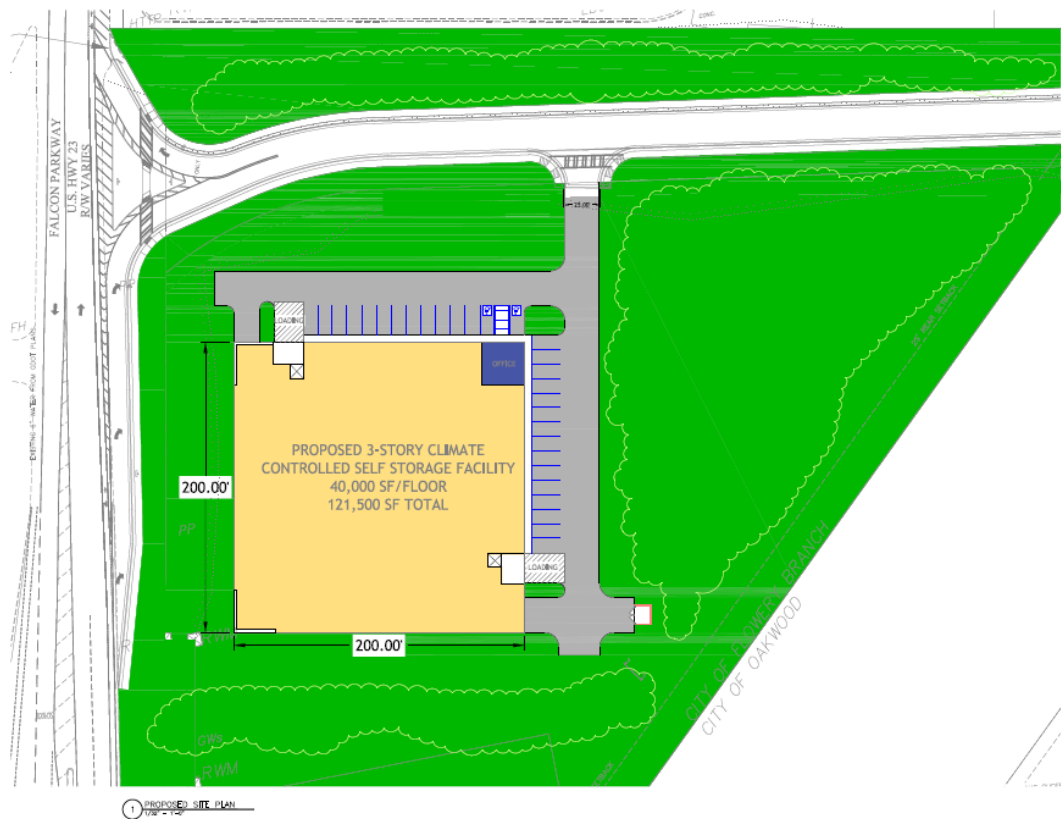
Thence continuing along said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13) the following courses and distances: with a curve turning to the left with an arc length of 64.81 feet, with a radius of 1067.60 feet, with a chord bearing of North 12 degrees 26 minutes 28 seconds East, with a chord length of 64.80 feet to a right of way monument found; thence North 11 degrees 13 minutes 26 seconds East a distance of 93.70 feet to a right of way monument found; thence North 11 degrees 06 minutes 32 seconds East a distance of 280.86 feet to a right of way monument found; thence North 11 degrees 25 minutes 42 seconds East a distance of 100.29 feet to a right of way monument found; thence North 79 degrees 16 minutes 16 seconds West a distance of 20.61 feet to a right of way monument found; thence North 11 degrees 14 minutes 39 seconds East a distance of 391.04 feet to a right of way monument found; thence with a curve turning to the right with an arc length of 24.85 feet, with a radius of 2794.79 feet, with a chord bearing of North 11 degrees 45 minutes 30 seconds East, with a chord length of 24.85 feet to a right of way monument found; thence leaving said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13) South 79 degrees 13 minutes 59 seconds East a distance of 570.76 feet to a 1/2" rebar found; thence South 78 degrees 47 minutes 05 seconds East a distance of 136.23 feet to a 1/2" rebar found on the City Limits of Flowery Branch; thence following along said City Limits of Flowery Branch the following courses and distances: South 46 degrees 51 minutes 01 seconds West a distance of 928.91 feet to a 1/2" rebar set; thence South 46 degrees 51 minutes 01 seconds West a distance of 252.05 feet to a 1/2" rebar set on said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13, which is the TRUE POINT OF BEGINNING.

Said parcel having an area of 7.722 acres more or less.

Exhibit “C”

Conditions of Condition Use Permit

1. The property shall be developed in substantial conformance with the site plan dated 10/19/2022 prepared Arch L. Trulock and submitted to the Flowery Branch Community Development Department on 11/18/2022 and as shown below:



2. Development shall adhere to requirements set forth in the Flowery Branch Zoning Ordinance Article 14, Section 14.11.
3. A landscape plan must be submitted for approval at time of land disturbance review. Said plan shall add significant coverage to help screen the facility from Martin Road and the Oakwood residential project.
4. Project must be sodded prior to the issuance of a certificate of occupancy.
5. Building shall significantly adhere to elevations as submitted by the applicant and shown below:



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Sanitary Sewer Intergovernmental Agreement between the City of Gainesville, Georgia and the City of Flowery Branch, Georgia.

COUNCIL MEETING DATE: January 5, 2023

HISTORY:

The City of Flowery Branch is near capacity in its existing wastewater treatment plant. City staff has been looking for alternative ways to allow for additional wastewater treatment while plans and construction of the new plant are underway.

FACTS AND ISSUES:

As plans were being developed for the new 2.2MGD wastewater treatment plant, it became apparent that the current treatment plant was going to near its capacity before construction could begin on the new plant. Staff immediately began seeking alternatives for wastewater treatment and one option was to build a line from Flowery Branch's system to connect to the City of Gainesville's sewer system. Several meetings took place amongst staff from the municipalities and the best possible route to connect to their system was discussed. The route has been identified, and the City of Gainesville has agreed to treat wastewater according to the terms in the attached intergovernmental agreement (IGA).

OPTIONS:

- 1) Approve the intergovernmental agreement as is.
- 2) Alter the intergovernmental agreement and send it back to the City of Gainesville for their consideration.

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

Yes

AMOUNT AND SOURCE OF FUNDS:

Up to \$1.8M in Year One - Water & Sewer Fund

RECOMMENDATION:

Approval of the sanitary sewer intergovernmental agreement between the City of Gainesville and the City of Flowery Branch.

SAMPLE MOTION:

I make a motion approve the sanitary sewer intergovernmental agreement between the City of Gainesville and the City of Flowery Branch.

COLLABORATING DEPARTMENT:

Water/Wastewater

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [ES - Sewer IGA Gainesville FB.pdf](#)
- [FloweryBranchSewer.pdf](#)
- [SewerDistrictBoundaryUpdate_ServiceDelivery20170626_11x17 \(002\).pdf](#)
- [20221212 Draft Sewer FB GVL IGA 12-20-22 BL Response.pdf](#)



**FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY**

SUBJECT: Sanitary Sewer Intergovernmental Agreement between the City of Gainesville, Georgia and the City of Flowery Branch, Georgia.

DATE: December 27, 2022

(X)RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL- Up to \$1,825,000 in Year One

() OTHER

CAPITAL-

COUNCIL ACTION REQUESTED ON: January 5, 2023

PURPOSE: An intergovernmental agreement establishing rates for sending sanitary sewage to the City of Gainesville's system for treatment.

HISTORY: The City of Flowery Branch is near capacity in its existing wastewater treatment plant. City staff has been looking for alternative ways to allow for additional wastewater treatment while plans and construction of the new plant are underway.

FACTS AND ISSUES: As plans were being developed for the new 2.2MGD wastewater treatment plant, it became apparent that the current treatment plant was going to near its capacity before construction could begin on the new plant. Staff immediately began seeking alternatives for wastewater treatment and one option was to build a line from Flowery Branch's system to connect to the City of Gainesville's sewer system. Several meetings took place amongst staff from the municipalities and the best possible route to connect to their system was discussed. The route has been identified, and the City of Gainesville has agreed to treat wastewater according to the terms in the attached intergovernmental agreement (IGA).

OPTIONS:

- 1) Approve the intergovernmental agreement as is.
 - 2) Alter the intergovernmental agreement and send it back to the City of Gainesville for their consideration.
-
-

RECOMMENDED SAMPLE MOTION:

I make a motion approve the sanitary sewer intergovernmental agreement between the City of Gainesville and the City of Flowery Branch.

DEPARTMENT: Administration

Prepared by: Tonya Parrish

PS

Customers Connecting To Gainesville Sewer Located within Flowery Branch City Limits

PS

Customers Connecting To Gainesville Sewer Located within Oakwood City Limits

PS

Flowery Branch Lift Station To Gainesville

PS

Flowery Branch Lift Station

PS

Flowery Branch Lift Station

PS

Gainesville Lift Station

PS

Gainesville Forcemain

PS

Gainesville Gravity

PS

Flowery Branch

PS

Gainesville

PS

Oakwood

PS

Railway

PS

Flowery Branch Forcemain

PS

Flowery Branch Gravity

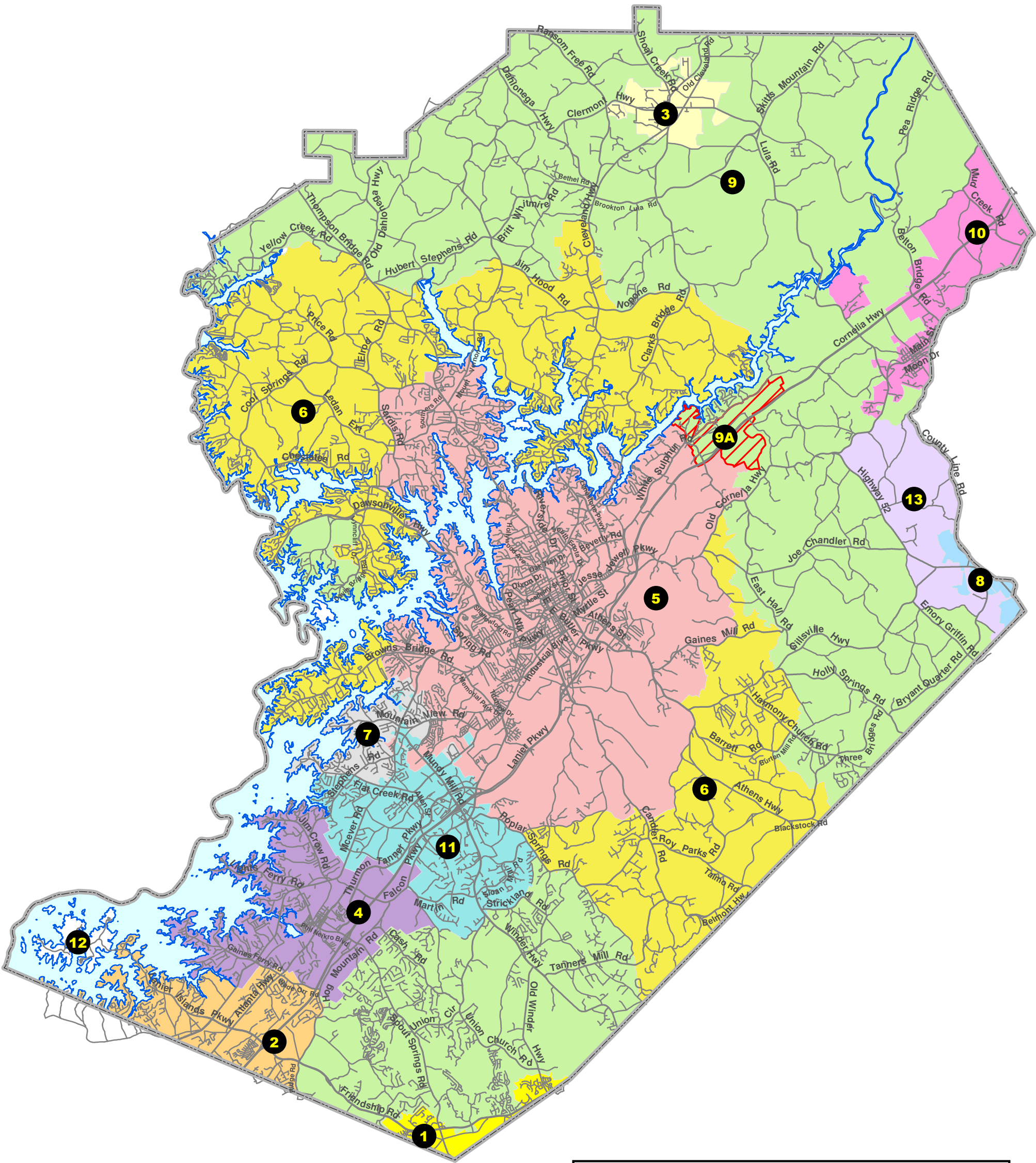
PS

Proposed Forcemain To Connect to Gainesville Collection System

Flowery Branch Connection Point
to City Of Gainesville
Collection System

Lift Station to be Connected to
Gainesville Collection System

Sewer Service Districts



Legend

 Lakes

DISTRICT

 1 - BRASELTON

 2 - BUFORD

 3 - CLERMONT

 4 - FLOWERY BRANCH

 5 - GAINESVILLE

 6 - GAINESVILLE/HALL COUNTY

 7 - GAINESVILLE/OAKWOOD

 8 - GILLSVILLE

 9 - HALL COUNTY

 9A

 10 - LULA

 11 - OAKWOOD

 12 - UNASSIGNED SERVICE

 13 - GILLSVILLE - HALL COUNTY



**SANITARY SEWER SERVICE
INTERGOVERNMENTAL AGREEMENT**

BY AND BETWEEN

**THE CITY OF GAINESVILLE, GEORGIA AND THE CITY OF FLOWERY BRANCH,
GEORGIA**

This Agreement is made and entered into on this ____ day of _____ 2023, by and between the **CITY OF GAINESVILLE**, a municipal corporation of the State of Georgia by and through its duly authorized governing body (hereinafter referred to as “Gainesville”), and the **CITY OF FLOWERY BRANCH**, a municipal corporation of the State of Georgia by and through its duly authorized governing authority (hereinafter referred to as “Flowery Branch”) to set forth the responsibilities and obligations of each party as such concerning the conveyance and treatment of wastewater from Flowery Branch to Gainesville.

WHEREAS, it is the policy of both Gainesville and Flowery Branch to provide sanitary sewer services to their citizens in the most cost-effective way and to ensure all users pay a reasonable rate for said services; and

WHEREAS, Gainesville and Flowery Branch have agreed to and adopted specific Sanitary Sewer Service Districts pursuant to O.C.G.A. Section 36-70-20 et. seq. (“Service Delivery Strategy Act); and

WHEREAS, Gainesville and Flowery Branch maintain on their respective staffs knowledgeable and professional personnel who supervise and provide for the delivery of sanitary sewer services; and

WHEREAS, Gainesville and Flowery Branch desire to enter into this Agreement such that Gainesville will receive and treat wastewater from the Flowery Branch Sanitary Sewer District in exchange for a wholesale sewer charge.

NOW, THEREFORE, in consideration of Ten and No/100 dollars (\$10.00) and other good and valuable consideration, it is agreed between Gainesville and Flowery Branch as follows:

1.

Gainesville and Flowery Branch have agreed to the designation of certain Sanitary Sewer Service Districts pursuant to the Service Delivery Strategy Act as memorialized in the Hall County Sewer Delivery Strategy (“Hall County SDS”). A true and correct copy of which map adopted as part of the Hall County SDS is attached hereto and

included by reference as a part hereof and designated as Exhibit "A". This Hall County SDS map may be updated from time to time in accordance with the procedures set forth in the Service Delivery Strategy Act and a revised map may be incorporated herein as Exhibit "A" upon agreement of Gainesville and Flowery Branch. Some of the wastewater to be conveyed by Flowery Branch and treated by Gainesville pursuant to this Agreement originates from the Oakwood Sewer Service District. Flowery Branch is authorized to convey said wastewater to Gainesville pursuant to an intergovernmental agreement between the City of Oakwood and Flowery Branch. Nothing contained in this Agreement is intended or deemed to alter the Hall County SDS.

2.

Gainesville and Flowery Branch have agreed on a discharge point where Flowery Branch sanitary sewer flow will enter the Gainesville sanitary sewer system. Said discharge point is shown on Exhibit "B," which is incorporated herein and made a part hereof.

3.

Gainesville agrees to receive and treat up to 400,000 gallons per day of sanitary sewer flows from Flowery Branch. This maximum allowed amount will be calculated as an average annual number. The maximum flow in any month shall not exceed an average of 500,000 gallons per day.

4.

Flowery Branch shall design, install, maintain, acquire, operate, and own all sanitary sewers, sewer lift stations, facilities, collection system permits, and appurtenances, upstream of the discharge point designated on Exhibit "A" into which Flowery Branch discharges into the Gainesville system. Gainesville shall design, install, maintain, acquire, operate, and own those sanitary sewers, sewer lift stations, facilities, permits, and appurtenances downstream of said discharge point. It is recognized and agreed by the parties hereto that improvements required in the future to increase capacity, meet additional regulatory requirements, and/or replace capital facilities (pipelines, pumps, lift stations, treatment units, etc.) that have reached their useful life shall be paid for based upon the pro rata share utilized by each of the parties hereto for those facilities in which Flowery Branch is contributing sanitary sewer flow.

5.

It is agreed and understood from time to time during the period of this Agreement that State and/or Federal regulations governing the transportation and treatment of wastewater by public entities may change. Additionally, it is agreed and understood that all sewage transport and treatment facilities have a certain functional life. It is further agreed the preceding conditions may necessitate significant capital expenditures for replacement of facilities or new facilities to meet updated State and/or Federal Regulations. The expense of new facilities shall be borne by both parties hereto and pro-rated by the capacity used by each party hereto of such facilities. The method and schedule of such payment shall be determined jointly by the parties hereto prior to incurring of expenses related to new facilities.

6.

The retail customers in the service area shown on Exhibit "B" shall remain retail customers of Flowery Branch. The billing shall be covered by the Intergovernmental Agreement between the parties hereto dated November 5, 2019.

7.

The measurement of the wholesale sewer volume utilized by Gainesville to bill Flowery Branch shall be via a metering device designed, built, maintained, and owned by Flowery Branch. Gainesville shall have the right to review and approve such design prior to installation. Flowery Branch agrees to ensure that said device is inspected and calibrated for accuracy within a margin of error of no more than two percent (2%) by the manufacturer no less than once per calendar year. Gainesville, at its expense, may periodically inspect and test the metering device.

8.

The wholesale wastewater rate paid by Flowery Branch to Gainesville shall be 1.5 times the prevailing unit charge for the Gainesville water system customers on Flowery Branch sewer outside the City of Flowery Branch and adjusted any time Flowery Branch increases or decreases said retail unit charge. At no time shall the wholesale rate be less than 1.5 times the Gainesville retail wastewater charge.

9.

All industrial and commercial customers shall be required to comply with federal and state regulations, as well as Gainesville's Sewer-Use Ordinance, Industrial Pretreatment

Program, and all related Gainesville ordinances and requirements for the duration of this Agreement. Such compliance shall include the ability to access, sample and monitor the waste streams of customers included within the purview of this Agreement. All industrial discharge permits shall be produced by Gainesville. Flowery Branch will provide Gainesville with information regarding industrial customers for the purposes of complying with Gainesville's Industrial Pretreatment Program. All surcharges and administrative fines imposed for violations of the pretreatment regulations referenced in this paragraph shall be imposed and collected by Gainesville.

10.

It is acknowledged and understood that corrosion and odor control may be required beyond that provided in the initial design. Flowery Branch and Gainesville agree to work together to define and implement any necessary technology for corrosion and odor control. All costs related to corrosion and odor control upstream of the discharge point designated on Exhibit "B" shall be borne by Flowery Branch. All costs related to corrosion and odor control downstream of the discharge point designated on Exhibit "B" shall be borne by Gainesville.

11.

It is acknowledged and understood that each party will not be responsible for the operation and maintenance of the other party's sanitary sewer collection system. Said operation and maintenance of each party's sanitary sewer collection system shall be performed by the party who owns said system, and shall include, but not be limited to, stream monitoring, facility repair, engineering, industrial pretreatment program, sewerage flow meter maintenance, permitting, and regulatory compliance. Additionally, any and all federal and state required spill response, reporting, and sampling shall be the responsibility of the party in whose Sewer Service Delivery District the spill occurs.

12.

To the extent allowed by law, each party shall at all times indemnify and hold harmless the other party, its Mayor, Council members, agents, servants, and employees from and against any and all claims for injury to any person or property by reason of that party's or its employees' failure to exercise reasonable care in performing its services provided in this Agreement. Provided, however, that none of the provisions of this paragraph shall be applicable to the extent the other party, its officials, officers, employees, contractors, or agents, were negligent and such negligence was the sole or contributing factor in bringing about injury to any person or property. In such event, any liability shall

be apportioned between Gainesville and Flowery Branch based upon the percentage of fault assigned to each by a court of competent jurisdiction.

13.

The term of this Agreement shall commence as of the date of the execution of this Agreement by the last party to sign same and shall continue through December 31, 2028.

Either party shall have the right to terminate this Agreement upon the material breach of the provisions of this Agreement by the other if not corrected within thirty (30) days of written notice thereof. Either party may terminate this Agreement at any time for any reason by providing the other party at least sixty (60) days written notice. Termination shall relieve the parties of further performance under this Agreement, with the sole exception that Flowery Branch shall remain liable for any costs incurred, but not yet paid.

14.

Within 180 days after termination of this Agreement, Flowery Branch shall be responsible for taking any interconnection infrastructure out of service to the reasonable satisfaction of Gainesville.

15.

Neither party hereto shall, without written consent of the other, assign or transfer this Agreement or any rights or obligations hereunder.

16.

The terms of this Agreement shall not be altered, amended or modified except in writing signed by duly authorized governing authority of Gainesville and Flowery Branch.

17.

This Agreement shall be construed and interpreted under the laws of the State of Georgia. The parties to this Agreement agree that the jurisdiction and venue for any disputes arising out of this Agreement shall be the Superior Court of Hall County, Georgia.

18.

If any paragraph, subparagraph sentence clause, phrase, or any portion of this Agreement shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Agreement as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to effect the portions of this Agreement not held to be invalid. It is hereby declared to be the intent of Gainesville and Flowery Branch to provide for separable and divisible parts, and they do hereby adopt any and all parts hereof as may not be held invalid for any reason. The failure of any party to exercise any right given hereunder or to insist upon strict compliance with any term, condition or covenant specified herein shall not constitute a waiver of such party's right to exercise such right or to demand strict compliance with any such term, condition or covenant under this Agreement. This Agreement may be executed in several counterparts, each of which shall constitute an original and all of which together shall constitute one and the same instrument. The Mayor, Clerk, City Manager, and City Attorney of the City are hereby authorized to sign such documents as are necessary to effectuate the provisions of this Agreement.

19.

Any notice of communications hereunder shall be in writing and shall be deemed to have been delivered when deposited in the United States mail, registered or certified, addressed as follows:

City of Gainesville
ATTN: Water Resources Director
757 Queen City Parkway
Gainesville, GA 30501

City of Flowery Branch
ATTN: City Manager
5410 W. Pine Street
Flowery Branch, GA 30542

or to such other address as either party may designate for itself by written notice to the other given from time to time, in the manner herein provided.

IN WITNESS WHEREOF, the parties by and through their duly authorized offices, have caused these presents to be executed in their behalf, the day and year written above.

APPROVED AS TO FORM

CITY OF GAINESVILLE

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

By: _____
W. Samuel Couvillon
Mayor

Attest: _____
Denise O. Jordan, City Clerk

CITY SEAL

CITY OF FLOWERY BRANCH

By: _____
Edward R. Asbridge
Mayor

Attest: _____
Shelia Cooper, City Clerk



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Approval of City of Flowery Branch Personnel Handbook

COUNCIL MEETING DATE: January 5, 2023

HISTORY:

The staff of the City of Flowery Branch reviews and amends all of its policies and procedures as deemed necessary. The personnel handbook has been reviewed and amendments have been suggested.

FACTS AND ISSUES:

FACTS AND ISSUES: There have been several changes internally and externally that need to be addressed in the employee handbook.

In the Administration Section: The city is using a different electronic time tracking method for its employees now. The pandemic caused staff to address any telecommuting or alternative work schedules. Probationary periods have been extended for some positions, making the probationary period consistently 12-months for all. Americans with Disabilities Act (ADA) has been updated and expanded. A section on Nepotism has been added as well as a section on workplace violence. And use of city property and equipment, vehicle use, operations section as well as travel has been enhanced.

In the Compensation and Benefits Section: A sick bank is being established for donation of leave from employees to other employees instead of individual to individual leave donations. Family Medical Leave Act (FMLA) has updates. Best practices have been added including an other employment section that is aligned with GGFOA (Georgia Government Finance Officers Association). Sections (FMLA, Maternity Leave, and COBRA) have been added for employers with 50+ employees. Annual performance raises will be tied to performance evaluations beginning 7/1/23. Removal of cashing out vacation/sick leave; and, and increase in the annual maximum accrual of vacation hours from 320 to 450 hours.

In the Employee Relations Section: Updates on ethics, attention, insubordination, competence, fitness for duty and discipline have been added. There is a new, in-depth section on substance abuse & drug/alcohol testing. And, finally, there is a more in-depth section on social networking.

OPTIONS:

- 1) Approve the personnel handbook.
- 2) Make other suggestions to the personnel handbook.

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

Yes

AMOUNT AND SOURCE OF FUNDS:

No funding involved.

RECOMMENDATION:

Approval of amendments to the City of Flowery Branch Personnel Handbook

SAMPLE MOTION:

I make a motion approve City of Flowery Branch Handbook as presented.

COLLABORATING DEPARTMENT:

Finance

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [ES - Personnel Handbook.pdf](#)
- [City of Flowery Branch Personnel Handbook 12.2022 \(003\).pdf](#)
- [City of Flowery Branch Personnel Handbook_Edits.pdf](#)



**FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY**

SUBJECT: Approval of City of Flowery Branch Personnel Handbook

DATE: December 27, 2022

(X) RECOMMENDATION
() POLICY DISCUSSION
() STATUS REPORT
() OTHER

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

COUNCIL ACTION REQUESTED ON: January 5, 2023

PURPOSE: Approve amendments to the City of Flowery Branch Personnel Handbook

HISTORY: The staff of the City of Flowery Branch reviews and amends all of its policies and procedures as deemed necessary. The personnel handbook has been reviewed and amendments have been suggested.

FACTS AND ISSUES: There have been several changes internally and externally that need to be addressed in the employee handbook.

In the Administration Section: The city is using a different electronic time tracking method for its employees now. The pandemic caused staff to address any telecommuting or alternative work schedules. Probationary periods have been extended for some positions, making the probationary period consistently 12-months for all. Americans with Disabilities Act (ADA) has been updated and expanded. A section on Nepotism has been added as well as a section on workplace violence. And use of city property and equipment, vehicle use, operations section as well as travel has been enhanced.

In the Compensation and Benefits Section: A sick bank is being established for donation of leave from employees to other employees instead of individual to individual leave donations. Family Medical Leave Act (FMLA) has updates. Best practices have been added including an other employment section that is aligned with GGFOA (Georgia Government Finance Officers Association). Sections (FMLA, Maternity Leave, and COBRA) have been added for employers with 50+ employees. Annual performance raises will be tied to performance evaluations beginning 7/1/23. Removal of cashing out vacation/sick leave; and, and increase in the annual maximum accrual of vacation hours from 320 to 450 hours.

In the Employee Relations Section: Updates on ethics, attention, insubordination, competence, fitness for duty and discipline have been added. There is a new, in-depth section on substance abuse & drug/alcohol testing. And, finally, there is a more in-depth section on social networking.

OPTIONS:

- 1) Approve the personnel handbook.
 - 2) Make other suggestions to the personnel handbook.
-
-

RECOMMENDED SAMPLE MOTION:

I make a motion approve City of Flowery Branch Handbook as presented.

DEPARTMENT: Administration

Prepared by: Tonya Parrish

City of Flowery Branch Personnel Handbook

*Developed under the authority of the City Council
by the City Manager's Office
approved on XXXXXXXXX*

*Revision Dates: December 1, 2022
Next Annual Review By: June 30, 2023*

Dear Employee,

Welcome to the City of Flowery Branch. We are excited to have you as a part of our innovative and awesome team of employees. The City of Flowery Branch is a unique and groundbreaking municipality, requiring input and contribution from every team member. This employee handbook contains key policies and expectations of the City of Flowery Branch as your employer. You will find the information both necessary and informative and are encouraged to use the handbook as the vital resource it is intended to be.

The City of Flowery Branch is committed to excellence in serving our citizens and visitors. Providing an outstanding quality of life to our community is our top priority. As a part of our team, you will discover that your involvement will not only benefit the City but be a rewarding experience to you on both a professional and personal level. Please share your innovative and creative ideas with your director and me; and then own the results of your innovation and productivity and be an active participant in the growth and development of your career and of the City of Flowery Branch's future.

Welcome aboard and I look forward to working with you.

Sincerely,

Tonya D. Parrish
City Manager

Employee Acknowledgment Form

This Personnel Handbook describes the policies and procedures at the City of Flowery Branch, and I understand that I should consult the City Clerk regarding any questions not answered in the Personnel Handbook. I acknowledge that I am an employee at-will and have entered my employment with the City of Flowery Branch voluntarily and acknowledge that there is no specified length of employment. Any employment agreement that would alter my status as an employee at-will must be specified and executed in writing by the City Manager and myself and approved by the City Council. No other agreements will be enforceable or change my status as an employee at-will.

This Personnel Handbook replaces and supersedes any earlier personnel practice, policy, or guideline. However, since the policies and procedures described within this handbook are subject to change from time to time, I acknowledge that revisions may occur. I understand that such changes may supersede, modify, or revoke existing policies. The City Manager has the power to change the policy and may do so at any time without notice.

The intent of this personnel policy handbook is compliance with all applicable federal and state law. In the event of a change in law or a conflict in federal or state law with the contents of this handbook, the federal and/or state law shall supersede the policies contained within this handbook. All police department employees must also follow the Police Department Standard Operating Procedures (SOPs) in addition to this handbook.

Furthermore, I acknowledge that the Personnel Handbook is neither a contract of employment nor a legal document. I have received a copy of the City of Flowery Branch Personnel Handbook and I understand that it is my responsibility to read and comply with the policies contained in the manual and any revisions made to it.

Employee Name: _____

Employee Signature: _____ Date: _____

Witness Signature: _____ Date: _____

Contents

I. ADMINISTRATION	9
A. PERSONNEL ADMINISTRATION.....	9
Section 1: Authority.....	9
Section 2: "At-Will" Employment.....	11
Section 3: Departmental Operating Rules	11
Section 4: Revisions to Handbook.....	11
Section 5: Personnel Records	11
Section 6: Personnel Handbook.....	12
Section 7: Definitions	13
B. ATTENDANCE & WORK HOURS	17
Section 1: Policy Statement.....	17
Section 2: General Provisions.....	17
Section 3: Alternative Work Schedules.....	19
C. EMPLOYEE STATUS CHANGES	22
Section 1: Policy Statement.....	22
Section 2: General Provisions.....	22
Section 3: Promotions and Demotions	23
Section 4: Reassignment	24
Section 5: Management Reclassification.....	25
Section 6: Nepotism & Conflicts of Interest.....	25
D. HIRING AND SELECTION	26
Section 1: Policy Statement.....	26
Section 2: General Provisions.....	26
Section 3: Application Process	28
Section 4: Selection	29
Section 5: Eligibility Registers	30
Section 6: Re-Employment.....	30
Section 7: Probationary Period	31
Section 8: Contract Employment.....	32
Section 9: Other Employment	32
E. PERFORMANCE MANAGEMENT AND REVIEW	34
Section 1: Policy Statement.....	34
Section 2: General Provisions.....	34
Section 3: Review Process.....	35

F. TERMINATION OF EMPLOYEE STATUS.....	35
Section 1: Policy Statement.....	35
Section 2: Resignation or Retirement.....	36
Section 3: Lay-Off.....	37
G. USE OF CITY PROPERTY & EQUIPMENT.....	38
Section 1: Policy Statement.....	38
Section 2: General Provisions.....	39
Section 3: Vehicle Use & Operation	40
Section 4: Electronic Communication Systems.....	40
H. SAFETY & ACCIDENT REPORTING.....	42
Section 1: Policy Statement.....	42
Section 2: General Provisions.....	43
Section 3: Personal Protective Equipment.....	43
Section 4: Accident Involvement.....	46
I. CITY TRAVEL	47
Section 1: Travel.....	47
J. WORKPLACE VIOLENCE POLICY	49
Section 1: Workplace Violence	49
II. COMPENSATION & BENEFITS	56
A. COMPENSATION	56
Section 1: Policy Statement.....	56
Section 2: Pay System	56
Section 3: Compensation Plan.....	59
Section 4: Changes in Salary	61
B. EMPLOYEE BENEFITS- LEAVE TYPES	63
Section 1: Policy Statement.....	63
Section 2: Overview of Requirements & Restrictions.....	63
Section 3: Vacation Leave	64
Section 4: Sick Leave	66
Section 5: Other Leave Types.....	68
C. GROUP BENEFIT PLAN	79
Section 1: Policy Statement.....	79
Section 2: General Provisions.....	79
Section 3: Benefits Offered	80
D. WORKER’S COMPENSATION	81
Section 1: Policy Statement.....	81

Section 2: General Provisions.....	81
Section 3: Procedures	82
III. EMPLOYEE RELATIONS	85
A. STANDARDS OF CONDUCT	85
Section 1: Policy Statement.....	85
Section 2: General Provisions.....	85
Section 3: Attention/Dereliction	87
Section 4: Competence, Judgment & Supervision	88
Section 5: Health Fitness.	88
Section 6: Absences & Reporting.....	89
Section 7: Response.....	90
Section 8: Professional Conduct.....	90
Section 9: Other Standards	92
B. DISCIPLINE	93
Section 1: Policy Statement.....	93
Section 2: General Provisions.....	94
C. GRIEVANCES	97
Section 1: Policy Statement.....	97
Section 2: General Provisions.....	97
Section 3: Grievance Steps	98
Section 4: Areas Not Grievable	98
D. WORKPLACE DISCRIMINATION & HARASSMENT	99
Section 1: Policy Statement.....	99
Section 2: Discriminatory Harassment	99
Section 3: Sexual Harassment	100
Section 4: Complaint Procedure & Investigation	101
Section 5: Corrective Action	101
E. SUBSTANCE ABUSE & DRUG AND ALCOHOL TESTING.....	102
Section 1: Policy Statement.....	102
Section 2: Application	102
Section 3: Definitions	102
Section 4: Prohibitions.....	105
Section 5: Use of Legally Obtained Drugs	106
Section 6: When Drug Testing is Required	106
Section 7: Procedures for Testing.....	110

Section 8: Investigation of Prohibited Drug and Alcohol Use and Searches	111
F. SOCIAL NETWORKING.....	115
Section 1: Purpose	115
Section 2: General Guidelines for Personnel.....	116
Section 3: Guidelines for Official City Social Media Sites and Content	116
Section 4: Guidelines for Personal Social Media Sites and Content.....	118

CHAPTER I

ADMINISTRATION

I. ADMINISTRATION

A. PERSONNEL ADMINISTRATION

Section 1: Authority

(a) General

With the exception of matters reserved by state law or the city charter to the City Council, the general and final authority for personnel administration rests with the City Manager. This Personnel Handbook provides statements of policy and establishes required procedure relating to personnel administration that are necessary to effectively and efficiently manage city operations. It is issued by the City Manager under the authority of the City Council.

(b) Scope of Authority

The City Manager possesses the authority to administer city operations. The City Manager's authority includes, but is not limited to:

- a. Discipline, discharge, or release of employees pursuant to the procedures described in this handbook;
- b. Direct the work forces;
- c. Hire, assign, or transfer employees;
- d. Determine the mission of city departments;
- e. Determine the methods, means, and allocation/assignment of personnel needed to carry out the City's mission;
- f. Introduce new or improved methods or facilities or change such methods or facilities;
- g. Determine reasonable work schedules and establish the methods and processes by which such work is performed;
- h. Require the performance of duties stated and intended in job descriptions, with the understanding that every duty is not always described;
- i. Determine position availability by:
- j. Authorizing lateral assignments;
- k. Freezing, hiring, and promoting;
- l. Authorizing delay in position uses due to budget, facilities, or other business necessity;
- m. Authorizing temporary assignment into a vacancy.
- n. Delete positions, reclassify positions, and/or reassign employees to different positions with different classifications and pay as required by business necessity.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

(c) Delegated Authority

The City Manager may delegate authority to Department Directors in the following areas:

- a. Discipline, discharge, or release of employees pursuant to the procedures described in this handbook;
- b. Direct the work forces;
- c. Hire, assign, or transfer employees;
- d. Recommend the mission of specific departments;
- e. Determine the methods, means, and allocation/assignment of personnel needed to carry out the department's mission;
- f. Introduce new or improved methods or facilities or change such methods or facilities;
- g. Recommend work schedules and establish the methods and processes by which such work is performed;
- h. Require the performance of duties stated and intended in job descriptions, with the understanding that every duty is not always described;
- i. Recommend positions, reclassify positions, and/or the reassignment of employees to different positions with different classifications and/or pay;
- j. Fiscal responsibility of the department.

(d) Administration of Policy

Proper policy administration includes selecting goals and encouraging the discharge of duties above the minimum standards. The provisions of this Handbook create high standards of conduct so that training and performance can be aimed at the highest levels and may in appropriate cases, be the basis for internal discipline. This handbook provides general information about city policies, procedures, expectations, and benefits. The information in this handbook, however, cannot anticipate every situation or answer every question regarding your employment. Therefore, the policies set forth in this Handbook may not cover all situations. The City Manager shall make interpretive decisions for those situations that are not specifically covered by this handbook and may, in the best interest of city operations, override any provision in this handbook.

The intent of this personnel policy handbook is compliance with all applicable federal and state law. In the event of a change in law or a conflict in federal or state law with the contents of this handbook, the federal and/or state law shall supersede the policies contained within this handbook. All police department

employees must also follow the Police Department Standard Operating Procedures (SOPs) in addition to this handbook.

Section 2: "At-Will" Employment

All employment relationships are at-the will of the City of Flowery Branch and the employee. Employees may resign or quit at any time for any or no reason, with or without cause or notice. Similarly, the City of Flowery Branch may discharge an employee at any time for any reason, with or without cause or notice.

This handbook is not intended to and does not create an employment contract between the City and its employees. Your employment is for no specified period of time, and this Handbook does not limit your right or the City's right to terminate your employment at any time for any reason or no reason.

Section 3: Departmental Operating Rules

Departmental operating rules and regulations related to employment matters, not in conflict with this Handbook, may be used and/or established by the Department Director. All such departmental operating rules and regulations and subsequent amendments thereto adopted pursuant to this Section shall be submitted to the City Manager or Designee for approval prior to adoption. To the extent there are any questions as to the controlling rule, the rule requiring the most stringent level of employee performance shall govern.

Section 4: Revisions to Handbook

This Handbook may be amended in whole or in part from time to time at the sole discretion of the City in order to maintain legal compliance, operative effectiveness, and desired workplace conditions. Amendments will be available to all employees upon adoption.

Section 5: Personnel Records

A record of service will be managed by the City Clerk for every active employee. Service records for terminated employees shall be retained as required under all applicable record retention laws. An employee has the right to review and request copies of their personnel file. These requests will be facilitated by the City Clerk. Open records requests and confidentiality of personnel records will be managed as defined in the City's policies and the Georgia Open Records Act.

It is the responsibility of the employee to notify the City of any personal data changes, such as name, address, phone number, emergency contact information,

change in beneficiaries, etc. Name changes will require legal documents as back-up, i.e. marriage certificate, divorce decree, etc.

Section 6: Personnel Handbook

(a) Scope

The provisions of this Handbook apply to all employees of the City of Flowery Branch, Georgia, both on and off duty, unless otherwise indicated, restricted by authority, or limited by law.

(b) Not a Contract

This handbook does not constitute a contract of employment or benefits. Nothing in this handbook should be construed as a guarantee of continued benefits from, or employment by, the City of Flowery Branch. All employees are subject to discharge with or without cause.

(c) Changes

The City Manager reserves the authority to recommend, modify, revoke, amend, suspend, interpret, terminate, or change any or all of the provisions of this handbook. Except in the case of emergency, employees will be given appropriate notice of any change.

(d) Titles/Headings

The use of titles or headings in this Handbook shall not govern, limit, modify, or affect the scope of meaning or intent of any provision.

(e) Validity/Severability

Any statement in a directive found to be illegal, incorrect, or inapplicable shall not affect the validity of the remaining contents.

(f) Distribution

Every city employee will have access to a copy of this handbook and copies of amendments and revisions as they are adopted.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

(g) Compliance

All provisions of this Handbook are applicable to regular full-time, part-time, seasonal, and temporary employees, except where otherwise noted in the Handbook.

(h) Official Copy

An official copy of the City of Flowery Branch, Georgia Personnel Handbook containing the latest revisions is maintained by the City Clerk and can be found in the offices of such department.

Section 7: Definitions

The following words and phrases shall have the following meanings. All other words not defined herein shall have the common and ordinary dictionary meanings unless a different meaning is required by the context.

(a) Comp Time

The comp time rate of pay is one and one-half (1½) times the regular rate of pay for non-exempt employees.

(b) Days

Unless otherwise provided, “days” refers to business days, rather than calendar days or shift days.

(c) Demotion

Demotion is defined as the change of an employee from a position in one grade to a position in another grade at a lower level. Demotions may be to one or more grade levels lower than the current employee status.

(d) Department

The recognized departments for the City of Flowery Branch:

- a. Mayor & Council
- b. City Manager’s Office
- c. City Clerk
- d. Community Development and Planning

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

- e. Community Relations
- f. Public Works
- g. Municipal Court
- h. Finance
- i. Police Department
- j. Water/Wastewater

(e) Department Director

The highest administrative employee of a department, whether indicated as Director, Chief, or other job title or rank.

(f) Disability

A physical or mental impairment that substantially limits one or more of the major life activities of an individual.

(g) Employee

- a. **Regular Full-time Employee:** Any employee filling an approved, budgeted position with a regularly scheduled work week of more than thirty (30) hours per week.
- b. **Regular Part-time Employee:** Any employee filling an approved, budgeted position with a regularly scheduled work week of thirty (29) hours or less per week. Regular part-time employees are not eligible for employee benefits unless specifically noted.
- c. **Police Officer Employee:** Those employees designated as a sworn law enforcement officer and assigned to the police department working a shift other than the regular work week.
- d. **Temporary Employee:** Any employee filling a position for a specified length of time, for either long or short-term work assignments. Temporary employees are not eligible for employee benefits unless specifically noted.
- e. **Contract Employee:** Any individual hired pursuant to an individual written employment contract which governs their employment relationship with the City.

(h) Exempt Employee

An employee defined according to the federal Fair Labor Standards Act (FLSA) to be subject to equal pay provisions but exempt from minimum wage and overtime pay provisions. Exempt employee's compensation is based on an annual salary

basis and there is no compensation for hours worked in excess of the defined work week.

(i) Health Impairment

A temporary or permanent mental or physical impairment including, but not limited to injury (on or off the job), illness, or other job-restricting impairment, which diminishes or precludes one's capacity for, or renders one unfit for performance of the essential job functions of the position.

(j) Non-Exempt Employee

An employee defined according to the FLSA to be subject to equal pay, minimum wage, and overtime provisions. For regular employees, hours worked in excess of the 40-hour work week will be paid at a rate of 1½ times the employee's regular rate of pay. For police officer employees, hours worked more than the 85.75 hour bi-weekly work period will be paid at a rate of 1½ times the employee's regular rate of pay. For guard employees, hours worked more than the 85-hour bi-weekly work period will be paid at a rate of 1½ times the employee's regular rate of pay.

(k) On-the-job Injury

An injury arising out of employment or sustained in the course of employment.

(l) Overtime Rate

The overtime rate of pay is one and one-half (1½) times the regular rate of pay for non-exempt employees.

(m) Promotion

A promotion is defined as the change of an employee from a position in one grade to a position in another grade of a higher level.

(n) Qualified Person with a Disability

An individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.

(o) Reassignment

Reassignment is defined as the movement of an employee within the classification plan not otherwise covered by demotion, promotion, or reclassification. The terms reassignment and transfer may be used interchangeably.

(p) Reclassification

A position whose classification is altered due to job duties and responsibilities. Reclassifications can be to a higher, lower, or same pay grade.

(q) Relative

For purposes of this handbook, relatives are defined as follows:

- a. Spouse
- b. Parent or Stepparent
- c. Parent-in-law
- d. Child or Stepchild
- e. Sister or Stepsister
- f. Brother or Stepbrother
- g. Sister-in-law
- h. Brother-in-law
- i. Grandparent and Grandparent-in-law
- j. Grandchildren
- k. Aunt or Uncle
- l. Niece or Nephew
- m. First Cousin

(r) Supervisor

The term supervisor shall apply to any employee formally assigned to supervisory responsibilities for personnel and operations of a work unit within a larger department of City government. Department Directors and the City Manager should be understood to be supervisors of individuals who report directly to them.

(s) Unauthorized Absence

Failing to report for duty or failure to remain at work as scheduled without proper notification, authorization, or excuse.

B. ATTENDANCE & WORK HOURS

Section 1: Policy Statement

To maintain a high level of responsiveness to the City of Flowery Branch citizenry, it is important that employees follow established work hours, avoid tardiness and unauthorized absences, and follow reporting requirements.

Section 2: General Provisions

(a) General Business Hours

All offices of the City will be kept open continuously from 8:00 a.m. to 4:30 p.m. Monday through Friday. Unless otherwise approved by the City Manager, the regular work week is from 8:00 a.m. to 4:30 p.m. Each department may schedule alternate work schedules to meet their needs and the needs of citizens with approval of the City Manager.

(b) Dress Code

Employees are expected to maintain the highest standards of personal cleanliness and present a neat, professional appearance at all times. Our professional image is an important aspect of our organization. Whether or not your job responsibilities place you in direct contact with city officials, state officials, legislators or the public, you represent the City with your appearance as well as your actions. The properly attired man or woman helps to create a favorable image for the City. Situations in which inappropriate attire is worn and/or any exceptions to the dress code will be addressed by the employee's Department Director in consultation with the City Manager. Employees who are improperly attired may be required to leave work to change their attire. Employees will not be compensated for the time they are away from work to change improper attire.

Unless otherwise announced by City Manager, every Friday employees may wear casual attire which is clean, neat, and presentable. Any other casual day will be designated at the City Manager's discretion.

The following clothing is not appropriate attire for casual day: shorts, halters, tank tops, jeans with holes, stretch pants, sweatpants, lounge pants, low neckline front or back, flip flops and slippers or clothing that has words, pictures, scenes, etc. Exceptions may be authorized by the City Manager for special events or weather conditions, such as allowing tailored shorts for hot weather.

Employees within the Public Works and Water/Wastewater Departments will be

provided work boots paid for by the City in the amount of \$150.00. During extenuating circumstances or events, the City may pay up to \$175.00 after approval from the Finance Director or designee. Any amount above the approved price, will be the responsibility of the employee at the time of purchase.

(c) Hours Worked

Authorized paid leave is not considered hours worked for the purpose of determining overtime eligibility or Family Medical Leave (FML) eligibility.

(d) Attendance Requirements

Maintaining good attendance is a condition of employment and an essential job function of every employee. An employee will refrain from unauthorized absences or tardiness; abusing sick leave; absences or tardiness that causes significant disruption of service, and excessive amount of time off the job, regardless of reason. An employee absent from the job without proper authorization for three consecutive workdays may be considered to have resigned their position, unless exigent circumstances are demonstrated upon review on a case-by-case basis.

(e) Additional Work

All employees may be required to work in excess of their official hours, when necessary, as determined by department management. Such additional work assignments may be rotated and allocated among employees qualified to perform the duties. Excess hours may be required or granted for a specific period of time or on a regular basis as operating circumstances warrant. Additional work by non-exempt employees must be approved in advance by the employee's supervisor. This includes, but is not limited to, work before or after regular work hours or work taken home.

(f) Time Entry

All non-exempt employees are required to utilize the electronic time and attendance software for all hours worked. All non-exempt employees will approve and submit their electronic timecard to their Department Director or Supervisor for approval at the end of each pay period. The Department Director or Supervisor is responsible for timely reviewing and approving their department timecards for payroll processing.

(g) Meal Breaks

Mealtime should be thirty (30) minutes in length. Other rest periods of short duration during the day should not be disruptive to operations and should not exceed a total of fifteen (15) minutes in length and be approved by the employee's supervisor. In compliance with the Fair Labor Standards Act, mealtime during a shift or tour of duty is not considered compensable time, unless the employee is required to respond to calls during the mealtime. Department Directors may allow other mealtime lengths that are greater than thirty (30) minutes.

Section 3: Alternative Work Schedules**(a) General Provisions**

Subject to operational requirements, regular full-time employees may be permitted to work an alternative work schedule that allows the employee to work outside the normal work hours of 8:00 a.m. to 4:30 p.m. Monday through Friday.

(b) Approval Process

Any change in an employee's work schedule must be agreed to in writing by the Department Director and the employee prior to implementation. In addition, the City Manager must approve any change in an employee's work schedule to ensure there is no conflict with statutory/regulatory requirements or city policy.

(c) Restrictions

- The City may cancel or suspend an employee's alternative work schedule privileges at any time, for any or no reason.
- Daily and weekly work schedules can be modified at the City's discretion to meet changing operational needs.
- Approval of an alternate work schedule does not restrict employees from working more than their scheduled work hours.
- Employees can be required to depart from their alternate work schedule as necessary, to work additional hours, to attend training, or for other business purposes as determined by the City.
- No alternate schedule will be approved that has the potential to unduly increase the City's overtime pay liability or that results in an inconvenience to, or disruption of, the City's business.

(d) Telecommuting

Telecommuting is defined as working one or more days each workweek from home or an alternate work area instead of commuting to the city worksite where the employee would be required to work if they did not telecommute.

The fundamental assumptions behind utilizing telecommuting are:

- Productivity – it is expected to continue at a satisfactory and acceptable level during telecommuting periods.
- Organizational benefit – telecommuting will be done to benefit the organization and the services provided. Examples of this include during a pandemic or during office renovations, etc.
- Management discretion – The City Manager will have the final authority in the applicability of telecommuting for each situation and shall have the right to terminate the telecommuting program or a telecommuting agreement at any time.

The City may allow telecommuting during certain situations. However, telecommuting is not appropriate for all employees. No employee is entitled to, or guaranteed the opportunity to, telecommute. Offering the opportunity to work at home is a management option, based on the recommendation of the employee's Department Director. An employee's participation is strictly voluntary. All telecommuting agreements must meet the criteria in this policy and may be terminated at any time by either the employee or the supervisor. The City Manager, or designee, and the Department Director will be the final approving authority for any telecommuting arrangements made for city employees.

Not all city jobs lend themselves to telecommuting. Employees may be considered on an individual basis for their telecommuting eligibility. A primary consideration for administering telecommuting in the City is that it does not interfere with services provided to the public during business hours. An employee's work must be of a nature that face-to-face interaction with other employees, external customers, or project workgroups is minimal, and the employee's tasks can be performed successfully away from the office. Telecommuting agreements are entered into for the good of the City and the services provided.

Employer-initiated requests may be implemented during an emergency situation. Those may include times during an office space renovation, pandemic, hazardous weather, or other events that could result in the office needing to be closed while operations continue.

Employee-initiated requests will be considered on an individual basis for the following reasons:

- Temporary office renovation project
- Short-term emergency situations (hazardous weather, school or childcare closures, illness of immediate family members)
- Short-term planned or unplanned / preapproved situation (recovering from surgery, caring for a family member after surgery, repair technician appointment, etc.)
- Regular basis consideration when both the employee and the position are suited to such arrangements

City employees shall devote full time and attention to City business during telecommuting/business hours. Employees will not engage in outside employment during this time. Telecommuting is not a program designed to assist with dependent care. Primary care for dependents (childcare/elder care) during agreed-upon work hours shall be provided by someone other than the telecommuting employee. All telecommuting employees are required to maintain in-office periods, to attend staff meetings and interact as necessary with other staff, both within and outside of the department. Telecommuting employees shall not hold business meetings with internal or external clients, customers, or colleagues at their residence. Telecommuters shall be available to be called into the City work location at any time, without prior notice, for any reason, unless a medical condition would prohibit compliance at that time.

The amount of time an employee is expected to work per day or per pay period will not change due to participation in the telecommuting program. Employee salary, benefits, and insurance coverage will not change due to telecommuting participation. If a reduced workweek is agreed upon, this is a separate issue from telecommuting and will be treated just as a reduced workweek arrangement would be at the normal work location.

The employee must submit a sick or vacation leave request to cover any hours not worked due to (personal or family) illness, doctor appointments, or funeral attendance during the telecommuting period. Supervisory approval for leave and overtime requests shall be required in advance, just as in the normal work environment. Overtime must be pre-approved by the supervisor.

Office supplies will be provided by the City and should be obtained during the telecommuter's in-office work periods. Out-of-pocket expenses for supplies normally available in the office will not be reimbursed. All supplies must be returned to the City as soon as the telecommuting arrangement is no longer valid or if the equipment will no longer be needed by the employee to do their work.

The City will not provide office furniture.

It is important that consistent communications be maintained by telecommuting employees. Telecommuters shall be available at their remote locations by telephone and/or e-mail to management and other City staff during agreed-upon work hours. The City will not provide cell phones to telecommuters unless they are otherwise provided in the normal scope of business. Telecommuters shall notify the office if they leave their telecommuting location, just as they would inform the receptionist or someone else when leaving the traditional office during the workday. Reimbursement for cellular phone calls from the remote work location requires Department Director approval.

All employees approved for a telecommuting arrangement must continue to comply with all City policies, which includes the technology policy. Employees will always protect City equipment and property. If damage or theft occurs, an employee must report it to their direct supervisor immediately. Equipment must be password protected, include up to date virus protection, stored in a safe and clean area when not in use, and free of suspicious, unauthorized, or illegal software.

Employees will maintain accurate records of all hours worked and meal breaks through the electronic timekeeping system that the City utilizes.

C. EMPLOYEE STATUS CHANGES

Section 1: Policy Statement

Employees may undergo any number of changes in status and/or compensation. The purpose of this chapter is to identify and describe the more common of these changes.

Section 2: General Provisions

(a) Requirement

All promotions, demotions, reassignments, or transfers are contingent on position availability, the employee meeting the minimum qualifications, and the availability of funds in the discretion of the City Manager and City Council.

(b) Probation Period Requirements

1. Original Probation Period

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Newly hired employees are subject to a twelve (12) month probationary period in the position to which they are hired (the “Original Probation Period”).

2. Position Probation Period

Employees who are promoted, demoted, are subject to a six (6) month probationary period in the new position (the “Position Probation Period”). If the probationary period is to be extended, the employee will be notified in writing at least two weeks prior to the expiration of the Original Probation Period.

3. Extension of Probation

The probationary period may be extended one time for a period not to exceed three months by the Department Director with notice to the City Manager or Designee.

(c) Probation Period Restrictions

Except as the result of disciplinary action or business necessity, no status change described in this Handbook may occur while an employee is in a probationary period.

(d) Compensation

Status changes described in this Handbook may affect compensation, based on position classification and availability of funds.

(e) Effective Dates

Except for temporary reassignments in emergency situations, status changes described in this Handbook can only be effective at the beginning of a pay period.

Section 3: Promotions and Demotions

(a) Eligibility for Promotion

Employees may be eligible to promote to higher classified positions based on qualifying skills and demonstrated performance. Employees should consult their Department Director regarding career tracks and job requirements for promotion

within their area should opportunities arise. Employees should also check the City website for announcements and requirements for job openings.

(b) Reasons for Demotion

Employees may be demoted as the result of failure to meet minimum performance standards established for their position, disciplinary action, job elimination due to business necessity, or accommodation.

Section 4: Reassignment

(a) Management Reassignment

An employee may be reassigned to a position in the same rank or classification with different duties and responsibilities. This action may be taken at the discretion of Department Director.

(b) Temporary Reassignment to Higher Classification

Employees may be temporarily assigned to an acting status in a higher position having different duties and responsibilities when:

1. An existing position is vacant, or the incumbent is or will be absent from work for at least thirty (30) days.
2. Operational effectiveness precludes dispersing the duties of the position among other equally classified employees.
3. The employee meets the minimum qualifications of and is capable of performing the assigned duties of the higher-level position, and
4. The City Manager or their designee approves the temporary acting status in writing prior to the reassignment.
5. A PAF (Personnel Action Form) must be generated to reflect all changes.

(c) Employee-Sought Reassignment

Employees may voluntarily seek transfers to equally or lower classified available positions for which they are qualified. Such transfers may not be granted if the City Manager determines that it is not in the best interest of City operations.

Section 5: Management Reclassification

(a) General Overview

Reclassification of a position may occur at the request of a Department Director and upon approval of the City Manager when the job duties actually performed, and the minimum qualifications of the position have significantly changed since the job description was written.

Reclassification may result in a position being placed in a higher, lower, or same classification. Employees whose positions are reclassified will be given advanced written notice of the reclassification by the Department Director.

(b) Approval

All requests for reclassifications should be submitted to the City Manager or Designee, for approval.

Section 6: Nepotism & Conflicts of Interest

(a) General Overview

When relatives, as defined earlier in the definition section, work within the same department, potential conflicts of interest can arise. In order to prevent these conflicts, the city prohibits two (2) or more relatives to be employed within the same department.

(b) Options

1. Voluntary movement of either or both employees based on availability of positions in other departments and qualifying skills of the employee(s).
2. Involuntary reassignment to an available position of equivalent status/grade.
3. Resignation or dismissal from City service.

(c) Non-Fraternization

Romantic or sexual relationships between a manager/supervisor and a direct report employee can cause real or perceived conflicts of interest. In order to prevent these conflicts, the City prohibits such relationships or any conduct that is intended or may reasonably be expected to lead to the formation of a romantic or sexual relationship between a manager/supervisor and an employee in a direct reporting relationship. This policy applies regardless of whether or not both parties freely

consent to such relationships. Should a manager desire to date or become involved with a direct report employee, the manager should first resign from their position with the City.

Should two employees within the same department but not in a direct reporting relationship desire to become involved in a romantic relationship, they should disclose the relationship to the Department Director who shall then make a decision regarding the effect of the relationship on work product and workflow within the department. If in the judgment of the Department Director, the relationship between two employees within the department creates a negative effect on departmental operations, then one of the two will be asked to transfer or resign their position with the City.

By its prohibition of romantic and sexual relationships, the City does not intend to inhibit the social interaction (such as lunches or dinners or attendance at entertainment events) that are or should be an important part or extension of the working environment.

D. HIRING AND SELECTION

Section 1: Policy Statement

The City is committed to employ, in its best judgment, the most highly qualified candidates for approved positions in compliance with all applicable employment laws. It is the policy of the City to provide equal employment opportunity for all employment to all applicants and employees.

The City Manager or designee's authorization is required to initiate any action for an open position including any recruitment efforts, advertising, or interviewing, and approval is required to extend any offers of employment to any perspective candidate.

Section 2: General Provisions

(a) Equal Employment Opportunity

The City of Flowery Branch provides equal opportunity to all employees and applicants without regard to race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, or status as covered veterans in accordance with applicable federal, state and local laws. This policy applies to all terms and conditions of employment including, but not limited to hiring, placement,

promotion, termination, reduction in force, recall, transfers, leaves of absence, compensation, and training.

(b) The Americans with Disabilities Act

The Americans with Disabilities Act (ADA) prohibits, under certain circumstances, discrimination based on disability in the areas of employment, public services, and public accommodations. ADA requires employers to reasonably accommodate qualified individuals with disabilities. It is City of Flowery Branch's policy not to discriminate against individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. The City of Flowery Branch will provide reasonable accommodations to both employees and members of the public, if so requested, unless it creates an undue hardship for the City. The factors to be considered with respect to an undue hardship are: (1) the nature and cost of the accommodations; (2) the overall financial resources of the facility at which the reasonable accommodations is to be made; (3) the number of persons employed at that facility; (4) the effect on expenses and resources or other impact upon that facility; (5) the overall financial resources of the City; (6) the overall number of employees and facilities; (7) the operations of the particular facility as well as the entire City; and (8) the relationship of the particular facility to the City. These are not all of the factors but merely examples.

Reasonable accommodations must be requested in writing and submitted to the City Manager. The request will be reviewed and considered by the Reasonable Accommodation Committee comprised of the City Manager, the Department Director, and the Safety Officer, and will render a written decision within 10 working days.

Any employee who believes that there has been a violation of this City policy, or any applicable law relating to accommodating a person with a disability, should immediately contact their Department Director. If the Department Director is unable to resolve the issue, the individual is to contact the City Manager. All complaints will be promptly investigated. All individuals are expected to cooperate with an investigation. The information obtained during the course of an investigation will, generally, be held in confidence and will only be disclosed to those individuals who have a need for the information.

(c) Selection Criteria

Selection for employment with the City of Flowery Branch is based solely on job-related qualifications and is contingent on satisfactory results of such exams or tests as either required by law or administered due to job-related duties.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

(d) Minimum Age

Eighteen is the minimum age of employment for the City with the following exceptions:

1. The minimum age for certified police uniformed services is age 21.
2. Selected temporary positions where persons are at least age 16 and are allowed by law to work in jobs that are non-hazardous.

Section 3: Application Process**(a) Recruitment Requests**

Upon a vacancy, the Department Director should notify the City Manager or Designee. An advertisement will be published for every vacancy stating the position, the minimum training requirements, the salary range, how to apply, and the closing deadline for application submission. This notice will be published for a minimum of fourteen (14) calendar days. At the recommendation of the Department Director and approval of the City Manager or Designee, an attempt at internal recruiting may be the initial course of action, in which case the advertising period may be altered.

(b) Forms and Submission

All candidates for a position, whether currently employed by the City, must complete a new employment application, resume or letter of interest and file it with the City's City Manager or Designee for each vacancy of interest. Additional information outside the initial employment application may be required from candidates.

(c) Examinations

As determined by the Department Director and under the review and management of the City Manager or Designee, the selection process may include, but not necessarily be limited to, one or more of the following: Oral interviews, evaluation of experience and training, written basic skills test, physical ability skills test, driver history, criminal history, truth verification testing, psychological testing, and reference and background checks. Any personnel involved in finance, or the handling of cash will be required to have a credit check completed and the results will be taken into consideration for employment.

(d) Falsified or Omitted Material

Omission or falsification of any material fact on an application or resume or any other official agency documentation disqualifies an applicant for consideration of employment, transfer or promotion. Disciplinary action may be taken against a current employee for an omission or falsification, up to and including termination regardless of when the omission or falsification is discovered.

Section 4: Selection**(a) Job-Related Criteria**

Selection for employment with the City of Flowery Branch is based on job-related criteria that may include, but is not limited to:

1. Possession of the necessary knowledge, skills, abilities, training, education, licenses, certifications, and experience required for the position.
2. Satisfactory results on performance tests and/or physical or psychological examinations, or drug and alcohol tests.
3. Satisfactory results on criminal history, driving record, employment and education reference checks.

(b) Nepotism

All provisions of the nepotism policy in this Handbook will be adhered to during the selection process. Department Directors or elected officials shall be prohibited from hiring their own relative to a position within their department. In recognizing that there are situations where romantic or other personal relationships between employees can adversely impact the conduct of the City's activities, the City has a policy perspective on such relationships.

The City recognizes the right of individuals to privacy in their personal relationships and the City will only involve itself where such relationships have the potential to impact the City's activities.

It is not possible to outline all the scenarios which would cause concern to the City, but some of the more obvious include:

- Where one employee has access to sensitive, confidential information or to information not generally available to all employees.

- Where one employee is a manager or supervisor of the other involved employee.

The City will treat any situations of this nature on a case-by-case basis. However, employees should be aware in advance that a likely outcome of such relationships is that one of the employees involved may have to terminate employment to avoid potential adverse impact on the City's activities.

(c) Position Control

It is the responsibility of the Finance Director or Designee to maintain a City-wide position control in order to track authorized positions and the status thereof. The position control shall be the document of authority for determining the availability of positions for recruitment.

Section 5: Eligibility Registers

To the extent that the examination process adopted by the City Manager or Designee, for a particular position provides for the creation of a listing of participants who met certain minimum standards for performance so as to be eligible for employment, this listing shall be known as an Eligibility Register. Any examination process that results in the creation of an Eligibility Register shall specifically state in writing the method by which offers for employment will be extended to individuals appearing on the Eligibility Register and shall so notify all participants in the examination process. In any event, and under any examination process resulting in the creation of an Eligibility Register, an individual's existence on an Eligibility Register does not constitute an offer for employment or any guarantee of future employment. Therefore, an individual shall have no expectation of employment based upon appearance on an Eligibility Register. To the extent that the examination process adopted for a particular position utilizes an Eligibility Register and specifically provides for future hiring based upon the Eligibility Register, any individual who is extended an offer of employment based upon appearance on that Eligibility Register more than sixty (60) days after the completion of the examination, shall be subject to submitting updated information, including re-submitting to the applicable background checks, drug tests, and medical exams. The subsequent submittal of updated information may result in an applicant being denied employment.

Section 6: Re-Employment

To be considered for re-employment, former employees must have demonstrated acceptable prior service with the City and must meet the current minimum qualifications for the position for which they are applying. Re-hired employees are

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

subject to the conditions of employment and benefits of a newly hired employee, except in the case of vacation leave where previous years of service for the city are credited as specified below in this Handbook.

Section 7: Probationary Period

(a) Application

It is the purpose of the probationary period to provide a time by which both employee and employer can decide whether to continue employment. Probationary employees and supervisors should utilize the time to examine all aspects of the job and related performance.

1. Original Probation Period

Newly hired employees are subject to a twelve (12) month probationary period in the position to which they are hired (the “Original Probation Period”).

2. Position Probation Period

Employees who are promoted, demoted, reassigned or transferred are subject to a six (6) month probationary period in the new position (the “Position Probation Period”). If the probationary period is to be extended, the employee will be notified in writing at least two weeks prior to the expiration of the Original Probation Period.

(b) Extension

The probationary period may be extended one time for a period not to exceed three months by the Department Director with notice to the City Manager or Designee. The employee must be notified in writing of their probationary status being extended at least two weeks prior to the expiration of the probation period.

(c) No Status Change

Employees in a probationary status are not eligible for reassignment, promotions or voluntary transfer, unless specifically approved by the City Manager.

(d) Appeal Rights

Employees in a probationary status do not have grievance or appeal rights to disciplinary action.

Employees who are in probationary status due to a promotion will maintain their appeal rights except for any grievance or disciplinary action that is directly related to the promotion.

(e) Dismissal

Dismissal of an employee during the probationary period should be coordinated with the City Manager or Designee and subject to review by the City Attorney. Newly hired employees terminated while on probation will not be compensated for any accrued vacation leave.

Section 8: Contract Employment

(a) General Overview

Personnel from temporary employment agencies or contract employees outside an agency may be utilized from time to time by the City to facilitate business needs. The temporary agency is responsible for hiring, training, assigning, disciplining, and terminating its contract personnel. For performance purposes, contract personnel assigned a City project will be supervised by the Department Director or Designee. Contract employees are not eligible to receive City benefits. Contract employees outside an agency must supply their own equipment, manage their own schedule and are responsible for their own payroll tax payment and filing.

(b) Requests for Contract Employment

Requests for contract personnel must be placed through the City Manager or Designee and will be reviewed by both City Manager and Finance, and subject to availability of funds. Temporary assignment must be approved by the Finance Director and City Manager prior to the engagement of the contract service. The City Manager or Designee will keep a list of approved temporary agencies and will coordinate the assignment once approval has been issued.

Section 9: Other Employment

(a) General Overview

The City recognizes that employees may seek additional employment during their off hours to earn additional income or develop new skills and experience. Despite any other outside employment, their City job is the primary employment responsibility for full-time employees. Working extended hours while at a secondary job may adversely affect the health, endurance, and productivity of

employees. The City does not consider outside employment to be an excuse for poor job performance, tardiness, absenteeism, or refusal to work overtime or travel when required by the City. Outside employment also presents the opportunity for conflicts of interest.

(b) Outside Employment

A City employee may engage in any business, trade, occupation, or profession that does not:

1. Bring the City into disrepute;
2. Reflect discredit upon the employee as an employee of the City;
3. Interfere with the performance of the employee's City duties;
4. Present a conflict of interest;
5. Result in misuse of City property or funds;
6. Result in use of the City position for unethical/or illegal personal gain;
7. Violate department policy or procedure; or
8. Decrease the health or endurance of employees or adversely affect their productivity.

(c) Dual City Employment & Volunteer Time

Employees may not hold more than one compensated position with the City.

(d) Prohibitions

9. Department Directors are prohibited in engaging in any form of outside employment without the specific approval by the City Manager.
10. No employee shall engage in any employment or business where the work presents a conflict of interest.
11. No employee shall engage in any employment or business where the work of the secondary employer has been in the last twelve (12) months or is currently the subject of an investigation by the employee's City department.
12. With the exception of vacation leave, if you are on leave of any other type, you are not able to work an off-duty job.
13. No employees shall engage in any private business or activity while on duty.

(e) Approval

1. An employee must obtain permission in writing from the Department Director or their Designee before accepting any other employment or engaging in any

other business. The prescribed form should be used for permission as it gathers the pertinent information for review of the request.

2. An employee must obtain permission in writing from the Department Director and the City Manager before accepting an assignment as a volunteer for the City.
3. Permission granted is subject to revocation in the event of a subsequent unknown or occurring conflict with this policy.

E. PERFORMANCE MANAGEMENT AND REVIEW

Section 1: Policy Statement

The job performance of all employees will be reviewed at least annually to determine if salaries should be adjusted, if job descriptions should be revised, or if jobs need to be reclassified. An annual formal performance review is intended to ensure that all employees:

1. Are aware of what duties and responsibilities are expected;
2. Understand the level of performance expected;
3. Receive timely feedback about their performance;
4. Have opportunities for education, training, and development;
5. Are evaluated in a fair and consistent manner;
6. Have performance goals established.

Section 2: General Provisions

(a) Timing

The performance of employees will be reviewed and documented:

1. Prior to completion of any probationary period.
2. Annually, on the anniversary date of hire. Associated merit raises will take effect the pay period within the anniversary date.

(b) Performance Discussion

Interim reviews by the supervisor of an informal nature throughout the year are expected. The purpose is to foster communication, assure common understanding of purpose and expectations, and to assist in detecting problems as they develop.

Section 3: Review Process

(a) Review Discussion Content

Together the supervisor and employee will discuss the employee's performance during the review period and plan for the next review period. The contents of the review should:

1. Identify the principal duties of the job and measured results of those duties during the review period;
2. Review the expectations of the level of performance and the measured results of meeting those expectations during the review period;
3. Define the results that recognize significant work or projects during the review period;
4. Identify and address areas of employee development needs;
5. Develop an action plan for training to improve or add skills;
6. Set goals and objectives for the upcoming fiscal year; and
7. Offer advice on career advancement, specialization and training.

(b) Documentation

The supervisor will document the employee's evaluation and any agreed upon plans on the prescribed forms. After the review with the employees, both the evaluator and employee should sign the form. Your signature on the evaluation form does not necessarily indicate agreement with the contents of that form, but merely indicates that you have seen and understand the contents of that appraisal.

(c) Appeal of Performance Review

If an employee disagrees with the supervisor's assessment of their performance, the employee may write a letter of explanation stating their concerns with the evaluation. Any submittals from an employee on their performance evaluation, will be included in their file.

F. TERMINATION OF EMPLOYEE STATUS

Section 1: Policy Statement

Employees leave the City of Flowery Branch workforce under various conditions that include retirement, voluntary separation, dismissal, or reductions in force.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Regardless of reason, the end of employment shall be conducted in a discreet, respectful, and efficient manner. Procedures may exist affecting the employee's terminal pay and disciplinary action appeals. Employees should make themselves aware of these procedures.

Section 2: Resignation or Retirement

(a) Resignation

An employee is required to submit a resignation to his/her Department Director at least two (2) weeks prior to the effective date of the resignation. The resignation notice should indicate the last working day or shift with the City of Flowery Branch. An employee may be permitted or request to leave immediately. Employees will not be allowed to use vacation during the notice period unless it was scheduled prior to giving notice. If the employee is requested by the City to not work through the notice period, the employee will be paid through the effective date of their resignation.

Department Directors are required to submit a resignation to the City Manager at least four (4) weeks prior to the effective date of the resignation.

(b) Retirement

An employee must give written notice of intent to retire to his/her Department Director as soon as possible, but no less than thirty (30) calendar days prior to the intended retirement date. This notice is required in order to facilitate timely processing of retirement benefits. The retirement notice should indicate the last working day or shift with the City of Flowery Branch. In the case of disability, application of disability retirement satisfies the notice requirement.

(c) Process of Exit

After receiving written notice of voluntary resignation or retirement, the Department Director shall notify the City Manager. Employees who leave the City's workforce will be paid for accrued paid time off as detailed in the Compensation & Benefits Chapter of this document, provided they have completed their initial probationary period and submitted a proper notice of resignation (described above). All city property assigned to the employee is considered an advance of wages and must be returned in proper working condition before receiving the final paycheck. Unreturned items will be deducted from the final payout to the extent allowed by law.

(d) Pending Disciplinary Action

An employee whose resignation or retirement notice is tendered and accepted after the initiation of a disciplinary action forfeits their right to appeal the disciplinary action.

(e) Involuntary Termination

Employees who are involuntarily terminated from the City will receive a written statement citing the reasons for the dismissal, the date of the dismissal, and appropriate notification for benefits.

Section 3: Lay-Off

(a) Statement of Policy

Lay-off is defined as a reduction in force that may result in the separation of employee(s) due to abolishment of a position, a shortage of funds or work, a need to increase efficiency, or a material change in the duties or organizational unit of the Department. No layoffs shall be made for the purpose of dismissing an employee for incompetence, misconduct, or for other reasons, except as included in this Section. The lay-off does not reflect discredit upon the service of the employee.

(b) Procedures

A lay-off can be recommended by the City Council and/or the City Manager, . Any lay-off must be approved by the City Manager or Designee prior to becoming effective.

Prior to the lay-off, the affected Elected Official/Department Director shall make recommendations to the City Manager or Designee who shall consider work records, employee evaluation ratings, and length of service in determining which employees shall be laid-off. If it is found that two or more persons in the Department in which the lay-off is to be made have equal ratings as determined by review of employee records and evaluation ratings, the order of lay-off shall be based upon seniority. No full-time employee shall be laid-off while another person is employed on a temporary or part-time basis in a position within the same job description if the employee is willing to accept the temporary or part-time work. In evaluating employees for purposes of a lay-off, care should be taken to accurately evaluate all employees. An employee shall not be laid-off based on race, color,

creed, religion, sex, national origin, age, political affiliation, disability, or any other category protected by federal and/or State law.

(c) Lateral Transfers or Demotions to Preserve Employment

Prior to lay-off and in an effort to avoid separation of employment, the City Manager or Designee may direct Lateral Transfers or Demotions as necessary to place employees into positions for which they are qualified rather than lay them off. Lateral Transfers or Demotions in accordance with this Section will be effective unless the employee elects in writing to be laid off. Written notice of said election from the employee must be received by the City Manager or Designee within three (3) working days after the employee has received notice of the Lateral Transfer or Demotion.

(d) Lay-Off Register

The City Manager or Designee shall prepare a register of employees who have been laid-off to be utilized as provided in this Section. The order of names appearing on this register will be based upon the order of the lay-off and when there is a tie, then seniority will be the determining factor. The names of the employees shall remain on the lay-off register for a period of one (1) year, unless the life of the register is extended an additional year by the City Manager or Designee in his/her sole discretion. During the life of the lay-off register, an employee may submit a written request to have his/her name removed from the list. Employees whose names appear on the lay-off register shall be given primary consideration when conditions warrant rehiring. "Primary consideration" shall mean that the employee does not have to go through the recruiting process, but that the City will notify the employees who appear on the lay-off register when there is an opportunity to fill a position that the laid-off employee previously held or a comparable position, either full-time or part-time; provided the employee meets the minimum qualifications for the position. In any event, employees whose names appear on the lay-off register are welcome to apply for other positions with the City at any time. If an employee is hired for another position in the City during the life of the lay-off register, the employee's name shall be removed from the lay-off register and no other special consideration shall be given to the employee.

G. USE OF CITY PROPERTY & EQUIPMENT

Section 1: Policy Statement

The City of Flowery Branch is committed to providing a safe workplace and has a substantial investment in the property and equipment used to provide employees the tools for the effective and efficient accomplishment of city business. The

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

appropriate use of facilities, vehicles, equipment, and other items of city property is expected from employees. Additionally, this policy governs the use of the City's computer and electronic communications system, which includes telephone, voice mail, fax machines, internet, electronic mail (e-mail) wireless internet connections and other computer usage.

Section 2: General Provisions

(a) Use of Equipment

All facilities, vehicles, furniture, supplies, and equipment provided and/or used in the course of employment, including without limitation, the telephone, computer, and electronic communications system, is the property of the City of Branch government and may only be used for approved purposes (collectively the "Property"). The Georgia Hands-Free Law must be followed at all times while operating a City vehicle.

(b) Privacy

No employee shall have an expectation of privacy in any Property. This includes the use of the computer and electronic communication system, including, but not limited to, the e-mail and voice mail messages they create, store, send and receive, and the internet sites they visit.

(c) Inspection of Property

Employees may be assigned and/or authorized the use of City-owned vehicles, lockers, desks, cabinets, computers, etc. for the convenience of the City and its employees. Management reserves the right to search city property assigned to employees and documents in employee desks, lockers, file cabinets, etc. The City has the right to monitor any and all aspects of its computer and electronic communication system, including, but not limited to, monitoring sites visited by users on the internet, reviewing material downloaded or uploaded by users to the internet, and reviewing email sent and received by users. Such monitoring may be conducted without prior notice. Use of the City's property automatically constitutes consent to such monitoring.

(d) Proper Authorization

An employee shall not, regardless of value, take City Property without authorization. The use of City Property for personal gain or for other than official duty-related use is forbidden.

(e) Discipline

Repayment for loss or damage may be required under this Chapter in addition to, or in lieu of, disciplinary action. Required repayment under this Chapter will be made by payroll deduction from the employee's pay as necessary to recoup the amount to be recovered.

Section 3: Vehicle Use & Operation**(a) Business Use**

Except as specified in this Handbook, City vehicles are furnished for official City business and may not be used for personal reasons without express written consent by the applicable Department Director. Employees with take home privileges may make short stops that do not deviate from their normal route during their commute.

(b) Vehicle Assignment

Employees assigned a city vehicle may be authorized to use the vehicle for transportation to and from work. This "take home" provision, if granted, shall only apply to employees living within a 30-mile radius of the city limit. If take home status is granted, no personal use of the vehicle is permitted after the commute is complete. No passengers may be transported in take home vehicles unless they are connected to city business or unless authorized by City Manager or in the case of an emergency as approved by the Department Director. Employees who are assigned a city vehicle are responsible for ensuring the preventative maintenance and repair schedule is met on the vehicle. Failure to ensure proper repair and maintenance may result in the revocation of the assignment. All vehicle assignments are subject to recall at any time.

Section 4: Electronic Communication Systems**(a) General Provisions**

"Electronic Communication Systems" is defined as internet, electronic mail, telephone, voice mail, facsimiles, , mobile phones, 800 or 700 MHz radios, computer and computer networks, directories, and files. Employees will not have privacy rights with respect to any activity using these Electronic Communication Systems. All data, including e-mail messages composed, sent and received are the property of the City of Flowery Branch.

(b) Professionalism

At all times, users have the responsibility to use Electronic Communication Systems in a professional, ethical, and lawful manner. Users should use the same care in drafting e-mail and other electronic documents as they would for any other written communications. Users should always strive to use good grammar and correct punctuation. Anything created or stored on the Electronic Communication Systems may be reviewed by others and the quality of communications is a direct reflection upon the City.

(c) Appropriate Use

Personal use of the Electronic Communication Systems is a privilege that may be revoked at any time. Unless prohibited by a Department Director, occasional, limited, and appropriate personal use of the Electronic Communication Systems is permitted if the use does not:

1. Interfere with the user's work performance;
2. Interfere with any other user's work performance;
3. Compromise the integrity of the Electronic Communication Systems; or
4. Violate any other provision of this policy or any other policy, guideline, or standard of the City of Flowery Branch.

(d) Inappropriate Use

Under no circumstances should the Electronic Communication Systems be used for sending, transmitting, intentionally receiving, copying, or storing any communication that is fraudulent, harassing, racially offensive, sexually explicit, profane, obscene, intimidating, defamatory, or in the City's sole opinion otherwise unlawful or inappropriate. Users encountering or receiving this kind of material should immediately report the incident to their supervisor and IT Vendor. Exceptions are limited to police investigations into criminal activities, which may require the use of the internet for information and intelligence gathering. This is permissible with the prior approval of the Police Chief. Other prohibited uses of the Electronic Communication Systems, include, but are not limited to:

1. Sending chain letters;
2. Sending copies of documents, messages, software, or other materials in violation of copyright laws;
3. Compromising the integrity of the City and its business in any way; and

4. The advertisement of personal business or conducting personal business activities.

(e) Misuse of Software

Users who become aware of any misuse of software or violation of copyright law should immediately report the incident to their Department Director. Files obtained from sources outside the City include files downloaded from the internet, files attached to e-mail, and files provided by citizens or vendors. These files may contain dangerous computer viruses that can damage the City's computer network. Users should never download files from the internet, accept e-mail attachments from outsiders, or use disks from non-City sources without first scanning the material with City approved virus checking software. If a user suspects that a virus has been introduced into the City's network, they should notify the IT Vendor immediately. Without prior written authorization from the IT Vendor, users may not do any of the following:

1. Copy software for use on their home computers or to other computers;
2. Provide copies of software to any independent contractors of the City or to any third person;
3. Install software on any of the City's workstations or servers;
4. Download any software from the Internet or other online service to any of the City's workstations or servers
5. Modify, revise, transform, recast, or adapt any software; and
6. Reverse-engineer, disassemble, or decompile any software

(f) Passwords.

Authorized users will be given a login name that allows access to the network. The user will have a personalized password, which should be obscure in nature and not divulged to others. Any user with knowledge of any password not their own shall report it to their supervisor immediately.

No employee shall attempt any unauthorized access to the system.

H. SAFETY & ACCIDENT REPORTING

Section 1: Policy Statement

The City of Flowery Branch is committed to providing a safe workplace. In accordance with this, employees are expected to take an active role in promoting workplace safety by reporting unsafe working conditions and by noting where fire

extinguishers, first-aid kits, and emergency exits are located. Additionally, employees are required to participate in identifying and correcting where possible, the underlying causes of accidents and unsafe conditions.

Section 2: General Provisions

(a) Employee Responsibility

Employees are responsible for exercising care and good judgment in preventing accidents and for observing safety rules and procedures when performing their duties. Employees are required to:

1. Report all accidents to their supervisor immediately;
2. Report any unsafe work conditions, equipment, or practices to their supervisor as soon as possible;
3. Attend scheduled safety meetings and activities;
4. In the event of an injury resulting in lost work time, continued contact with the supervisor is required for the purpose of keeping records on the expected return to work status.

(b) Equipment Repair

Employees have a responsibility to report the need for repairs of any City- owned or leased property issued to the employee. No employee shall alter, repair, or in any way change, add to, or remove any parts or accessories of any City-owned or leased Property without the permission of the Department Director.

Section 3: Personal Protective Equipment

The City may provide directly, or through an allowance approved in the annual budget each year, items of personal protection. Supervisors will direct use of personal protective items when warranted and employees are expected to comply with such direction.

(a) Vehicle Operator Qualifications.

To operate a city-owned vehicle in the course of business, an employee must:

1. Be at least 18 years of age;

2. Have a valid Georgia Driver's License for the class of vehicle to be driven or a valid Driver's License from the state in which the employee resides which allows employee to legally operate a city vehicle on Georgia roads;
3. Have a record of no more than two moving citations or one moving citation and one chargeable accident within a twenty-four (24) month period;
4. Chargeable citations include, but are not limited to, DWI/DUI/OUI/OWI, Felony, Suspended License, Fleeing, Excessive Speed.
5. Employees whose primary duty is to drive a city vehicle that do not have an acceptable driving history must be relieved of such duties and assigned to non-driving positions or non-driving duties until their 24-month record reflects an acceptable driving history. If a non-driving position is not available, the employee may be terminated.
6. Be otherwise qualified under federal and state regulations to drive the vehicle in question; and
7. Be trained and authorized to operate the vehicle.

(b) Annual License Review

To ensure the maintenance and validity of driver's licenses, driving records of employees who operate city vehicles will be examined on an annual basis or as needed, as determined by the Department Director. The City will check motor vehicle records (MVR) of all applicants prior to making offers of employment. As part of the hiring process, applicants will be required to sign a written consent form allowing the City to check motor vehicle records at any time prior to or during their employment. The Department Director will be responsible for collection of license copies each year and for the submittal of licenses to the Police Chief who will have the employee's license run through GCIC for review.

(c) Notification Procedures

Employees who operate vehicles in the course and scope of their employment must notify their supervisor:

1. When their driver's license becomes invalid or suspended for any reason. Such employees will immediately be prohibited from operating vehicles on City business.
2. Immediately during work hours or by the next working day if after hours, upon the receipt of any ticket or citation for any violation of state law or a local ordinance relating to motor vehicle traffic operation, except this shall not apply to parking violations received in a personal vehicle. In addition,

employees must notify their supervisor when at fault in a motor vehicle crash, whether cited by the police or not, and whether on duty or off. Likewise, employees required to operate any vehicles in the course of performing work for the City may be subject to discipline, including immediate termination if he/she is involved in an off-duty DUI, traffic citation, or accident that may indicated unfitness to safely operate a vehicle.

3. An employee who receives a citation for any violation while operating a City vehicle will be responsible for paying any fine or penalty incurred and will be subject to disciplinary action, up to and including termination.
4. Failure to report a citation received, whether off or on duty, may be grounds for disciplinary action, up to and including termination.

(d) Operation of Vehicles

Employees shall operate any vehicle used for City business in a careful and prudent manner and shall obey the laws, policies, regulations, and procedures of the city and state pertaining to such operation. Tobacco use or vaping in City-owned or leased vehicles is prohibited.

(e) Duty Restrictions

A physical, mental, or driving skill impairment that cannot be reasonably accommodated that affects an employee's ability to safely operate a motor vehicle, or failure to comply with the driver qualifications outlined in this Chapter, precludes that employee from operating any City-owned or leased vehicle for city business. If the operation of a vehicle is an essential job duty, an attempt will be made to place the employee in a non-driving position. If such a position is not available, the employee will be immediately relieved of duty. If the vehicle prohibition is due to suspected physical or mental impairment, the employee will be subject to a health fitness evaluation as outlined in this handbook.

(f) Passenger Restraint Systems

All drivers and passengers in city vehicles are required to wear their seatbelt whether or not it is required law. The only exception will be for detainees being transported in the rear of the police vehicle if the detainee presents a risk to the officer in fastening the seat belt. If the detainee presents a risk, a supervisor should be notified prior to transporting. The driver of the vehicle is responsible for compliance.

Section 4: Accident Involvement

(a) Report Required

All of the following, collectively referred to throughout this Section as an “Accident,” shall be reported to the immediate supervisor by the employee involved in the event and any City employees who witness the event:

1. All injuries to an employee or other person occurring during the course of business;
2. All accidents involving city-owned or issued vehicles or equipment, whether or not occurring during the course of business;
3. All accidents involving personal vehicles or equipment used during the course of business; and
4. All property damage occurring during the course of business.

(b) Employee Responsibilities

Unless transported from the accident scene for medical treatment, the employee involved in a job-related accident involving a vehicle or equipment will:

5. Render aid to other parties if possible and necessary;
6. Report the accident and any injuries immediately to local law enforcement in the event of a vehicular accident;
7. Immediately notify their supervisor or designee, as soon as possible if the supervisor is not available;
8. Record the name, address, and phone number of any witnesses, and note the specifics of the accident circumstances, if possible;
9. Be courteous, but not make or sign any statement for anyone other than the police officer responding to the scene;
10. Remain at the scene until excused by law enforcement personnel;
11. Not discuss or reveal information or provide statements to non-City personnel subsequent to the accident. This does not prohibit cooperation with law enforcement investigations outside the City’s jurisdiction.
12. Submit to all requested post-accident testing as directed by the supervisor or other City Management representative.

(c) Administrative Accident Investigation

The supervisor or other designated employees will conduct an administrative investigation into the circumstances of the accident and prepare a written report that includes a statement of the facts and analysis as to cause. The report will also include recommendations of any corrective action necessary to prevent recurrence of such accidents. The City Attorney will facilitate claim/litigation management with the City's insurance carrier.

(d) Examinations and/or Tests

An employee who is involved in a reportable accident may be required to undergo examinations and/or tests as specified in the Performance of Duty Standards and Substance Abuse Testing chapters of this handbook.

I. CITY TRAVEL

Section 1: Travel

(a) Statement of Policy

The City is supportive of continuing education for employees to improve their skills and knowledge to better serve our city. All travel must be preapproved by the employee's Department Director or the City Manager prior to making any reservations. The claims of employees for reimbursement of actual travel expenses while traveling on official business of the City shall be submitted on a travel expense statement approved by the Department Director or City Manager before reimbursement is made. Itemized receipts must be included with travel expense statement unless otherwise stated.

(b) Reimbursable Expenses

Transportation:

- a. The mode of transportation used should be the most reasonable, convenient, and economical available.
- b. Transportation by common carrier shall be reimbursed at the actual amount expended for such transportation. Plane reservations must be booked for economy class at least three weeks prior to traveling, when possible.
- c. The reimbursement rate for personal mileage is equal to the rate published by the Internal Revenue Service.
- d. The travel expense statement shall include the date, purpose and destination

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

of each trip. An employee shall be reimbursed only for travel related to the purpose of the trip.

- e. Requested mileage payment must be supported by the anticipated route obtained from a reputable internet map/direction system which gives anticipated mileage travelled. (i.e., MapQuest)
- f. Mileage should be calculated by totaling the number of miles driven and then subtracting the number of miles the employee would normally drive to their assigned work location. (i.e., employee drives 30 miles one way to a training. The mileage to work is 10 miles. $30-10=20$. Only 20 miles will be reimbursed.)
- g. Any travel incidental to a business trip shall also be included in the total number of miles traveled.
- h. Vehicles may be rented for official business subject to prior approval by the Department Director or City Manager.

Meals and Incidental Expenses:

- a. Expenses incurred for personal meals and incidentals shall be a per diem reimbursement based on the IRS Federal Guidelines as set according to the IRS Standards. This information can be found at: www.gsa.gov/portal/content/104877. Meals provided during a conference and covered in the conference registration may not be covered as designated by the Department Director. Itemized receipts associated with a travel per diem are not necessary.
- b. Travel day meal per diem will follow the IRS Federal Guidelines, typically 75% of the daily per diem.
- c. Incidental expenses of non-staff members will not be reimbursed and are the responsibility of the individual.
- d. A daily per diem rate from the GSA portal must be attached to the travel request form.
- e. Department Directors may at times host meetings and provide food for attendees. For reimbursement of the meal, Department Director is to submit a reimbursement form with an itemized receipt and the meeting information to include date, time, and topic of meeting.

Hotel:

- a. Expenses incurred for lodging shall be reimbursed. The City shall pay single occupancy. Any additional cost incurred to upgrade shall be paid by the employee.

- b. Employees and officials may be exempted from state sales tax and hotel/motel tax on rooms, lodging and accommodations when traveling on official business with the State of Georgia. The employee must pay with city issued funds (city check or city credit card) and furnish the State of GA Sales Tax Exempt Form and the Hotel/Motel Excise Tax Exempt Form at the time of check-in.

Miscellaneous:

- a. Parking, toll fees, telephone, telegraph charges, etc. shall be reimbursed to an employee traveling on City business.

(c) Non-Reimbursable Expenses

City vehicles shall not be used when employees are on an unpaid lunch/meal period. Mileage will not be paid to employees choosing to use personal vehicle to travel to or from a location for an unpaid lunch/meal period without prior approval of the City Manager.

(d) Sharing Costs with a Municipality

At times employees may travel with a colleague from another municipality to a conference. When making these arrangements to share a hotel or a car, the costs will need to be reviewed by the Finance Director or Budget Manager to ensure fees are split evenly between each municipality. (For example: one person may drive and the other may pay for the hotel costs. Mileage would need to be calculated to verify it is equivalent to half the hotel costs.) This information must be documented and turned in with receipts for reimbursement.

J. WORKPLACE VIOLENCE POLICY

Section 1: Workplace Violence

(a) Statement of Policy

The City is concerned about the well-being and personal safety of its employees and anyone doing business with the City. The City consequently strictly prohibits workplace violence. Acts of violence and/or threats of violence, whether expressed or implied toward individuals in the City workplace, are prohibited and will not be tolerated. All reports of incidents will be taken seriously and will be addressed appropriately. This policy defines prohibited conduct, as well as general procedures and potential responsive steps in the unfortunate event that workplace violence occurs despite these preventive measures. In addition, unauthorized, non-city

issued firearms, weapons, ammunition, or explosives on city property is strictly prohibited.

(b) Scope

This prohibition against threats and acts of violence (including domestic violence) applies to all persons involved in the operation of the City, including but not limited to, the City personnel, contract and temporary workers, and anyone else on city property.

(c) Definition of Workplace Violence

Workplace violence is any conduct that is severe, offensive or intimidating enough to make an individual reasonably fear for his/her personal safety or the safety of family, friends or property. Examples of workplace violence include, but are not limited to, threats or acts of violence or behavior that causes a reasonable fear or intimidation response that occurs on city premises, no matter what the relationship is between the City and the perpetrator or victim of the behavior or off city premises, where the perpetrator is someone who is acting as an employee or representative of the city at the time, where the victim is an employee who is exposed to the conduct because of work for the City, or where there is a reasonable basis for believing that violence may occur against the targeted employee or others in the workplace.

Examples of conduct that may be considered threats or acts of violence under this policy include, but are not limited to the following:

- a. Threatening physical or aggressive contact directed toward another individual or engaging in behavior that causes a reasonable fear of such contact.
- b. Threatening an individual or his/her family, friends, associates or property with physical harm or behavior that causes a reasonable fear of such harm.
- c. Intentional destruction or threat of destruction of the City's or another's property.
- d. Harassing or threatening physical, verbal, written or electronic communications, including verbal statements, phone calls, emails, letter, faxes, website materials, diagrams or drawings, gestures and any other form of communication that causes a reasonable fear or intimidation response in others.
- e. Stalking. Stalking is defined as a pattern of conduct over a period of time, however short, which evidences a continuity of purpose and includes

physical presence, telephone calls, emails and any other type of correspondence sent by any means.

- f. Veiled threats of physical harm or like intimidation or statements, in any form, that lead to a reasonable fear of harm or an intimidation response.
- g. Communicating an endorsement of the inappropriate use of firearms or weapons of any kind.
- h. Unauthorized possession of weapons of any type, whether licensed or not, and particularly firearms. The only exception is local, state, and federal law enforcement officers, police or arson investigators acting in the line of duty. Weapons, include, but are not limited to:

- Any weapon which, per applicable law, is legal or illegal to possess;
- Any firearm, loaded or unloaded, assembled or disassembled, including pellet, "BB", and stun guns;
- Knives (and other similar instruments) other than those present in the workplace for approved work purposes or for the specific purpose of food preparation and service;
- Any switchblade knife;
- Brass knuckles, metal knuckles, and similar weapons
- Bows, crossbows and arrows;
- Explosives and explosive devices, including fireworks, ammunition and/or incendiary devices;
- Throwing stars, nun chucks, clubs, saps, and any other item commonly used as, or primarily intended for use as a weapon;
- Self-defense chemical sprays (Mace, pepper spray) in canisters or containers larger than two ounces;
- Any object that has been modified to serve as, or has been employed as, a dangerous weapon.

Domestic violence is defined as a pattern of coercive tactics carried out by an abuser against an intimate partner (the victim) with the goal of establishing and maintaining power and control over the victim. Where the abuser's tactics include any of the above-described conduct on City premises, this policy applies. Where such tactics include any of the above-described behaviors off City premises, this policy applies where the abuser is someone who is acting as an employee or representative of the City at the time, where the victim is an employee who is exposed to the conduct because of work for the City, or where there is a reasonable basis for believing that violence may occur against the victim or others in the workplace. The term "intimate partner" includes people who are legally married to each other, people who were once married to each other, people who have had a

child together, people who live together or who have lived together, and people who have or have had a dating or sexual relationship, including same sex couples.

(d) Reporting Complaints

If you observe the possession of unauthorized non-City issued weapons on City premises, or if you are subjected to or threatened with firearms by a co-worker or member of the public, or if you become aware of another individual who has been subjected to or threatened with violence, you must report this information to your supervisor or the City Manager immediately. Supervisors must report all potential violations so they can be handled appropriately. Do not assume that any violation or threat is not serious. All complaints will be thoroughly investigated, and all complaints that are reported to management will be treated with as much confidentiality as possible. Employees who become angry, upset, or concerned with the actions of a co-worker, supervisor, member of the public or the City in general, are encouraged to seek assistance from the City Manager or Designee.

A 9-1-1 call may be appropriate first, in the good judgment of the employees or managers involved. Under this policy, decisions may have to be made quickly to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing. Nothing in this policy is intended to prevent quick action to stop or reduce the risk of harm to anyone, including requesting immediate assistance from law enforcement or emergency response resources.

Failure to report any threats or acts of violence in violation of this policy appropriately is itself a violation of this policy and may subject any employees involved to discipline up to and including termination.

Retaliation against anyone for reporting an actual or suspected violation of this policy in good faith will not be tolerated and will subject the individual engaging in the retaliation to discipline up to and including termination. Any complaints about retaliation should be reported in the same manner as violations of this policy are to be reported.

(e) What to Expect from the City

All incidents of violence and threats of violence that are reported will be taken seriously and investigated.

(f) City Expectations of Targeted Employees

Stay Away Orders: The City reserves the right to seek orders of protection (also known as restraining orders or stay away orders) against any person who violates the Workplace Violence Policy. Additionally, employees themselves may seek and obtain orders of protection against individuals outside of the workplace. Employees so protected are obligated to immediately notify the City Manager or Designee and their supervisor if (a) an order of protection extends to the workplace; or (b) they reasonably believe that their safety (or the safety of others) in the workplace is affected by the order of protection. Employees should provide written notification of:

1. the existence of any such order and provide a copy of the order;
2. any violations or attempted violations of the order;
3. any changes to the order that affect the workplace; and
4. the order being lifted.

Employees who are subject to orders of protection requiring them to stay away from or refrain from contacting other individuals who are or may be in the workplace (including employees, customers, vendors and others) must immediately notify the City Manager or Designee and provide a copy of the order.

Upon being notified of an order of protection, the City Manager or Designee will contact the reporting party to gather information about the individual and assess the situation. The City will make every effort to maintain confidentiality of such orders with the understanding that it will use the information as necessary to maintain safety in the workplace.

(g) Search Policy

If the City reasonably suspects that an employee either has or may have violated this policy, or that the employee possesses evidence that others pose a threat of workplace violence as defined by this policy, the City may request the individual to submit to a search of his or her person, personal effects, vehicles, and locker. In addition, the City may conduct searches of any City property including for instance workstations and areas, including desks, locker, credenzas, file cabinets, computers and computer-stored information, voicemail, email, business records, City vehicles and any other property or equipment owned by the City, at any time, without notice to or permission from affected employees, for purposes of enforcing the no violence policy. If an individual is asked to submit to a search, and refuses, that individual will be considered insubordinate and will be subject to discipline up to and including termination.

Searches will be conducted by a supervisor with a second witness and may or may not be conducted in the presence of the person whose property is searched. Any weapons or evidence of violations of this policy will be confiscated, and may be turned over to law enforcement, as appropriate. Any illegal activity discovered during an inspection is subject to referral to the appropriate law enforcement authorities.

(h) Assistance Programs/Services

The City provides all employees and family members with a no cost Employee Assistance Program (EAP) that has professionals trained to handle domestic violence cases. These professionals provide counseling, support, and referrals. In addition, EAP is a resource for employees who want to learn more about domestic violence or find out how to help a friend, family or coworker. Many community agencies provide free services for safety planning, counseling, support groups, shelter, and legal assistance. Please contact the City Manager or Designee if you need additional information.

Chapter II

Compensation

& Benefits

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

II. COMPENSATION & BENEFITS

A. COMPENSATION

Section 1: Policy Statement

The City of Flowery Branch's compensation philosophy is to maintain a competitive pay structure for the purpose of recruiting and retaining an effective and efficient workforce. The pay structure is designed to pay employees based on what their job is worth; ensure they appropriately move through the salary range for their classification; and recognize performance through merit pay, where applicable. The pay plan is designed to comply with federal and state law, including the Fair Labor Standard Act (FLSA). All aspects of the pay plan are contingent upon the availability of funds as determined in the sole discretion of the Mayor and City Council.

Section 2: Pay System

(a) Pay Period

All City employees will be paid on a bi-weekly basis. The work week will begin on Monday and end on Sunday. The actual pay date will be the Friday following the end of a pay period. When a pay date falls on an official city holiday, employees will be paid on the date preceding the holiday.

(b) Direct Deposit

Participation in the direct deposit program is mandatory for all city employees. All pay-related items, such as allowances and reimbursements, will flow through the regular pay cycle. An employee's final check upon the end of employment will be a direct deposit check, unless supplies, uniforms, and/or equipment has not been turned in. If this is the case, a live check must be picked up in person by the employee once items are returned.

(c) Payroll Deductions

Federal and state laws require us to make certain deductions from employee earnings, including income withholding and Social Security taxes. No deductions, other than those legally required, will be made from an employee's paycheck without their written consent. Authorized deductions may include participation in medical, dental, and other insurance plans. It is the responsibility of each employee to review all deductions annually during open enrollment to ensure accuracy.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

(d) Types of Pay Other Than Base Rate

1. Overtime Pay

Overtime work is work performed by a qualified employee which exceeds the regular work week, as defined in the Fair Labor Standards Act (FLSA). Compensation for overtime hours shall be at time and a half for hours worked in excess of the defined work period. Vacation and sick leave will not be considered as hours worked for overtime computation purposes. Refer to Section I.7(l) for overtime definition and calculation per employee type.

2. Compensatory Time

It shall be the City's policy to allow the accrual of Compensatory Time (Comp Time) in lieu of payment for overtime hours worked by non-exempt employees to reduce the cost of overtime wages and to assist employee productivity and effectiveness without extra cost to the City. Comp Time is defined as time off granted to a regular non-exempt employee to offset hours worked by the employee over and above those required in the normal course of employment. Exempt employees will earn forty (40) hours of Comp Time annually on July 1st. Exempt Comp Time can roll over up to twenty (20) hours with a max accrual of sixty (60) hours.

Each department may decide to utilize Comp Time. The Department Director is responsible for making that decision. Employees must agree to receive Comp Time in lieu of overtime payment.

▪ Accrual

Comp Time will accrue at a rate of one and one-half hours for each hour of employment for which overtime compensation is otherwise required and where the employee has not accrued Comp Time in excess of 40 hours. Accrual of Comp Time must be approved in advance by the employee's supervisor except in cases of emergency. Supervisors are expected to organize their projects and tasks appropriately to minimize Comp Time accruals.

The maximum accrual of Comp Time for non-exempt employees is limited to 40 hours. An employee who reaches this threshold shall, for additional overtime hours of work, be paid overtime compensation. Supervisors should attempt to schedule the utilization of Comp Time as

it is accrued. Comp Time cannot be accrued to the point where it would be impossible to be utilized by the annual deadline.

- **Utilization**

Comp Time accrued should be utilized (redeemed) at a time mutually agreeable to the employee and supervisor. This time will also be utilized with the least amount of disruption to productivity and effectiveness to minimize hardship. Use of Comp Time must be approved in advance by the employee's supervisor except in cases of emergency. The use of Comp time must be permitted upon employee request to use it unless to do so would unduly disrupt the employer's operations. In the event a supervisor denies the use of Comp Time that would cause an undue disruption, the supervisor must generate written documentation to support the decision. In order to prevent the excessive accrual of Comp Time and to avoid the extra overtime liability to the city, a supervisor may compel an employee to utilize Comp Time at their discretion.

Comp Time balances must be utilized by December 31st of each fiscal year for non-exempt employees or paid out as overtime. If an employee with accrued Comp Time is promoted to an exempt position, all accrued Comp Time will be paid out as overtime prior to the effective date of the promotion. All Comp Time earned by an employee must be used before the employee uses any accrued vacation or sick leave.

(e) On-Call Status

Some operational divisions in the City may designate non-exempt employees to be on-call to provide for after-hours service needs. Any on-call policy shall be determined by the applicable Department Director with approval of the City Manager depending upon the needs of the individual department and appropriations in the fiscal budget.

(f) Call Back Pay

A call back occurs when there is an emergency, or after-hours service need for which an employee reports to work as a result. A call back does not include additional hours of work scheduled in advance.

- a. An employee responding to a call back will be paid for two hours and the actual time worked on the call back assignment at their overtime rate.
- b. Travel time is included in the calculation of call back hours.
- c. Exempt employees are not eligible for call back compensation.

- d. If any employee is directed back to work on a call back, no vacation or sick time utilized during same pay period will off-set overtime payment.

(g) Acting Status Pay

Employees who are temporarily re-assigned to perform the duties of a higher classification for thirty (30) consecutive days or more may receive a compensation increase for the duration of the temporary assignment. The appropriate increase shall be recommended by the City Council, City Manager or Designee, but at no time should be less than the minimum pay range for the temporary assignment classification.

(h) Final Pay

Upon end of employment, employees will be paid at their base rate for accrued paid time off to a maximum as detailed in the Compensation & Benefits Chapter of this document.

Section 3: Compensation Plan

(a) Pay Plan

The City will maintain a Classification and Compensation Plan, including a complete inventory of all positions in the City's service and an accurate description and specification for each grade of employment. This plan was developed by Carl Vinson Institute of Government. The plan will standardize titles, by categorization of every job by class on the basis of similarities in duties, responsibilities, each of which are indicative of a definite range of duties and responsibilities and has the same meaning throughout assigned departments. The Classification and Compensation Plan will be designed to provide equal pay for equal work and to provide a pay range for each grade of positions, which will enable the City to recruit and retain qualified employees, as well as compete in the job market with other public employers. The pay plan is a grad/step plan updated annually based on the cost-of-living adjustments applied to current employees as approved by City Council. All aspects of the pay plan are contingent upon the availability of funds as determined in the sole discretion of the Mayor and City Council.

(b) Administration

The primary responsibility for day-to-day administration of the Classification and Compensation Plan rests with the City Manager or Designee, as follows:

1. The City Clerk and Finance Director are charged with the maintenance of the Classification and Compensation Plan and its administration so that it will reflect the duties performed by each employee and the grade to which each position is allocated.
2. It is the responsibility of the City Clerk and Finance Director to examine the nature of the positions as they are created and to allocate them to an existing grade in conformity with this section; to make such changes as are necessary in the duties and responsibilities of existing positions; to develop forms and to provide vital information when deemed necessary to determine the proper grade classification of each position; to periodically review the entire Classification and Compensation Plan; and recommend appropriate changes in the plan.
3. The City Clerk and Finance Director will facilitate the requests for newly authorized positions or changes in duties of an existing position change. The Department Director must submit a Position Review Request to the Finance Director and City Clerk. The City Clerk and Finance Director will investigate the actual or suggested duties and make a report to the City Manager or Designee for approval. Ultimate approval for new positions shall be by the Mayor and City Council.

(c) Use of the Classification & Pay Plan

The Classification and Pay Plan is to be used:

4. As a guide in recruiting and evaluating candidates for employment;
5. In determining lines of promotion and in developing employee training programs;
6. In determining salary to be paid for various types of work;
7. In providing uniform job terminology understandable to all City officials and employees and by the public;
8. The official job title represented on the Classification and Pay Plan should be used in all personnel, accounting, budget, appropriation, and financial records. No person will be appointed to or employed in a position in the City service under a title not included in the Classification and Pay Plan and approved by the Mayor and City Council;
9. Other job titles may be used in the course of departmental routine to indicate authority, status in the organization and/or administrative rank;
10. It should be general practice for newly hired employees to be hired at the minimum pay rate of the applicable grade for the position. The City of

Flowery Branch recognizes that in some instances it may be necessary to hire employees above the minimum pay rate of the applicable grade for the position. Department Directors may recommend hiring personnel above the minimum starting salary by completing a memo on City letterhead and submitting it to the City Manager and Finance Director for approval. Department Directors should be mindful of internal equity when extending offers above the minimum.

(d) Maintenance of Pay Ranges

The City Manager or Designee may make or cause to be made such comparative studies as he or she deems necessary of the factors affecting the level of salary ranges prior to the preparation of the annual budget, as well as at other times during the year. On the basis of information derived from such studies, the City Manager or Designee may make recommendations for changes in salary ranges as deemed necessary to maintain the fairness, adequacy, and competitiveness of the overall salary structure.

Section 4: Changes in Salary

(a) Performance Reviews

The job performance of all employees will be reviewed annually to determine if salaries should be adjusted, if job descriptions should be revised, or if jobs need to be reclassified.

(b) Salary Increases for Performance

Subject to annual budget appropriation, each department may be allocated a pool of merit dollars to be distributed by a percentage basis on a formula derived from the performance evaluation results. The City Manager reserves the right to make additional pay adjustments as necessary for business operations.

(c) Salary Changes Due to Promotions

The pay for employees receiving a promotion will be the greater of either the minimum of the pay grade of the promoted position or a five (5) percent increase. The City Manager may allow a greater increase up to ten (10) percent in order to address any internal equity issue. Any increase greater than ten (10) percent must go before Council for approval.

(d) Salary Changes Due to Reclassification

The pay for an employee whose position is reclassified to a higher pay grade will be upon the recommendation of the Department Director. At a minimum, the rate will be that of the higher position, but shall not exceed a five percent increase if the existing salary already exceeds the minimum rate for the higher position. The pay for an employee whose position has been reclassified to the same or lower pay grade will not change.

(e) Salary Changes Due to Demotion

The pay changes for employees receiving a demotion will be as follows:

1. Demotions Based on Performance

The pay for employees receiving a demotion will be five (5) percent decrease in pay. At the Department Directors request, the City Manager may allow a greater or lesser decrease in order to address any internal equity issue.

2. Voluntary Demotions (not performance based)

The salary of an employee who voluntarily demotes to a position in a lower pay grade based on a personal decision to do so will be determined upon the recommendation of the Department Director.

3. Involuntary Demotions (not performance based)

The salary of an employee who has been involuntarily demoted due to business needs or for accommodation purposes and not based on performance will not experience any change in pay.

(f) Other Salary Increases

The City Manager reserves the right to make additional pay adjustments as necessary for business operations provided that funds are available.

(g) Employees at Maximum of Pay Range

As part of the City's pay plan, pay ranges are established based on market rates. Each range will consist of a minimum and maximum, except for the City Manager whose range will be considered open.

Should an employee's pay rate reach the maximum of their assigned pay range, and a pay increase is offered to employees as part of the annual fiscal year budget (merit, market, or across-the-board), effected employees will receive any increase, if applicable, over the maximum of their range as a lump sum payment starting as of the date coinciding with the budget or effective date. In such a case, the employee's pay rate shall not be adjusted, but the City shall take into account any such lump sum payment for purposes of computing overtime as applicable under the Fair Labor Standards Act.

B. EMPLOYEE BENEFITS- LEAVE TYPES

Section 1: Policy Statement

The City of Flowery Branch believes that employees should have the opportunity to enjoy time away from work to help balance their work and personal lives. City management recognizes that employees have diverse needs for time off from work. Because of this, the City has established leave practices to address the balance, as well as to protect the financial well-being of employees during certain absences from work. Employees are accountable and responsible for managing their own leave balances to allow for adequate reserves if there is a need to cover unanticipated events requiring time away from work.

Section 2: Overview of Requirements & Restrictions

(a) General Provisions

Except as provided otherwise in this chapter, the following apply to all paid leave benefits:

1. Approval of leave is subject to operational requirements of the department and any request for paid leave may be denied or rescheduled due to staffing needs;
2. Paid leave cannot be advanced;
3. All requests for leave must be submitted electronically through the time management system utilized by the City, with as much notice as possible;
4. Except for military leave, any employee in an unpaid leave status will not accrue paid time off. This will not, however, constitute a break in service for accrual rate purposes.

(b) Unpaid Leave Status

Unpaid leave will not be approved under normal circumstances. All requests for leave without pay must be approved by the City Manager or Designee. Paid time off will not be accrued during leave without pay status. Please note that while an employee is on leave of absence without pay, there is no job protection by the City, except as required by law. Employees may continue, at their sole expense, their group health insurance coverage while on leave of absence without pay. In order to continue coverage, the employee must contact the City Clerk or Designee to arrange for documentation and payment of premiums. If approved, unpaid leave status will be granted for a minimum of one (1) week or up to thirty (30) days. If an employee is granted a leave of absence, the employee will make written arrangements with his/her Department Director for making contact and giving weekly status updates and the anticipated return to work regarding his/her absence. The exceptions to these provisions are leave granted as Family Medical Leave Act and Military Leave as specified later in this chapter.

Section 3: Vacation Leave

(a) Eligibility

It is the policy of the City to provide vacation leave for eligible employees.

1. Vacation leave is accrued and granted to regular full-time employees.
2. Vacation leave is accrued and granted to eligible employees while on authorized paid time off.
3. Eligible employees can take vacation leave immediately once hours have been accrued and approved by department management (new hires have a six (6) month waiting period for vacation time, unless approved by the City Manager or Designee).
4. Pay for vacation leave shall be at the employee's regular rate of pay in effect for the employee's regular job on the pay date immediately preceding the employee's vacation dates.

(b) Vacation Leave Accrual Rate

1. All eligible employees will receive vacation leave hours based on their current years of service with the City or a prearranged seniority date as established by the City. Department Directors will receive vacation leave hours based on 10+ years of service.

2. Employees will begin accruing hours immediately upon hire, however leave cannot be utilized for the first six (6) months of employment, unless prior approval from the City Manager or Designee is provided.
3. All eligible employee's accrual rate increases on the first day of the pay period that includes the employees' anniversary date.
4. The following chart reflects the accrual rates for city employees:

Regular Full-time Employees		
Years of Employment	Hours Earned Per Pay Period	Hours Earned Per Year
During Year 1	1.54	40.04
During Year 2 though Year 4	3.08	80.08
During Year 5 through Year 9	4.62	120.12
Year 10 or more	6.15	159.90

(c) Use and Scheduling of Vacation Leave

1. Whenever possible, employees will be allowed to take vacation leave at times most convenient to them. However, in order to ensure continued smooth operation and maintain a high level of quality in the delivery of service to the citizens of Flowery Branch, the City reserves the right to limit the number of employees that may be absent from a given department at any one time. Where there is a conflict in the paid time off choices of two (2) or more employees who cannot be spared at the time, the department management will determine who will take leave.
2. When a holiday occurs during the period an employee is on authorized vacation leave, vacation hours shall not be charged for the holiday.
4. Eligible employees will be allowed to carry over vacation leave hours from one calendar year to the next according to the chart below. On December 31st of each year, the employee's vacation leave hours will be totaled and any hours in excess of the applicable carry over will be forfeited.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Maximum Vacation Hours Carry Over Per Year	
Exempt and Non-Exempt Employees	450

(d) Payment of Accrued Paid Time Off at Termination

At the time of separation from employment, all employees will be paid accrued paid time off, if the proper two (2) weeks' notice was provided.

(e) Donation of Time

The City has established a leave donation program where any accrued leave over the maximum of 450 hours will be placed in a Sick Bank for eligible employees to utilize once they have exhausted all their available hours. Recipients have typically been absent for extended periods due to their own or a family member's illness.

To be eligible to receive donated leave a recipient must: 1) be employed in a position entitled to earn and use leave, 2) not be in a leave without pay status, 3) be continuously employed for not less than twelve (12) months in a position entitled to earn leave, 4) have exhausted all accrued leave, and 5) have exhausted all available compensatory time.

Prior to a recipient receiving any donated leave, there must be a written request submitted to the City Clerk and approved by the City Manager or Designee. This request may come from the employee in need or from their supervisor or manager. The request must include the number of hours being requested and the reason for said request.

The recipient must immediately use donated leave upon receipt. Donated leave hours cannot be banked for future use or disbursement. Once a recipient returns to duty, donated leave accepted but not used by the recipient will be automatically returned to the Sick Bank.

The City Clerk will notify the requester of any approved donated hours in writing. No information received by requester shall be disclosed to any employee.

Section 4: Sick Leave

(a) Eligibility

It is the policy of the City to provide sick leave for eligible employees.

1. Sick leave is accrued and granted to regular full-time employees.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

2. Sick leave is accrued and granted to eligible employees while on authorized paid time off.
3. Eligible employees can take sick leave immediately once hours have been accrued and approved by department management.
4. Pay for sick leave shall be at the employee's regular rate of pay in effect for the employee's regular job on the pay date immediately preceding the employee's sick dates.

(b) Sick Leave Accrual Rate

1. All eligible employees will receive two (2) sick leave hours each pay period for up to fifty-two (52) hours in a calendar year.
2. Employees will begin accruing hours immediately upon hire.

(c) Use and Scheduling of Sick Leave

1. Sick leave may be used for appointments for medical or dental examinations or treatment when such appointments cannot be reasonably scheduled during non-working hours. Examination appointments must be approved at least one (1) workday in advance, by the department director or designee.
2. Sick leave may be used for unplanned sick absences. In unplanned circumstances, an employee should make every attempt to report to their supervisor within sixty (60) minutes of the scheduled starting time the reason for absence. Public Safety may develop internal rules that establish stricter reporting standards.
3. For illnesses that extend beyond twenty-four (24) hours up and through fifty-two (52) hours, a written doctor's excuse or written justification approved by the employee's Department Director is required.
4. For illness that extend beyond fifty-two (52) hours, see the sections in this handbook on Leave of Absence and Disability.
5. Eligible employees will be allowed to carry over sick leave hours from one calendar year to the next. Any hours in excess of 104 in the last payroll of December will be forfeited.

Section 5: Other Leave Types

(a) Bereavement Leave

1. Employees may be granted up to three (3) regularly scheduled workdays of bereavement leave with pay upon death of a member of the employee's immediate family. Immediate family is defined in the definition section.
2. Employees must request bereavement leave by contacting their supervisor prior to the leave period.
3. Arrangements for additional time using annual leave or a personal leave of absence without pay must be approved by the Department Director. The City understands that a death in the family can be a difficult time, and we will make reasonable efforts to accommodate your leave request under these circumstances.
4. There is no accumulation of bereavement leave and no payment upon separation from city employment. Hours do not have to be taken simultaneously.

(b) Civil Leave

5. Jury Duty

All regular full-time employees selected for jury duty shall be entitled to receive civil leave with pay for the period of absence. An employee must notify their Department Director of their selection for jury duty or being subpoenaed and must provide a copy of the selection notice or subpoena.

2. Official Court Attendance

All employees subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the City are considered to be working.

3. Voting

Employees are permitted time off to vote in any municipal, county, state, or federal political party primary or election for which such employee is qualified and registered to vote on the day on which such primary or election is held. The time taken off to vote must not exceed two (2) hours, is unpaid leave and is permitted only if your supervisor is informed at least one (1) working day in advance that an individual plans to take time off to vote. The City may specify the hours during which the employee may be absent from work to vote.

4. Military Leave

Employees are entitled to military leave in accordance with state and federal law. An employee going on military leave should present a copy of their official orders to the City Manager or Designee and department management as soon as received or they may fill out a Military Leave Verification form. Any employees, other than a temporary employee, who is a member of any force of the organized militia or of any reserve force or reserve component of the armed forces of the United States will be allowed leave of absence for ordered military duty without loss of pay for a period not exceeding a total of eighteen (18) calendar days in any one (1) calendar year and not exceeding eighteen (18) calendar days in any one continuous period of absence. If the Governor declares an emergency or an employee is called to active duty from the National Guard, that employee shall be paid for up to thirty (30) days in one (1) year, not to exceed thirty (30) consecutive days. All other military leave is unpaid. An employee may elect to take annual leave instead of time off without pay for unpaid military leave.

Time during which an employee is on ordered military duty shall not constitute an interruption of continuous employment. No employee shall be subjected directly or indirectly to any loss or diminution of time, service, increment, vacation, holiday privileges, or any other right or privilege by reason of such absence or be prejudiced with reference to continuance in employment, re-employment, reinstatement, transfer, or promotion by reason of such absence.

(c) Family Medical Leave

Pursuant to the federal Family and Medical Leave Act, ("FMLA"), 29 U.S.C. §2601, et seq., employees may be eligible for a family and/or medical leave of absence for up to twelve (12) weeks of paid or unpaid leave in any twelve-month period for one or more of the following:

- the birth, adoption, or placement of a child;
- the serious medical condition of a parent, spouse, or child; or
- the employee's own serious medical condition that prevents him/her from performing the functions of his/her job.

For purposes of this Section, a "12-month period" means a rolling twelve (12) months measured backward from the date the employee uses any FMLA leave. If the provisions in this Handbook conflict or come into conflict with the FMLA as it

presently exists or is amended from time to time, the provisions contained in the FMLA shall control.

1. Eligibility

To be eligible for leave, an employee must have been working for the City of Flowery Branch for at least twelve months and must have worked at least 1,250 hours during the twelve-month period prior to the request for leave. Eligible employees under FMLA shall be entitled to leave upon the conditions and limitations of FMLA.

2. Concurrent Utilization of Paid Leave and/or Compensatory Time

An employee requesting leave pursuant to the FMLA is required to utilize all accrued personal leave and/or compensatory time available as part of the 12week leave period. If the available paid leave for the employee is less than twelve working weeks, the additional weeks of leave necessary to obtain the twelve work weeks of leave available under the FMLA shall be provided without compensation. In any event, any combination of personal leave, compensatory time, and/or unpaid family and medical leave shall not exceed twelve (12) weeks. Use of personal and/or compensatory leave, or any combination thereof, must be used concurrently with FMLA leave. FMLA requests will be retroactively dated to the beginning of the current personal and/or compensatory leave, or any combination thereof in the event that the paid leave is commenced prior to the request for FMLA leave. Regardless of paid or unpaid FMLA leave, the employee will receive holiday compensation for the holidays recognized by the City set forth in this Handbook.

3. Concurrent Worker's Compensation and FMLA Leave

An employee qualifying for Worker's Compensation Leave must run any requested FMLA leave concurrently with that of all concurrent and/or intermittent Worker's Compensation Leave. The employee must elect to use either worker's compensation benefits or paid leave during the FMLA period.

4. Intermittent Leave or Reduced Schedule Leave

Leave for childbirth, adoption, or foster care may not be taken intermittently or on a reduced schedule. Leave for a serious health condition of a qualifying family member or of the employee may not be taken on an intermittent basis or on a reduced leave schedule unless medically necessary. The taking of any leave intermittently or on a reduced schedule basis shall reduce the total amount

of FMLA leave that has been approved for the eligible employee according to the actual hours of leave taken. For example, if an eligible employee takes ten (10) hours of leave intermittently over twenty (20) business days, the employee's bank of available FMLA leave will be reduced only by ten (10) hours and not by twenty (20) days.

If an eligible employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, the City Manager or Designee may require the employee to transfer temporarily to an available equivalent position for which the employee is qualified that better accommodates recurring periods of absence.

5. Spouses Employed by Same Employer

On any occasion in which a husband and wife are eligible for leave under the FMLA and are both employed by the City, the aggregate number of work weeks of leave to which both may be entitled may be limited to twelve (12) work weeks during any 12-month rolling period, in the case where leave is taken for childbirth, adoption, foster care, or to care for a sick parent.

When spouses are both employed by the City, and each individual is eligible to take FMLA leave, the FMLA limits the combined amount of leave they may take for some qualifying leave reasons. The U.S. Department of Labor Wage and Hour Division defines spouse as a husband or wife as defined or recognized in the state where the individual was married and includes individuals in a common law or same-sex marriage. Spouse also includes a husband or wife in a marriage that was validly entered into outside of the United States, if the marriage could have been entered into in at least one state.

FMLA- qualifying leave reasons where the amount of leave time is combined include:

- the birth of a son or daughter and bonding with the newborn child,
- the placement of a son or daughter with the employee for adoption or foster care and bonding with the newly placed child, and
- the care of a parent with a serious health condition.

Please refer to the U.S. Department of Labor Wage and Hour Division for additional guidelines regarding FMLA for spouses working with the same employer.

6. Foreseeable Leave

In any case in which the necessity for leave under the FMLA is foreseeable, based on an expected birth or placement of a child or based on planned medical treatment or supervision, the employee shall provide the City Manager or Designee with written application for the requested leave and certification no less than thirty (30) days before the date the leave is to begin.

In a case where the necessity for leave is based on planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider and shall provide the City Manager or Designee with at least thirty (30) days' notice before the date the leave is to begin, except that if the date of the treatment requires leave to begin in less than thirty (30) days, the employee shall provide such notice as is practicable.

7. Certification of Serious Health Conditions

An eligible employee, who requests leave for a serious health condition of the employee or a qualifying family member, shall submit certification from an appropriate health care provider to the City Manager or Designee when requesting leave.

Certification shall be sufficient if it states:

- a. the date on which the serious health condition commenced;
- b. the probable duration of the treatment or condition;
- c. the appropriate medical facts within the health care provider's knowledge; and
- d. the estimated amount of time the employee needs to care for the qualifying family member or a statement of the extent to which the employee is unable to perform the essential functions of the employee's position.

In any case in which the City Manager or Designee has reasonable doubt as to the validity of the certification, the City Manager or Designee may require the employee to obtain the opinion of a second health care provider at the expense of City. In any case in which the second opinion differs from the original certification, the City Manager or Designee may require the employee to obtain the opinion of a third health care provider designated or approved jointly by the City Manager or Designee and the employee at the expense of the City. The opinion of the third health care provider shall be considered to be final and shall be binding on the City and the employee. The City Manager or Designee may

also require that the employee obtain subsequent re-certification on a reasonable basis.

8. Accruals and Benefits during FMLA Leave

An employee on unpaid FMLA leave shall not be entitled to the accrual of any seniority or employment benefits during the period of unpaid FMLA leave, including but not limited to, the accrual of personal leave. The employee, while on paid FMLA leave, is entitled to accrue personal leave during the periods of paid FMLA leave. For the purposes of pension or retirement plans, any period of FMLA leave will be treated as continuous service for the purposes of vesting and eligibility to participate.

FMLA time will not be counted as part of an employee's probationary period, but will be added to the remaining probationary period, extending the ending date of the probationary period.

During any period of leave, City will maintain any health insurance provided by City to the employee for the duration of the leave at the level and under the condition's coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

9. Appeals of Denials

In the event that the City Manager or Designee denies in whole or in part a request for leave pursuant to the FMLA, an employee has the right to appeal that decision consistent with the following procedures.

Any such appeal from an employee must be filed within three (3) working days following receipt of the denial decision from the City Manager or Designee. The written notice of appeal shall include the request for the leave and all supporting documentation provided to the City Manager or Designee. The appeal shall be filed with the City Manager who has the authority to amend or reverse the decision of the City Manager or Designee. Failure of the employee to appeal within three (3) working days shall result in forfeiture of any further right of appeal of a denial.

The City Manager shall review the record of the appeal and shall, within five (5) working days, issue a final determination. The decision of the City Manager shall be final.

10. Return to Duty from FMLA Leave

As a condition for return to duty, the employee may be required to provide certification from the employee's health care provider that the employee is able to resume work. Upon expiration of the period of leave pursuant to the FMLA, the employee shall be returned to his/her former position or a position of equal grade and pay, provided that the employee has complied with the terms of the leave and reported for return of duty at the appropriate time. While the employee shall be restored to a position of employment without loss of employment benefits accrued prior to the date on which the leave commenced, the employee shall have no greater rights than those in effect prior to the commencement of the leave.

An exception to the employment restoration provisions of the policy may be made if the employee on leave is a salaried employee and is among the highest paid ten percent (10%) of the City's employees and restoring employment of the employee would result in substantial and grievous economic injury to the City. A doctor's release may be required if the employee is returning from a medical leave of three or more days.

11. Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active-duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

12. Procedures

Employees must follow specific procedures to request a family or medical leave. These procedures are as follows:

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

- a. Complete the request for Family Medical Leave of Absence on the approved form available from the City Manager or Designee.
- b. The form must be signed by the employee and submitted to their supervisor. The supervisor will then submit the approved form to the Department Director. When possible, the form should be submitted by the employee thirty (30) days in advance of the effective date of the leave.
- c. Employees requesting family and medical leaves of absence due to illness must complete a leave certification requirements form, available from the City Clerk.
- d. The employee must submit a completed request for Family Medical Leave of absence form along with a leave policy form.
- e. To request leave for the care of a child, parent, or spouse with a serious health condition, the employee must provide certification from the health care provider who is treating the child, parent, or spouse, including the date on which the condition commenced; the probable duration of the condition; the appropriate medical facts regarding the condition; an estimate of the time needed to care for the individual involved (including any recurring medical treatment); and a statement that the condition warrants the health care provider's involvement.
- f. To request leave due to an employee's serious health condition, the employee must provide certification from a licensed health care provider who is treating their own serious health condition as set forth herein.
- g. To request intermittent or a reduced leave schedule, the employee must provide the following additional information from the health care provider: 1) for leave for the employee, the employee must provide a statement of medical necessity for their intermittent or reduced leave, the expected duration of the schedule, a listing of the dates of their planned medical treatment and the duration of the treatment(s), 2) For leave to care for a son, daughter, spouse or parent, the employee must provide a statement attesting to the necessity of intermittent or reduced leave for the employee to provide care or to assist in the person's recovery, and an estimate of the expected duration and schedule of their intermittent or reduced leave.

(d) Administrative Leave

A Department Director, with notification to the City Manager, may place an employee on Administrative Leave when an employee is being investigated by City for possible misconduct or by a law enforcement agency for possible violation of a criminal law or in any instance where it is considered to be in the interest of City and/or the employee. In addition, written notification must be provided by the official who placed the employee on Administrative Leave to the Finance Department with instructions that the leave shall be with pay.

Administrative Leave shall be with pay for the initial 14 calendar days of the Administrative Leave period. Every effort shall be made to complete the investigation within the initial period.

At the expiration of the initial 14-day period, if the investigation has not been completed, the employee may be placed on Administrative Leave without pay for an additional 21 calendar days upon written notification to the City Clerk by the official who placed the employee on Administrative Leave.

At the conclusion of the 21-day unpaid Administrative Leave period, if the investigation has not been concluded, an extension may be considered, or the employee may be terminated.

The purposes of Administrative Leave are to provide an investigatory opportunity or to relieve the employee of his/her duties when it is deemed in the best interest of the City and the employee. Designation of the leave as "administrative leave" is to prevent any possible stigma against an employee during a period of Administrative Leave. Notice of the conclusion of the Administrative Leave period shall be provided in writing to the employee by the applicable Department Director with copies of the written notice provided to the City Manager or Designee.

The decision to place an employee on Administrative Leave is entirely discretionary. Certain acts of misconduct or criminal arrests may be more suitable for immediate termination as determined by the Department Director and the City Manager or Designee.

(e) Leave Due to City Office Closure

In the event of hazardous weather, or other occurrence resulting in the City Manager or Designee closing the City offices, all employees who are scheduled to work during the period for which the City is officially closed shall be paid at their regular rate of pay during the closure.

If questionable weather exists, but the City is open for business, employees should make their own independent safety determinations concerning travel to work. If the employee elects not to attend work due to safety concerns when the City is open for business, the employee's absence will be charged against any accrued personal leave or compensatory time. If no such accrued leave exists, the employee will not be compensated. Essential employees are expected to monitor weather conditions and report to work as scheduled.

Employees should look to hear from their Department Director or Supervisor for instructions on closures. The City Manager will contact each Department Director with instructions on closings and the Department Director will then contact each of their employees. There will additionally be an effort to publicize the closings by local radio, television stations, accesswdun.com, gainesvilletimes.com, or the City website.

If a non-exempt employee who is not a public safety employee is called into work when the City is officially closed, it is considered a call-back for emergency reasons. The employee shall be compensated at their overtime rate for two (2) hours plus time worked. If the employee is not called into work, but reports to work during the period of time that the City is officially closed, the employee will be paid at a regular rate of pay.

(f) Holidays

The City observes the following holidays:

New Year's Day
Martin Luther King, Jr. Day
Good Friday
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Day after Thanksgiving
Christmas Eve
Christmas Day
Floating Holiday
Employee's Birthday

When a holiday falls on a Saturday, the preceding Friday shall be declared a holiday for city employees. When a holiday falls on a Sunday, the following Monday shall

be declared a holiday for city employees. The birthday holiday must be taken within one (1) month of the employee's birthday. The floating holiday may be taken anytime during the calendar year. Neither the birthday nor floating holiday can be rolled over to the next year or cashed out. Employees must be employed for ninety (90) days before the birthday and floating holiday will be added to their leave bank.

A non-exempt police officer employee who is required to work on an official city holiday will be paid at a rate of 12.25 holiday hours plus hours worked. Employees must work their regularly scheduled workday or shift or be on an approved leave status the day before and after a holiday, in order to receive holiday pay.

(g) Maternity Leave Policy

Maternity Leave is afforded to all employees pursuant to, and governed by, the provisions of the Family and Medical Leave Act ("FMLA") and those provisions set forth in the following Section.

All Maternity Leave shall run concurrent to FMLA Leave. An employee must utilize any available Paid Time Off to run concurrent to FMLA Leave. Upon expiration of any Paid Time Off, the remainder of FMLA leave, if any, shall be unpaid.

Maternity Leave shall begin when the employee is no longer reasonably able to carry out the duties and responsibilities of her position. Medical certification from a healthcare provider may be required to support a request for Maternity Leave prior to childbirth. Time for termination of Maternity Leave shall be at the expiration of FMLA Leave.

The City will seek to provide modified duty work assignments for all pregnant employees who are temporarily unable to perform their job duties due to pregnancy. Modified duty employment opportunities will be considered in all Departments, not just the Department in which the pregnant employee was working before she requests a light duty assignment.

Modified duty employment opportunities are intended to assist pregnant workers who are temporarily not able to perform their normal job duties. All modified duty assignments will be productive. Duties must never be demeaning or appear worthless in any way.

The City will make efforts to retain pregnant employees who need temporary modified duty in accordance with the Pregnancy Discrimination Act of 1987.

C. GROUP BENEFIT PLAN

Section 1: Policy Statement

It is the policy of the City of Flowery Branch to provide its employees with various insurance and retirement benefits. The benefits plan is designed to provide a supplemental package of programs which contribute to the physical and mental health and well-being of the employee and their dependents. The plan is designed to enhance the attractiveness of working for the City and to aid the City's competitiveness in recruitment and retention efforts.

Section 2: General Provisions

(a) Administration

The primary responsibility for the day-to-day administration of the benefits plan shall rest with the City Manager or Designee within the limits of these policies and procedures, as well as the actual plan documents that govern the particular benefit. Availability of benefit packages, questions on benefits, and employee discussion regarding benefits can be obtained from the City Clerk.

(b) Eligibility

Eligibility for health insurance, death benefits, and retirement benefits shall include all regular full-time employees.

1. Employee contributions deducted via payroll will begin concurrent with employee eligibility.
2. Employee eligibility begins on date of hire.
3. Benefit eligibility will expire at the end of the last day of the month that the employee worked for the city.
4. All employees shall be covered by worker's compensation and have access to the Employee Assistance Program.

(c) Benefits Continuation

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City of Flowery Branch's health plan for a certain period of time provided by law when a qualifying event would normally result in the loss of eligibility.

Under COBRA, the employee or qualified beneficiary pays the full cost of coverage at the City of Flowery Branch's group rates.

Certain deadlines and application requirements will apply. Please consult with the current insurance broker for the City of Flowery Branch if you wish to apply for COBRA benefits.

Section 3: Benefits Offered

The City of Flowery Branch intends to provide a comprehensive benefit package to aid the recruitment and retention of staff. Benefits will include but not be limited to health insurance, life insurance, retirement, long-term and short-term disability. We will annually publish a document that details our benefit plans. The actual plan documents, rather than any summary statements in this Chapter, should be relied upon in determining an employee's rights and obligations.

Full-time employees are provided a term life insurance policy provided by the City through the company of its choice in the amount determined annually at the policy renewal date and continue for as long as the employee is employed by the City.

Additionally, the City maintains liability insurance coverage, which includes Law Enforcement Liability coverage. This liability coverage protects the City and City employees from claims that may arise out of the course of operations for the City.

Short-Term Disability insurance is a separate benefit offered to employees. The City does not contribute to the costs of this benefit. Short-Term Disability allows employees to be paid while out of work for up to six (6) weeks due to injury or illness that occurred off the job. The amount an employee is paid will depend on the policy that is selected.

Long-Term Disability insurance is also offered to employees to ensure they receive a portion of their average monthly wages for an extended absence due to a covered disability. The absence could be a result of an accident, injury, or illness that either occurred on or off the job. The City contributes to the costs of this benefit.

Effective as of November 1, 2014, the City adopted the Georgia Municipal Employees Benefit System (GMEBS) Defined Benefit Retirement Plan for its employees. Participation is mandatory for all eligible employees. An eligible employee is defined as all regular employees that meet the eligibility conditions of forty (40) hours per week for at last six (6) months per year. The monthly normal retirement benefit amount for eligible regular employees shall be 1/12 of

2% of final average earnings multiplied by years of total credited service. (Example: $((2\% \times \$35,000 \text{ final average earnings}) \times 5 \text{ years of total credited service}) / 12 = \$291.67 \text{ monthly benefit}$). In order for an employee to become 100% vested in the plan, an employee must work a minimum of five (5) years. An employee will remain 0% vested until the five (5) year minimum is satisfied. Full terms and conditions are stated in the GMEBS Defined Benefit Retirement Plan Adoption Agreement, the GMEBS Master Plan Document, and the GMEBS Trust Agreement.

D. WORKER'S COMPENSATION

Section 1: Policy Statement

It is the intent of the City of Flowery Branch to comply with the provisions of the Worker's Compensation Laws of the State of Georgia. All City of Flowery Branch employees and elected officials who are injured on the job are protected by the Georgia Worker's Compensation Act. The provisions of this act are the exclusive remedy for employees injured on the job and provide benefits and procedures for obtaining benefits for occupational injuries and diseases arising out of and in the course of an employee's employment with the City of Flowery Branch.

Section 2: General Provisions

(a) Definition

"Injury" shall be defined as provided for in O.C.G.A. § 34-9-1.

(b) Responsibility

Worker's compensation can be a very complex environment if proper procedures are not followed. Specific responsibilities lie with the City Clerk, all supervisors, and the employee.

1. City Clerk

The City Clerk is responsible for the management of the City's worker's compensation program in accordance with the provisions of the Georgia Worker's Compensation Act and other Federal, state, or local regulations. The City Clerk is responsible for timely submission of the First Report of Injury form to the State and for all other Worker's Compensation records, files and reports. The City Clerk will, in accordance with the law and applicable City policies and procedures, determine the continuing employment status of

employees who are out of work on Worker's Compensation. An employee out of work on Worker's Compensation who does not return to work when released to do so by a qualified physician may be terminated.

2. Supervisors

City of Flowery Branch supervisors are responsible for assuring their employees report all on-the-job injuries to them immediately or as soon as possible following the occurrence of the injury. Supervisors will ensure that a written report of the injury is completed and turned into the Department Director who will then forward it to the City Clerk within the twenty-four-hour time period. If a department has no Supervisor, the report shall be made directly to the Department Director.

3. Employees

All City of Flowery Branch employees are required to report all on-the-job injuries to their supervisor or department director immediately, when possible, but in all cases no later than twenty-four (24) hours after the occurrence of the injury. The employee is obligated to cooperate with the worker's compensation program directives and activities and any fraudulent activity will be grounds for termination.

Section 3: Procedures

1. An employee injured on the job must report the injury to their supervisor immediately, on the forms prepared and provided by the City Clerk.
2. The employee's supervisor must follow the appropriate procedures prescribed for reporting the injury which includes completion of the First Report of Injury form and the Supervisor and Employee Statement forms.
3. Treatment of the injury shall be provided at one of the designated medical facilities that are posted at each work site and the employee must select a doctor from the approved panel of physicians provided by the city. In an emergency, the employee may receive medical care from any doctor until the emergency is over, then the employee must obtain treatment from a doctor on the City's approved panel of physicians. The City reserves the right to refuse payment of medical services for any employee examined by a physician not listed on its approved panel of physicians.
4. An employee injured by an accident arising out of or in the course of employment shall not be charged for any absence from duty due to the injury on the day of the injury.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

5. There is a seven-calendar day waiting period before worker's compensation benefits are due. The seven-day waiting period includes those days the employee would not have worked even if there has been no injury. The City of Flowery Branch will compensate employees during this seven-day waiting period. The employee will not have to use their accrued sick or vacation leave in the event of a worker's compensation injury during those first seven days. The employee is eligible to receive medical benefits during the seven-day waiting period. Beginning with the first day after an on-the-job injury and continuing through the seventh day following the injury, the injured employee may elect to be compensated by using their available sick or vacation balance. However, if the disability lasts for 21 consecutive days, compensation is retro-active for the first seven days. The first seven days of disability are not reimbursable unless the employee is disabled more than the 21 consecutive days. If the employee is reimbursed from the state for the initial seven-day period, he/she will be responsible for returning that money to the City.
6. Beginning with the eighth day following the injury, the employee will be compensated with the statutory worker's compensation rate of $66 \frac{2}{3}$ of weekly salary up to the maximum prevailing rate required by the Worker's Compensation Law. The employee may continue their available balance of sick or vacation time to supplement the worker's compensation benefit.
7. During the first six months of a job-related injury, the employee's position will be secure, and the affected department may use temporary employment if the budget allows.
8. If the employee is unable to return to their regular position, the city may require the employee to perform a light duty assignment that is approved by the assigned physician until a time the employee can return to work on an unrestricted basis. The City has no obligation to create a light duty assignment if work is not available.
9. Worker's compensation leave must run concurrent with Family Medical Leave.

Chapter III

Employee Relations

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

III. EMPLOYEE RELATIONS

A. STANDARDS OF CONDUCT

Section 1: Policy Statement

All employees are expected to maintain acceptable standards of conduct, efficiency, and economy in the performance of their work. All employees are expected to maintain minimum standards of conduct both on and off duty in order to:

1. Promote impartial, objective and effective performance of their duties;
2. Avoid activities that are adverse to the City's interest or adversely affect the City's reputation;
3. Ensure safe and efficient operations; and
4. Encourage a high degree of confidence in and support for city operations.

The following list of standards of employee conduct is not intended to be all inclusive of every type of conduct prohibited by city employees. Other standards of conduct are established throughout this handbook and other standards may be established and published by departments as operations deem necessary. Moreover, generally accepted standards of conduct shall apply even where not specifically stated.

Section 2: General Provisions

(a) Conformance to Law

An employee shall obey and not engage in any conduct prohibited by the laws of the United States, Georgia, or any other state and political subdivision thereof. Conduct described as a violation of such laws may be cause for disciplinary action, regardless of whether charges are filed, prosecuted or whether the employee is adjudicated guilty or not guilty.

(b) Violation of Rules

An employee shall not commit any act contrary to good order and discipline or constituting a violation of any of the provisions of the rules and regulations of the City and its departments.

(c) Ethics

1. No elected official, appointed officer, or employee of the City or any agency or political entity to which this handbook applies shall knowingly:
 - a. Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties, or which would tend to impair the independence of his or her judgment or action in the performance of official duties;
 - b. Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of official duties or would tend to impair the independence of his or her judgment or action in the performance of official duties;
 - c. Disclose confidential information concerning the property, government, or affairs of the governmental body by which engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or herself or others;
 - d. Accept any valuable gift, whether in the form of service, loan, object, or promise, from any person firm, or corporation which to his or her knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the governmental body by which he or she is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
 - e. Represent other private interests in any action or proceeding against this city or any portion of its government; or
 - f. Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which he or she has a financial interest.
2. Any elected official, appointed officer, or employee who has any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the City shall disclose such private interest to the City Council. The Mayor or any councilmember who has a private interest in any matter pending before the City Council shall disclose such private interest and such disclosure shall be entered on the records of the City Council, and he or she shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this Handbook applies who shall have any private financial interest, directly or indirectly, in

any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.

3. No elected official, appointed officer, or employee of the city or any agency or entity to which this Handbook applies shall use property owned by such governmental entity for personal benefit, convenience, or profit, except in accordance with policies promulgated by the City Council or the governing body of such agency or entity.
4. Any violation of this Section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the City Council;
5. Except as authorized by law, no member of the Council shall hold any other elective City office or other City employment during the term for which elected. The provisions of this subsection shall not apply to any person holding employment on the date of enactment of this Handbook.

Section 3: Attention/Dereliction

(a) Attention

An employee shall remain awake, alert, observant and occupied with City business when on the job. Employees are expected to perform their job duties:

1. Timely, promptly and without undue delay;
2. Without unnecessary supervision;
3. Ensuring they are engaged productively at all times or as directed;
4. Demonstrating appropriate initiative and dependability in the quality, volume, and prioritization of job duties; and
5. Avoiding excessive tardiness, excessive absenteeism, and unexcused absences.

(b) Insubordination

An employee shall adhere and execute any and all lawful orders of a supervisor, including those relayed from a supervisor through another employee. A lawful order is any order in keeping with the performance of any duty, issued either verbally or in writing by the Department Director or any other supervisor, direct or indirect. The willful disobedience of any order lawfully issued by a supervisor or any mutinous, insolent, uncooperative, or abusive language or conduct toward a supervisor shall be insubordinate.

Section 4: Competence, Judgment & Supervision

(a) Competence

An employee shall maintain sufficient competence to properly perform the assigned duties and responsibilities of the position. The employee's efforts shall be directed and coordinated in a manner that demonstrates and maintains the highest standards of efficiency in carrying out the functions and objectives of the City. Failure to do work at an acceptable level of competence as determined by the applicable supervisor may be grounds for disciplinary action.

(b) Judgment

An employee shall exercise sound judgment relevant to the conduct and performance of duty.

(c) Supervision

A supervisor shall, in accordance with department management expectation:

6. Demonstrate qualities of leadership necessary for the position;
7. Maintain a positive attitude in support of department decisions and goals;
8. Exercise appropriate supervision of subordinates and responsibilities;
9. Effectively plan, develop, and coordinate supervision and training of subordinates;
10. Observe and appropriately counsel subordinates;
11. Take appropriate action when a subordinate fails to perform; and
12. Properly account for all funds and property under their control

Section 5: Health Fitness.

(a) Fitness for Duty

An employee must be physically and mentally fit to perform essential job functions.

(b) Evaluation for Fitness

When it is reasonably demonstrated that the physical or mental impairment of an employee constitutes a hazard to individuals or property or may prevent the employee from effectively performing the essential job functions of the position, the employee may be required to submit to an evaluation of health fitness for duty

by a physician of the city's choosing and expense. All such testing shall be coordinated by the City Manager or Designee.

(c) Periodic Evaluation

An employee may be required to take periodic examinations and/or undergo a program of treatment to qualify for continued employment, to the extent allowable by law.

(d) Disclosure Required

An employee who becomes aware of a physical or mental impairment that affects or reasonably threatens to affect their ability to perform essential job functions shall report the condition immediately to the Department Director.

(e) Status During Evaluation

Pending completion of the health fitness evaluation, the employee may be required to use accrued leave, may be placed in an unpaid or paid leave status, or may be temporarily reassigned, depending on the circumstances and the length of the evaluation period.

Section 6: Absences & Reporting.

(a) Unauthorized Absence

No employee shall be absent without authorization. This includes failure to report for work at the assigned time and place or leaving a place of duty or assignment without authorization.

(b) Reporting for Work

An employee shall report to work on time and physically and mentally fit at the time and place specified by the supervisor and remain physically and mentally fit throughout the workday.

(c) Reporting Absence

An employee who cannot report to work due to illness or emergency shall notify the immediate supervisor within the time limits established by the Department Director. Failure to do so may result in an unexcused absence.

(d) Fictitious Reporting

Employees are responsible for immediately reporting any suspected violation of policy. An employee is responsible for immediately reporting to their Department Director in writing any arrest or complaint filed against them. Reports submitted by employees shall be truthful and without attempt to deceive any supervisor or official of the City.

Section 7: Response**(a) Responding to Calls for Service**

No employee shall fail to timely respond to official calls for service, dispatched calls, notices of assignment, subpoenas, or any other method of direction to perform.

(b) Requests for Assistance

When the public requests assistance or advice or makes complaints or reports, the employee shall gather all information in an official and courteous manner and shall judiciously act upon the situation consistent with prescribed procedures.

(c) Personal Appearance

All employees must maintain a neat and well-groomed appearance, wearing any uniform or other appropriate business apparel.

Section 8: Professional Conduct**(a) Courtesy**

Employees shall be courteous to the public and fellow employees. An employee's conduct should always be civil, orderly, and courteous. Employees shall be diplomatic and tactful, controlling their temper and exercise patience and discretion in all situations. Employees should refrain from using coarse, violent, profane or insolent language.

(b) Conduct Unbecoming or Prejudicial to Good Order

An employee's conduct at all times, both on and off the job, shall reflect favorably on the employee and the City. Unbecoming conduct includes acts that tend to

bring the City into disrepute, discredit the employee, or tend to impair or interfere with the operation of the City or employee.

(c) Unprofessional Conduct.

Inappropriate conduct includes but is not limited to:

1. Uncooperative attitude, including, but not limited to, disrespect to a supervisor, co-worker, or the public;
2. Conflict of interest;
3. Reporting to work/or working under the influence of drugs and alcohol;
4. Use of abusive or obscene language;
5. Violation of telephone/computer usage/or political activity policy;
6. Theft, abuse or misuse of City property or vehicles, violations of traffic laws while driving a City vehicle, failure to report damage or destruction of City property to a supervisor, loaning property or equipment of the City without permission or proper authority;
7. Illegal gambling;
8. Falsifying records/making false claims;
9. Fighting;
10. Sabotage;
11. Deliberate damage to City property;
12. Acceptance of a bribe;
13. Mishandling cash or other City property;
14. Discriminatory attitude or prejudice concerning another person to include gossip;
15. Conviction of a felony or a crime of moral turpitude, and/or arrests that bring
16. Discredit to the City or otherwise threaten to interfere with the City operations;
17. Acts during duty hours which are incompatible with public service;
18. Falsification or destruction of official records or documents, or use of official position for personal benefit, profit, or advantage;
19. When duly and properly called as a witness before any City board, appeals board, state or federal judicial or administrative tribunal, and when before such tribunal, failing to answer truthfully any question concerning performance of official duties with the City;
20. Failure to report an occupational injury or accident during the shift on which it occurred;
21. Absence due to incarceration;
22. Use of any form of physical abuse of the public, supervisors, or other employees, or making threats to the public supervisors, or other employees;
23. Violating any lawful official regulation or order or failing to obey any proper directive made and given by a superior officer;
24. Guilty of disgraceful conduct;

25. Careless or negligent with the monies or other property of the City;
26. Failure to pay or make reasonable provisions for future payment of debt to such an extent that such failure is detrimental to the work relationship;
27. Use or threatening of use, or attempt at use of personal or political influence to secure employment benefits, including but not limited to, promotion, leave of absence, transfer, change of pay rate, or character of work;
28. Violating the established procedures during an examination process or obtaining information, through unauthorized or illegal means, which provides an unfair advantage on an examination;
29. Failure to acquire a valid license, registration, or certification when such license, registration, or certification is required and specified in the specification for the class to which the position occupied by the employee is classified;
30. Wasted time, inefficiency, and/or loitering during working hours; and/or
31. Abuse of leave policies.

(d) Immoral Conduct

An employee shall at all times maintain high standards of moral conduct in personal affairs and shall not be a participant in any incident involving moral corruption that may impair the employee's ability to perform as a City employee or cause the City to be brought into disrepute.

Section 9: Other Standards

(a) Identification

An employee must furnish their name, job title, and department name to any person requesting that information as a result of actions taken by the employee in the course of City business. Employees are required to obtain an official, City-issued identification and have it available for inspection during business hours.

(b) Examinations and/or Tests

Upon order of the Department Director for matters related to duty performance and investigations authorized by law, an employee shall submit to any medical, chemical, drug, alcohol, ballistics, or other test, polygraph, fingerprinting, or counseling program, and shall sign any related authorization forms.

(c) Horseplay/Rough Play

No employee shall engage in horseplay or rough play while on the job or in any City facility. Injuries as a result of horseplay/rough play are not considered within the scope of employment and may not be covered under worker's compensation.

(d) Fighting

An employee shall not engage in unnecessary violence or harassment toward any person, except where authorized by law, even in the event of provocation.

(e) Firearms and Lethal Weapons

Except for employees commissioned by the City of Flowery Branch as police officers, City employees are prohibited from possessing firearms while on duty or in any City facility or vehicle, regardless of whether the employee possesses a firearms license.

(f) Fraudulent Employment

No employee shall procure or maintain employment in the City by means of willful misrepresentation or omission of any fact concerning the employee's personal history, qualifications for employment or physical condition.

(g) Tobacco free Environment

Consistent with the public health concerns addressed by the adoption of the Georgia Smokefree Air Act of 2005, all City enclosed buildings and vehicles are hereby declared to be smoke-free areas. In addition, based upon the maintenance and cleanliness issues presented by the uses of smoke-less tobacco that gives rise to increased facilitated costs and resulting public health concerns, all City enclosed buildings and vehicles are hereby declared to be tobacco-free areas as well as any area or vehicle that is within the view of the public. No employee shall engage in conduct in violation of this policy.

B. DISCIPLINE**Section 1: Policy Statement**

The City of Flowery Branch believes that each employee wants to provide quality public service by meeting high standards of job performance and conduct and by following established policies, procedures, regulations, and practices.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

The primary purpose of disciplinary action is to correct or prevent the recurrence of employee performance or conduct that is detrimental to quality job performance or the interest of the citizenry, the employee, the City or other employees. The City's discipline policies emphasize the employee's responsibility for the consequences of their own behavior with a focus on communicating expectations for changes in behavior and needed improvement.

When an employee's conduct results in deficiencies in job performance or violations of law, City regulations or rules, it is the policy of the City to take appropriate action to improve and/or correct the conduct or performance or, if necessary, remove the employee from the City workforces through application of the standardized disciplinary options and procedures in this chapter.

Section 2: General Provisions

(a) Level of Discipline

Disciplinary action will be consistent with the nature of the deficiency or infraction involved and with other relevant factors. In reaching a decision as to the level of discipline to be applied, the supervisor should consider such factors as the type and severity of the infraction, the results of the infraction, the employee's work record, prior disciplinary actions, and any mitigating circumstances which may be relevant to the situation.

(b) Format & Location of Actions

All disciplinary action should be documented in writing. All appeals by employees must be in writing. All responses to, and decisions on, appeals must be in writing.

(c) Progressive Discipline

While it is expected that disciplinary action options be exercised progressively, the nature of the deficiency or violation in any particular situation may preclude the exercise of a less severe discipline option. Typical disciplinary actions may include oral or written warning, suspensions (with or without pay), training and termination.

(d) Suspension of Exempt Employees

Except in the case of a major safety violation, any suspension of an exempt employee must be made in full week increments only. Major safety violation suspensions may be made in full day increments.

(e) Disciplinary Options

Only Department Directors are authorized to demote or terminate employees with the authority delegated by the City Manager. The Department Director or Designee may suspend employees.

STEP	USE	RESPONSE / APPEAL
Counseling	An informal discussion between a supervisor and employee about the need to improve minor performance problems or as a reminder about violation of a minor rule that does not threaten the safety or the employee or others, or that does not involve honesty. Documents kept in City Clerk's office with personnel files.	No appeal
Oral Reprimand	An oral warning/instruction from the supervisor to the employee about the need to improve performance deficiencies or about violation of a rule that does not threaten the safety or the employee or others, or that does not involve honesty. Documents kept in City Clerk's office with personnel files.	No appeal
Written Reprimand	A written warning/admonishment from the supervisor to the employee about the need to improve performance or about a rule violation. Documents kept in City Clerk's office with personnel files.	Employee has five days to appeal to the Department Director or through the chain of command to the next level supervisor. Appeal does not go beyond the next level of supervision of the supervisor issuing the appeal.

Suspension	Relief from duty for a specified amount of time. Requires coordination with the City Manager. Documents kept in City Clerk's office with personnel files.	Employee has five days to appeal to the Department Director. After the Department Director's decision, the employee has five days to appeal to the City Manager (or Designee). The final decision rests with the City Manager (or Designee).
Demotion	Reduction in rank or classification consistent with deficiency of the violation. This is not an option for probationary employees. Requires coordination with City Manager. Documents kept in City Clerk's office with personnel files.	Employee has five days to appeal to the Department Director. After the Department Director's decision, the employee has five days to appeal to the City Manager (or Designee). The final decision rests with the City Manager (or Designee).
Dismissal	Involuntary separation of employee from City employment. Requires coordination with City Manager. Documents kept in City Clerk's office with personnel files.	Employee has five days to appeal to the Department Director. After the Department Director's decision, the employee has five days to appeal to the City Manager (or Designee). The final decision rests with the City Manager (or Designee). Probationary employees do not have appeal rights to dismissal.

C. GRIEVANCES

Section 1: Policy Statement

The City of Flowery Branch is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, or question receives a timely response. The City strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect and are encouraged to offer positive and constructive criticism.

If employees disagree with established rules of conduct, policies, or practice, they may express their concern through a grievance process. No employee shall be penalized, formally or informally, for voicing a complaint in a reasonable, professional manner using the grievance process. While a formal grievance process is in place, employees are encouraged to first informally discuss any issue with their immediate supervisor.

Section 2: General Provisions

(a) Scope

The grievance procedure provides an avenue for any eligible employee to obtain management review of work-related issues that are felt to adversely affect the employee, for which no other means of response, review, appeal or resolution for is provided in this handbook. Grounds for submission of a grievance include:

1. Unfair application, interpretation or violation of City or department regulations;
2. Acts of retaliation as a result of utilization of the grievance process.

(b) Statement of Grievance

At each step in the process, the written grievance must include the following:

3. A statement of the grievance and the facts upon which it is based;
4. A description of the specific wrongful act and harm done to the grieving employee, and;
5. A statement of the remedy or adjustment sought.

Section 3: Grievance Steps

(a) Step One – Department Director

The employee should first seek to resolve the issue informally. If unable to do so, the employee should file a written grievance to the City Manager or Designee and the Department Director within five working days of the incident or when the employee became knowledgeable of the incident. The Department Director will attempt to resolve the matter and submit a written response to the employee within five working days after receipt. Note: In the public safety department, it is expected that grievances follow the chain of command. Under no circumstances will a grievance be allowed to extend beyond 25 business days.

(b) Step Two – City Manager

If the Department Director is unable to resolve the grievance or the response is unacceptable to the employee, the employee must within five (5) working days of receiving the response, present the written grievance to the City Manager. Within ten (10) days of receipt of the grievance, the City Manager or Designee will investigate the grievance and respond in writing to the employee. The City Manager's or Designee's decision is final.

Section 4: Areas Not Grievable

The following areas are NOT grievable:

- (a) Issues which are pending, or which have been concluded by other administrative or judicial procedures;
- (b) Management's rights to assign work and/or establish work processes;
- (c) Budget allocations and expectations and organizational structure, including the persons or number of persons assigned to particular jobs or units;
- (d) The content or rating of a performance evaluation;
- (e) The selection of an individual by the Department Director or City Manager to fill a position through appointment, promotion, or transfer, except when the employee can show adverse effect because of unlawful discrimination;
- (f) Any matter which is not within the jurisdiction or control of the City;
- (g) Internal security practices established by the City Manager and/or City Council; and
- (h) Decisions, practices, resolutions, or policies made or passed by the City Council or City Manager.

D. WORKPLACE DISCRIMINATION & HARASSMENT

Section 1: Policy Statement

It is the policy of the City of Flowery Branch that harassment and discrimination of any kind will not be tolerated, and complainants will be protected from reprisal. Employees and non-employees are encouraged to come forward confidentially to discuss any situation that they deem inappropriate. The City of Flowery Branch expressly prohibits any form of unlawful employee harassment based on race, color, religion, gender, sexual orientation, national origin, age, disability, or veteran status. Improper interference with the ability of City of Flowery Branch employees to perform their expected job duties is absolutely not tolerated.

Section 2: Discriminatory Harassment

The EEOC's definition of harassment is unlawful harassment which is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age, sexual preference or disability, or that of his/her relatives, friends, or employees, and that

- (a) has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
- (b) the purpose or effect of unreasonably interfering with an individual's work performance; or
- (c) otherwise adversely affects an individual's employment opportunities.

All employees, supervisors, and elected officials/department directors are expected to avoid any behavior or conduct that could reasonably be interpreted as harassment. Any form of harassment related to an individual's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status, is a violation of this Policy and will be treated as a disciplinary matter. For purposes of this Policy, the term "discriminatory harassment" shall be construed consistent with applicable law and may include, but is not limited to, any of the following.

- (a) Offensive remarks, comments, jokes or slur pertaining to an individual's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status;
- (b) Offensive pictures, drawings, posters, photographs, reading materials, computer monitors, or other tangible items, or communications including e-mail, which are reasonably offensive or that reasonably exploit an individual's

race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status;

- (c) Threatening reprisals based on an employee's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status; or
- (d) Conduct that has the purpose or effect of unreasonably interfering with an individual's work performance and/or conduct that creates an intimidating, hostile or offensive working environment.

Section 3: Sexual Harassment

(a) Definition

The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as a form of sex discrimination that violate Title VII of the Civil Rights Act of 1964, including and not limited to, unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for an employment decision, and
3. Such conduct has the purpose or effect to interfere with an individual's work performance or creates a hostile or intimidating environment.

(b) Quid Pro Quo

Quid Pro Quo literally means "this for that" and exists when submission to, or rejection of, such conduct is used as a basis for employment decisions such as raises or promotions or affects public services.

(c) Hostile Environment

Hostile Environment includes any lewd sexual conduct, pictures, words, or touching that interferes with a person's job performance or creates an intimidating, offensive working or public service environment even if there are no occurrences of tangible or economic loss.

(d) Prohibited Behavior

Behavior prohibited by this policy can include but is not limited to unwelcome sexual remarks or compliments, sexual jokes, sexual innuendo or propositions, sexually suggestive gestures or facial expressions, sexual remarks about a person's clothing or body, exhibiting sexually explicit publications or materials, kissing, touching, and sexual contact.

Section 4: Complaint Procedure & Investigation

If an employee feels that this policy has been violated, regardless of whether it is by a fellow worker, a supervisor, or a member of the general public, the employee should ask the offender to immediately stop the behavior. The employee will then report the incident(s) immediately to their Department Director and the City Manager or Designee. If the City Manager or Designee is involved in the behavior, the report should be made to the City Manager or Designee. Any supervisor who receives a complaint related to harassing or offensive behavior or who has reason to believe that such behavior is occurring shall report these concerns to the City Manager or Designee. At any point, the employee who feels they have been harassed, may go outside the chain of command or their department and go to the City Clerk or the City Manager or Designee.

All reports of harassing or offensive behavior will be investigated promptly, fairly and discreetly. Investigatory procedures may vary from case to case depending upon the circumstances. The investigation will be conducted as confidentially as possible. All employees have a responsibility both to cooperate fully with the investigation and to keep the matter confidential whether the employee is the accused person, the complainant or merely a potential witness. Persons who are interviewed are prohibited from discussing the matter outside the course of the investigation with co-workers, friends or management. The City will keep the information it gathers as confidential as possible, consistent with state and federal laws and the needs of the investigation.

Section 5: Corrective Action

If management concludes that a complaint of harassment has merit, appropriate action will be taken. Resolutions can include, but not necessarily be limited to, an apology, a transfer, direction to stop the offensive behavior, counseling or training, verbal or written warning, suspension with or without pay or termination. In the event that harassment or offensive behavior reoccurs, it should immediately be reported to the City Manager or Designee or to the City Manager or Designee. Any employee found to be acting in a harassing manner will be subject to disciplinary

action up to and including termination. Non-employees may be reported to the appropriate law enforcement agency and/or barred from the premises.

E. SUBSTANCE ABUSE & DRUG AND ALCOHOL TESTING

Section 1: Policy Statement

The City has a vital interest in maintaining a safe, healthy, and efficient working environment free from the adverse effects of employee drug and alcohol abuse. Employee drug and alcohol abuse poses serious safety and health risks to the user, and to those who work or come in contact with the user in the workplace. Accordingly, the City does not and will not tolerate any employee's consumption, possession, sale, distribution or making arrangements to distribute, manufacturing or presence in the body of illegal drugs or alcoholic beverages on City work time, while on City or customer property (including in personal vehicles while on City property or offsite at customer property during City work time), during lunch or breaks when an employee is scheduled to return to work, while in City vehicles, while offsite during attendance at training or meetings in connection with an employee's work for the City and/or while using, occupying, performing or engaging in any activity on City property and facilities. The City further expresses its intent, through this policy, to comply with Federal, State and local laws and regulations that relate to the maintenance of a workplace free of illegal drugs and alcohol. If possession of an illegal substance is necessary in the course of a police investigation, the Police Chief may grant a waiver to this policy for a finite period of time.

Section 2: Application

This policy applies to all City employees (whether full-time or part-time), volunteers, interns, and any other individuals performing services on the City's behalf, whether paid or unpaid. For purposes of this policy section, all such persons shall be referred to herein as City employees. Visitors, vendors, and contractors are governed by this policy to the extent they are on City Premises or in City vehicles and will not be permitted to conduct business if found to be in violation of this policy.

Section 3: Definitions

For purposes of this Substance Abuse and Drug and Alcohol Testing Policy (the "Policy"), the following definitions apply:

(a) Alcohol or Alcoholic Beverages

Any beverage or substance that contains alcohol manufactured for the primary purpose of personal consumption, including, but not limited to, beer, wine, and distilled spirits.

(b) City Premises

Includes all property, facilities, land, platforms, buildings, structures, fixtures, installations, parking lots, and vehicles, whether leased or used by the City of Flowery Branch government or its officials, managers, supervisors, employees, or other agents. This definition also includes locations other than city offices, including all other locations of city-sponsored recreational, social, or educational events, and any place where a City of Flowery Branch employee is located while traveling to or from such location in the course and scope of his duties on behalf of the City, including an employee's own vehicle when the employee is using it on city business, or when the vehicle is parked on city property. This definition shall not be interpreted to imply that the City assumes or accepts responsibility for any wrongful, tortious, negligent or criminal acts of any person whom it employs when such person is not acting pursuant to a city supervisor's instruction in furtherance of the City's business, nor shall it constitute a waiver of any immunity which the City of Flowery Branch or its officials or employees might have under federal, state or local laws or ordinances.

(c) Illegal Drugs (includes Controlled Substances)

Any drug or substance the law prohibits individuals from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring, including, without limitation, all drugs listed as controlled substances under Title 16 of the Official Code of Georgia Annotated. This definition encompasses any measurable amount of any drugs or controlled substances such as amphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene, or other drugs made unlawful under Federal or State laws, or a metabolite of any such substances, "look-alikes," "designer drugs" having the same or similar psychotropic effects, unauthorized alcoholic beverages, marijuana, hallucinogens (whether natural or synthetic), inhalants, unauthorized prescription drugs, or authorized drugs which are not prescribed for a verifiable medical condition and/or are not used in strict accordance with this policy and with the prescribing physician's instructions, or any other substances that are mood-altering, mind or consciousness-affecting, or which are likely to have an effect upon a person's perceptions, sensations, thought processes, self-awareness, emotions, or other mental or physiological or psychological reactions or behavior. It also includes

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

urinaids or other substances, natural or synthetic, of a similar nature or purpose designed or used to alter a urine specimen or to conceal illicit chemical substances or other metabolites in an initial screening test.

(d) Impaired

The condition of being weakened, diminished, or damaged, or of functioning poorly, incompetently, uncontrollably, or with less control or ability, due to the consumption, use, or abuse of illegal drugs, controlled substances, and/or alcohol, or if the employee's drug test results indicate the presence of an illegal drug or controlled substance in an amount that constitutes a positive test under accepted scientific standards.

(e) Legally Obtained Drug

Includes prescription drugs and over-the-counter medications.

(f) Over-The-Counter Medication

Includes any drug or substance that does not require a prescription, but which has the capacity to affect a person physically, mentally, or emotionally or which could otherwise affect a person's ability to perform.

(g) Prescription Drug

Any drug or substance that is attainable only by lawful prescription from a licensed physician.

(h) Reasonable Suspicion

A belief based on objective facts sufficient to lead a prudent person to conclude that a particular city employee has used, consumed, is impaired by, or is under the influence of illegal drugs, controlled substances, and/or alcohol. Reasonable suspicion must be directed at a specific person and must be based upon specific and articulable facts and the logical inferences and deductions that can be drawn upon such things as observable phenomena, such as direct observation of the possession or use of an illegal drug, controlled substance, and/or alcoholic beverage, or the direct observation of physical symptoms of being impaired by or under the influence of illegal drugs, controlled substances, and/or alcohol, such as slurred speech, unsteady gait, a pattern of unusual or abnormal conduct or erratic behavior, odor of the employee, information provided by a reliable and credible source,

and/or involvement in a work-related accident, and/or deviation from safe working practices.

(i) Safety-Sensitive Positions

Positions of employment with the City where a lapse of judgment or impaired physical/mental ability in performing any essential job function could reasonably result in a significant threat of harm to the employee, fellow employees, citizens, inmates, or others. Safety-Sensitive Positions include, but are not limited to, those which, as a part of the essential job functions, (1) require the performance of law enforcement duties as a POST-certified law enforcement officer; (2) require or involve possession of a firearm; (3) require or involve providing emergency medical, rescue, or fire suppression services; (4) require or involve interacting with incarcerated persons; (5) require or involve interacting with persons who are on probation for drug charges; (6) directly involve the enforcement of drug laws; (7) directly involve access to, the handling of or the testing of illegal drugs that have been seized by, confiscated by or taken into custody by law enforcement; (8) require or involve performing duties essential to drug interdiction; (9) primarily require or involve maintenance or operation of a motor vehicle, motorized equipment, heavy machinery or heavy equipment; (10) require the holding of a commercial driver's license; and (11) require or involve performing duties which directly affect public health or safety.

Section 4: Prohibitions

The City prohibits all City employees from engaging in the following conduct or behavior while performing City business, while on City property or City premises, while on customer property performing city business, while in use of city property, or while operating or riding in a city vehicle and/or conducting city business:

- (a) The use or consumption of illegal drugs, controlled substances, and/or alcohol;
- (b) The possession of illegal drugs, controlled substances, and/or alcohol;
- (c) The abuse of prescription medications and over-the-counter medications;
- (d) Being impaired by and/or under the influence of illegal drugs, controlled substances, and/or alcohol;
- (e) The manufacture, sale, purchase, transfer, dispensing of, and/or distribution of illegal drugs, controlled substances, prescription medications, and/or alcohol; and/or
- (f) The use of City property to store, conceal, or transport illegal drugs, controlled substances, and/or alcohol.

Section 5: Use of Legally Obtained Drugs

The abuse and/or inappropriate use of legally obtained drugs while on the job, while performing City business, while on City Premises, while in operation of a City vehicle, or while in operation of any other equipment or vehicle in performance of City business is prohibited and shall constitute grounds for disciplinary action, up to and including termination. The following policies shall apply to the use of legally obtained drugs:

- (a) City employees must not be on the job, on call, on City Premises, operating a City vehicle, or operating any other equipment or vehicle while in performance of City business while impaired due to any drug, legal or illegal, that renders the City employee unfit for duty. An employee is “unfit for duty” if, in the City’s opinion, the employee’s use of legally obtained drugs jeopardizes his or her ability to work safely and efficiently.
- (b) A City employee who is using legally obtained drugs must notify his or her immediate supervisor of any and all known or experienced symptoms and probable adverse side effects that may render the employee unfit for duty. An employee’s failure to so notify the City constitutes grounds for disciplinary action, up to and including termination. A City employee is not expected to notify the City of legally obtained drugs that are unlikely to render him or her unfit for duty.
- (c) City employees using legally obtained drugs while on the job shall do so in strict accordance with physician and/or manufacturer’s directions. It is the employee’s responsibility to notify the prescribing physician of the duties required by the employee’s position and to ensure that the physician approves the use of the prescription medication while the employee is performing his or her duties.
- (d) Any prescription medication brought onto City or customer property or taken aboard City vehicles must be retained in its original container labeled with the names of the employee and the prescribing physician.
- (e) No City employee may take another person’s medication.

Section 6: When Drug Testing is Required**(a) Job Applicants for All Positions**

All applicants for full-time and part-time positions of employment with the City will be tested for drugs after a conditional offer of employment has been extended. No such applicant or new hire shall be permitted to report for duty until the results of the drug test are obtained. All applicants for temporary full-time and temporary part-time positions of employment will be tested for drugs after a conditional offer of employment has been extended.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

(b) Transfers to Safety-Sensitive Positions

City employees who are transferred, reclassified, promoted, or demoted from a non-Safety-Sensitive Position into a Safety-Sensitive Position will be tested for drugs before performing any job duties in the new position.

(c) Reasonable Suspicion

All City employees will be subject to immediate testing when there is reasonable suspicion that the employee has used or misused drugs or alcohol in violation of this policy. Any City employee who is required to take a reasonable suspicion test will be immediately placed on administrative leave without pay pending the results of the test and confirmation of the results. Supervisors or directors who suspect that an employee is under the influence of drugs or alcohol shall document all credible evidence on the Reasonable Suspicion Incident Checklist provided by the City Clerk and shall seek confirmation of the observations from the City Manager or Designee or another employee with Reasonable Suspicion training before transporting the employee for testing. A reasonable suspicion test may be required based upon, but not limited to the following:

1. The personal observation of the City employee's job performance, appearance, behavior, speech, or odor by the trained individual creating a reasonable suspicion that the City employee has used drugs or alcohol in violation of this policy;
2. Personal observation of the City employee by another individual who has fully disclosed the observation to the City;
3. Observation of the City employee by a nurse or physician engaged in the treatment or evaluation of a work-related injury who has disclosed such observations to the City;
4. Information from a law enforcement agency received by the City.
5. Specific and objective facts indicating that a city employee's drug or alcohol use may have caused or been a contributing factor to an on-duty motor vehicle accident. The following facts, if present, may independently or collectively, depending upon the circumstances, give rise to reasonable suspicion in this instance:
 - a. the appearance, behavior, speech or odor of the City employee immediately prior to or after the accident;
 - b. the City employee left the scene or attempted to leave the accident scene without legal authority or permission to do so;

- c. the City employee acted contrary to a safety rule, established safety practice or otherwise engaged in demonstrably unsafe behavior for which there is no reasonable explanation;
 - d. the City employee was arrested or received a traffic citation;
 - e. the City employee or any person received medical attention as a result of the accident; and
 - f. the City employee has been involved, as a contributing factor, in a pattern of repetitive on-duty accidents whether or not they involved actual or potential injury.
7. Specific and objective facts indicating that a City employee's drug or alcohol use may have caused or been a contributing factor to an on-duty accident involving the use of motorized equipment, heavy machinery or heavy equipment. The following facts, if present, may independently or collectively, depending on the circumstances, give rise to reasonable suspicion in this instance:
- a. the appearance, behavior, speech or odor of the City employee immediately prior to the accident;
 - b. the City employee left the accident scene or attempted to leave the accident scene without legal authority or authorization to do so, or failed to report the accident to the appropriate individual or otherwise attempted to keep appropriate persons from learning about the accident or the extent of the accident;
 - c. the City employee acted contrary to a safety rule, established safety practices or otherwise engaged in demonstrably unsafe behavior without a reasonable explanation;
 - d. the City employee or any other person received medical attention as a result of the accident; and
 - e. the City employee has been involved as a contributing factor in a pattern of on-duty accidents whether or not they involved actual or potential injury.

Additionally, any untrained supervisor or director may require a reasonable suspicion test(s) for drugs or alcohol when a trained supervisor or director or the City Manager or Designee has reviewed the underlying facts and agrees that reasonable suspicion exists to require a test.

(d) Required Testing After Certain Accidents

Drug and alcohol testing must be performed within policy guidelines when any City employee holding a safety-sensitive position, while in operation of a City vehicle, equipment, or heavy machinery, or while in operation of any other vehicle or

equipment while in the performance of City business, is the apparent cause of an accident that results in: 1) a fatality; or 2) a citation issued to the City employee; or 3) an injured person requiring immediate medical treatment; or 4) damage to City property; or 5) damage to any other property. Alcohol and drug test(s) required after any of the above accidents shall be completed within eight (8) hours of such an accident. This testing is to be performed in addition to any drug or alcohol test(s) that may be ordered by law enforcement authorities. The involved City employee must report immediately for testing, or be subject to disciplinary action, up to and including termination.

(e) Random Testing

All City employees will be subject to random drug testing, as follows:

1. Tests will be ordered on a random, unannounced basis from the pool of identified City employees.
2. A random selection method and test rates as adopted by the City Manager or Designee will be used to select City employees, thereby allowing each city employee an equal chance of being tested each month. Random selection test rates are subject to change as determined by the City Manager or Designee. This selection will be facilitated and monitored by the City's occupational medicine provider.
3. A city employee's name will remain in the pool after being selected so that every employee will have an equal chance of being tested each time selections are made. Therefore, it is possible that a city employee who is randomly selected for testing may be randomly selected again during the same year.
4. The City Clerk will notify the supervisor or director when an employee has been selected through the random process. The employee will report to the testing facility taking with them the Chain of Custody Form. The supervisor or director is not to inform the associate that he or she has been chosen for the test until immediately prior to the time the employee is given their notice.
5. City employees are allowed to continue working pending the results of the test. If the testing facility notifies the City that the City employee has produced a confirmed positive sample, the City Clerk will contact the appropriate director with the results.
6. All information received by the City of Flowery Branch as a result of any testing procedure is considered confidential but may be entered into evidence or disclosed in any civil action or administrative proceedings when the information is relevant to the City's defense in any such action or proceedings.

(f) After-Care Testing

Persons returning to work from an approved treatment program for drug or alcohol abuse may be subject to unannounced testing at the discretion of the City Manager or Designee for a period of one (1) year following the City employee's return to work.

(g) Return to Duty Testing

All City employees who are absent from work for more than thirty (30) days, for any reason, or following any workers' compensation leave, medical leave, or short-term disability leave shall be tested for drugs immediately upon returning to work and before performing any job duties.

Section 7: Procedures for Testing

- (a) Alcohol screening will be conducted using a federally approved evidential breath testing device or the use of a swab/saliva test performed by an approved independent medical facility. In the event that it is not reasonable under the circumstances to conduct an alcohol test based on a breath test or a swab/saliva test, the City reserves the right to test for the presence of drugs or alcohol by a blood test analysis.
- (b) All drug tests shall be administered and accounted for by an approved laboratory and/or medical facility that are operating in compliance with the U.S. Department of Health and Human Services (DHHS). Testing will involve an initial screening test(s) and confirmation of positive tests by gas chromatography/mass spectrometry (GC/MS) analysis, or other test(s) that are approved by the DHHS for screening and confirmation of drugs or alcohol in a person's system. Tests will be certified, to the fullest extent possible under the circumstances, by a laboratory approved by the DHHS.
- (c) All positive test results for drugs will be interpreted by a physician approved by the City as a medical review officer (MRO) before the results are reported to the City. Prior to notifying the City, the MRO will make reasonable efforts to contact the City employee for the purpose of allowing the City employee to offer an alternative medical explanation for the positive test result. If the MRO is able to contact the applicant or City employee and determine there is a legitimate medical explanation for the positive test, the result will be communicated as negative to the City. The MRO's inability to contact the applicant or city employee before providing test results to the City will not void the test results or make the test results unusable in any subsequent disciplinary action. An applicant or city employee who fails to respond to an inquiry by the MRO within forty-eight (48) hours of such inquiry shall have waived his or her opportunity to offer an alternative medical explanation for the positive result or to request confirmation testing. Because the City employee

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

is present for interpretation of an alcohol test, the procedure concerning prior notification by the MRO is not applicable. An MRO will not be used when a blood test for alcohol is conducted.

- (d) Upon notification by the MRO of a confirmed positive result for drugs, the City employee may request, within three (3) calendar days of such notification, that the remaining portion of his/her specimen undergo a second confirmation test at his/her expense at a DHHS laboratory of his/her choice. If the test conducted by the laboratory selected by the City employee is negative for the presence of drugs, a third test may be made at the City's sole expense at a separate DHHS facility of its own choosing. The results of the third facility will be determinative. If the results from the third facility are negative, all prior positive tests will be disregarded and shall not be the basis for any disciplinary or adverse action. This option of a confirmation test is contingent upon there being enough of the specimen remaining to allow for a confirmation test.
- (e) Any City employee ordered to be tested based upon reasonable suspicion, shall be immediately removed from duty, escorted to the testing facility, and taken home (unless other suitable arrangements have been made to transport the City employee). Under no circumstances will the City employee be allowed to drive himself or herself home. The City employee shall be suspended without pay pending the results of the test and any confirmation tests, if applicable. If the positive test is explained or negated by the MRO and/or subsequent confirmation testing, the City employee shall be reinstated with back pay and the suspension without pay will be expunged from the City employee's personnel file.

Section 8: Investigation of Prohibited Drug and Alcohol Use and Searches

All City-issued, City-owned or City-leased equipment, property, and facilities, including, but not limited to, desks, workstations, file cabinets, lockers, vehicles, computer equipment, or any other property or equipment owned, leased, or provided by the City is subject to inspection at any time and for any reason. No employee shall have any privacy interest whatsoever in any City-issued, City-owned or City-leased equipment, property and facilities. If a search uncovers evidence of City employee wrongdoing, illegal activity, or City employee violations of City rules or policies, the evidence may be used to support disciplinary action, up to and including termination. In cases involving suspected illegal activities, the evidence may be turned over to appropriate legal authorities. The City also reserves the right to conduct searches on city property of city employees and/or their personal property when, in the city's view, there is a reasonable suspicion that a City employee is buying, selling, transporting, or otherwise in possession of illegal drugs or controlled substances on the City's property or during working time. A refusal to submit to, or cooperate with, a search may result in immediate discipline, including discharge.

(a) Consent for testing

Prior to date of hire, all City employees and job applicants are required to sign a consent form consenting to any and all frequency of drug and/or alcohol test(s) set forth in this policy and permitting the release of test results to the City and/or the MRO. Signed consent forms shall be kept on file by the City Clerk and are enforceable for the duration of employment.

(b) Refusals to undergo testing

The City has a zero-tolerance policy regarding test refusals. As such, any City employee so refusing to immediately proceed as directed will be subject to disciplinary action including termination from employment.

Other actions that constitute a test refusal occur when a City employee:

1. Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the City, after being directed to do so by the City;
2. Fails to remain at the testing site until the testing process is complete;
3. fails to provide a urine, breath, saliva or blood specimen for any drug or alcohol test required;
4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of his/her provision of a specimen;
5. Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
6. Fails or declines to take a second test the City or collector has directed the City employee to take;
7. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process;
8. Fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational or obstructive way that disrupts the collection process; refuses to be escorted to the designated collection site when so directed, is physically absent resulting in the inability to conduct testing).
9. City employees who refuse to submit to a test or test positive for alcohol or illegal drugs may be disqualified for unemployment compensation benefits.
10. City employees who refuse to submit to a test, or test positive for alcohol or unlawful drugs following a workplace injury may be disqualified for workers compensation benefits.

(c) Confidentiality

All reports of test results for drug and alcohol, searches, or any employee referral, or participation in an assistance program or treatment program for addictive disorders, will be maintained in strict confidence. Any person authorized to have access to such confidential information, who, without authorization, discloses it to another person shall have engaged in gross misconduct and be subject to severe disciplinary action, up to and including, termination. The confidentiality of such information shall not apply to any use by or communication to the City's attorneys, or where the information is relevant to the City's defense in an administrative proceeding or civil action. Such information may also be disclosed to the extent required by any federal, state or local law, statute, ordinance or regulation.

(d) Discipline for Violations of Policy**1. Immediate Suspension**

A City employee who tests positive for drugs or alcohol shall immediately be relieved from duty, placed on suspension without pay, and sent home pending disciplinary action. If the positive test is explained or negated by the MRO and/or subsequent confirmation testing, the City employee shall be reinstated with back pay and the suspension without pay will be expunged from the City employee's personnel file.

2. Disciplinary Action

A City employee who violates any provision of this policy is subject to discipline, up to and including termination. If terminated, the City employee will not be eligible for rehire for a minimum period of two (2) years.

3. Immediate Termination

The following reasons shall be presumed to result in immediate termination of a City employee:

- a. manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, or selling, or otherwise transferring an illegal drug(s) or controlled substance(s) while on the job, on call, on City property, while operating City equipment or vehicles, or while operating any other equipment or vehicles on City business.
- b. operating City motorized equipment while unfit for duty due to the use of drugs and/or alcohol.

- c. conviction for violation of any drug law.
- d. refusing to consent to or to take a drug or alcohol test pursuant to this policy.
- e. failure to appear at the designated collection site to take a drug or alcohol test when so directed.
- f. a confirmed positive test for drugs or alcohol.

(e) Employee Assistance Program (EAP)

The City cares about the health and well-being of its employees and recognizes that a variety of personal problems can disrupt their personal and work lives. While many employees solve their problems either on their own or with the help of family and friends, sometimes employees need professional assistance and advice. The City will maintain an Employee Assistance Program (EAP) that provides confidential access to professional counseling services for help in confronting personal problems such as alcohol and other substance abuse, marital and family difficulties, financial or legal troubles, and emotional distress. The EAP is available to all City employees and their immediate family members offering problem assessment, short-term counseling, and referral to appropriate community and private services.

1. The EAP is strictly confidential and is designed to safeguard your privacy and rights. Information given to the EAP counselor may be released only if requested by you in writing. All counselors are guided by a Professional Code of Ethics. Personal information concerning employee participation in the EAP is maintained in a confidential manner. No information related to an employee's participation in the program is entered into the personnel file.
2. In certain situations, an employee's supervisor may make a direct referral to EAP. Supervisors will undergo training to discuss EAP services and identify issues that may warrant a supervisory referral to EAP.
3. The following information will be made available to the supervisor making a directed referral:
 - a. the City employee kept or did not keep the appointment with the EAP counselor;
 - b. the City employee did or did not complete the EAP recommended treatment/assistance;
 - c. a referral for treatment/assistance was made by an EAP counselor and was accepted or rejected by the City employee; and/or
 - d. the City employee did or did not complete the EAP recommended treatment/assistance.

4. A City employee's failure to successfully complete the treatment plan or to release the information regarding his/her participation may result in disciplinary actions.
5. There is no cost for City employees to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline community and private services available. The counselor will also let City employees know whether any costs associated with private services may be covered by their health insurance plan. Costs that are not covered are the responsibility of the City employee.
6. City employees desiring assistance or consultation through EAP are encouraged to contact EAP directly or the City Clerk for further information regarding an EAP counselor.
7. Employees are encouraged to seek EAP assistance as soon as possible to avoid issues arising within the workplace.

F. SOCIAL NETWORKING

Section 1: Purpose

Social media websites provide an opportunity for individuals to interact with people throughout the world. Given the multitude of concerns (legal, political, and ethical) raised by social networking (Facebook, Twitter, etc.) this policy establishes prudent and acceptable practices regarding usage of social networking by City of Flowery Branch officials and employees. Additionally, this policy identifies specific guidelines and standards that personnel, defined as City employees or appointed board members for purposes of this policy, must adhere to when utilizing social media websites.

While the City of Flowery Branch encourages its personnel to enjoy and make good use of their off-duty time, certain activities on the part of its personnel may become a problem if they have the effect of: impairing the work of any official or employee; harassing, demeaning, or creating a hostile working environment; disrupting the smooth and orderly flow of work; or harming the goodwill and reputation of the City among its citizens or in the community. For these reasons, the City reminds its personnel that the following guidelines apply in their use of social media, both on and off duty.

Under this policy, the City disavows, and is not responsible for, any sites, posts, opinions, or content not coordinated through and approved by the City Manager or Designee. If City personnel post data purporting or implying to be on behalf of the City while using a social media site without the approval of the City Manager or Designee, the City is not responsible for that content, such content is not to be construed as reflecting the views or opinions of the Mayor, City Council or other

City management, and the City is not responsible for archiving such content in accordance with applicable records retention schedules, or providing copies in accordance with the Georgia Open Records Act. Furthermore, the absence of explicit reference to a particular site does not limit the extent of the application of this policy. If you are uncertain as to the propriety of a post, opinion or other content, consult your Department Director before proceeding.

Section 2: General Guidelines for Personnel

1. While on duty, the use of City equipment or internet service by personnel must be limited to work-related tasks. Social media activities should never interfere with work commitments.
2. No personnel may post online content as a representative of the City, or on the City's behalf, without the City Manager or Designee's approval.
3. If discussing City-related issues, but not posting online content as an approved representative of the City or on the City's behalf, all personnel must make it clear that they are speaking for themselves, and not on behalf of the City by displaying a disclaimer that states: "This is my own opinion and not necessarily an opinion or position held by the City of Flowery Branch, the Mayor or the City Council."

Personnel who choose to maintain or participate in social media or social networking platforms while off-duty shall conduct themselves with professionalism and in such a manner that will not reflect negatively upon the City. Be aware of your City of Flowery Branch association in online social networks. If you identify yourself as a City of Flowery Branch employee or have a public facing position for which your City of Flowery Branch association is known to the general public, ensure your online profile and related content (even if it is of a personal and not an official nature) is consistent with how you wish to present yourself as a City of Flowery Branch professional, appropriate with the public trust associated with your position.

Section 3: Guidelines for Official City Social Media Sites and Content

All City-sanctioned social media sites shall be maintained by the City Manager or Designee. Any content to be posted on City-sanctioned social media sites must meet the approval of the City Manager or Designee before it is posted.

All personnel that engage in social media activities on the City's behalf and all City-sanctioned social media sites shall adhere to applicable federal, state and local laws, regulations and policies, including the Georgia Open Records Act and the records retention schedules issued by the Georgia Archives. All content must be managed, stored and retrieved to comply with these laws.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

All online content posted as representative of the City, or on the City's behalf, shall clearly indicate that it is subject to the records retention schedules issued by the Georgia Archives and public disclosure pursuant to the Georgia Open Records Act. All City-sanctioned social media sites shall clearly indicate that any articles and any other content posted or submitted for posting are subject to the aforementioned records retention schedules and public disclosure. Note, for purposes of this policy each individual posting does not need the aforementioned disclaimer when such disclaimer is clearly posted on a social network site that contains the disclaimer in a readily accessible area of the site.

Any content posted as representative of the City, or content posted to a City-sanctioned social media site containing any of the following, shall not be allowed:

- a. Comments not topically related to the particular site or blog article being commented upon;
- b. Profane language or content;
- c. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
- d. Sexual content or links to sexual content;
- e. Conduct or encouragement of illegal activity;
- f. Information that may tend to compromise the safety or security of the public or public systems; or
- g. Content that violates a legal ownership interest of any other party.

Any content removed from a City social media site will be maintained in accordance with the Georgia Open Records Act.

Content submitted for posting on a City-sanctioned social media site that is deemed unsuitable for posting by the City Manager or Designee because it violates criteria in the preceding item (Item 4, above) of this policy, shall be retained pursuant to the applicable records retention schedules along with a description of the reason the specific content is deemed unsuitable for posting. Where hyperlinks are used on a City-sanctioned social media site, the site shall include a disclaimer which states: "The City does not guarantee the authenticity, accuracy, appropriateness or security of the link, website, or content linked hereto."

All data transmitted, received, accessed, or stored by the City of Flowery Branch network systems or a third-party vendor (cloud), remains the property of the City of Flowery Branch.

The City of Flowery Branch reserves the right to access or audit this information in accordance with local, state and federal laws. Additionally, in the event an employee is no longer a City of Flowery Branch employee or doing work with the City of Flowery Branch, the City of Flowery Branch retains the ownership to all work-related data and login information that was created to perpetuate business for the City of Flowery Branch (i.e. passwords, usernames, customer lists created for City of Flowery Branch business, Twitter handles created for the City of Flowery Branch business). The employee is hereby notified that passwords and usernames are administrative identifications and do not create an expectation of privacy in the event of a routine audit, public record requests, lawsuit, and internal investigation.

The City Manager or Designee will maintain a listing of all employees authorized to post on all City social media sites. Personnel are not allowed to create City of Flowery Branch websites without approval of the City Manager or Designee.

Section 4: Guidelines for Personal Social Media Sites and Content

Section 3, “Guidelines for Personal Social Media Sites and Content,” of this Social Networking Policy shall apply to all officials, appointed board members and employees in the performance of their official duties for or on behalf of the City of Flowery Branch unless otherwise noted.

Use common sense when using personal social media sites. Remember that what you write is public, may be public for a long time, and has the propensity to spread to large audiences. Personnel should refrain from posting information that they would not want their supervisor or other employees to read or that they would be embarrassed to see in the newspaper or on television. The City expects its employees to be truthful, courteous, and respectful toward supervisors, co-workers, citizens, customers, and other persons associated with the City. Personnel shall not engage in name-calling or personal attacks or other such demeaning behavior.

Personnel may use social media on their own time and using their own equipment and may use social media to express their thoughts or ideas as long as they do not negatively impact the City of Flowery Branch’s policies or business. To ensure the City of Flowery Branch’s safety, operational fluidity, and public trust, the list below provides guidelines on prohibited conduct on an official’s, board member’s, or employee’s personal social media site. The list is not meant to be an exhaustive list of all prohibited conduct for personal social media use, but rather a guideline on forms of speech that are not protected under the First Amendment or allowed by the City of Flowery Branch:

- a. Hate speech or libelous speech as such is defined by local, state or federal law; Sexually harassing speech as such is defined by local, state or federal law;

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, or that might constitute harassment or bullying. Examples of such conduct include, but are not limited to, offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law;

- b. Obscenity prohibited by local, state or federal law;
- c. Fighting words, extortion, and other threats prohibited by local, state or federal law;
- d. Disclosure of private health or financial information protected by local, state or federal law;
- e. Disclosure of other confidential information protected by local, state or federal law;
- f. Disclosure of confidential information gained during the course and scope of employment that compromises the safety of others;
- g. Disclosure of information obtained from emergency dispatches—such as, personal health information, financial information, or private family information received in a dispatch;
- h. On-duty or off-duty speech that compromises City investigations and the applicable department's mission; and
- i. All other speech prohibited by local, state or federal law not mentioned in this list.

Officials and personnel (employees or appointed board members) agree to avoid persistent and unwelcome posts, pictures, audio, video or any other communication that harasses another co-worker, vendor or other third party. There is zero tolerance for any harassing communications to a co-worker, vendor or other third party based on race, sex, religion, creed, ancestry, national origin, age, disability, marital status, or other protected classification by state or federal law. Users also agree not to violate local, state or federal harassment laws. All officials and personnel (employees or appointed board members) are hereby notified they may be personally liable for social media harassment. To report violations of this provision, please refer to the City's harassment policy which shall govern all harassing communications.

Officials and personnel (employees or appointed board members) are not allowed to use their personal social media sites to display any video, audio, pictures, confidential work data, writings, logos or any other communications that identify their employment with the City of Flowery Branch.

Where applicable, personnel are allowed to identify themselves as an employee of the City of Flowery Branch, however, if commenting on issues, but not posting online content as an approved representative of the City or on the City's behalf, all personnel must make it clear that they are speaking for themselves, and not on

behalf of the City by displaying a disclaimer that states: “This is my own opinion and not necessarily an opinion or position held by the City of Flowery Branch, the Mayor or the City Council.” City officials are expressly exempted from this provision and may identify themselves as City officials without the use of the aforementioned disclaimer.

Nothing in this policy shall be construed to limit an official’s authority to engage in social media activities without needing to place any disclaimer in such posting so long as the speech is subject to First Amendment protection.

In no situation shall personnel insinuate that the City of Flowery Branch endorses or authorizes the employee’s personal website, blog or private social network account. Additionally, no one is to directly or indirectly suggest that the City of Flowery Branch endorses a commercial service or product.

Personal or business venture social media account names shall not be tied to the City. For example, City of Flowery Branch employee would not be an appropriate personal account name or “handle” for a social media account.

Personnel, City contract employees, and City volunteers shall not use their City email account or password in conjunction with a personal social networking site.

To others online, there is no clear distinction between your work life and your personal life. Always be honest and respectful in both capacities.

Any violation of this policy is subject to disciplinary action up to and including termination.

City of Flowery Branch Personnel Policy

*Developed under the authority of the City Council
by the City Manager's Office
~~and the Human Resources Department~~
approved on XXXXXXXX*

**Tonya – Do you want to use this letter or another one from you or the Mayor?

Dear Employee,

Welcome to the City of Flowery Branch. We are excited to have you as a part of our innovative and [awesomediverse](#) team of employees. The City of Flowery Branch is a unique and groundbreaking municipality, requiring input and contribution from every team member. This employee handbook contains key policies and expectations of the City of Flowery Branch as your employer. You will find the information both necessary and informative and are encouraged to use the handbook as the vital resource it is intended to be.

The City of Flowery Branch is committed to [outstanding excellence in](#) service ~~ing to~~ our citizens and visitors. Providing an outstanding quality of life to our community is our top priority. As a part of our team, you will discover that your involvement will not only benefit the ~~City, but~~ [City but](#) be a rewarding experience to you on both a professional and personal level. [Please share your innovative and creative ideas with your Director and me; and then We expect you to](#) own the results of your innovation and productivity and be an active participant in the growth and development of your career and of the City of Flowery Branch's future.

Welcome aboard and I look forward to working with you.

Sincerely,

[Tonya D. Parrish](#)
~~Mayor or~~ City Manager

Employee Acknowledgment Form

This Personnel Handbook describes the policies and procedures at the City of Flowery Branch, and I understand that I should consult [Human Resources](#) [the City Clerk](#) regarding any questions not answered in the Personnel Handbook. I acknowledge that I am an employee at-will and have entered my employment with the City of Flowery Branch voluntarily and acknowledge that there is no specified length of employment. Any employment agreement that would alter my status as an employee at-will must be specified and executed in writing by the City Manager and myself, and approved by the City Council. No other agreements will be enforceable or change my status as an employee at-will.

This Personnel Handbook replaces and supersedes any earlier personnel practice, policy, or guideline. However, since the policies and procedures described within this handbook are subject to change from time to time, I acknowledge that revisions may occur. I understand that such changes may supersede, modify, or revoke existing policies. The City Manager has the power to change the policy and may do so at any time without notice.

Furthermore, I acknowledge that the Personnel Handbook is neither a contract of employment nor a legal document. I have received a copy of the City of Flowery Branch Personnel Handbook and I understand that it is my responsibility to read and comply with the policies contained in the manual and any revisions made to it.

Employee Name: _____

Employee Signature: _____ Date: _____

Table of Contents Will Update Once Changes Are Made.

Administration A. Personnel Administration Authority Error! Bookmark not defined.
Error! Bookmark not defined.

B. Attendance & Work Hours.....	<u>1515</u> <u>10</u>
C. Employee Status Changes.....	<u>2221</u> <u>15</u>
D. Hiring & Selection.....	<u>2827</u> <u>20</u>
E. Performance Management & Review	<u>3837</u> <u>28</u>
F. Termination of Employee Status	<u>4039</u> <u>30</u>
G. Use of City Property & Equipment.....	<u>4443</u> <u>33</u>
H. Safety & Accident Reporting.....	<u>5049</u> <u>38</u>

Compensation & Benefits

Compensation & Pay Plan.....	1
Employee Benefits – Leave Type.....	9
Group Benefit Plan.....	28
Worker’s Compensation	30
Amendments to Chapter.....	32

Employee Relations

Standards of Conduct.....	1
Discipline.....	11
Grievances.....	14
Workplace Discrimination & Harassment.....	17
Substance Abuse and Alcohol & Drug Testing.....	20

CHAPTER I

ADMINISTRATION

I. ADMINISTRATION

A. PERSONNEL ADMINISTRATION

Section 1: Authority

(a) General

With the exception of matters reserved by state law or the city charter to the City Council, the general and final authority for personnel administration rests with the City Manager. This Personnel Handbook provides statements of policy and establishes required procedure relating to personnel administration that are necessary to effectively and efficiently manage city operations. It is issued by the City Manager under the authority of the City Council.

(b) Scope of Authority

The City Manager possesses the authority to administer city operations. The City Manager's authority includes, but is not limited to:

1. Discipline, discharge, or release of employees pursuant to the procedures described in this handbook;
2. Direct the work forces;
3. Hire, assign, or transfer employees;
4. Determine the mission of city departments;
5. Determine the methods, means, and allocation/assignment of personnel needed to carry out the City's mission;
6. Introduce new or improved methods or facilities or change such methods or facilities;
7. Determine reasonable work schedules and establish the methods and processes by which such work is performed;

Require the performance of duties stated and intended in job descriptions, with the understanding that every duty is not always described;

8. Determine position availability by:
 - a. Authorizing lateral assignments;
 - b. Freezing, hiring, and promoting;
 - c. Authorizing delay in position uses due to budget, facilities, or other business necessity;
 - d. Authorizing temporary assignment into a vacancy.
9. Delete positions, reclassify positions, and/or reassign employees to different positions with different classifications and pay as required by business necessity.

(c) Delegated Authority

The City Manager may delegate authority to ~~Department Head~~Department Directors in the following areas:

1. Discipline, discharge, or release of employees pursuant to the procedures described in this handbook;
2. Direct the work forces;
3. Hire, assign, or transfer employees;
4. Recommend the mission of specific departments;
5. Determine the methods, means, and allocation/assignment of personnel needed to carry out the department's mission;
6. Introduce new or improved methods or facilities or change such methods or facilities;
7. Recommend work schedules and establish the methods and processes by which such work is performed;

Require the performance of duties stated and intended in job descriptions, with the understanding that every duty is not always described;

8. Recommend positions, reclassify positions, and/or the reassignment of employees to different positions with different classifications and/or pay; and
9. Fiscal responsibility of the department.

(d) Administration of Policy

Proper policy administration includes selecting goals and encouraging the discharge of duties above the minimum standards. The provisions of this Handbook create high standards of conduct so that training and performance can be aimed at the highest levels and may in appropriate cases, be the basis for internal discipline. This handbook provides general information about city policies, procedures, expectations, and benefits. The information in this handbook, however, cannot anticipate every situation or answer every question regarding your employment. Therefore, the policies set forth in this Handbook may not cover all situations. The City Manager shall make interpretive decisions for those situations that are not specifically covered by this handbook and may, in the best interest of city operations, override any provision in this handbook.

The intent of this personnel policy handbook is compliance with all applicable federal and state law. In the event of a change in law or a conflict in federal or state law with the contents of this handbook, the federal and/or state law shall supersede the policies contained within this handbook.

Section 2: "At-Will" Employment

All employment relationships are at-the will of the City of Flowery Branch and the employee. Employees may resign or quit at any time for any or no reason, with or without cause or notice. Similarly, the City of Flowery Branch may discharge an employee at any time for any reason, with or without cause or notice.

This handbook is not intended to and does not create an employment contract between the City and its employees. Your employment is for no specified period of time, and this Handbook does not limit your right or the

City's right to terminate your employment at any time for any reason or no reason.

Section 3: Departmental Operating Rules

Departmental operating rules and regulations related to employment matters, not in conflict with this Handbook, may be used and/or established by the ~~Department Head~~Department Director. All such departmental operating rules and regulations and subsequent amendments thereto adopted pursuant to this Section shall be submitted to the ~~Director of Human Resources~~City Manager and Finance Director ~~Designee for approval prior to adoption, within ten (10) days of their adoption by the department for maintenance in the Human Resources Department.~~ To the extent there are any questions as to the controlling rule, the rule requiring the most stringent level of employee performance shall govern.

Section 4: Revisions to Handbook

This Handbook may be amended in whole or in part from time to time at the sole discretion of the City in order to maintain legal compliance, operative effectiveness, and desired workplace conditions. Amendments will be available to all employees upon adoption.

Section 5: Personnel Records

A record of service will be managed by the ~~Director of Human Resources~~City Clerk for every active employee. Service records for terminated employees shall be retained as required under all applicable record retention laws. An employee has the right to review and request copies of their personnel file. These requests will be facilitated by the ~~Director of Human Resources~~City Clerk. Open records requests and confidentiality of personnel records will be managed as defined in the City's policies and the Georgia Open Records Act.

It is the responsibility of the employee to notify the City of any personal data changes, such as name, address, phone number, emergency contact information, change in beneficiaries, etc. Name changes will require legal documents as back-up, i.e. marriage certificate, divorce decree, etc.

Section 6: Personnel Handbook

(a) Scope

The provisions of this Handbook apply to all employees of the City of Flowery Branch, Georgia, both on and off duty, unless otherwise indicated, restricted by authority, or limited by law.

(b) Not a Contract

This handbook does not constitute a contract of employment or benefits. Nothing in this handbook should be construed as a guarantee of continued benefits from, or employment by, the City of Flowery Branch. All employees are subject to discharge with or without cause.

(c) Changes

The City Manager reserves the authority to recommend, modify, revoke, amend, suspend, interpret, terminate, or change any or all of the provisions of this handbook. Except in the case of emergency, employees will be given appropriate notice of any change.

(d) Titles/Headings

The use of titles or headings in this Handbook shall not govern, limit, modify, or affect the scope of meaning or intent of any provision.

(e) Validity/Severability

Any statement in a directive found to be illegal, incorrect, or inapplicable shall not affect the validity of the remaining contents.

(f) Distribution

Every city employee will have access to a copy of this handbook and copies of amendments and revisions as they are adopted.

(g) Compliance

All provisions of this Handbook are applicable to regular full-time, part-time, seasonal, and temporary employees, except where otherwise noted in the Handbook.

(h) Official Copy

An official copy of the City of Flowery Branch, Georgia Personnel Handbook containing the latest revisions is maintained by the ~~Director of Human Resources~~ City Manager or Designee City Clerk and can be found in the offices of such department.

Section 7: Definitions

The following words and phrases shall have the following meanings. All other words not defined herein shall have the common and ordinary dictionary meanings unless a different meaning is required by the context.

(a) Comp Time

The comp time rate of pay is one and one-half (1½) times the regular rate of pay for non-exempt employees.

(b) Days

Unless otherwise provided, “days” refers to business days, rather than calendar days or shift days.

(c) Demotion

Demotion is defined as the change of an employee from a position in one grade to a position in another grade at a lower level. Demotions may be to one or more grade levels lower than the current employee status.

(d) Department

The recognized departments for the City of Flowery Branch:

- Mayor & Council
- City Manager's Office
- City Clerk
- Community Development [and Planning](#)
- [Downtown and Events](#)
- Public Works
- Municipal Court
- Finance
- ~~Human Resources~~
- Police Department
- ~~Water/Wastewater~~
 - [Tourism](#)

(e) **Department Director**

The highest administrative employee of a department, whether indicated as Director, Chief, or other job title or rank.

(f) **Disability**

A physical or mental impairment that substantially limits one or more of the major life activities of an individual.

~~(f)~~(g) **Employee**

- **Regular Full-time Employee:** Any employee filling an approved, budgeted position with a regularly scheduled work week of more than thirty (30) hours per week.
- **Regular Part-time Employee:** Any employee filling an approved, budgeted position with a regularly scheduled work week of thirty ~~(30)~~ hours or less per week. Regular part-time employees are not eligible for employee benefits unless specifically noted.
- **Police ~~Shift Officer~~ Employee:** Those employees designated as a sworn law enforcement officer ~~police protection personnel~~ and assigned to the police department working a shift other than the regular work week.
- **Temporary Employee:** Any employee filling a position for a specified length of time, for either ~~long or short term~~ long or short-term work

Formatted: Indent: Left: 1.24", No bullets or numbering

Commented [MH1]: I think it needs to 29hrs or less or we may have provide insurance

Commented [TP2R1]: I agree with this.

assignments. Temporary employees are not eligible for employee benefits unless specifically noted.

- Contract Employee: Any individual hired pursuant to an individual written employment contract which governs their employment relationship with the City.

Formatted: Font color: Black

Formatted: Font: Not Bold, Font color: Black

(g)(h) Exempt Employee

An employee defined according to the federal Fair Labor Standards Act (FLSA) to be subject to equal pay provisions but exempt from minimum wage and overtime pay provisions. Exempt employee's compensation is based on an annual salary basis and there is no compensation for hours worked in excess of the defined work week.

(h)(i) Health Impairment

A temporary or permanent mental or physical impairment including, but not limited to injury (on or off the job), illness, or other job-restricting impairment, which diminishes or precludes one's capacity for, or renders one unfit for performance of the essential job functions of the position.

(i)(i) Non-Exempt Employee

An employee defined according to the FLSA to be subject to equal pay, minimum wage, and overtime provisions. For regular employees, hours worked in excess of the 40-hour work week will be paid at a rate of 1½ times the employee's regular rate of pay. For police shift-officer employees, hours worked in excess of the 86-hour bi-weekly work period 12.25 hour shift will be paid at a rate of 1½ times the employee's regular rate of pay. For guard employees, hours worked in excess of the 85-hour bi-weekly work period will be paid at a rate of 1½ times the employee's regular rate of pay. Non-exempt employees take vacation and sick leave hours in quarter hours increments.

(j)(k) On-the-job Injury

An injury arising out of employment or sustained in the course of employment.

(k)(l) Overtime Rate

The overtime rate of pay is one and one-half (1½) times the regular rate of pay for non-exempt employees.

(m) Promotion

A promotion is defined as the change of an employee from a position in one grade to a position in another grade of a higher level.

(n) Qualified Person with a Disability

An individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.

(o) Reassignment

Reassignment is defined as the movement of an employee within the classification plan not otherwise covered by demotion, promotion, or reclassification. The terms reassignment and transfer may be used interchangeably.

(m) Reclassification

A position whose classification is altered due to job duties and responsibilities. Reclassifications can be to a higher, lower, or same pay grade.

(n) Relative

For purposes of this handbook, relatives are defined as follows:

- Spouse
- Parent or Step-parent
- Parent-in-law
- Child or Step-child
- Sister or Step-sister
- Brother or Step-brother
- Sister-in-law

- Brother-in-law
- Grandparent and Grandparent-in-law
- Grandchildren
- Aunt or Uncle
- Niece or Nephew
- First Cousin

(o) Supervisor

The term supervisor shall apply to any employee formally assigned to supervisory responsibilities for personnel and operations of a work unit within a larger department of City government. Department Directors and the City Manager should be understood to be supervisors of individuals who report directly to them.

(p) Unauthorized Absence

Failing to report for duty or failure to remain at work as scheduled without proper notification, authorization, or excuse.

B. ATTENDANCE & WORK HOURS

Section 1: Policy Statement

~~In order to~~To maintain a high level of responsiveness to the City of Flowery Branch citizenry, it is important that employees follow established work hours, avoid tardiness and unauthorized absences, and follow reporting requirements.

Section 2: General Provisions

(a) General Business Hours

All offices of the City will be kept open continuously from 8:00 a.m. to 4:30 p.m. Monday through Friday. Unless otherwise approved by the City Manager, the regular work week is from 8:00 a.m. to 4:30 p.m. Each department may schedule alternate work schedules to meet their needs and the needs of citizens with approval of the City Manager.

(b) Dress Code

Formatted: Font: Not Bold, No underline

Employees are expected to maintain the highest standards of personal cleanliness and present a neat, professional appearance at all times. Our professional image is an important aspect of our organization. Whether or not your job responsibilities place you in direct contact with city officials, state officials, legislators or the public, you represent the City with your appearance as well as your actions. The properly attired man or woman helps to create a favorable image for the City. Situations in which inappropriate attire is worn and/or any exceptions to the dress code will be addressed by the employee's Department director in consultation with the City Manager. Employees who are improperly attired may be required to leave work to change their attire. Employees will not be compensated for the time they are away from work to change improper attire.

Unless otherwise announced by City Manager, every Friday employees may wear casual attire which is clean, neat, and presentable. Any other casual day will be designated at the City Manager's discretion.

The following clothing is not appropriate attire for casual day: shorts, halters, tank tops, jeans with holes, stretch pants, sweatpants, lounge pants, low neckline front or back, flip flops and slippers or clothing that has words, pictures, scenes, etc. Exceptions may be authorized by the City Manager for special events or weather conditions, such as allowing tailored shorts for hot weather.

Employees within the Public Works and Water/Wastewater Departments will be provided work boots paid for by the City in the amount of \$150.00. During extenuating circumstances or events, the City may pay up to \$175.00 after approval from the Finance Director or designee. Any amount above the approved price, will be the responsibility of the employee at the time of purchase.

(b)(c) Hours Worked

~~Except as otherwise noted below, a~~Authorized paid leave is not considered hours worked for the purpose of determining overtime eligibility or Family Medical Leave (FML) eligibility.

~~1. Vacation and sick leave hours are not considered hours worked for the purpose of determining overtime eligibility.~~

Formatted: Indent: Left: 1"

Formatted: Indent: Left: 1"

Formatted: Font: Not Bold, No underline, Underline color: Auto

Formatted: Indent: Left: 0.99", No bullets or numbering

~~2. Vacation and sick leave hours are not considered hours worked for the purpose of determining eligibility for Family Medical Leave (FML).~~

(e)(d) Attendance Requirements

Maintaining good attendance is a condition of employment and an essential job function of every employee. An employee will refrain from unauthorized absences or tardiness; abusing sick leave; absences or tardiness that causes significant disruption of service, and excessive amount of time off the job, regardless of reason. An employee absent from the job without proper authorization for three consecutive workdays may be considered to have resigned their position, unless exigent circumstances are demonstrated upon review on a case-by-case basis.

(d)(e) Additional Work

All employees ~~are~~ may be required to work in excess of their official hours, when necessary, as determined by department management. Such additional work assignments may be rotated and allocated among employees qualified to perform the duties. Excess hours may be required or granted for a specific period of time or on a regular basis as operating circumstances warrant. Additional work by non-exempt employees must be approved in advance by the employee's supervisor. This includes, but is not limited to, work before or after regular work hours or work taken home.

(e) ~~Time Increments~~ Time Entry

~~Hourly computations for the purpose of compensation and the use of vacation and sick leave will be computed in quarter hour increments for non-exempt employees.~~

All non-exempt employees are required to utilize the electronic time and attendance software for all hours worked. All non-exempt employees will approve and submit their electronic timecard to their Department Director or Supervisor for approval at the end of each pay period. The Department Director or Supervisor is responsible for timely reviewing and approving their department timecards for payroll processing.

(f) Meal Breaks

Mealtime should be thirty (30) minutes in length. Other rest periods of short duration during the day should not be disruptive to operations and should not exceed a total of fifteen (15) minutes in length and be approved by the employee's supervisor. In compliance with the Fair Labor Standards Act, ~~meal-time~~mealtime during a shift or tour of duty is not considered compensable time, unless the employee is required to respond to calls during the ~~meal-time~~mealtime. Department Directors may allow other mealtime lengths that are greater than thirty (30) minutes.

Section 3: Alternative Work Schedules

(a) General Provisions

Subject to operational requirements, regular full-time employees may be permitted to work an alternative work schedule that allows the employee to work outside the normal work hours of 8:00 a.m. to 4:30 p.m. Monday through Friday.

(b) Approval Process

Any change in an employee's work schedule must be agreed to in writing by the department director and the employee prior to implementation. In addition, the City Manager ~~and the Director of Human Resources~~City Manager or Designee must approve any change in an employee's work schedule to ensure there is no conflict with statutory/regulatory requirements or city policy.

(c) Restrictions

- The City may cancel or suspend an employee's alternative work schedule privileges at any time, for any or no reason.
- Daily and weekly work schedules can be modified at the City's discretion to meet changing operational needs.
- Approval of an alternate work schedule does not restrict employees from working more than their scheduled work hours.
- Employees can be required to depart from their alternate work schedule as necessary, to work additional hours, to attend training, or for other business purposes as determined by the City.

- No alternate schedule will be approved that has the potential to unduly increase the City's overtime pay liability or that results in an inconvenience to, or disruption of, the City's business.

(d) Telecommuting

Telecommuting is defined as working one or more days each workweek from home or an alternate work area instead of commuting to the city worksite where the employee would be required to work if they did not telecommute.

~~The City recognizes telecommuting as a valuable alternative work arrangement, where appropriate, for eligible employees.~~

The fundamental assumptions behind utilizing telecommuting are:

- Productivity – it is expected to continue at a satisfactory and acceptable level during telecommuting periods.
- Organizational benefit – telecommuting will be done to benefit the organization and the services provided. Examples of this include during a pandemic or during office renovations, etc.
- Management discretion – The City Manager will have the final authority in the applicability of telecommuting for each situation and shall have the right to terminate the telecommuting program or a telecommuting agreement at any time.

The City may allow telecommuting during certain situations. However,
~~Telecommuting~~ is not appropriate for all employees. No employee is entitled to, or guaranteed the opportunity to, telecommute. Offering the opportunity to work at home is a management option, based on the recommendation of the employee's ~~department head~~ department director. An employee's participation is strictly voluntary. All telecommuting agreements must meet the criteria in this policy and may be terminated at any time by either the employee or the supervisor. The City Manager, or designee, and the Department Director will be the final approving authority for any telecommuting arrangements made for city employees.

Not all city jobs lend themselves to telecommuting. Employees may be considered on an individual basis for their telecommuting eligibility. A primary consideration for administering telecommuting in the City is that it does not interfere with services provided to the public during business

hours. An employee's work must be of a nature that face-to-face interaction with other employees, external customers, or project workgroups is minimal and the employee's tasks can be performed successfully away from the office. Telecommuting agreements are entered into for the good of the City and the services provided.

Employer-initiated requests may be implemented during an emergency situation. Those may include times during an office space renovation, pandemic, hazardous weather, or other events that could result in the office needing to be closed while operations continue.

Employee-initiated requests will be considered on an individual basis for the following reasons:

- Temporary office renovation project
- Short-term emergency situations (hazardous weather, school or childcare closures, illness of immediate family members)
- Short-term planned or unplanned / preapproved situation (recovering from surgery, caring for a family member after surgery, repair technician appointment, etc.)
- Regular basis consideration when both the employee and the position are suited to such arrangements

Formatted: List Paragraph, Bulleted + Level: 1 +
Aligned at: 1.75" + Indent at: 2"

City employees shall devote full time and attention to City business during telecommuting/business hours. Employees will not engage in outside employment during this time. Telecommuting is not a program designed to assist with dependent care. Primary care for dependents (~~child~~ ~~care~~ ~~childcare~~/elder care) during agreed-upon work hours shall be provided by someone other than the telecommuting employee. All telecommuting employees are required to maintain in-office periods, to attend staff meetings and interact as necessary with other staff, both within and outside of the department. Telecommuting employees shall not hold business meetings with internal or external clients, customers, or colleagues at their residence. Telecommuters shall be available to be called into the City work location at any time, without prior notice, for any reason, unless a medical condition would prohibit compliance at that time.

The amount of time an employee is expected to work per day or per pay period will not change due to participation in the telecommuting program. Employee salary, benefits, and insurance coverage will not change due to telecommuting participation. If a reduced workweek is agreed upon, this is

a separate issue from telecommuting and will be treated just as a reduced workweek arrangement would be at the normal work location.

The employee must submit a sick or vacation leave request to cover any hours not worked due to (personal or family) illness, doctor appointments, or funeral attendance during the telecommuting period. Supervisory approval for leave and overtime requests shall be required in advance, just as in the normal work environment. Overtime must be pre-approved by the supervisor.

Office supplies will be provided by the City and should be obtained during the telecommuter's in-office work periods. Out-of-pocket expenses for supplies normally available in the office will not be reimbursed. All supplies must be returned to the City as soon as the telecommuting arrangement is no longer valid or if the equipment will no longer be needed by the employee to do their work.

The City will not provide office furniture.

It is important that consistent communications be maintained by telecommuting employees. Telecommuters shall be available at their remote locations by telephone and/or e-mail to management and other City staff during agreed-upon work hours. The City will not provide cell phones to telecommuters unless they are otherwise provided in the normal scope of business. Telecommuters shall notify the office if they leave their telecommuting location, just as they would inform the receptionist or someone else when leaving the traditional office during the workday. Reimbursement for cellular phone calls from the remote work location requires ~~department head~~ department director approval.

All employees approved for a telecommuting arrangement must continue to comply with all City policies, which includes the technology policy. Employees will always protect City equipment and property. If damage or theft occurs, an employee must report it to their direct supervisor immediately. Equipment must be password protected, include up to date virus protection, stored in a safe and clean area when not in use, and free of suspicious, unauthorized, or illegal software.

Employees will maintain accurate records of all hours worked and meal breaks through the electronic timekeeping system that the City utilizes.

Formatted: Indent: Left: 0", First line: 0"

(e) Alternative Work Schedule

Alternative work schedules may be permitted allowing employees to work outside the normal working hours of Monday through Friday from 8:00 am to 4:30 pm. Any change in an employee's work schedule must have agreed on in writing between the Department Director and employee. The City Manager must also approve prior to implementation.

The City may cancel or suspend an employee's alternative work schedule at any time, for any or no reason. Work schedules may be modified at the City's discretion to meet the changing operational needs. Employees can be required to depart from their alternate work schedule as necessary, to attend training, work additional hours, or other business purposes as determined by the City. No alternate schedule will be approved that has the potential to unduly increase the City's overtime pay liability or that results in an inconvenience to, or disruption of, the City's business.

C. EMPLOYEE STATUS CHANGES

Section 1: Policy Statement

Employees may undergo any number of changes in status and/or compensation. The purpose of this chapter is to identify and describe the more common of these changes.

Section 2: General Provisions

(a) Requirement

All promotions, demotions, reassignments, or transfers are contingent on position availability, the employee meeting the minimum qualifications, and the availability of funds in the discretion of the City Manager and City Council.

(b) **Probation Period Requirements** - We currently have 90-day orientation period, do we want to do probationary period?

Commented [TP3]: We and the PD need to match. Check on what theirs is please.

1. Original Probation Period

Newly hired employees are subject to a twelve (12) month probationary period in the position to which they are hired (the “Original Probation Period”).

2. Position Probation Period

Employees who are promoted, demoted, are subject to a six (6) month probationary period in the new position (the “Position Probation Period”). If the probationary period is to be extended, the employee will be notified in writing at least two weeks prior to the expiration of the Original Probation Period.

3. Extension of Probation

The probationary period may be extended one time for a period not to exceed three months by the ~~Department Head~~Department Director with notice to the ~~Director of Human Resources~~City Manager or Designee.

Probation Period Restrictions

Except as the result of disciplinary action or business necessity, no status change described in this Handbook may occur while an employee is in a probationary period.

(c) **Compensation**

Status changes described in this Handbook may affect compensation, based on position classification and availability of funds.

(d) **Effective Dates**

Except for temporary reassignments in emergency situations, status changes described in this Handbook can only be effective at the beginning of a pay period.

Section 3: Promotions and Demotions

(a) Eligibility for Promotion

Employees may be eligible to promote to higher classified positions based on qualifying skills and demonstrated performance. Employees should consult their Department Director regarding career tracks and job requirements for promotion within their area should opportunities arise. Employees should also check the City website for announcements and requirements for job openings.

(b) Reasons for Demotion

Employees may be demoted as the result of failure to meet minimum performance standards established for their position, disciplinary action, job elimination due to business necessity, or accommodation.

Section 4: Reassignment

(a) Management Reassignment

An employee may be reassigned to a position in the same rank or classification with different duties and responsibilities. This action may be taken at the discretion of ~~department head~~department director.

(b) Temporary Reassignment to Higher Classification

Employees may be temporarily assigned to an acting status in a higher position having different duties and responsibilities when:

1. An existing position is vacant or the incumbent is or will be absent from work for at least thirty (30) days.
2. Operational effectiveness precludes dispersing the duties of the position among other equally classified employees.
3. The employee meets the minimum qualifications of and is capable of performing the assigned duties of the higher level position, and

4. The City Manager or their designee approves the temporary acting status in writing prior to the reassignment.
5. A PAF (Personnel Action Form) must be generated to reflect all changes.

(c) Employee-Sought Reassignment

Employees may voluntarily seek transfers to equally or lower classified available positions for which they are qualified. Such transfers may not be granted if the City Manager determines that it is not in the best interest of City operations.

Section 5: Management Reclassification

(a) General Overview

Reclassification of a position may occur at the request of a department director and upon approval of the City Manager when the job duties actually performed and the minimum qualifications of the position have significantly changed since the job description was written.

Reclassification may result in a position being placed in a higher, lower, or same classification. Employees whose positions are reclassified will be given advanced written notice of the reclassification by the department director.

(b) Approval

All requests for reclassifications should be submitted to the ~~Director of Human Resources~~ City Manager or Designee, ~~who will review and make a recommendation to the City Manager or designee~~ for approval.

Section 6: Nepotism & Conflicts of Interest

(a) General Overview

When relatives, as defined earlier in the definition section, work within the same department, potential conflicts of interest can arise. In order to prevent these conflicts, the city prohibits two (2) or more relatives to be employed within the same department.

Formatted: Highlight

(b) Options

1. Voluntary movement of either or both employees based on availability of positions in other departments and qualifying skills of the employee(s).
2. Involuntary reassignment to an available position of equivalent status/grade.
3. Resignation or dismissal from City service.

Non-Fraternization

Romantic or sexual relationships between a manager/supervisor and a direct report employee can cause real or perceived conflicts of interest. In order to prevent these conflicts, the City prohibits such relationships or any conduct that is intended or may reasonably be expected to lead to the formation of a romantic or sexual relationship between a manager/supervisor and an employee in a direct reporting relationship. This policy applies regardless of whether or not both parties freely consent to such relationships. Should a manager desire to date or become involved with a direct report employee, the manager should first resign from their position with the City.

Should two employees within the same department but not in a direct reporting relationship desire to become involved in a romantic relationship, they should disclose the relationship to the Department Director who shall then make a decision regarding the effect of the relationship on work product and ~~work flow~~ workflow within the department. If in the judgment of the department director, the relationship between two employees within the department creates a negative effect on departmental operations, then one of the two will be asked to transfer or resign their position with the City.

By its prohibition of romantic and sexual relationships, the City does not intend to inhibit the social interaction (such as lunches or dinners or

attendance at entertainment events) that are or should be an important part or extension of the working environment.

D. HIRING AND SELECTION

Section 1: Policy Statement

The City is committed to employ, in its best judgment, the most highly qualified candidates for approved positions in compliance with all applicable employment laws. It is the policy of the City to provide equal employment opportunity for all employment to all applicants and employees.

~~Human Resources~~ ~~The City Clerk's~~ The City Manager or designee authorization is required to initiate any action for an open position including any recruitment efforts, advertising, or interviewing, and approval is required to extend any offers of employment to any perspective candidate.

Commented [MH4]: Consistent with below

Section 2: General Provisions

(a) Equal Employment Opportunity

The City of Flowery Branch provides equal opportunity to all employees and applicants without regard to race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, or status as covered veterans in accordance with applicable federal, state and local laws. This policy applies to all terms and conditions of employment including, but not limited to hiring, placement, promotion, termination, reduction in force, recall, transfers, leaves of absence, compensation, and training.

(b) The Americans with Disabilities Act

The Americans with Disabilities Act (ADA) prohibits, under certain circumstances, discrimination based on disability in the areas of employment, public services, and public accommodations. ADA requires employers to reasonably accommodate qualified individuals with disabilities. It is City of Flowery Branch's policy not to discriminate against individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. The City of Flowery Branch will provide reasonable accommodations to both employees and members of the public, if so requested, unless it creates an undue hardship for the City. The factors

to be considered with respect to an undue hardship are: (1) the nature and cost of the accommodations; (2) the overall financial resources of the facility at which the reasonable accommodations is to be made; (3) the number of persons employed at that facility; (4) the effect on expenses and resources or other impact upon that facility; (5) the overall financial resources of the City; (6) the overall number of employees and facilities; (7) the operations of the particular facility as well as the entire City; and (8) the relationship of the particular facility to the City. These are not all of the factors but merely examples.

Reasonable accommodations must be requested in writing and submitted to the City Manager. The request will be reviewed and considered by the Reasonable Accommodation Committee comprised of the City Manager, the Department Director, and the Safety Officer, and will render a written decision within 10 working days.

Any employee who believes that there has been a violation of this City policy, or any applicable law relating to accommodating a person with a disability, should immediately contact their Department Director. If the Department Director is unable to resolve the issue, the individual is to contact the City Manager. All complaints will be promptly investigated. All individuals are expected to cooperate with an investigation. The information obtained during the course of an investigation will, generally, be held in confidence and will only be disclosed to those individuals who have a need for the information.

(c) Selection Criteria

Selection for employment with the City of Flowery Branch is based solely on job-related qualifications and is contingent on satisfactory results of such exams or tests as either required by law or administered due to job-related duties.

(d) Minimum Age

Eighteen is the minimum age of employment for the City with the following exceptions:

1. The minimum age for certified police uniformed services is age 21.

2. Selected temporary positions where persons are at least age 16 and are allowed by law to work in jobs that are non-hazardous.

Section 3: Application Process

(a) Recruitment Requests

Upon a vacancy, the department director should notify the ~~Director of Human Resources~~City Manager or Designee. An advertisement will be published for every vacancy stating the position, the minimum training requirements, the salary range, how to apply, and the closing deadline for application submission. This notice will be published for a minimum of fourteen (14) calendar days. At the recommendation of the ~~department head~~department director and approval of the ~~Director of Human Resources~~City Manager or Designee, an attempt at internal recruiting may be the initial course of action, in which case the advertising period may be altered.

Formatted: Not Highlight

(b) Forms and Submission

All candidates for a position, ~~whether or not~~whether currently employed by the City, must complete a new employment application, resume or letter of interest and file it with the City's ~~Director of Human Resources~~City Manager or Designee for Designee for each vacancy of interest. Additional information outside the initial employment application may be required from candidates.

(c) Examinations

As determined by the department director and under the review and management of the ~~Director of Human Resources~~City Manager or Designee, the selection process may include, but not necessarily be limited to, one or more of the following: Oral interviews, evaluation of experience and training, written basic skills test, physical ability skills test, driver history, criminal history, truth verification testing, psychological testing, and reference and background checks. Any personnel involved in finance, or the handling of cash will be required to have a credit check completed and the results will be taken into consideration for employment.

(d) Falsified or Omitted Material

Omission or falsification of any material fact on an application or resume or any other official agency documentation disqualifies an applicant for consideration of employment, transfer or promotion. Disciplinary action may be taken against a current employee for an omission or falsification, up to and including termination regardless of when the omission or falsification is discovered.

Section 4: Selection

(a) Job-Related Criteria

Selection for employment with the City of Flowery Branch is based on job-related criteria that may include, but is not limited to:

1. Possession of the necessary knowledge, skills, abilities, training, education, licenses, certifications and experience required for the position.
2. Satisfactory results on performance tests and/or physical or psychological examinations, or drug and alcohol tests.
3. Satisfactory results on criminal history, driving record, employment and education reference checks.

(b) Nepotism

All provisions of the nepotism policy in this Handbook will be adhered to during the selection process. ~~For further information, please refer to the nepotism policy. Department directors or elected officials shall be prohibited from hiring their own relative to a position within their department. In recognizing that there are situations where romantic or other personal relationships between employees can adversely impact the conduct of the City's activities, the City has a policy perspective on such relationships.~~

The City recognizes the right of individuals to privacy in their personal relationships and the City will only involve itself where such relationships have the potential to impact the City's activities.

It is not possible to outline all the scenarios which would cause concern to the City, but some of the more obvious include:

- Where one employee has access to sensitive, confidential information or to information not generally available to all employees.
- Where one employee is a manager or supervisor of the other involved employee.

Formatted: Indent: Left: 2", No bullets or numbering

The City will treat any situations of this nature on a case-by-case basis. However, employees should be aware in advance that a likely outcome of such relationships is that one of the employees involved may have to terminate employment to avoid potential adverse impact on the City's activities.

Formatted: Indent: Left: 0.49", Hanging: 0.01", No bullets or numbering

(c) Position Control

It is the responsibility of the ~~Director of Human Resources~~ Finance Director or designee to maintain a City wide position control in order to track authorized positions and the status thereof. The position control shall be the document of authority for determining the availability of positions for recruitment.

Section 5: Eligibility Registers

To the extent that the examination process adopted by the ~~Director of Human Resources~~ City Manager or Designee, for a particular position provides for the creation of a listing of participants who met certain minimum standards for performance so as to be eligible for employment, this listing shall be known as an Eligibility Register. Any examination process that results in the creation of an Eligibility Register shall specifically state in writing the method by which offers for employment will be extended to individuals appearing on the Eligibility Register and shall so notify all participants in the examination process. In any event, and under any examination process resulting in the creation of an Eligibility Register, an individual's existence on an Eligibility Register does not constitute an offer for employment or any guarantee of future employment. Therefore, an individual shall have no expectation of employment based upon appearance on an Eligibility Register. To the extent that the examination process

adopted for a particular position utilizes an Eligibility Register and specifically provides for future hiring based upon the Eligibility Register, any individual who is extended an offer of employment based upon appearance on that Eligibility Register more than sixty (60) days after the completion of the examination, shall be subject to submitting updated information, including re-submitting to the applicable background checks, drug tests, and medical exams. The subsequent submittal of updated information may result in an applicant being denied employment.

Section 6: **Re-Employment**

To be considered for re-employment, former employees must have demonstrated acceptable prior service with the City and must meet the current minimum qualifications for the position for which they are applying. Re-hired employees are subject to the conditions of employment and benefits of a newly hired employee, **except in the case of vacation leave where previous years of service for the city are credited as specified below in this Handbook.**

Formatted: Highlight

Section 7: **Probationary Period** ~~Currently we have a 90 day orientation~~

~~period.~~

Formatted: Highlight

(a) **Application**

It is the purpose of the probationary period to provide a time by which both employee and employer can decide whether to continue employment. Probationary employees and supervisors should utilize the time to examine all aspects of the job and related performance.

Formatted: Indent: Left: 0", Space After: 0.05 pt, Tab stops: 1.35", Centered + 2.73", Centered

1. **Original Probation Period**

Newly hired employees are subject to a **twelve (12) month** probationary period in the position to which they are hired (the "Original Probation Period").

Commented [TP5]: Again, we need to be consistent with the PD.

2. **Position Probation Period**

Employees who are promoted, demoted, reassigned or transferred are subject to a six (6) month probationary period in the new position (the

“Position Probation Period”). If the probationary period is to be extended, the employee will be notified in writing at least two weeks prior to the expiration of the Original Probation Period.

(b) Extension

The probationary period may be extended one time for a period not to exceed three months by the ~~Department Head~~Department Director with notice to the ~~Director of Human Resources~~City Manager or Designee. The employee must be notified in writing of their probationary status being extended at least two weeks prior to the expiration of the probation period.

(c) No Status Change

Employees in a probationary status are not eligible for reassignment, promotions or voluntary transfer, unless specifically approved by the City Manager.

(d) Appeal Rights

Employees in a probationary status do not have grievance or appeal rights to disciplinary action.

(Modified 3/2014)

Employees who are in probationary status due to a promotion will maintain their appeal rights except for any grievance or disciplinary action that is directly related to the promotion.

Formatted: Not Highlight

(e) Dismissal

Dismissal of an employee during the probationary period should be coordinated with the ~~Director of Human Resources~~City Manager or Designee and Designee and subject to review by the City Attorney. Newly hired employees terminated while on probation will not be compensated for any accrued vacation leave.

Section 8: Contract Employment

(a) General Overview

Personnel from temporary employment agencies or contract employees outside an agency may be utilized from time to time by the City to facilitate business needs. The temporary agency is responsible for hiring, training, assigning, disciplining, and terminating its contract personnel. For performance purposes, contract personnel assigned a City project will be supervised by the department director or designee. Contract employees are not eligible to receive City benefits. Contract employees outside an agency must supply their own equipment, manage their own schedule and are responsible for their own payroll tax payment and filing.

(b) Requests for Contract Employment

Requests for contract personnel must be placed through the ~~Human Resources Department~~City Manager or designee and will be reviewed by both ~~Human Resources~~City Manager and Finance, and subject to availability of funds. Temporary assignment must be approved by the Finance Director, ~~Director of Human Resources~~ and City Manager prior to the engagement of the contract service. The ~~Director of Human Resources~~City Manager or Designee will keep a list of approved temporary agencies and will coordinate the assignment once approval has been issued.

Section 9: Other Employment

(a) General Overview

The City recognizes that employees may seek additional employment during their off hours to earn additional income or develop new skills and experience. Despite any other outside employment, their City job is the primary employment responsibility for full-time employees. Working extended hours while at a secondary job may adversely affect the health, endurance, and productivity of employees. The City does not consider outside employment to be an excuse for poor job performance, tardiness, absenteeism, or refusal to work overtime or travel when required by the City. Outside employment also presents the opportunity for conflicts of interest.

(b) Outside Employment

~~Keep?~~ Outside employment is subject to written approval by the department director or designee. A City employee may engage in any business, trade, occupation, or profession that does not:

Formatted: Highlight

Commented [TP6]: I do not think we should keep this.

1. Bring the City into disrepute;
2. Reflect discredit upon the employee as an employee of the City;
3. Interfere with the performance of the employee's City duties;
4. Present a conflict of interest;
5. Result in misuse of City property or funds;
6. Result in use of the City position for unethical/or illegal personal gain;
7. Violate department policy or procedure; or
8. Decrease the health or endurance of employees or adversely affect their productivity.

(c) Dual City Employment & Volunteer Time

Employees may not hold more than one compensated position with the City.

(d) Prohibitions

1. Department directors are prohibited in engaging in any form of outside employment without the specific approval by the City Manager.
2. No employee shall engage in any employment or business where the work presents a conflict of interest.
3. No employee shall engage in any employment or business where the work of the secondary employer has been in the last twelve (12) months or is currently the subject of an investigation by the employee's City department.
4. With the exception of vacation leave, if you are on leave of any other

type, you are not able to work an off-duty job.

5. No employees shall engage in any private business or activity while on duty.

(e) Approval

1. An employee must obtain permission in writing from the department director or their designee before accepting any other employment or engaging in any other business. The prescribed form should be used for permission as it gathers the pertinent information for review of the request.
2. An employee must obtain permission in writing from the department director and the ~~Director of Human Resources~~City Manager before accepting an assignment as a volunteer for the City.
3. Permission granted is subject to revocation in the event of a subsequent unknown or occurring conflict with this policy.

E. PERFORMANCE MANAGEMENT AND REVIEW

Section 1: Policy Statement

The job performance of all employees will be reviewed ~~periodically-at least annually~~ to determine if salaries should be adjusted, if job descriptions should be revised, or if jobs need to be reclassified. ~~An annual periodic~~ formal performance review is intended to ensure that all employees:

1. Are aware of what duties and responsibilities are expected;
2. Understand the level of performance expected;
3. Receive timely feedback about their performance;
4. Have opportunities for education, training, and development;
5. Are evaluated in a fair and consistent manner;
6. Have performance goals established.

Section 2: General Provisions

(a) Timing

The performance of employees will be reviewed and documented:

1. Prior to completion of any probationary period.
2. ~~At least annually for all full-time employees.~~ Annually in the month of November, with all evaluations completed by November 31st. Associated merit raises will take effect on January 1st.
3. ~~In a timely manner that will coordinate with the fiscal year if evaluations are tied to pay.~~

Formatted: Superscript

Commented [TP7]: Revise this to be anniversary date.

Formatted: Superscript

(b) Performance Discussion

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Interim reviews by the supervisor of an informal nature throughout the year are ~~encouraged~~ expected. The purpose is to foster communication, assure common understanding of purpose and expectations, and to assist in detecting problems as they develop.

Performance Management and Review**Section 3: Review Process****(a) Review Discussion Content**

Together the supervisor and employee will discuss the employee's performance during the review period and plan for the next review period. The contents of the review should:

1. Identify the principal duties of the job and measured results of those duties during the review period;
2. Review the expectations of the level of performance and the measured results of meeting those expectations during the review period;
3. Define the results that recognize significant work or projects during the review period;
4. Identify and address areas of employee development needs;
5. Develop an action plan for training to improve or add skills;
6. Set goals and objectives for the upcoming fiscal year; and
7. Offer advice on career advancement, specialization and training.

(b) Documentation

The supervisor will document the employee's evaluation and any agreed upon plans on the prescribed forms. ~~Subsequent to~~ After the review with the employees, both the evaluator and employee should sign the form. Your signature on the evaluation form does not necessarily indicate agreement with the contents of that form, but merely indicates that you have seen and understand the contents of that appraisal.

(c) Appeal of Performance Review

If an employee disagrees with the supervisor's assessment of their performance, the employee may write a letter of explanation stating their concerns with the evaluation. Any submittals from an employee on their performance evaluation, will be included in their file.

F. TERMINATION OF EMPLOYEE STATUS**Section 1: Policy Statement**

Employees leave the City of Flowery Branch workforce under various conditions that include retirement, voluntary separation, dismissal, or reductions in force. Regardless of reason, the end of employment shall be conducted in a discreet, respectful, and efficient manner. Procedures may exist affecting the employee's terminal pay and disciplinary action appeals. Employees should make themselves aware of these procedures.

Section 2: Resignation or Retirement**(a) Resignation**

An employee is ~~encouraged~~required to submit a resignation to his/her department director at least two (2) weeks prior to the effective date of the resignation. The resignation notice should indicate the last working day or shift with the City of Flowery Branch. An employee may be permitted or requested to leave immediately. Employees will not be allowed to use vacation during the notice period unless it was scheduled prior to giving notice. If the employee is requested by the City to not work through the notice period, the employee will be paid through the effective date of their resignation.

Formatted: Highlight

Department directors are required to submit a resignation to the City Manager at least four (4) weeks prior to the effective date of the resignation.

(b) Retirement

An employee must give written notice of intent to retire to his/her department director as soon as possible, but no less than thirty (30) calendar days prior to the intended retirement date. This notice is required in order to

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

facilitate timely processing of retirement benefits. The retirement notice should indicate the last working day or shift with the City of Flowery Branch. In the case of disability, application of disability retirement satisfies the notice requirement.

(c) Process of Exit

After receiving written notice of voluntary resignation or retirement, the department director shall notify the ~~Director of Human Resources~~City Manager. Employees who leave the City's workforce will be paid for accrued paid time off as detailed in the Compensation & Benefits Chapter of this document, provided they have completed their initial probationary period ~~and submitted a proper two-week notice of resignation (described above)~~. All city property assigned to the employee is considered an advance of wages and must be returned in proper working condition before receiving

the final paycheck. Unreturned items will be deducted from the final payout to the extent allowed by law.

(d) Pending Disciplinary Action

An employee whose resignation or retirement notice is tendered and accepted after the initiation of a disciplinary action forfeits their right to appeal the disciplinary action.

(e) Involuntary Termination

Employees who are involuntarily terminated from the City will receive a written statement citing the reasons for the dismissal, the date of the dismissal, and appropriate notification for benefits.

Section 3: Lay-Off

(a) Statement of Policy

Lay-off is defined as a reduction in force that may result in the separation of employee(s) due to abolishment of a position, a shortage of funds or work, a need to increase efficiency, or a material change in the duties or organizational unit of the Department. No lay-offs shall be made for the purpose of dismissing an employee for incompetence, misconduct, or for other reasons, except as included in this Section. The lay-off does not reflect discredit upon the service of the employee.

(b) Procedures

A lay-off can be recommended by the City Council, ~~and/or~~ the City Manager, ~~and/or the Director of Human Resources~~. Any lay-off must be approved by the ~~Director of Human Resources~~ City Manager or Designee ~~prior~~ Designee prior to becoming effective.

Prior to the lay-off, the affected Elected Official/~~Department Head~~ Department Director shall make recommendations to the ~~Director of Human Resources~~ City Manager or Designee ~~who~~ Designee who shall consider work records, employee evaluation ratings, and length of service in determining which employees shall be laid-off. If it is found that two or

more persons in the Department in which the lay-off is to be made have equal ratings as determined by review of employee records and evaluation ratings, the order of lay-off shall be based upon seniority. No full-time employee shall be laid-off while another person is employed on a temporary or part-time basis in a position within the same job description if the employee is willing to accept the temporary or part-time work. In evaluating employees for purposes of a lay-off, care should be taken to accurately evaluate all employees. An employee shall not be laid-off based on race, color, creed, religion, sex, national origin, age, political affiliation, disability, or any other category protected by federal and/or State law.

(c) Lateral Transfers or Demotions to Preserve Employment

Prior to lay-off and in an effort to avoid separation of employment, the ~~Director of Human Resources~~ City Manager or Designee may Designee may direct Lateral Transfers or Demotions as necessary to place employees into positions for which they are qualified rather than lay them off. Lateral Transfers or Demotions in accordance with this Section will be effective unless the employee elects in writing to be laid off. Written notice of said election from the employee must be received by the ~~Director of Human Resources~~ City Manager or Designee within Designee within three (3) working days after the employee has received notice of the Lateral Transfer or Demotion.

(d) Lay-Off Register

The ~~Director of Human Resources~~ City Manager or Designee shall Designee shall prepare a register of employees who have been laid-off to be utilized as provided in this Section. The order of names appearing on this register will be based upon the order of the lay-off and when there is a tie, then seniority will be the determining factor. The names of the employees shall remain on the lay-off register for a period of one (1) year, unless the life of the register is extended an additional year by the ~~Director of Human Resources~~ City Manager or Designee in Designee in his/her sole discretion. During the life of the lay-off register, an employee may submit a written request to have his/her name removed from the list. Employees whose names appear on the lay-off register shall be given primary consideration when conditions warrant rehiring. "Primary consideration" shall mean that the employee does not have to go through the recruiting process, but that the City will notify the employees who appear on the lay-off register when

there is an opportunity to fill a position that the laid-off employee previously held or a comparable position, either full-time or part-time; provided the employee meets the minimum qualifications for the position. In any event, employees whose names appear on the lay-off register are welcome to apply for other positions with the City at any time. If an employee is hired for another position in the City during the life of the lay-off register, the employee's name shall be removed from the lay-off register and no other special consideration shall be given to the employee.

G. USE OF CITY PROPERTY & EQUIPMENT

Section 1: Policy Statement

The City of Flowery Branch is committed to providing a safe workplace and has a substantial investment in the property and equipment used to provide employees the tools for the effective and efficient accomplishment of city business. The appropriate use of facilities, vehicles, equipment, and other items of city property is expected from employees. Additionally, this policy governs the use of the City's computer and electronic communications system, which includes telephone, voice mail, fax machines, [Internet](#), electronic mail (e-mail) wireless internet connections and other computer usage.

Section 2: General Provisions

(a) Use of Equipment

All facilities, vehicles, furniture, supplies, and equipment provided and/or used in the course of employment, including without limitation, the telephone, computer, and electronic communications system, is the property of the City of Branch government and may only be used for approved purposes (collectively the "Property"). [The Georgia Hands-Free Law must be followed at all times while operating a City vehicle.](#)

(b) Privacy

No employee shall have an expectation of privacy in any Property. This includes the use of the computer and electronic communication system, including, but not limited to, the e-mail and voice mail messages they create, store, send and receive, and the [Internet](#) sites they visit.

(c) Inspection of Property

Employees may be assigned and/or authorized the use of City-owned vehicles, lockers, desks, cabinets, computers, etc. for the convenience of the City and its employees. Management reserves the right to search city property assigned to employees and documents in employee desks, lockers, file cabinets, etc. The City has the right to monitor any and all aspects of its computer and electronic communication system, including, but not limited to, monitoring sites visited by users on the Internet, reviewing material downloaded or uploaded by users to the Internet, and reviewing email sent and received by users. Such monitoring may be conducted without prior notice. Use of the City's property automatically constitutes consent to such monitoring.

(d) Proper Authorization

An employee shall not, regardless of value, take City Property without authorization. The use of City Property for personal gain or for other than official duty-related use is forbidden.

(e) Discipline

Repayment for loss or damage may be required under this Chapter in addition to, or in lieu of, disciplinary action. Required repayment under this Chapter will be made by payroll deduction from the employee's pay as necessary to recoup the amount to be recovered.

Section 3: Vehicle Use & Operation

(a) Business Use

Except as specified in this Handbook, City vehicles are furnished for official City business and may not be used for personal reasons without express written consent by the applicable Department Director. Employees with take home privileges may make short stops that do not deviate from their normal route during their commute.

(b) Vehicle Assignment

Employees assigned a city vehicle may be authorized to use the vehicle for transportation to and from work. This "take home" provision, if granted, shall only apply to employees living within a ~~25-mile~~30-mile radius of the city limit. If take home status is granted, no personal use of the vehicle is permitted after the commute is complete. No passengers may be transported in take home vehicles unless they are connected to city business or unless authorized by City Manager or in the case of an emergency as approved by the ~~department head~~department director. Employees who are assigned a city vehicle are responsible for ensuring the preventative maintenance and repair schedule is met on the vehicle. Failure to ensure proper repair and maintenance may result in the revocation of the assignment. All vehicle assignments are subject to recall at any time.

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Section 4: Electronic Communication Systems

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

(a) General Provisions

“Electronic Communication Systems” is defined as ~~I~~internet, electronic mail, telephone, voice mail, facsimiles, ~~pag~~ers, mobile phones, 800-~~or 700-~~ mhz radios, computer and computer networks, directories, and files. Employees will not have privacy rights with respect to any activity using these Electronic Communication Systems. All data, including e-mail messages composed, sent and received are the property of the City of Flowery Branch.

(b) Professionalism

At all times, users have the responsibility to use Electronic Communication Systems in a professional, ethical, and lawful manner. Users should use the same care in drafting e-mail and other electronic documents as they would for any other written communications. Users should always strive to use good grammar and correct punctuation. Anything created or stored on the Electronic Communication Systems may be reviewed by others and the quality of communications is a direct reflection upon the City.

(c) Appropriate Use

Personal use of the Electronic Communication Systems is a privilege that may be revoked at any time. Unless prohibited by a department director, ~~O~~ccasional, limited, and appropriate personal use of the Electronic Communication Systems is permitted if the use does not:

1. Interfere with the user’s work performance;
2. Interfere with any other user’s work performance;
3. Compromise the integrity of the Electronic Communication Systems; or
4. Violate any other provision of this policy or any other policy, guideline, or standard of the City of Flowery Branch.

(d) Inappropriate Use

Under no circumstances should the Electronic Communication Systems be used for sending, transmitting, intentionally receiving, copying, or storing

any communication that is fraudulent, harassing, racially offensive, sexually explicit, profane, obscene, intimidating, defamatory, or in the City's sole opinion otherwise unlawful or inappropriate. Users encountering or receiving this kind of material should immediately report the incident to their supervisor and IT ~~Manager~~Vendor. Exceptions are limited to police investigations into criminal activities, which may require the use of the ~~I~~internet for information and intelligence gathering. This is permissible with the prior approval of the Police Chief. Other prohibited uses of the Electronic Communication Systems, include, but are not limited to:

1. Sending chain letters;
2. Sending copies of documents, messages, software, or other materials in violation of copyright laws;
3. Compromising the integrity of the City and its business in any way; and
4. The advertisement of personal business or conducting personal business activities.

(e) Misuse of Software

Users who become aware of any misuse of software or violation of copyright law should immediately report the incident to their ~~Department Director~~ IT Manager. Files obtained from sources outside the City include files downloaded from the ~~I~~internet, files attached to e-mail, and files provided by citizens or vendors. These files may contain dangerous computer viruses that can damage the City's computer network. Users should never download files from the internet, accept e-mail attachments from outsiders, or use disks from non-City sources without first scanning the material with City approved virus checking software. If a user suspects that a virus has been introduced into the City's network, they should notify the IT ~~Manager~~Vendor immediately. Without prior written authorization from the IT ~~Manager~~Vendor, users may not do any of the following:

1. Copy software for use on their home computers or to other computers;
2. Provide copies of software to any independent contractors of the City or to any third person;

3. Install software on any of the City's workstations or servers;
4. Download any software from the Internet or other online service to any of the City's workstations or servers
5. Modify, revise, transform, recast, or adapt any software; and
6. Reverse-engineer, disassemble, or decompile any software

(f) Passwords.

Authorized users will be given a login name that allows access to the network. The user will have a personalized password, which should be obscure in nature and not divulged to others. Any user with knowledge of any password not their own shall report it to their supervisor immediately. No employee shall attempt any unauthorized access to the system.

H. SAFETY & ACCIDENT REPORTING

Section 1: Policy Statement

The City of Flowery Branch is committed to providing a safe workplace. In accordance with this, employees are expected to take an active role in promoting workplace safety by reporting unsafe working conditions and by noting where fire extinguishers, first-aid kits, and emergency exits are located. Additionally, employees are required to participate in identifying and correcting where possible, the underlying causes of accidents and unsafe conditions.

Section 2: General Provisions

(a) Employee Responsibility

Employees are responsible for exercising care and good judgment in preventing accidents and for observing safety rules and procedures when performing their duties. Employees are required to:

1. Report all accidents to their supervisor immediately;
2. Report any unsafe work conditions, equipment, or practices to their supervisor as soon as possible;
3. Attend scheduled safety meetings and activities;
4. In the event of an injury resulting in lost work time, continued contact with the supervisor is required for the purpose of keeping records on the expected return to work status.

(b) Equipment Repair

Employees have a responsibility to report the need for repairs of any City-owned or leased property issued to the employee. No employee shall alter, repair, or in any way change, add to, or remove any parts or accessories of any City-owned or leased Property without the permission of the Department Director.

Section 3: Personal Protective Equipment

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

The City ~~will~~ may provide directly, or through an allowance approved in the annual budget each year, items of personal protection. Supervisors will direct use of personal protective items when warranted and employees are expected to comply with such direction.

Operation of Vehicles

(a) Vehicle Operator Qualifications.

In order to operate a city-owned vehicle in the course of business, an employee must:

1. Be at least 18 years of age;
2. Have a valid Georgia Driver's License for the class of vehicle to be driven or a valid Driver's License from the state in which the employee resides which allows employee to legally operate a city vehicle on Georgia roads;
3. Have a record of no more than two moving citations or one moving citation and one chargeable accident within a twenty-four (24) month period;
 - a. ~~The Department Director or their designee will make the sole determination of whether the accident was chargeable in nature. Chargeable citations include, but are not limited to, DWI/DUI/OUI/OWI, Felony, Suspended License, Fleeing, Excessive Speed~~
 - b. Employees whose primary duty is to drive a city vehicle that do not have an acceptable driving history must be relieved of such duties and assigned to non-driving positions or non-driving duties until their 24-month record reflects an acceptable driving history. If a non-driving position is not available, the employee may be terminated.
4. Be otherwise qualified under federal and state regulations to drive the vehicle in question; and
5. Be trained and authorized to operate the vehicle.

(b) Annual License Review

To ensure the maintenance and validity of driver's licenses, driving records of employees who operate city vehicles will be examined on an annual basis or as needed, as determined by the Department Director. The City will check motor vehicle records (MVR) of all applicants prior to making offers of employment. As part of the hiring process, applicants will be required to sign a written consent form allowing the City to check motor vehicle records at any time prior to or during their employment. The Department Director will be responsible for collection of license copies each year and for the submittal of licenses to the Police Chief who will have the employee's license run through GCIC for review.

(c) Notification Procedures

Employees who operate vehicles in the course and scope of their employment must notify their supervisor:

1. When their driver's license becomes invalid or suspended for any reason. Such employees will immediately be prohibited from operating vehicles on City business.
2. Immediately during work hours or by the next working day if after hours, upon the receipt of any ticket or citation for any violation of state law or a local ordinance relating to motor vehicle traffic operation, except this shall not apply to parking violations received in a personal vehicle. In addition, employees must notify their supervisor when at fault in a motor vehicle crash, whether cited by the police or not, and whether on duty or off. Likewise, employees required to operate any vehicles in the course of performing work for the City may be subject to discipline, including immediate termination if he/she is involved in an off-duty DUI, traffic citation, or accident that may indicated unfitness to safely operate a vehicle.
3. An employee who receives a citation for any violation while operating a City vehicle will be responsible for paying any fine or penalty incurred and will be subject to disciplinary action, up to and including termination.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

4. Failure to report a citation received, whether off or on duty, may be grounds for disciplinary action, up to and including termination.

(d) Operation of Vehicles

Employees shall operate any vehicle used for City business in a careful and prudent manner and shall obey the laws, policies, regulations, and procedures of the city and state pertaining to such operation. Tobacco use or vaping in City-owned or leased vehicles is prohibited. DO WE WANT TO INCLUDE VAPING?

(e) Duty Restrictions

A physical, mental, or driving skill impairment that cannot be reasonably accommodated that affects an employee's ability to safely operate a motor vehicle, or failure to comply with the driver qualifications outlined in this Chapter, precludes that employee from operating any City-owned or leased vehicle for city business. If the operation of a vehicle is an essential job duty, an attempt will be made to place the employee in a non-driving position. If such a position is not available, the employee will be immediately relieved of duty. If the vehicle prohibition is due to suspected physical or mental impairment, the employee will be subject to a health fitness evaluation as outlined in this handbook.

(f) Passenger Restraint Systems

All drivers and passengers in city vehicles are required to wear their seatbelt whether or not it is required law. The only exception will be for detainees being transported in the rear of the police vehicle if the detainee presents a risk to the officer in fastening the seat belt. The driver of the vehicle is responsible for compliance.

Formatted: Highlight

Commented [KH8]: Make sure this aligns with PD policy

Section 4: Accident Involvement

(a) Report Required

All of the following, collectively referred to throughout this Section as an "Accident," shall be reported to the immediate supervisor by the employee involved in the event and any City employees who witness the event:

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

1. All injuries to an employee or other person occurring during the course of business;
2. All accidents involving city-owned or issued vehicles or equipment, whether or not occurring during the course of business;
3. All accidents involving personal vehicles or equipment used during the course of business; and
4. All property damage occurring during the course of business.

(b) Employee Responsibilities

Unless transported from the accident scene for medical treatment, the employee involved in a job-related accident involving a vehicle or equipment will:

1. Render aid to other parties if possible and necessary;
2. Report the ~~A~~accident and any injuries immediately to local law enforcement in the event of a vehicular accident;
3. Immediately notify their supervisor or designee, as soon as possible if the supervisor is not available;
4. Record the name, address, and phone number of any witnesses, and note the specifics of the ~~A~~accident circumstances, if possible;
5. Be courteous, but not make or sign any statement for anyone other than the police officer responding to the scene;
6. Remain at the scene until excused by law enforcement personnel;
7. Not discuss or reveal information or provide statements to non-City personnel subsequent to the ~~A~~accident. This does not prohibit cooperation with law enforcement investigations outside the City's jurisdiction.
8. Submit to all requested post-~~A~~accident testing as directed by the supervisor or other City Management representative.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

(c) Administrative Accident Investigation

The supervisor or other designated employees will conduct an administrative investigation into the circumstances of the Accident and prepare a written report that includes a statement of the facts and analysis as to cause. The report will also include recommendations of any corrective action necessary to prevent recurrence of such Accidents. The City Attorney will facilitate claim/litigation management with the City's insurance carrier.

(d) Examinations and/or Tests

An employee who is involved in a reportable Accident may be required to undergo examinations and/or tests as specified in the Performance of Duty Standards and Substance Abuse Testing chapters of this handbook.

I. City Travel

Section 15: Travel Expenses

(a) Statement of Policy

The City is supportive of continuing education for employees to improve their skills and knowledge to better serve our city. All travel must be preapproved by the employee's Department Director or the City Manager prior to making any reservations. The claims of employees for reimbursement of actual travel expenses while traveling on official business of the City shall be submitted on a travel expense statement approved by the Department Director or City Manager before reimbursement is made. Itemized receipts must be included with travel expense statement unless otherwise stated.

(b) Reimbursable Expenses

(1) Transportation

- a. The mode of transportation used should be the most reasonable, convenient, and economical available.
- b. Transportation by common carrier shall be reimbursed at the actual amount expended for such transportation. Plane

Formatted: Numbered + Level: 1 + Numbering Style: I, II, III, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 1"

Formatted: Font: Not Bold

Formatted: Indent: Left: 2.25", No bullets or numbering

Formatted: Indent: Left: 2.25", No bullets or numbering

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

reservations must be booked for economy class at least three weeks prior to traveling, when possible.

- c. The reimbursement rate for personal mileage is equal to the rate published by the Internal Revenue Service.
- d. The travel expense statement shall include the date, purpose and destination of each trip. An employee shall be reimbursed only for travel related to the purpose of the trip.
- e. Requested mileage payment must be supported by the anticipated route obtained from a reputable internet map/direction system which gives anticipated mileage travelled. (i.e., MapQuest)
- f. Any travel incidental to a business trip shall also be included in the total number of miles traveled. ~~No reimbursement shall be allowed for any employee receiving a car allowance.~~
- g. Vehicles may be rented for official business subject to prior approval by the Department director or City Manager.

Formatted: Indent: Left: 2.25", No bullets or numbering

(2) Meals and Incidental Expenses

- a. Expenses incurred for personal meals and incidentals shall be a per diem reimbursement based on the IRS Federal Guidelines as set according to –the IRS Standards. This information can be found at: www.gsa.gov/portal/content/104877. Meals provided during a conference and covered in the conference registration ~~shall~~may not be covered as designated by the Department Director. Itemized receipts associated with a travel per diem are not necessary.
- b. ~~Employees may only receive per diem for meals and incidental expenses occurring while officially on travel status. For example, if an employee departs at 3:00 pm, the employee is not eligible for breakfast or lunch per diem amounts for the day of departure. Travel day meal per diem will follow the IRS Federal Guidelines, typically 75% of the daily per diem~~

Formatted: Indent: Left: 0.49", Hanging: 0.01", Right: 0", Space After: 0.25 pt, Don't add space between paragraphs of the same style, Line spacing: Multiple 1.04 li, No bullets or numbering, Widow/Orphan control, Allow hanging punctuation, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers, Tab stops: Not at 1.58"

Formatted: Indent: Left: 2.25", No bullets or numbering

Formatted: Indent: Left: 1.75", No bullets or numbering

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

c. ~~Alcoholic beverages, meals or incidental expenses of non-~~Incidental expenses of non-staff members will not be reimbursed and are the responsibility of the individual.

d. A daily per diem rate from the GSA portal must be attached to the travel request form.

(3) Hotel

a. Expenses incurred for lodging shall be reimbursed. The City shall pay single occupancy. Any additional cost incurred to upgrade shall be paid by the employee.

b. Employees and officials may be exempted from state sales tax and hotel/motel tax on rooms, lodging and accommodations when traveling on official business with the State of Georgia. The employee must pay with city issued funds (city check or city credit card) and furnish the State of GA Sales Tax Exempt Form and the Hotel/Motel Excise Tax Exempt Form at the time of check-in.

(4) Miscellaneous

a. Parking, toll fees, telephone, telegraph charges, etc. shall be reimbursed to an employee traveling on City business.

(c) Non-Reimbursable Expenses

City vehicles shall not be used when employees are on an unpaid lunch/meal period. Mileage will not be paid to employees choosing to use personal vehicle to travel to or from a location for an unpaid lunch/meal period without prior approval of the City Manager.

(d) Sharing Costs with a Municipality

At times employees may travel with a colleague from another municipality to a conference. When making these arrangements to share a hotel or a car, the costs will need to be reviewed by the Finance Director or Budget Manager to ensure fees are split evenly between each municipality. (For example: one person may drive and the other may pay for the hotel costs. Mileage would need to be calculated to verify it is equivalent to half the hotel costs.) This information must be documented and turned in with receipts for reimbursement.

Formatted: Indent: Left: 0.49", Hanging: 0.01", Right: 0", Space After: 0.25 pt, Don't add space between paragraphs of the same style, Line spacing: Multiple 1.04 li, No bullets or numbering, Widow/Orphan control, Allow hanging punctuation, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers, Tab stops: Not at 1.58"

Formatted: Normal, No bullets or numbering

Formatted

Formatted

Formatted: Font: Bold

Formatted: Indent: Left: 1.25", First line: 0.01"

Formatted: Font: Bold

Formatted: Indent: Left: 1.25"

Commented [TP9]: Is this pertinent? I cannot image ever using this...

Formatted: Indent: Left: 0", First line: 0"

Section 65: I Workplace Violence Policy

(a) Statement of Policy

The City is concerned about the well-being and personal safety of its employees and anyone doing business with the City. The City consequently strictly prohibits workplace violence. Acts of violence and/or threats of violence, whether expressed or implied toward individuals in the City workplace, are prohibited and will not be tolerated. All reports of incidents will be taken seriously and will be addressed appropriately. This policy defines prohibited conduct, as well as general procedures and potential responsive steps in the unfortunate event that workplace violence occurs despite these preventive measures. In addition, unauthorized, non-city issued firearms, weapons, ammunition, or explosives on city property is strictly prohibited.

Formatted: Indent: Left: 0", Hanging: 0.01"

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.99" + Indent at: 0.99"

(b) Scope

This prohibition against threats and acts of violence (including domestic violence) applies to all persons involved in the operation of the City, including but not limited to, the City personnel, contract and temporary workers, and anyone else on city property.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.99" + Indent at: 0.99"

(c) Definition of Workplace Violence

Workplace violence is any conduct that is severe, offensive or intimidating enough to make an individual reasonably fear for his/her personal safety or the safety of family, friends or property. Examples of workplace violence include, but are not limited to, threats or acts of violence or behavior that causes a reasonable fear or intimidation response that occurs on city premises, no matter what the relationship is between the City and the perpetrator or victim of the behavior or off city premises, where the perpetrator is someone who is acting as an employee or representative of the city at the time, where the victim is an employee who is exposed to the conduct because of work for the City, or where there is a reasonable basis for believing that violence may occur against the targeted employee or others in the workplace.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.99" + Indent at: 0.99"

Examples of conduct that may be considered threats or acts of violence under this policy include, but are not limited to the following:

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

- a. Threatening physical or aggressive contact directed toward another individual or engaging in behavior that causes a reasonable fear of such contact.
- b. Threatening an individual or his/her family, friends, associates or property with physical harm or behavior that causes a reasonable fear of such harm.
- c. Intentional destruction or threat of destruction of the City's or another's property.
- d. Harassing or threatening physical, verbal, written or electronic communications, including verbal statements, phone calls, emails, letter, faxes, website materials, diagrams or drawings, gestures and any other form of communication that causes a reasonable fear or intimidation response in others.
- e. Stalking. Stalking is defined as a pattern of conduct over a period of time, however short, which evidences a continuity of purpose and includes physical presence, telephone calls, emails and any other type of correspondence sent by any means.
- f. Veiled threats of physical harm or like intimidation or statements, in any form, that lead to a reasonable fear of harm or an intimidation response.
- g. Communicating an endorsement of the inappropriate use of firearms or weapons of any kind.
- h. Unauthorized possession of weapons of any type, whether licensed or not, and particularly firearms. The only exception is local, state, and federal law enforcement officers, police or arson investigators acting in the line of duty. Weapons, include, but are not limited to:
 - Any weapon which, per applicable law, is legal or illegal to possess;
 - Any firearm, loaded or unloaded, assembled or disassembled, including pellet, "BB", and stun guns;

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

- Knives (and other similar instruments) other than those present in the workplace for approved work purposes or for the specific purpose of food preparation and service;
- Any switchblade knife;
- Brass knuckles, metal knuckles, and similar weapons
- Bows, cross-bows and arrows;
- Explosives and explosive devices, including fireworks, ammunition and/or incendiary devices;
- Throwing stars, nun chucks, clubs, saps, and any other item commonly used as, or primarily intended for use as a weapon;
- Self-defense chemical sprays (Mace, pepper spray) in canisters or containers larger than two ounces;
- Any object that has been modified to serve as, or has been employed as, a dangerous weapon.

Domestic violence is defined as a pattern of coercive tactics carried out by an abuser against an intimate partner (the victim) with the goal of establishing and maintaining power and control over the victim. Where the abuser's tactics include any of the above-described conduct on City premises, this policy applies. Where such tactics include any of the above-described behaviors off City premises, this policy applies where the abuser is someone who is acting as an employee or representative of the City at the time, where the victim is an employee who is exposed to the conduct because of work for the City, or where there is a reasonable basis for believing that violence may occur against the victim or others in the workplace. The term "intimate partner" includes people who are legally married to each other, people who were once married to each other, people who have had a child together, people who live together or who have lived together, and people who have or have had a dating or sexual relationship, including same sex couples.

(d) Reporting Complaints

If you observe the possession of unauthorized non-City issued weapons on City premises, or if you are subjected to or threatened with firearms by a co-worker

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.99" + Indent at: 0.99"

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

or member of the public, or if you become aware of another individual who has been subjected to or threatened with violence, you must report this information to your supervisor or the ~~Director of Human Resources~~City Manager immediately. Supervisors must report all potential violations so they ~~Human Resources Department~~ can be handled ~~them~~ appropriately. Do not assume that any violation or threat is not serious. All complaints will be thoroughly investigated, and all complaints that are reported to management will be treated with as much confidentiality as possible. Employees who become angry, upset, or concerned with the actions of a co-worker, supervisor, member of the public or the City in general, are encouraged to seek assistance from the ~~Director of Human Resources~~City Manager or designee.

A 9-1-1 call may be appropriate first, in the good judgment of the employees or managers involved. Under this policy, decisions may have to be made quickly to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing. Nothing in this policy is intended to prevent quick action to stop or reduce the risk of harm to anyone, including requesting immediate assistance from law enforcement or emergency response resources.

Failure to report any threats or acts of violence in violation of this policy appropriately is itself a violation of this ~~policy, and~~policy and may subject any employees involved to discipline up to and including termination.

Retaliation against anyone for reporting an actual or suspected violation of this policy in good faith will not be tolerated and will subject the individual engaging in the retaliation to discipline up to and including termination. Any complaints about retaliation should be reported in the same manner as violations of this policy are to be reported.

(e) What to Expect from the City

All incidents of violence and threats of violence that are reported will be taken seriously and investigated.

(f) City Expectations of Targeted Employees

Stay Away Orders: The City reserves the right to seek orders of protection (also known as restraining orders or stay away orders) against any person who violates the Workplace Violence Policy. Additionally, employees themselves may seek and obtain orders of protection against individuals outside of the

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.99" + Indent at: 0.99"

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.99" + Indent at: 0.99"

workplace. Employees so protected are obligated to immediately notify the ~~Director of Human Resources~~City Manager or Designee and their supervisor if (a) an order of protection extends to the workplace; or (b) they reasonably believe that their safety (or the safety of others) in the workplace is affected by the order of protection. Employees should provide written notification of:

1. the existence of any such order and provide a copy of the order;
2. any violations or attempted violations of the order;
3. any changes to the order that affect the workplace; and
4. the order being lifted.

Employees who are subject to orders of protection requiring them to stay away from or refrain from contacting other individuals who are or may be in the workplace (including employees, customers, vendors and others) must immediately notify the ~~Director of Human Resources~~City Manager or Designee and provide a copy of the order.

Upon being notified of an order of protection, ~~Human Resources~~the City Manager or Designee will contact the reporting party to gather information about the individual and assess the situation. The City will make every effort to maintain confidentiality of such orders with the understanding that it will use the information as necessary to maintain safety in the workplace.

(g) Search Policy

If the City reasonably suspects that an employee either has or may have violated this policy, or that the employee possesses evidence that others pose a threat of workplace violence as defined by this policy, the City may request the individual to submit to a search of his or her person, personal effects, vehicles, and locker. In addition, the City may conduct searches of any City property including for instance ~~work stations~~workstations and areas, including desks, locker, credenzas, file cabinets, computers and computer-stored information, voicemail, email, business records, City vehicles and any other property or equipment owned by the City, at any time, without notice to or permission from affected employees, for purposes of enforcing the no violence policy. If an individual is asked to submit to a search, and refuses, that individual will be considered insubordinate and will be subject to discipline up to and including termination.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.99" + Indent at: 0.99"

Searches will be conducted by a supervisor with a second witness and may or may not be conducted in the presence of the person whose property is searched. Any weapons or evidence of violations of this policy will be confiscated, and may be turned over to law enforcement, as appropriate. Any illegal activity discovered during an inspection is subject to referral to the appropriate law enforcement authorities.

(h) Assistance Programs/Services

The City provides all employees and family members with a no cost Employee Assistance Program (EAP) that has professionals trained to handle domestic violence cases. These professionals provide counseling, support, and referrals. In addition, EAP is a resource for employees who want to learn more about domestic violence or find out how to help a friend, family or coworker. Many community agencies provide free services for safety planning, counseling, support groups, shelter, and legal assistance. Please contact the ~~Human Resource Department~~ City Manager or Designee if you need additional information.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.99" + Indent at: 0.99"

Chapter II

Compensation

& Benefits

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

II. COMPENSATION & BENEFITS

A. COMPENSATION

Section 1: Policy Statement

The City of Flowery Branch's compensation philosophy is to maintain a competitive pay structure for the purpose of recruiting and retaining an effective and efficient workforce. The pay structure is designed to pay employees based on what their job is worth; ensure they appropriately move through the salary range for their classification; and recognize performance through merit pay, where applicable. The pay plan is designed to comply with federal and state law, including the Fair Labor Standard Act (FLSA). All aspects of the pay plan are contingent upon the availability of funds as determined in the sole discretion of the Mayor and City Council.

Section 2: Pay System

(a) Pay Period

All City employees will be paid on a bi-weekly basis. The work week will begin on ~~Saturday-Monday~~ and end on ~~Friday-Sunday~~. The actual pay date will be ~~two~~ the Fridays following the end of a pay period. When a pay date falls on an official city holiday, employees will be paid on the date preceding the holiday.

(b) Direct Deposit

Participation in the direct deposit program is mandatory for all city employees. All pay-related items, such as allowances and reimbursements, will flow through the regular pay cycle. An employee's final check upon the end of employment will ~~not~~ be a direct deposit check, unless supplies and/or equipment has not been turned in. If this is the case, but a live check must be picked up in person by the employee once items are returned. or mailed upon request.

(c) Payroll Deductions

Federal and state laws require us to make certain deductions from employee's earnings, including income withholding and Social Security taxes. No deductions, other than those legally required, will be made from an employee's

Formatted: Font: Not Bold, No underline

Formatted: List Paragraph, Indent: Left: 1.47"

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

paycheck without their written consent. Authorized deductions may include participation in medical, dental, and other insurance plans. It is the responsibility of each employee to review all deductions annually during open enrollment to ensure accuracy.

(e)(d) Types of Pay Other Than Base Rate

1. Overtime Pay

Overtime work is work performed by a qualified employee which exceeds the regular work week, as defined in the Fair Labor Standards Act (FLSA). ~~FLSA standard for non-public safety employees is a forty (40) hour workweek, for police shift employees, an eighty six (86) hour bi-weekly work period and for fire shift employees, a one hundred six (106) hour biweekly work period.~~ Compensation for overtime hours shall be at time and a half for hours worked in excess of the defined work period. Vacation and sick leave will not be considered as hours worked for overtime computation purposes. Refer to Section 1.7(i) for overtime definition and calculation per employee type.

2. Compensatory Time

It shall be the City's policy to allow the accrual of Compensatory Time (Comp Time) in lieu of payment for overtime hours worked by non-exempt employees to reduce the cost of overtime wages and to assist employee productivity and effectiveness without extra cost to the City. Comp Time is defined as time off granted to a regular non-exempt employee to offset hours worked by the employee over and above those required in the normal course of employment. The accrual of Comp Time for exempt employees is not allowed. Exempt employees, with the exception of the City Manager, accrue forty (40) hours of Comp Time annually on July 1st. Exempt Comp Time can roll over up to twenty (20) hours with a max accrual of sixty (60) hours.

Formatted: Superscript

Formatted: Highlight

Each department may decide to utilize Comp Time. The ~~department head~~department director is responsible for making that decision. Employees must agree to receive Comp Time in lieu of overtime payment.

a. Accrual

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Comp Time will accrue at a rate of one and one-half hours for each hour of employment for which overtime compensation is otherwise required and where the employee has not accrued Comp Time in excess of ~~24~~ ⁴⁰ 60 hours. Accrual of Comp Time must be approved in advance by the employee's supervisor except in cases of emergency. Supervisors are expected to organize their projects and tasks appropriately to minimize Comp Time accruals.

The maximum accrual of Comp Time for non-exempt employees is limited to ~~24~~ ⁴⁰ 60 hours. An employee who reaches this threshold shall, for additional overtime hours of work, be paid overtime compensation. Supervisors should attempt to schedule the utilization of Comp Time as it is accrued. Comp Time cannot be accrued to the point where it would be impossible to be utilized by the annual deadline.

b. Utilization

Comp Time accrued should be utilized (redeemed) at a time mutually agreeable to the employee and supervisor. This time will also be utilized with the least amount of disruption to productivity and effectiveness to minimize hardship. Use of Comp Time must be approved in advance by the employee's supervisor except in cases of emergency. The use of Comp time must be permitted upon employee request to use it unless to do so would unduly disrupt the employer's operations. In the event a supervisor denies the use of Comp Time that would cause an undue disruption, the supervisor must generate written documentation to support the decision. In order to prevent the excessive accrual of Comp Time and to avoid the extra overtime liability to the city, a supervisor may compel an employee to utilize Comp Time at their discretion.

Comp Time must be utilized by ~~September-December 30th~~ ^{June 30th} of each fiscal year for non-exempt employees or paid out as overtime. If an employee with accrued Comp Time is promoted to an exempt position, all accrued Comp Time will be paid out as overtime prior to the effective date of the promotion. All Comp Time earned by an employee must be used before the employee uses any accrued vacation or sick leave.

Formatted: Superscript

Formatted: Highlight

Formatted: Highlight

3. On-Call Status – NEED TO REVIEW THIS SECTION

Some operational divisions in the City may designate non-exempt employees to be on-call to provide for after-hours service needs. Any on-call policy shall be determined by the applicable ~~department~~

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

~~head~~~~department~~ director with approval of the City Manager depending upon the needs of the individual department and appropriations in the fiscal budget.

- a. **Restricted On-Call** means the time spent on-call on or away from City premises under conditions that prevent the employee from using the time for personal activities. The employee on Restricted On-Call status is required to report for any on-call assignment that arises during the applicable on-call period. This category of on-call is compensatory. Employees in a restricted on-call basis will be paid one hour per day at their regular rate and receive overtime if called to respond to an emergency. This is contingent upon Council funding annually.
- b. **Unrestricted On-Call** means the time spent on-call on or away from City premises under conditions that do not prevent the employee from using the time for personal activities. The employee on unrestricted on-call status may choose to report for an on-call assignment but is not required to do so. Unrestricted on-call status is not compensatory, except for such time actually worked, should the employee report for an on-call assignment.

4. **Call Back Pay**

A call back occurs when there is an emergency, or after ~~2~~-hours service need for which an employee reports to work as a result. A call back does not include additional hours of work scheduled in advance.

- a. An employee responding to a call back will be paid the greater of two hours or the actual time worked on the call back assignment at their overtime rate.
WE DO TWO HOURS AND ACTUAL TIME WORKED
- b. Travel time is included in the calculation of call back hours.
- c. Exempt employees are not eligible for call back compensation.
- d. If any employee is directed back to work on a call back, no vacation or sick time utilized during same pay period will off-set overtime payment.

5. **Acting Status Pay**

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Employees who are temporarily re-assigned to perform the duties of a higher classification for thirty (30) consecutive days or more may receive a compensation increase for the duration of the temporary assignment. The appropriate increase shall be recommended by the ~~Director of Human Resources~~ City Council, City Manager or Designee, but at no time should be less than the minimum pay range for the temporary assignment classification.

6. Final Pay

Upon end of employment, employees will be paid at their base rate for accrued paid time off to a maximum as detailed in the Compensation & Benefits Chapter of this document. ~~Employees with less than 12 months active full-time service are not eligible for pay out of any accrued vacation.~~

Section 3: Compensation Plan

(a) Pay Plan

The City will maintain a Classification and ~~Compensation Pay~~ Plan, including a complete inventory of all positions in the City's service and an accurate description and specification for each grade of employment. ~~This plan was developed by Carl Vinson Institute of Government.~~ The plan will standardize titles, by categorization of every job by class on the basis of similarities in duties, responsibilities, each of which are indicative of a definite range of duties and responsibilities and has the same meaning throughout assigned departments. The Classification and ~~Compensation Pay~~ Plan will be designed to provide equal pay for equal work and to provide a pay range for each grade of positions, which will enable the City to recruit and retain qualified employees, as well as compete in the job market with other public employers. ~~The pay plan is a grad/step plan updated annually based on the cost-of-living adjustments applied to current employees as approved by City Council.~~ All aspects of the pay plan are contingent upon the availability of funds as determined in the sole discretion of the Mayor and City Council.

(b) Administration

The primary responsibility for day-to-day administration of the Classification and ~~Pay-Compensation~~ Plan rests with the City Manager or designee, as follows:

1. The ~~Director of Human Resources~~ City Clerk and Finance Director is charged with the maintenance of the Classification and ~~Pay-Compensation~~ Plan and its

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

administration so that it will reflect the duties performed by each employee and the grade to which each position is allocated.

2. It is the responsibility of the ~~Director of Human Resources~~ City Clerk and Finance Director to examine the nature of the positions as they are created and to allocate them to an existing grade in conformity with this section; to make such changes as are necessary in the duties and responsibilities of existing positions; to develop forms and to provide vital information when deemed necessary to determine the proper grade classification of each position; to periodically review the entire Classification and ~~Pay-Compensation~~ Plan; and recommend appropriate changes in the plan.
3. The ~~Director of Human Resources~~ City Clerk and Finance Director will facilitate the requests for newly authorized positions or changes in duties of an existing position change. The department director must submit a Position Review Request to ~~Human Resources~~ the Finance Director and City Clerk. The ~~Director of Human Resources~~ City Manager or Designee City Clerk and Finance Director will investigate the actual or suggested duties and make a report to the City Manager or designee for approval. Ultimate approval for new positions shall be by the Mayor and City Council.

(c) Use of the Classification & Pay Plan

The Classification and Pay Plan is to be used as:

1. As a guide in recruiting and evaluating candidates for employment;
2. In determining lines of promotion and in developing employee training programs;
3. In determining salary to be paid for various types of work;
4. In providing uniform job terminology understandable to all City officials and employees and by the public;
5. The official job title represented on the Classification and Pay Plan should be used in all personnel, accounting, budget, appropriation, and financial records. No person will be appointed to or employed in a position in the City service under a title not included in the Classification and Pay Plan and approved by the Mayor and City Council;

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

6. Other job titles may be used in the course of departmental routine to indicate authority, status in the organization and/or administrative rank;
7. It should be general practice for newly hired employees to be hired at the minimum pay rate of the applicable grade for the position. The City of Flowery Branch recognizes that in some instances it may be necessary to hire employees above the minimum pay rate of the applicable grade for the position. Department Directors ~~shall have the latitude~~ may recommend to hire personnel ~~without other approvals up to the midpoint of the position as long as budget is available to do so~~ above the minimum starting salary by completing a memo on City letterhead and submitting it to the City Manager and Finance Director for approval. ~~Department head~~ Department Directors should be mindful of internal equity when extending offers above the minimum. ~~Salary offers beyond the midpoint must be approved by the Director of Human Resources, Director of Finance and the City Manager.~~

(d) Maintenance of Pay Ranges

The City Manager or designee may make or cause to be made such comparative studies as he or she deems necessary of the factors affecting the level of salary ranges prior to the preparation of the annual budget, as well as at other times during the year. On the basis of information derived from such studies, the City Manager or designee may make recommendations for changes in salary ranges as deemed necessary to maintain the fairness, adequacy, and competitiveness of the overall salary structure.

Section 4: Changes in Salary

(a) Performance Reviews

The job performance of all employees will be reviewed ~~periodically~~ annually to determine if salaries should be adjusted, if job descriptions should be revised, or if jobs need to be reclassified.

(b) Salary Increases for Performance

Subject to annual budget appropriation, each department may be allocated a pool of merit dollars to be distributed by a percentage basis on a formula derived from the performance evaluation results. The City Manager reserves the right to make additional pay adjustments as necessary for business operations.

(c) Salary Changes Due to Promotions

Formatted: Highlight

The pay for employees receiving a promotion will be the greater of either the minimum of the pay grade of the promoted position or a five (5) percent increase. The City Manager may allow a greater increase up to 10% in order to address any internal equity issue. Any increase greater than 10% must go before Council for approval.

(d) Salary Changes Due to Reclassification

Formatted: Highlight

The pay for an employee whose position is reclassified to a higher pay grade will be upon the recommendation of the department director placed at least the minimum of the higher position and not to exceed a five percent increase if the existing salary already exceeds the minimum rate for the higher position. The pay for an employee whose position has been reclassified to the same or lower pay grade will not change.

(e) Salary Changes Due to Demotion

Formatted: Highlight

The pay changes for employees receiving a demotion will be as follows:

1. Demotions Based on Performance

The pay for employees receiving a demotion will be five (5) percent decrease in pay. At the ~~department head~~department director's request, the City Manager may allow a greater or lesser decrease in order to address any internal equity issue.

2. Voluntary Demotions (not performance based)

The salary of an employee who voluntarily demotes to a position in a lower pay grade based on a personal decision to do so will be determined upon the recommendation of the department director.

3. Involuntary Demotions (not performance based)

The salary of an employee who has been involuntarily demoted due to business needs or for accommodation purposes and not based on performance will not experience any change in pay.

(f) Other Salary Increases

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

The City Manager reserves the right to make additional pay adjustments as necessary for business operations provided that funds are available.

(g) Employees at Maximum of Pay Range (Modified January 2013)

As part of the City's pay plan, pay ranges are established based on market rates. Each range will consist of a minimum and maximum, except for ~~department heads~~ the City Manager whose range will be considered open.

Should an employee's pay rate reach the maximum of their assigned pay range, and a pay increase is offered to employees as part of the annual fiscal year budget (merit, market or across-the-board), effected employees will receive any increase, if applicable, over the maximum of their range as a quarterly lump sum payment starting as of the date coinciding with the budget. In such a case, the employee's pay rate shall not be adjusted, but the City shall take into account any such lump sum payment for purposes of computing overtime as applicable under the Fair Labor Standards Act.

EMPLOYEE BENEFITS- LEAVE TYPES (Revised 3/20/2017)

Section 1: Policy Statement

The City of Flowery Branch believes that employees should have the opportunity to enjoy time away from work to help balance their work and personal lives. City management recognizes that employees have diverse needs for time off from work. Because of this, the City has established leave practices to address the balance, as well as to protect the financial well-being of employees during certain absences from work. Employees are accountable and responsible for managing their own leave balances to allow for adequate reserves if there is a need to cover unanticipated events requiring time away from work.

Section 2: Overview of Requirements & Restrictions

(a) General Provisions

Except as provided otherwise in this chapter, the following apply to all paid leave benefits:

1. Approval of leave is subject to operational requirements of the department and any request for paid leave may be denied or rescheduled due to staffing needs;
2. Paid leave cannot be advanced;

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

3. All requests for leave must be submitted ~~in writing using the leave request form electronically through the time management system utilized by the City,~~ with as much notice as possible;
4. Except for military leave, any employee in an unpaid leave status will not accrue paid time off. This will not, however, constitute a break in service for accrual rate purposes;
5. ~~Non-exempt employees shall record paid leave in quarter hour increments;~~
6. ~~Exempt employees shall record paid leave in whole day increments; exceptions to this must be approved by the Human Resources Department~~

Formatted: Highlight

Commented [KH10]: Do we want to implement this process?

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

(b) Unpaid Leave Status

Unpaid leave will not be approved under normal circumstances. All requests for leave without pay must be approved by the City Manager or designee. Paid time off will not be accrued during leave without pay status. Please note that while an employee is on leave of absence without pay, there is no job protection by the City, except as required by law. Employees may continue, at their sole expense, their group health insurance coverage while on leave of absence without pay. In order to continue coverage, the employee must contact the ~~Director of Human Resources~~ City Manager or Designee to arrange for documentation and payment of premiums. If approved, unpaid leave status will be granted for a minimum of one (1) week or up to thirty (30) days. If an employee is granted a leave of absence, the employee will make written arrangements with his/her Department Director for making contact and giving weekly status updates and the anticipated return to work regarding his/her absence. The exceptions to these provisions are leave granted as Family Medical and Military Leave as specified later in this chapter.

Section 3: Paid Time Off (PTO)

~~Exempt employees take paid time off hours in whole day increments only; exceptions to this must be approved by the Human Resources Department.~~

(a) Eligibility

It is the policy of the City to provide paid time off for eligible employees. Paid time off is accrued and granted to:

1. Regular full-time, ~~police officer and fire shift employees, and regular part time~~ employees are considered eligible employees;
2. Eligible employees while on authorized paid time off will continue to accrue paid time off hours;
3. Eligible employees can take paid time off immediately once hours have been accrued and approved by department management (new hires have a six (6) month waiting period for paid time off, unless approved by the City Manager or designee);

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

4. Pay for paid time off shall be at the employee's regular rate of pay in effect for the employee's regular job on the pay date immediately preceding the employee's paid time off period.

(b) Paid Time Off Accrual Rate

1. All eligible employees will receive paid time off hours based on their current years of service with the City or a prearranged seniority date as established by the City. Department Directors will receive paid time off hours based on 10+ years of service.

1.2. Employees will begin accruing hours immediately upon hire, however leave cannot be utilized for the first 6 months of employment, unless prior approval from the City Manager is provided.

2.3. All eligible employees accrue paid time off hours on the following basis: The accrual rate increases on the first day of the pay period that includes the employees' anniversary date.

3.4. The following chart reflects the accrual rates for city employees:

Commented [MH11]: Was the intention to start with 4 week PTO and the accrual rate at 10+ years of service or start at 10+ years of service accrual rate?

Formatted: Indent: Left: 1.24", No bullets or numbering

Hours Per

Regular Full-time Employees		
Years of Employment	Hours Earned Per Pay Period	Hours Earned Per Year
Up to During Year 1 Year	4.88 3.54	126.8 92.04
During Year 2 through Year 4 4 thru 4 years	6.27 5.08	163 132.08
During Year 5 through Year 9 5 thru 9 years	7.67 6.62	199.3 172.12
Year 10 or more 10 thru 14 years	9.75 8.15	253.6 211.90
15 or more	11.84	307.9
Regular Part-time Employees		
Up to 1 Year	2.44	63.4
1 thru 4 years	3.135	81.5
5 thru 9 years	3.835	99.65
10 thru 14 years	4.875	126.8
15 or more	5.92	153.95
Fire Shift Employees		

Commented [KH12]: These amounts are if we combine sick and vacation leave into one bank

Formatted: Centered

Formatted Table

Formatted: Font: 16 pt

Formatted: Font: 16 pt

Formatted: Centered

Formatted: Font: 16 pt

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Years of Service	Biweekly Pay Period	Hours/Year
1 thru 4 years	8.31	216
5 thru 9 years	10.15	264
10 thru 14 years	12.92	336
15 or more	15.69	408
Police Shift Employees		

Up to 1 Year	5.12	133.1
1 thru 4 years	6.58	171.2
5 thru 9 years	8.05	209.2
10 thru 14 years	10.24	266.3
15 or more	12.43	323.3

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

(c) Use and Scheduling of Paid Time Off

1. Whenever possible, employees will be allowed to take paid time off at times most convenient to them. However, in order to ensure continued smooth operation and maintain a high level of quality in the delivery of service to the citizens of Flowery Branch, the City reserves the right to limit the number of employees that may be absent from a given department at any one time. Where there is a conflict in the paid time off choices of two (2) or more employees who cannot be spared at the time, the department management will determine who will take leave;
2. When a holiday occurs during the period an employee is on authorized paid time off, Paid time off shall not be charged for the holiday;
3. Paid time off may be used for appointments for medical or dental examinations or treatment when such appointments cannot be reasonably scheduled during non-working hours. Examination appointments must be approved at least one (1) workday in advance, by the department director or designee;
4. Paid time off may be used for unplanned sick absences. In unplanned circumstances, an employee should make every attempt to report to their supervisor within ~~thirty-sixty~~ (30, 60) minutes of the scheduled starting time the reason for absence. Public Safety may develop internal rules that establish stricter reporting standard;
5. Eligible employees will be allowed to carry over paid time off hours from one calendar year to the next according to the chart below. On December 31st of each year, the employee's paid time off credits will be totaled and any hours in excess of the applicable carry over will be forfeited.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

6.

Maximum PTO Hours Carry Over Per Year

Regular Full-time Exempt and Non-Exempt Employees	240 450
Part-time Employees	120
Fire Shift Employees	318
Police Shift Employees	252

Formatted: Space After: 0.25 pt, Tab stops: 1.63",
Centered + Not at 1.72"

(d) Paid Time Off Buy Back

Formatted: Highlight

As an incentive to decrease employee absenteeism and abuse of sick leave, the City will offer a paid time off buy back program. If hours are available, each employee will be able to sell back up to 48 hours of paid time off. In order to qualify, employees must have accrued the number of paid time off hours they wish to sell back.

Up to 16 hours of sold back paid time off will be paid at 100% of the employee's regular rate of pay. The remaining hours sold back will be paid at the rates reflected in the following chart:

Rate of Pay for Sold Back PTO Hours

1-16 Hours	100%
17-32 Hours	75%
33-48 Hours	33%

(e)(d) Payment of Accrued Paid Time Off at Termination

At the time of separation from employment, all employees will be paid accrued paid time off, if the proper two (2) week notice was provided, up to the maximum number of hours on the chart below:

Maximum PTO pay out at time of separation:

Regular Full-time Employees	240
Part-time Employees	120
Fire Shift Employees	318
Police Shift Employees	252

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

(e) Donation of Time

The City has established a leave donation program which enables eligible employees to voluntarily donate accrued leave to other eligible employees who have exhausted all paid leave. Recipients have typically been absent for extended periods due to their own or a family member's illness.

To be eligible to donate leave a donor must have been continuously employed for not less than twelve (12) months by the City in a position entitled to earn leave and must have a balance of not less than forty (40) hours after donation. All donations must be in increments of whole hours.

To be eligible to receive donated leave a recipient must: (1) be employed in a position entitled to earn and use leave, (2) not be in a leave without pay status, (3) be continuously employed for not less than twelve (12) months in a position entitled to earn leave, (4) have exhausted all accrued leave, and (5) have exhausted all available compensatory time.

Donations, not to exceed a total of one hundred sixty (160) hours within 365 days will be credited to the recipient's time bank upon written approval of the City Manager.

Recipient must immediately use donated leave upon receipt. Donated leave hours cannot be banked for future use or disbursement. Once a recipient returns to duty, donated leave accepted but not used by the recipient will be automatically returned to the donor employee. If the donating employee is ineligible to receive returned leave, the leave will be lost.

Leave donation is strictly voluntary. No employee may threaten, coerce, or attempt to threaten or coerce another employee for the purpose of interfering with rights involving the donation or use of leave.

Prohibited acts include but are not limited to promising to confer or conferring a benefit such as an appointment of promotion or salary increase; or making a threat to engage in, or engaging in an act of retaliation against an employee because of leave donations. Any employee violating this rule may be subject to disciplinary action, up to and including termination of employment. Donors are prohibited from accepting compensation or gifts from recipients in exchange for leave donations.

Eligible employees requesting donated leave will submit such request in writing to the City Clerk specifying the number of hours requested and the reason for said request.

Commented [MH13]: I think this may cause a liability in the future if the individual who donates it need it later. May consider creating a sick bank for PTO accrued over the 450 max hrs.

Formatted: Font: Not Bold, No underline, Font color: Black

Formatted: Indent: Left: 0.75"

Formatted: Indent: Left: 0.81"

The City clerk will poll individuals that are eligible for donating leave and notify the requester of any donated hours pledged in writing signed by the donor. No information received by requester shall be disclosed to any potential donor. No information received by any potential donor shall be disclosed to the requested or other potential donor.

Formatted: Font color: Custom Color(RGB(83,141,211))

Formatted: List Paragraph, Left, Indent: Left: 0.99"

Section 6: Other Leave Types

(a) Bereavement Leave

1. Employees may be granted up to 24 hours-three (3) regularly scheduled workdays of bereavement leave with pay upon death of a member of the employee's immediate family. Immediate family is defined in the definition section.

2. Employees must request bereavement leave by contacting their supervisor prior to the leave period.

2.3. Arrangements for additional time using annual leave or a personal leave of absence without pay must be approved by the Department director. The City understands that a death in the family can be a difficult time, and we will make reasonable efforts to accommodate your leave request under these circumstances.

Formatted: List Paragraph, No bullets or numbering

3.4. There is no accumulation of bereavement leave and no payment upon separation from city employment. Hours do not have to be taken simultaneously.

(b) Civil Leave

1. Jury Duty.

All regular full-time employees selected for jury duty shall be entitled to receive civil leave with pay for the period of absence. An employee shall not be entitled to fees received as a juror and should ask the court not to compensate them for being on jury duty. An employee may must notify their Department Director of their selection for jury duty or being subpoenaed, and must provide a copy of the selection notice or subpoena. be required to present a statement from the court indicating jury service.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

2. Official Court Attendance

All employees subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the City are considered to be working. ~~Any fees paid for such services will be returned to the City. Employees who are subpoenaed, ordered to appear, or otherwise voluntarily participating in a Court appearance or judicial process other than as specifically identified herein shall not be entitled to leave with pay, but must take vacation leave.~~

3. Voting

Employees are permitted time off to vote in any municipal, county, state, or federal political party primary or election for which such employee is qualified and registered to vote on the day on which such primary or election is held. The time taken off to vote must not exceed two (2) hours, is unpaid leave and is permitted only if your supervisor is informed at least one (1) working day in advance that an individual plans to take time off to vote. The City may specify the hours during which the employee may be absent from work to vote.

If the polls open at least two (2) hours before the employee is scheduled to arrive at work or the polls close two (2) hours after the employee is scheduled to leave work, then time off to vote is not allowed.

4. Military Leave

Employees are entitled to military leave in accordance with state and federal law. An employee going on military leave should present a copy of their official orders to the ~~Director of Human Resources~~ City Manager or Designee and department management as soon as received or they may fill out a Military Leave Verification form. Any employees, other than a temporary employee, who is a member of any force of the organized militia or of any reserve force or reserve component of the armed forces of the United States will be allowed leave of absence for ordered military duty without loss of pay for a period not exceeding a total of eighteen (18) calendar days in any one (1) calendar year and not exceeding eighteen (18) calendar days in any one continuous period of absence. If the Governor declares an emergency or an employee is called to active duty from the National Guard, that employee shall be paid for up to thirty (30) days in one (1) year, not to exceed thirty (30) consecutive days. All other military leave is unpaid. An employee may elect to take annual leave instead of time off without pay for unpaid military leave.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Formatted: Font: (Default) Times New Roman

Formatted: Font:

Formatted: Normal, Indent: Left: 1.25"

Formatted: Normal, Indent: Left: 0"

Commented [KH14]: Do we have this form?

Formatted: Highlight

Formatted: Highlight

Time during which an employee is on ordered military duty shall not constitute an interruption of continuous employment. No employee shall be subjected directly or indirectly to any loss or diminution of time, service, increment, vacation, holiday privileges, or any other right or privilege by reason of such absence or be prejudiced with reference to continuance in employment, re-employment, reinstatement, transfer, or promotion by reason of such absence.

(c) Family Medical Leave

Pursuant to the federal Family and Medical Leave Act, ("FMLA"), 29 U.S.C. §2601, et seq., employees may be eligible for a family and/or medical leave of absence for up to twelve (12) weeks of paid or unpaid leave in any twelve-month period for one or more of the following:

- the birth, adoption, or placement of a child;
- the serious medical condition of a parent, spouse, or child; or
- the employee's own serious medical condition that prevents him/her from performing the functions of his/her job.

For purposes of this Section, a "12-month period" means a rolling twelve (12) months measured backward from the date the employee uses any FMLA leave. If the provisions in this Handbook conflict or come into conflict with the FMLA as it presently exists or is amended from time to time, the provisions contained in the FMLA shall control.

1. Eligibility

To be eligible for leave, an employee must have been working for the City of Flowery Branch for at least twelve months and must have worked at least 1,250 hours during the twelve-month period prior to the request for leave. Eligible employees under FMLA shall be entitled to leave upon the conditions and limitations of FMLA.

2. Concurrent Utilization of Paid Leave and/or Compensatory Time

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

An employee requesting leave pursuant to the FMLA is required to utilize all accrued personal leave and/or compensatory time available as part of the 12week leave period. If the available paid leave for the employee is less than twelve working weeks, the additional weeks of leave necessary to obtain the twelve work weeks of leave available under the FMLA shall be provided without compensation. In any event, any combination of personal leave, compensatory time, and/or unpaid family and medical leave shall not exceed twelve (12) weeks. Use of personal and/or compensatory leave, or any combination thereof, must be used concurrently with FMLA leave. FMLA requests will be retroactively dated to the beginning of the current personal and/or compensatory leave, or any combination thereof in the event that the paid leave is commenced prior to the request for FMLA leave. Regardless of paid or unpaid FMLA leave, the employee will receive holiday compensation for the holidays recognized by the City set forth in this Handbook.

3. Concurrent Worker's Compensation and FMLA Leave

An employee qualifying for Worker's Compensation Leave must run any requested FMLA leave concurrently with that of all concurrent and/or intermittent Worker's Compensation Leave. The employee must elect to use either worker's compensation benefits or paid leave during the FMLA period.

4. Intermittent Leave or Reduced Schedule Leave

Leave for childbirth, adoption, or foster care may not be taken intermittently or on a reduced schedule. Leave for a serious health condition of a qualifying family member or of the employee may not be taken on an intermittent basis or on a reduced leave schedule unless medically necessary. The taking of any leave intermittently or on a reduced schedule basis shall reduce the total amount of FMLA leave that has been approved for the eligible employee according to the actual hours of leave taken. For example, if an eligible employee takes ten (10) hours of leave intermittently over twenty (20) business days, the employee's bank of available FMLA leave will be reduced only by ten (10) hours and not by twenty (20) days.

If an eligible employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, the ~~Director of Human Resources~~ City Manager or Designee may require the employee to transfer temporarily to an available equivalent position for which the employee is qualified that better accommodates recurring periods of absence.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

5. Spouses Employed by Same Employer

In any occasion in which a husband and wife are eligible for leave under the FMLA and are both employed by the City, the aggregate number of work weeks of leave to which both may be entitled may be limited to twelve (12) work weeks during any 12-month rolling period, in the case where leave is taken for childbirth, adoption, foster care, or to care for a sick parent.

Commented [MH15]: I think this might violate FMLA, I think FMLA extends to each individual so they would both get 12 weeks

6. Foreseeable Leave

In any case in which the necessity for leave under the FMLA is foreseeable, based on an expected birth or placement of a child or based on planned medical treatment or supervision, the employee shall provide the ~~Director of Human Resources~~ City Manager or Designee with written application for the requested leave and certification no less than thirty (30) days before the date the leave is to begin.

In a case where the necessity for leave is based on planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider and shall provide the ~~Director of Human Resources~~ City Manager or Designee with at least thirty (30) days' notice before the date the leave is to begin, except that if the date of the treatment requires leave to begin in less than thirty (30) days, the employee shall provide such notice as is practicable.

7. Certification of Serious Health Conditions

An eligible employee, who requests leave for a serious health condition of the employee or a qualifying family member, shall submit certification from an appropriate health care provider to the ~~Director of Human Resources~~ City Manager or Designee when requesting leave.

Certification shall be sufficient if it states:

- a. the date on which the serious health condition commenced;
- b. the probable duration of the treatment or condition;
- c. the appropriate medical facts within the health care provider's knowledge; and

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

- d. the estimated amount of time the employee needs to care for the qualifying family member or a statement of the extent to which the employee is unable to perform the essential functions of the employee's position.

In any case in which the ~~Director of Human Resources~~City Manager or Designee has reasonable doubt as to the validity of the certification, the ~~Director of Human Resources~~City Manager or Designee may require the employee to obtain the opinion of a second health care provider at the expense of City. In any case in which the second opinion differs from the original certification, the ~~Director of Human Resources~~City Manager or Designee may require the employee to obtain the opinion of a third health care provider designated or approved jointly by the ~~Director of Human Resources~~City Manager or Designee and the employee at the expense of the City. The opinion of the third health care provider shall be considered to be final and shall be binding on the City and the employee. The ~~Director of Human Resources~~City Manager or Designee may also require that the employee obtain subsequent re-certification on a reasonable basis.

8. Accruals and Benefits during FMLA Leave

An employee on unpaid FMLA leave shall not be entitled to the accrual of any seniority or employment benefits during the period of unpaid FMLA leave, including but not limited to, the accrual of personal leave. The employee, while on paid FMLA leave, is entitled to accrue personal leave during the periods of paid FMLA leave. For the purposes of pension or retirement plans, any period of FMLA leave will be treated as continuous service for the purposes of vesting and eligibility to participate.

FMLA time will not be counted as part of an employee's probationary period, but will be added to the remaining probationary period, extending the ending date of the probationary period.

During any period of leave, City will maintain any health insurance provided by City to the employee for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

9. Appeals of Denials

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

In the event that the ~~Director of Human Resources~~ City Manager or Designee denies in whole or in part a request for leave pursuant to the FMLA, an employee has the right to appeal that decision consistent with the following procedures.

Any such appeal from an employee must be filed within three (3) working days following receipt of the denial decision from the ~~Director of Human Resources~~ City Manager or Designee. The written notice of appeal shall include the request for the leave and all supporting documentation provided to the ~~Director of Human Resources~~ City Manager or Designee. The appeal shall be filed with the City Manager who has the authority to amend or reverse the decision of the ~~Director of Human Resources~~ City Manager or Designee. Failure of the employee to appeal within three (3) working days shall result in forfeiture of any further right of appeal of a denial.

The City Manager shall review the record of the appeal and shall, within five (5) working days, issue a final determination. The decision of the City Manager shall be final.

10. Return to Duty from FMLA Leave

As a condition for return to duty, the employee may be required to provide certification from the employee's health care provider that the employee is able to resume work. Upon expiration of the period of leave pursuant to the FMLA, the employee shall be returned to his/her former position or a position of equal grade and pay, provided that the employee has complied with the terms of the leave and reported for return of duty at the appropriate time. While the employee shall be restored to a position of employment without loss of employment benefits accrued prior to the date on which the leave commenced, the employee shall have no greater rights than those in effect prior to the commencement of the leave.

An exception to the employment restoration provisions of the policy may be made if the employee on leave is a salaried employee and is among the highest paid ten percent (10%) of the City's employees and restoring employment of the employee would result in substantial and grievous economic injury to the City. A doctor's release may be required if the employee is returning from a medical leave of three or more days.

11. Military Family Leave Entitlements

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

12. Procedures

Employees must follow specific procedures to request a family or medical leave. These procedures are as follows:

- a. Complete the request for Family Medical Leave of Absence on the approved form available from the ~~Director of Human Resources~~City Manager or Designee.
- b. The form must be signed by the employee and submitted to their Supervisor. The Supervisor will then submit the approved form to the ~~Department Head~~Department Director. When possible, the form should be submitted by the employee thirty (30) days in advance of the effective date of the leave.
- c. Employees requesting family and medical leaves of absence due to illness must complete a leave certification requirements form, available from the ~~Director of Human Resources~~City Manager or Designee.
- d. The employee must submit a completed request for Family Medical Leave of absence form along with a leave policy form.
- e. To request leave for the care of a child, parent, or spouse with a serious health condition, the employee must provide certification from the health care provider who is treating the child, parent, or spouse, including the date on which the condition commenced; the probable duration of the condition;

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

the appropriate medical facts regarding the condition; an estimate of the time needed to care for the individual involved (including any recurring medical treatment); and a statement that the condition warrants the health care provider's involvement.

- f. To request leave due to an employee's serious health condition, the employee must provide certification from a licensed health care provider who is treating their own serious health condition as set forth herein.
- g. To request intermittent or a reduced leave schedule, the employee must provide the following additional information from the health care provider:
 - 1) for leave for the employee, the employee must provide a statement of medical necessity for their intermittent or reduced leave, the expected duration of the schedule, a listing of the dates of their planned medical treatment and the duration of the treatment(s), 2) For leave to care for a son, daughter, spouse or parent, the employee must provide a statement attesting to the necessity of intermittent or reduced leave for the employee to provide care or to assist in the person's recovery, and an estimate of the expected duration and schedule of their intermittent or reduced leave.

(d) Administrative Leave

A ~~Department Head~~Department Director, ~~the Director of Human Resources, or their respective designee,~~ with notification to the ~~Human Resources Department~~City Manager, may place an employee on Administrative Leave when an employee is being investigated by City for possible misconduct or by a law enforcement agency for possible violation of a criminal law or in any instance where it is considered to be in the interest of City and/or the employee. In addition, written notification must be provided by the official who placed the employee on Administrative Leave to the Finance Department with instructions that the leave shall be with pay.

Administrative Leave shall be with pay for the initial 14 calendar days of the Administrative Leave period. Every effort shall be made to complete the investigation within the initial period.

At the expiration of the initial ~~ten day~~14 day period, if the investigation has not been completed, the employee may be placed on Administrative Leave without pay for an additional 21 calendar days upon written notification to the Human Resources Department by the official who placed the employee on Administrative Leave.

At the conclusion of the 21-day unpaid Administrative Leave period, if the investigation has not been concluded, an extension may be considered or the employee may be terminated.

The purposes of Administrative Leave are to provide an investigatory opportunity or to relieve the employee of his/her duties when it is deemed in the best interest of the City and the employee. Designation of the leave as “administrative leave” is to prevent any possible stigma against an employee during a period of Administrative Leave. Notice of the conclusion of the Administrative Leave period shall be provided in writing to the employee by the applicable ~~Department Head~~Department Director with copies of the written notice provided to the ~~Director of Human Resources~~City Manager or Designee.

The decision to place an employee on Administrative Leave is entirely discretionary. Certain acts of misconduct or criminal arrests may be more suitable for immediate termination as determined by the ~~Department Head~~Department Director and the ~~Director of Human Resources~~City Manager or Designee.

(e) Leave Due to City Office Closure

In the event of hazardous weather, or other occurrence resulting in the closure of the City offices, all employees who are scheduled to work during the period for which the City is officially closed will be paid. Full-time employees shall be paid closure pay according to hours worked in their regularly scheduled shifts. Part-time employees shall be paid for four (4) hours of pay. Temporary and seasonal employees shall not be paid. WE HAVE CURRENTLY – The City may grant unpaid time off or authorize the use of annual leave, compensatory time or a floating holiday. These instances occur on a case-by-case basis and the City reserves the right to authorize time off on a discretionary basis.

If questionable weather exists, but the City is open for business, employees should make their own independent safety determinations concerning travel to work. If the employee elects not to attend work due to safety concerns when the City is open for business, the employee’s absence will be charged against any accrued personal leave or compensatory time. If no such accrued leave exists, the employee will not be compensated. Public Safety employees are expected to monitor weather conditions and report to work as scheduled.

Employees should look to hear from their Department Director or Supervisor for instructions on closures. The City Manager will contact each Department Director

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Formatted: Highlight

Formatted: Highlight

with instructions on closings and the Department Director will then contact each of their employees. There will additionally be an effort to publicize the closings by local radio, television stations, accesswdun.com, gainesvilletimes.com, or the City website.

If a non-exempt employee who is not a public safety employee is called into work when the City is officially closed, it is considered a call-out for emergency reasons and the employee shall be compensated for time and one-half of his/her regular rate for hours actually worked in the form of over-time for non-exempt employees and compensatory time for exempt employees. If the employee is not called into work, but reports to work during the period of time that the City is officially closed, the employee will be paid at his/her regular rate of pay.

(f) Holidays

The City observes the following holidays:

New Year's Day
Martin Luther King, Jr. Day
~~President's Day~~
Good Friday
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day
Christmas Eve
Floating Holiday
Employee's Birthday

Commented [KH16]: I will rearrange to be in correct order

When a holiday falls on a Saturday, the preceding Friday shall be declared a holiday for city employees. When a holiday falls on a Sunday, the following Monday shall be declared a holiday for city employees. The birthday floating holiday must be taken within a month of the employee's birthday. ~~The City Manager will designate the floating holiday on a year-by-year basis.~~

Formatted: Highlight

A non-exempt ~~shift-police department~~ employee who is required to work on an official city holiday will be paid at a rate of ~~10.6 hours for fire department employees and 8.4 12.25 holiday hours plus hours worked. for police department employees.~~ Employees must work their regularly scheduled work-day or shift

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

before the holiday, or be on an approved leave status the day before and after the holiday, in order to receive holiday pay.

(g) Maternity Leave Policy

Maternity Leave is afforded to all employees pursuant to, and governed by, the provisions of the Family and Medical Leave Act (“FMLA”) and those provisions set forth in the following Section.

Full-time employees who have been employed with the City for a period of at least 6 (six) consecutive months, and give birth to a child/children, shall be entitled to Paid Maternity Leave not to exceed 6 (six) weeks. Such Paid Maternity Leave shall be provided to the employee to cover absence immediately following childbirth and shall begin the date of childbirth.

Commented [MH17]: Are we offering paid maternity leave?

All Maternity Leave, paid or unpaid, shall run concurrent to FMLA Leave. Upon expiration of Paid Maternity Leave, or for periods of Maternity Leave prior to childbirth, an employee must utilize any available Paid Time Off to run concurrent to FMLA Leave. Upon expiration of any Paid Time Off, the remainder of FMLA leave, if any, shall be unpaid.

Maternity Leave shall begin when the employee is no longer reasonably able to carry out the duties and responsibilities of her position. Medical certification from a healthcare provider may be required to support a request for Maternity Leave prior to childbirth. Time for termination of Maternity Leave shall be at the expiration of FMLA Leave or Paid Maternity Leave (for eligible employees), whichever is later.

The City will seek to provide modified duty work assignments for all pregnant employees who are temporarily unable to perform their job duties due to pregnancy. Modified duty employment opportunities will be considered in all Departments, not just the Department in which the pregnant employee was working before she requests a light duty assignment.

Modified duty employment opportunities are intended to assist pregnant workers who are temporarily not able to perform their normal job duties. All modified duty assignments will be productive. Duties must never be demeaning or appear worthless in any way.

The City will make efforts to retain pregnant employees who need temporary modified duty in accordance with the Pregnancy Discrimination Act of 1987.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

B. GROUP BENEFIT PLAN

Section 1: Policy Statement

It is the policy of the City of Flowery Branch to provide its employees with various insurance, retirement and **educational assistance** benefits. The benefits plan is designed to provide a supplemental package of programs which contribute to the physical and mental health and well-being of the employee and their dependents. The plan is designed to enhance the attractiveness of working for the City and to aid the City's competitiveness in recruitment and retention efforts.

Formatted: Highlight

Section 2: General Provisions

(a) Administration

The primary responsibility for the day-to-day administration of the benefits plan shall rest with the ~~Director of Human Resources~~ City Manager or Designee within the limits of these policies and procedures, as well as the actual plan documents that govern the particular benefit. Availability of benefit packages, questions on benefits, and employee discussion regarding benefits can be obtained from the ~~Director of Human Resources~~ City Clerk.

(b) Eligibility

Eligibility for health insurance, death benefits, retirement benefits, and ~~tuition reimbursement~~ shall include regular full-time, and police ~~and fire shift~~ employees.

1. Employee contributions deducted via payroll will begin concurrent with employee eligibility.
2. Benefit eligibility will expire at the end of the last day of the month that the employee worked for the city.
3. All employees, elected officials and police ~~and fire volunteers~~ shall be covered by worker's compensation and have access to the Employee Assistance Program.

Formatted: List Paragraph, No bullets or numbering

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

~~3.4.~~ Employees that select to waive healthcare coverage may be entitled to an increase in salary. This should be discussed with the City Clerk, Department Director, and Finance Director.

(c) Benefits Continuation

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City of Flowery Branch's health plan for a certain period of time provided by law when a qualifying event would normally result in the loss of eligibility.

Under COBRA, the employee or qualified beneficiary pays the full cost of coverage at the City of Flowery Branch's group rates, plus an administrative fee established by the City.

Certain deadlines and application requirements will apply. Please consult the human resources department if you wish to apply for COBRA benefits.

Section 3: Benefits Offered:

The City of Flowery Branch intends to provide a comprehensive benefit package to aid the recruitment and retention of staff. Benefits will include but not be limited to: health insurance, life insurance, retirement, long-term and short-term disability, ~~and tuition reimbursement~~. We will annually publish a document that details our benefit plans. The actual plan documents, rather than any summary statements in this Chapter, should be relied upon in determining an employee's rights and obligations.

Full-time employees are provided a term life insurance policy provided by the City through the company of its choice in the amount determined annually at the policy renewal date and continue for as long as the employee is employed by the City. Employee coverage is \$25,000; spouse coverage is \$5,000, and children coverage is \$2,500.

Additionally, the city maintains liability insurance coverage, which includes Law Enforcement Liability coverage. This liability coverage protects the city and city employees from claims that may arise out of the course of operations for the city.

Short-Term Disability insurance is a separate benefit offered to employees. The City does not contribute to the costs of this benefit. Short-Term Disability allows employees to be paid

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

while out of work for up to 6 weeks due to injury or illness that occurred off the job. The amount an employee is paid will depend on the policy that is selected.

Long-Term Disability insurance is also offered to employees to ensure they receive a portion of their average monthly wages for an extended absence due to a covered disability. The absence could be a result of an accident, injury, or illness that either occurred on or off the job. The City does not contribute to the costs of this benefit.

Effective as of November 1, 2014, the City adopted the Georgia Municipal Employees Benefit System (GMEBS) Defined Benefit Retirement Plan for its employees. Participation is mandatory for all eligible employees. An eligible employee is defined as all regular employees that meet the eligibility conditions of 40 hours per week for at least 6 months per year. The monthly normal retirement benefit amount for eligible regular employees shall be 1/12 of 2% of final average earnings multiplied by years of total credited service. (Example: $((2\% \times \$35,000 \text{ final average earnings}) \times 5 \text{ years of total credited service}) / 12 = \$291.67 \text{ monthly benefit}$). In order for an employee to become 100% vested in the plan, an employee must work a minimum of five (5) years. An employee will remain 0% vested until the five (5) year minimum is satisfied. Full terms and conditions are stated in the GMEBS Defined Benefit Retirement Plan Adoption Agreement, the GMEBS Master Plan Document, and the GMEBS Trust Agreement.

Formatted: Justified, Indent: Left: 0", First line: 0.5", Right: 0.08"

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

C. WORKER'S COMPENSATION

Section 1: Policy Statement

It is the intent of the City of Flowery Branch to comply with the provisions of the Worker's Compensation Laws of the State of Georgia. All City of Flowery Branch employees and elected officials who are injured on the job are protected by the Georgia Worker's Compensation Act. The provisions of this act are the exclusive remedy for employees injured on the job and provide benefits and procedures for obtaining benefits for occupational injuries and diseases arising out of and in the course of an employee's employment with the City of Flowery Branch.

Section 2: General Provisions

(a) Definition

"Injury" shall be defined as provided for in O.C.G.A. § 34-9-1.

(b) Responsibility

Worker's compensation can be a very complex environment if proper procedures are not followed. Specific responsibilities lie with the Human Resources department, all supervisors and the employee.

1. Human Resources

The ~~Director of Human Resources~~ City Clerk is responsible for the management of the City's worker's compensation program in accordance with the provisions of the Georgia Worker's Compensation Act and other Federal, state, or local regulations. The ~~Director of Human Resources~~ City Clerk is responsible for timely submission of the First Report of Injury form to the State and for all other Worker's Compensation records, files and reports. The ~~Director of Human Resources~~ City Clerk will, in accordance with the law and applicable City policies and procedures, determine the continuing employment status of employees who are out of work on Worker's Compensation. An employee out of work on Worker's Compensation who does not return to work when released to do so by a qualified physician may be terminated.

2. Supervisors

City of Flowery Branch supervisors are responsible for assuring their employees report all on-the-job injuries to them immediately or as soon as

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

possible following the occurrence of the injury. Supervisors will ensure that a written report of the injury is completed and turned into the ~~Department Head~~Department Director who will then forward it to the ~~Director of Human Resources~~City Clerk within the twenty-four hour time period.

3. Employees

All City of Flowery Branch employees are required to report all on-the-job injuries to their supervisor immediately when possible, but in all cases no later than twenty-four (24) hours after the occurrence of the injury. The employee is obligated to cooperate with the worker's compensation program directives and activities and any fraudulent activity will be grounds for termination.

Section 3: Procedures

- (a) An employee injured on the job must report the injury to their supervisor immediately, on the forms prepared and provided by the ~~Director of Human Resources~~City Clerk.
- (b) The employee's supervisor must follow the appropriate procedures prescribed for reporting the injury which includes completion of the First Report of Injury form and the Supervisor and Employee Statement forms.
- (c) Treatment of the injury shall be provided at one of the designated medical facilities that are posted at each work site and the employee must select a doctor from the approved panel of physicians provided by the city. In an emergency, the employee may receive medical care from any doctor until the emergency is over, then the employee must obtain treatment from a doctor on the City's approved panel of physicians. The City reserves the right to refuse payment of medical services for any employee examined by a physician not listed on its approved panel of physicians.
- (d) An employee injured by an accident arising out of or in the course of employment shall not be charged for any absence from duty due to the injury on the day of the injury.
- (e) There is a seven calendar day waiting period before worker's compensation benefits are due. The seven-day waiting period includes those days the employee would not have worked even if there has been no injury. The City of Flowery Branch will compensate employees during this seven day waiting period. The employee will not have to use their accrued sick or vacation leave in the event of a worker's

compensation injury during those first seven days. The employee is eligible to receive medical benefits during the seven-day waiting period. Beginning with the first day after an on-the-job injury and continuing through the seventh day following the injury, the injured employee may elect to be compensated by using their available sick or vacation balance. However, if the disability lasts for 21 consecutive days, compensation is retro-active for the first seven days. The first seven days of disability are not reimbursable unless the employee is disabled more than the 21 consecutive days. If the employee is reimbursed from the state for the initial seven day period, he/she will be responsible for returning that money to the City.

- (f) Beginning with the eighth day following the injury, the employee will be compensated with the statutory worker's compensation rate of $66 \frac{2}{3}$ of weekly salary up to the maximum prevailing rate required by the Worker's Compensation Law. The employee may continue their available balance of sick or vacation time to supplement the worker's compensation benefit.
- (g) During the first six months of a job related injury, the employee's position will be secure and the affected department may use temporary employment if the budget allows.
- (h) If the employee is unable to return to their regular position, the city may require the employee to perform a light duty assignment that is approved by the assigned physician until a time the employee can return to work on a unrestricted basis. The City has no obligation to create a light duty assignment if work is not available.
- (i) Worker's compensation leave must run concurrent with Family Medical Leave.

E. **SUPPLEMENTAL PAY AND TUITION REIMBURSEMENT BENEFITS**

Section 1: Supplemental Pay for Sworn Police Receiving College Credit Toward Degrees

~~The City will offer \$1000 in supplemental base pay to sworn police and certified fire personnel who complete 60 semester hours of college credit (or equivalent quarter hours) from an accredited college or university with proof of transcript. Sixty hours typically equates to an Associate's Degree. The City will also offer an additional \$1000 to an employee's base pay for completing his/her Bachelor's Degree and \$1000 for an employee who attains their Master's degree from an accredited college or university. The most an employee may receive is \$3000 in educational supplemental pay during their tenure with the City. All supplemental pay will be added to the base pay amount. These supplements will be applied either during the hiring process~~

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Formatted: Indent: Left: -0.01", Hanging: 0.01"

Formatted: Normal, Indent: Left: -0", Space After: 0 pt, Line spacing: Multiple 1.08 li

Formatted: Indent: Left: -0.01", Hanging: 0.01"

Formatted: Left, Indent: Left: -0.01", Space After: 0 pt, Line spacing: Multiple 1.08 li

for those prospective employees who meet the above educational standard or for those existing full-time employees who meet the above standards during their course of employment.

Section 2: Tuition Reimbursement

The tuition reimbursement program has been designed to assist employees with long-term educational goals. The City offers tuition reimbursement to eligible employees, contingent upon fund availability. Reimbursable expenses include tuition, registration and application fees, books and other required fees. The cost of supplies, parking, gasoline, student activity cards, and other related items are excluded.

(a) Application and Approval

To be eligible for tuition reimbursement benefits an employee must be employed with the City for at least six (6) months and must execute a Tuition Reimbursement Agreement with the City to be submitted in conjunction with the Employee's application for tuition reimbursement. The tuition reimbursement application must be approved prior to the beginning of any training and development activity or reimbursement will not be made available. An employee must receive approval from Human Resources and the department director.

(b) Reimbursement

An employee who takes an approved training or development course may be reimbursed one hundred percent (100%) up to a maximum of \$3,000 per calendar year of tuition costs under the following terms and conditions:

- (1) In order to be reimbursed, the course must be job-related or related to a position to which the employee can be promoted;
- (2) The course has been successfully completed with a minimum grade of "C" at the undergraduate level and "B" at the graduate level; and
- (3) Funds for reimbursement are available in the department budget.

The employee shall submit proof of tuition payment, other receipts eligible for reimbursement and a copy of their grade(s) to Human Resources within ten (10) days after receiving their grades.

(c) Re-Payment

Consistent with the Tuition Reimbursement Agreement that the Employee executes and submits with his/her application for tuition reimbursement, if the employee leaves employment with the City voluntarily within six (6) months of the conclusion of the training or development course for

Formatted: Indent: Left: -0.01", Hanging: 0.01"

Formatted: Normal, Indent: Left: -0", Space After: 0 pt, Line spacing: Multiple 1.08 li

Formatted: Indent: Left: -0.01", Hanging: 0.01"

Formatted: Left, Indent: Left: -0.01", Space After: 0 pt, Line spacing: Multiple 1.08 li

Formatted: Indent: Left: -0.01", Hanging: 0.01"

Formatted: Indent: Left: -0.01", Hanging: 0.01", No bullets or numbering

Formatted: Indent: Left: -0.01", Hanging: 0.01"

Formatted: Indent: Left: -0.01", Hanging: 0.01", No bullets or numbering

Formatted: Indent: Left: -0.01", Hanging: 0.01"

Formatted: Left, Indent: Left: -0.01", Space After: 0 pt, Line spacing: Multiple 1.08 li

Formatted: Indent: Left: -0.01", Hanging: 0.01"

Formatted: Left, Indent: Left: -0.01", Hanging: 0.01", Space After: 0 pt, Line spacing: Multiple 1.08 li, No bullets or numbering

Formatted: Indent: Left: -0.01", Hanging: 0.01"

Formatted: Left, Indent: Left: -0.01", Space After: 0 pt, Line spacing: Multiple 1.08 li

Formatted: Indent: Left: -0.01", Hanging: 0.01"

Formatted: Indent: Left: -0.01", Hanging: 0.01", No bullets or numbering

Formatted: Indent: Left: -0.01", Hanging: 0.01"

Formatted: Left, Indent: Left: -0.01", Space After: 0 pt, Line spacing: Multiple 1.08 li

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

~~which the Employee received tuition reimbursement, the Employee shall be responsible for full re-payment of the reimbursement amount to the City.~~

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Chapter III

Employee Relations

III. EMPLOYEE RELATIONS

A. STANDARDS OF CONDUCT

Section 1: Policy Statement

All employees are expected to maintain acceptable standards of conduct, efficiency, and economy in the performance of their work. All employees are expected to maintain minimum standards of conduct both on and off duty in order to:

1. Promote impartial, objective and effective performance of their duties;
2. Avoid activities that are adverse to the City's interest or adversely affect the City's reputation;
3. Ensure safe and efficient operations; and
4. Encourage a high degree of confidence in and support for city operations.

The following list of standards of employee conduct is not intended to be all inclusive of every type of conduct prohibited by city employees. Other standards of conduct are established throughout this handbook and other standards may be established and published by departments as operations deem necessary. Moreover, generally accepted standards of conduct shall apply even where not specifically stated.

Section 2: General Provisions

(a) Conformance to Law

An employee shall obey and not engage in any conduct prohibited by the laws of the United States, Georgia, or any other state and political subdivision thereof. Conduct described as a violation of such laws may be cause for disciplinary action, regardless of whether charges are filed, prosecuted or whether the employee is adjudicated guilty or not guilty.

(b) Violation of Rules

An employee shall not commit any act contrary to good order and discipline or constituting a violation of any of the provisions of the rules and regulations of the City and its departments.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

(c) Ethics

1. No elected official, appointed officer, or employee of the City or any agency or political entity to which this handbook applies shall knowingly:
 - a. Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties or which would tend to impair the independence of his or her judgment or action in the performance of official duties;
 - b. Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of official duties or would tend to impair the independence of his or her judgment or action in the performance of official duties;
 - c. Disclose confidential information concerning the property, government, or affairs of the governmental body by which engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or herself or others;
 - d. Accept any valuable gift, whether in the form of service, loan, object, or promise, from any person firm, or corporation which to his or her knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the governmental body by which he or she is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
 - e. Represent other private interests in any action or proceeding against this city or any portion of its government; or
 - f. Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which he or she has a financial interest.
2. Any elected official, appointed officer, or employee who has any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the City shall disclose such private interest to the City Council. The Mayor or any councilmember who has a private interest in any matter pending before the City Council shall disclose such private interest

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

and such disclosure shall be entered on the records of the City Council, and he or she shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this Handbook applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.

3. No elected official, appointed officer, or employee of the city or any agency or entity to which this Handbook applies shall use property owned by such governmental entity for personal benefit, convenience, or profit, except in accordance with policies promulgated by the City Council or the governing body of such agency or entity.
4. Any violation of this Section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the City Council;
5. Except as authorized by law, no member of the Council shall hold any other elective City office or other City employment during the term for which elected. The provisions of this subsection shall not apply to any person holding employment on the date of enactment of this Handbook.

Section 3: Attention/Dereliction

(b) Attention

~~Except when approved in Fire Services, Anan~~ employee shall remain awake, alert, observant and occupied with City business when on the job. Employees are expected to perform their job duties:

1. Timely, promptly and without undue delay;
2. Without unnecessary supervision;
3. Ensuring they are engaged productively at all times or as directed;
4. Demonstrating appropriate initiative and dependability in the quality, volume, and prioritization of job duties.
5. Avoiding excessive tardiness, excessive absenteeism, and unexcused absences.

(c) Insubordination

An employee shall adhere and execute any and all lawful orders of a supervisor, including those relayed from a supervisor through another employee. A lawful order is any order in keeping with the performance of any duty, issued either verbally or in writing by the department director or any other supervisor, direct or indirect. The willful disobedience of any order lawfully issued by a supervisor or any mutinous, insolent, uncooperative, or abusive language or conduct toward a supervisor shall be insubordinate.

Section 4: Competence, Judgment & Supervision

(a) Competence

An employee shall maintain sufficient competence to properly perform the assigned duties and responsibilities of the position. The employee's efforts shall be directed and coordinated in a manner that demonstrates and maintains the highest standards of efficiency in carrying out the functions and objectives of the City. Failure to do work at an acceptable level of competence as determined by the applicable supervisor may be grounds for disciplinary action.

(b) Judgment

An employee shall exercise sound judgment relevant to the conduct and performance of duty.

(c) Supervision

A supervisor shall, in accordance with department management expectation:

1. Demonstrate qualities of leadership necessary for the position;
2. Maintain a positive attitude in support of department decisions and goals;
3. Exercise appropriate supervision of subordinates and responsibilities;
4. Effectively plan, develop, and coordinate supervision and training of subordinates;
5. Observe and appropriately counsel subordinates;
6. Take appropriate action when a subordinate fails to perform; and

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

7. Properly account for all funds and property under their control

Section 5: Health Fitness.

(a) Fitness for Duty

An employee must be physically and mentally fit to perform essential job functions.

(b) Evaluation for Fitness

When it is reasonably demonstrated that the physical or mental impairment of an employee constitutes a hazard to individuals or property or may prevent the employee from effectively performing the essential job functions of the position, the employee may be required to submit to an evaluation of health fitness for duty by a physician of the city's choosing and expense. All such testing shall be coordinated by the ~~Director of Human Resources~~City Manager or Designee.

(c) Periodic Evaluation

An employee may be required to take periodic examinations and/or undergo a program of treatment to qualify for continued employment, to the extent allowable by law.

(d) Disclosure Required

An employee who becomes aware of a physical or mental impairment that affects or reasonably threatens to affect their ability to perform essential job functions shall report the condition immediately to the ~~Department Head~~Department Director.

(e) Status During Evaluation

Pending completion of the health fitness evaluation, the employee may be required to use accrued leave, may be placed in an unpaid or paid leave status, or may be temporarily reassigned, depending on the circumstances and the length of the evaluation period.

Section 6: Absences & Reporting.

(a) Unauthorized Absence

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

No employee shall be absent without authorization. This includes failure to report for work at the assigned time and place, or leaving a place of duty or assignment without authorization.

(b) Reporting for Work

An employee shall report to work on time and physically and mentally fit at the time and place specified by the supervisor and remain physically and mentally fit throughout the work-day.

(c) Reporting Absence

An employee who cannot report to work due to illness or emergency shall notify the immediate supervisor within the time limits established by the department director. Failure to do so may result in an unexcused absence.

(d) Fictitious Reporting

Employees are responsible for immediately reporting any suspected violation of policy. An employee is responsible for immediately reporting to their department director in writing any arrest or complaint filed against them. Reports submitted by employees shall be truthful and without attempt to deceive any supervisor or official of the City.

Section 7: Response

(a) Responding to Calls for Service

No employee shall fail to timely respond to official calls for service, dispatched calls, notices of assignment, subpoenas or any other method of direction to perform.

(b) Requests for Assistance

When the public requests assistance or advice or makes complaints or reports, the employee shall gather all information in an official and courteous manner and shall judiciously act upon the situation consistent with prescribed procedures.

(c) Personal Appearance

All employees must maintain a neat and well-groomed appearance, wearing any uniform or other appropriate business apparel.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Section 8: Professional Conduct

(a) Courtesy

Employees shall be courteous to the public and fellow employees. An employee's conduct should always be civil, orderly, and courteous. Employees shall be diplomatic and tactful, controlling their temper and exercise patience and discretion in all situations. Employees should refrain from using coarse, violent, profane or insolent language.

(b) Conduct Unbecoming or Prejudicial to Good Order

An employee's conduct at all times, both on and off the job, shall reflect favorably on the employee and the City. Unbecoming conduct includes acts that tend to bring the City into disrepute, discredit the employee, or tend to impair or interfere with the operation of the City or employee.

(c) Unprofessional Conduct.

Inappropriate conduct includes but is not limited to:

1. uncooperative attitude, including, but not limited to, disrespect to a supervisor, co-worker, or the public;
2. conflict of interest;
3. reporting to work/or working under the influence of drugs and alcohol;
4. use of abusive or obscene language;
5. violation of telephone/computer usage/or political activity policy;
6. theft, abuse or misuse of City property or vehicles, violations of traffic laws while driving a City vehicle, failure to report damage or destruction of City property to a supervisor, loaning property or equipment of the City without permission or proper authority;
7. illegal gambling;
8. falsifying records/making false claims;
9. fighting;

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

10. sabotage;
11. deliberate damage to City property;
12. acceptance of a bribe;
13. mishandling cash or other City property;
14. discriminatory attitude or prejudice concerning another person to include gossip;
15. conviction of a felony or a crime of moral turpitude, and/or arrests that bring discredit to the City or otherwise threaten to interfere with the City operations;
16. acts during duty hours which are incompatible with public service;
17. falsification or destruction of official records or documents, or use of official position for personal benefit, profit, or advantage;
18. when duly and properly called as a witness before any City board, appeals board, state or federal judicial or administrative tribunal, and when before such tribunal, failing to answer truthfully any question concerning performance of official duties with the City;
19. failure to report an occupational injury or accident during the shift on which it occurred;
20. absence due to incarceration;
21. use of any form of physical abuse of the public, supervisors, or other employees, or making threats to the public supervisors, or other employees;
22. violating any lawful official regulation or order or failing to obey any proper directive made and given by a superior officer;
23. guilty of disgraceful conduct;
24. careless or negligent with the monies or other property of the City;
25. failure to pay or make reasonable provisions for future payment of debt to such an extent that such failure is detrimental to the work relationship;

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

26. use or threatening of use, or attempt at use of personal or political influence to secure employment benefits, including but not limited to, promotion, leave of absence, transfer, change of pay rate, or character of work;
27. violating the established procedures during an examination process or obtaining information, through unauthorized or illegal means, which provides an unfair advantage on an examination;
28. failure to acquire a valid license, registration, or certification when such license, registration, or certification is required and specified in the specification for the class to which the position occupied by the employee is classified;
29. Wasted time, inefficiency, and/or loitering during working hours; and/or
30. Abuse of leave policies.

(d) Immoral Conduct

An employee shall at all times maintain high standards of moral conduct in personal affairs and shall not be a participant in any incident involving moral corruption that may impair the employee's ability to perform as a City employee or cause the City to be brought into disrepute.

Section 9: Other Standards

(a) Identification

An employee must furnish their name, job title, and department name to any person requesting that information as a result of actions taken by the employee in the course of City business. Employees ~~may be~~ are required to obtain an official, City-issued identification and have it available for inspection during business hours.

(b) Examinations and/or Tests

Upon order of the department director for matters related to duty performance and investigations authorized by law, an employee shall submit to any medical, chemical, drug, alcohol, ballistics, or other test, polygraph, fingerprinting, or counseling program, and shall sign any related authorization forms.

(c) Horseplay/Rough Play

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

No employee shall engage in horseplay or rough play while on the job or in any City facility. Injuries as a result of horseplay/rough play are not considered within the scope of employment and may not be covered under worker's compensation.

(d) Fighting

An employee shall not engage in unnecessary violence or harassment toward any person, except where authorized by law, even in the event of provocation.

(e) Firearms and Lethal Weapons

Except for employees commissioned by the City of Flowery Branch as police officers, City employees are prohibited from possessing firearms while on duty or in any City facility or vehicle, regardless of whether the employee possesses a firearms license.

(f) Fraudulent Employment

No employee shall procure or maintain employment in the City by means of willful misrepresentation or omission of any fact concerning the employee's personal history, qualifications for employment or physical condition.

(g) Tobacco free Environment

Consistent with the public health concerns addressed by the adoption of the Georgia Smokefree Air Act of 2005, all City enclosed buildings and vehicles are hereby declared to be smoke-free areas. In addition, based upon the maintenance and cleanliness issues presented by the uses of smoke-less tobacco that gives rise to increased facilitated costs and resulting public health concerns, all City enclosed buildings and vehicles are hereby declared to be tobacco-free areas as well as any area or vehicle that is within the view of the public. No employee shall engage in conduct in violation of this policy.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

B. DISCIPLINE (as amended 2/1/2016)

Section 1: Policy Statement

The City of Flowery Branch believes that each employee wants to provide quality public service by meeting high standards of job performance and conduct and by following established policies, procedures, regulations, and practices.

The primary purpose of disciplinary action is to correct or prevent the recurrence of employee performance or conduct that is detrimental to quality job performance or the interest of the citizenry, the employee, the City or other employees. The City's discipline policies emphasize the employee's responsibility for the consequences of their own behavior with a focus on communicating expectations for changes in behavior and needed improvement.

When an employee's conduct results in deficiencies in job performance or violations of law, City regulations or rules, it is the policy of the City to take appropriate action to improve and/or correct the conduct or performance or, if necessary, remove the employee from the City workforces through application of the standardized disciplinary options and procedures in this chapter.

Section 2: General Provisions

(a) Level of Discipline

Disciplinary action will be consistent with the nature of the deficiency or infraction involved and with other relevant factors. In reaching a decision as to the level of discipline to be applied, the supervisor should consider such factors as the type and severity of the infraction, the results of the infraction, the employee's work record, prior disciplinary actions, and any mitigating circumstances which may be relevant to the situation.

(b) Format & Location of Actions

All disciplinary action should be documented in writing. All appeals by employees must be in writing. All responses to, and decisions on, appeals must be in writing.

(c) Progressive Discipline

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

While it is expected that disciplinary action options be exercised progressively, the nature of the deficiency or violation in any particular situation may preclude the exercise of a less severe discipline option. Typical disciplinary actions may include oral or written warning, suspensions (with or without pay), training and termination.

(d) Suspension of Exempt Employees

Except in the case of a major safety violation, any suspension of an exempt employee must be made in full week increments only. Major safety violation suspensions may be made in full day increments.

(e) Disciplinary Options

Only ~~Department Head~~Department Directors are authorized to demote or terminate employees with the authority delegated by the City Manager. The ~~department head~~department director or a designee may suspend employees.

STEP	USE	RESPONSE / APPEAL
Counseling	An informal discussion between a supervisor and employee about the need to improve minor performance problems or as a reminder about violation of a minor rule that does not threaten the safety or the employee or others, or that does not involve honesty. Documents kept in the department	No appeal
Oral Reprimand	An oral warning/instruction from the supervisor to the employee about the need to improve performance deficiencies or about violation of a rule that does not threaten the safety or the employee or others, or that does not involve honesty. Documents kept in the department	No appeal

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Written Reprimand	A written warning/admonishment from the supervisor to the employee about the need to improve performance or about a rule violation. Documents kept in Human Resources	Employee has five days to appeal to the Department Director or through the chain of command to the next level supervisor. Appeal does not go beyond the next level of supervision of the supervisor issuing the appeal.
Suspension	Relief from duty for a specified amount of time. Requires coordination with Human Resources and the City Attorney. Documents kept in Human Resources	Employee has five days to appeal to the Department Director. After the Department Director's decision, the employee has five days to appeal to the City Manager (or his/her designee). The final decision rests with the City Manager (or his/her designee).
Demotion	Reduction in rank or classification consistent with deficiency of the violation. This is not an option for probationary employees. Requires coordination with Human Resources and the City Attorney. Documents kept in Human Resources	Employee has five days to appeal to the Department Director. After the Department Director's decision, the employee has five days to appeal to the City Manager (or his/her designee). The final decision rests with the City Manager (or his/her designee).

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Dismissal	Involuntary separation of employee from City employment. Requires coordination with Human Resources and the City Attorney. Documents kept in Human Resources	Employee has five days to appeal to the Department Director. After the Department Director's decision, the employee has five days to appeal to the City Manager (or his/her designee). The final decision rests with the City Manager (or his/her designee). Probationary employees do not have appeal rights to dismissal.
-----------	---	--

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

C. GRIEVANCES

Section 1: Policy Statement

The City of Flowery Branch is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, or question receives a timely response. The City strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect and are encouraged to offer positive and constructive criticism.

If employees disagree with established rules of conduct, policies, or practice, they may express their concern through a grievance process. No employee shall be penalized, formally or informally, for voicing a complaint in a reasonable, professional manner using the grievance process. While a formal grievance process is in place, employees are encouraged to first informally discuss any issue with their immediate supervisor.

Section 2: General Provisions

(a) Scope

The grievance procedure provides an avenue for any eligible employee to obtain management review of work-related issues that are felt to adversely affect the employee, for which no other means of response, review, appeal or resolution for is provided in this handbook. Grounds for submission of a grievance include:

1. Unfair application, interpretation or violation of City or department regulations;
2. Acts of retaliation as a result of utilization of the grievance process.

(b) Statement of Grievance

At each step in the process, the written grievance must include the following:

1. A statement of the grievance and the facts upon which it is based;
2. A description of the specific wrongful act and harm done to the grieving employee, and

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

3. A statement of the remedy or adjustment sought.

Section 3: Grievance Steps

(a) Step One – Department Director

The employee should first seek to resolve the issue informally. If unable to do so, the employee should file a written grievance to the ~~Director of Human Resources~~ City Manager or Designee and the Department Director within five working days of the incident or when the employee became knowledgeable of the incident. The Department Director will attempt to resolve the matter and submit a written response to the employee within five working days after receipt. Note: In the public safety departments, it is expected that grievances follow the chain of command. Under no circumstances will a grievance be allowed to extend beyond 25 business days.

(b) Step Two – City Manager

If the Department Director is unable to resolve the grievance or the response is unacceptable to the employee, the employee must within five (5) working days of receiving the response, present the written grievance to the City Manager. Within ten (10) days of receipt of the grievance, the City Manager or his/her designee will investigate the grievance and respond in writing to the employee. The City Manager's or his/her designee's decision is final.

Section 4: Areas Not Grievable

The following areas are NOT grievable:

- (a) Issues which are pending or which have been concluded by other administrative or judicial procedures;
- (b) Management's rights to assign work and/or establish work processes;
- (c) Budget allocations and expectations and organizational structure, including the persons or number of persons assigned to particular jobs or units;
- (d) The content or rating of a performance evaluation;

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

- (e) The selection of an individual by the ~~Department Head~~ **Department Director** or City Manager to fill a position through appointment, promotion, or transfer, except when the employee can show adverse effect because of unlawful discrimination;
- (f) Any matter which is not within the jurisdiction or control of the City;
- (g) Internal security practices established by the City Manager and/or City Council;
and
- (h) Decisions, practices, resolutions or policies made or passed by the City Council or City Manager.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

D. WORKPLACE DISCRIMINATION & HARASSMENT

Section 1: Policy Statement

It is the policy of the City of Flowery Branch that harassment and discrimination of any kind will not be tolerated, and complainants will be protected from reprisal. Employees and non-employees are encouraged to come forward confidentially to discuss any situation that they deem inappropriate. The City of Flowery Branch expressly prohibits any form of unlawful employee harassment based on race, color, religion, gender, sexual orientation, national origin, age, disability, or veteran status. Improper interference with the ability of City of Flowery Branch employees to perform their expected job duties is absolutely not tolerated.

Section 2: Discriminatory Harassment

The EEOC's definition of harassment is unlawful harassment which is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age, sexual preference or disability, or that of his/her relatives, friends, or employees, and that

- (a) has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
- (b) the purpose or effect of unreasonably interfering with an individual's work performance; or
- (c) otherwise adversely affects an individual's employment opportunities.

All employees, supervisors, and elected officials/~~department head~~~~department directors~~ are expected to avoid any behavior or conduct that could reasonably be interpreted as harassment. Any form of harassment related to an individual's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status, is a violation of this Policy and will be treated as a disciplinary matter. For purposes of this Policy, the term "discriminatory harassment" shall be construed consistent with applicable law and may include, but is not limited to, any of the following.

- (a) Offensive remarks, comments, jokes or slur pertaining to an individual's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status;
- (b) Offensive pictures, drawings, posters, photographs, reading materials, computer monitors, or other tangible items, or communications including e-mail, that are reasonably offensive or that reasonably exploit an individual's race, color, national

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status;

- (c) Threatening reprisals based on an employee's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status; or
- (d) Conduct that has the purpose or effect of unreasonably interfering with an individual's work performance and/or conduct that creates an intimidating, hostile or offensive working environment.

Section 3: Sexual Harassment

(a) Definition

The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as a form of sex discrimination that violate Title VII of the Civil Rights Act of 1964, including and not limited to, unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for an employment decision, and
3. Such conduct has the purpose or effect to interfere with an individual's work performance or creates a hostile or intimidating environment.

(b) Quid Pro Quo

Quid Pro Quo literally means "this for that" and exists when submission to, or rejection of, such conduct is used as a basis for employment decisions such as raises or promotions or affects public services.

(c) Hostile Environment

Hostile Environment includes any lewd sexual conduct, pictures, words, or touching that interferes with a person's job performance or creates an intimidating,

offensive working or public service environment even if there are no occurrences of tangible or economic loss.

(d) Prohibited Behavior

Behavior prohibited by this policy can include but is not limited to unwelcome sexual remarks or compliments, sexual jokes, sexual innuendo or propositions, sexually suggestive gestures or facial expressions, sexual remarks about a person's clothing or body, exhibiting sexually explicit publications or materials, kissing, touching, and sexual contact.

Section 4: Complaint Procedure & Investigation

If an employee feels that this policy has been violated, regardless of whether it is by a fellow worker, a supervisor, or a member of the general public, the employee should ask the offender to immediately stop the behavior. The employee will then report the incident(s) immediately to their department director and the ~~Director of Human Resources~~City Manager or Designee. If the ~~Director of Human Resources~~City Manager or Designee is involved in the behavior, the report should be made to the City Manager or designee. Any supervisor who receives a complaint related to harassing or offensive behavior or who has reason to believe that such behavior is occurring shall report these concerns to the ~~Director of Human Resources~~City Manager or Designee or to the City Manager or designee. At any point, the employee who feels they have been harassed, may go outside the chain of command or their department and go to the Human Resources Department or the City Manager or his/her designee.

All reports of harassing or offensive behavior will be investigated promptly, fairly and discreetly. Investigatory procedures may vary from case to case depending upon the circumstances. The investigation will be conducted as confidentially as possible. All employees have a responsibility both to cooperate fully with the investigation and to keep the matter confidential whether the employee is the accused person, the complainant or merely a potential witness. Persons who are interviewed are prohibited from discussing the matter outside the course of the investigation with co-workers, friends or management. The City will keep the information it gathers as confidential as possible, consistent with state and federal laws and the needs of the investigation.

Section 5: Corrective Action

If management concludes that a complaint of harassment has merit, appropriate action will be taken. Resolutions can include, but not necessarily be limited to, an apology, a transfer, direction to stop the offensive behavior, counseling or training, verbal or written warning, suspension with or without pay or termination. In the event that harassment or offensive behavior reoccurs, it should

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

immediately be reported to the ~~Director of Human Resources~~City Manager or Designee or to the City Manager or designee. Any employee found to be acting in a harassing manner will be subject to disciplinary action up to and including termination. Non-employees may be reported to the appropriate law enforcement agency and/or barred from the premises.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

E. SUBSTANCE ABUSE & DRUG AND ALCOHOL TESTING

Section 1: Policy Statement

The City has a vital interest in maintaining a safe, healthy, and efficient working environment free from the adverse effects of employee drug and alcohol abuse. Employee drug and alcohol abuse poses serious safety and health risks to the user, and to those who work or come in contact with the user in the workplace. Accordingly, the City does not and will not tolerate any employee's consumption, possession, sale, distribution or making arrangements to distribute, manufacturing or presence in the body of illegal drugs or alcoholic beverages on City work time, while on City or customer property (including in personal vehicles while on City property or offsite at customer property during City work time), during lunch or breaks when an employee is scheduled to return to work, while in City vehicles, while offsite during attendance at training or meetings in connection with an employee's work for the City and/or while using, occupying, performing or engaging in any activity on City property and facilities. The City further expresses its intent, through this policy, to comply with Federal, State and local laws and regulations that relate to the maintenance of a workplace free of illegal drugs and alcohol. If possession of an illegal substance is necessary in the course of a police investigation, the Police Chief may grant a waiver to this policy for a finite period of time.

Section 2: Application

This policy applies to all City employees (whether full-time or part-time), volunteers, interns, and any other individuals performing services on the City's behalf, whether paid or unpaid. For purposes of this policy section, all such persons shall be referred to herein as City employees. Visitors, vendors, and contractors are governed by this policy to the extent they are on City Premises or in City vehicles and will not be permitted to conduct business if found to be in violation of this policy.

Section 3: Definitions

For purposes of this Substance Abuse and Drug and Alcohol Testing Policy (the "Policy"), the following definitions apply:

(a) Alcohol or Alcoholic Beverages

Any beverage or substance that contains alcohol manufactured for the primary purpose of personal consumption, including, but not limited to, beer, wine, and distilled spirits.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

(b) City Premises

Includes all property, facilities, land, platforms, buildings, structures, fixtures, installations, parking lots, and vehicles, whether leased or used by the City of Flowery Branch government or its officials, managers, supervisors, employees, or other agents. This definition also includes locations other than city offices, including all other locations of city-sponsored recreational, social, or educational events, and any place where a City of Flowery Branch employee is located while traveling to or from such location in the course and scope of his duties on behalf of the City, including an employee's own vehicle when the employee is using it on city business, or when the vehicle is parked on city property. This definition shall not be interpreted to imply that the City assumes or accepts responsibility for any wrongful, tortious, negligent or criminal acts of any person whom it employs when such person is not acting pursuant to a city supervisor's instruction in furtherance of the City's business, nor shall it constitute a waiver of any immunity which the City of Flowery Branch or its officials or employees might have under federal, state or local laws or ordinances.

(c) Illegal Drugs (includes Controlled Substances)

Any drug or substance the law prohibits individuals from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring, including, without limitation, all drugs listed as controlled substances under Title 16 of the Official Code of Georgia Annotated. This definition encompasses any measurable amount of any drugs or controlled substances such as amphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene, or other drugs made unlawful under Federal or State laws, or a metabolite of any such substances, "look-alikes," "designer drugs" having the same or similar psychotropic effects, unauthorized alcoholic beverages, marijuana, hallucinogens (whether natural or synthetic), inhalants, unauthorized prescription drugs, or authorized drugs which are not prescribed for a verifiable medical condition and/or are not used in strict accordance with this policy and with the prescribing physician's instructions, or any other substances that are mood-altering, mind or consciousness-affecting, or which are likely to have an effect upon a person's perceptions, sensations, thought processes, self-awareness, emotions, or other mental or physiological or psychological reactions or behavior. It also includes

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

urinaids or other substances, natural or synthetic, of a similar nature or purpose designed or used to alter a urine specimen or to conceal illicit chemical substances or other metabolites in an initial screening test.

(d) Impaired

The condition of being weakened, diminished, or damaged, or of functioning poorly, incompetently, uncontrollably, or with less control or ability, due to the consumption, use, or abuse of illegal drugs, controlled substances, and/or alcohol, or if the employee's drug test results indicate the presence of an illegal drug or controlled substance in an amount that constitutes a positive test under accepted scientific standards.

(e) Legally Obtained Drug

Includes prescription drugs and over-the-counter medications.

(f) Over-The-Counter Medication

Includes any drug or substance that does not require a prescription, but which has the capacity to affect a person physically, mentally, or emotionally or which could otherwise affect a person's ability to perform.

(g) Prescription Drug

Any drug or substance that is attainable only by lawful prescription from a licensed physician.

(h) Reasonable Suspicion

A belief based on objective facts sufficient to lead a prudent person to conclude that a particular city employee has used, consumed, is impaired by, or is under the influence of illegal drugs, controlled substances, and/or alcohol. Reasonable suspicion must be directed at a specific person and must be based upon specific and articulable facts and the logical inferences and deductions that can be drawn upon such things as observable phenomena, such as direct observation of the possession or use of an illegal drug, controlled substance, and/or alcoholic beverage, or the direct observation of physical symptoms of being impaired by or under the

influence of illegal drugs, controlled substances, and/or alcohol, such as slurred speech, unsteady gait, a pattern of unusual or abnormal conduct or erratic behavior, odor of the employee, information provided by a reliable and credible source, and/or involvement in a work-related accident, and/or deviation from safe working practices.

(i) Safety-Sensitive Positions

Positions of employment with the City where a lapse of judgment or impaired physical/mental ability in performing any essential job function could reasonably result in a significant threat of harm to the employee, fellow employees, citizens, inmates, or others. Safety-Sensitive Positions include, but are not limited to, those which, as a part of the essential job functions, (1) require the performance of law enforcement duties as a POST-certified law enforcement officer; (2) require or involve possession of a firearm; (3) require or involve providing emergency medical, rescue, or fire suppression services; (4) require or involve interacting with incarcerated persons; (5) require or involve interacting with persons who are on probation for drug charges; (6) directly involve the enforcement of drug laws; (7) directly involve access to, the handling of or the testing of illegal drugs that have been seized by, confiscated by or taken into custody by law enforcement; (8) require or involve performing duties essential to drug interdiction; (9) primarily require or involve maintenance or operation of a motor vehicle, motorized equipment, heavy machinery or heavy equipment; (10) require the holding of a commercial driver's license; and (11) require or involve performing duties which directly affect public health or safety.

Section 4: Prohibitions

The City prohibits all City employees from engaging in the following conduct or behavior while performing City business, while on City property or City premises, while on customer property performing city business, while in use of city property, or while operating or riding in a city vehicle and/or conducting city business:

- (a)** The use or consumption of illegal drugs, controlled substances, and/or alcohol;
- (b)** The possession of illegal drugs, controlled substances, and/or alcohol;

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

- (c) The abuse of prescription medications and over-the-counter medications;
- (d) Being impaired by and/or under the influence of illegal drugs, controlled substances, and/or alcohol;
- (e) The manufacture, sale, purchase, transfer, dispensing of, and/or distribution of illegal drugs, controlled substances, prescription medications, and/or alcohol; and/or
- (f) The use of City property to store, conceal, or transport illegal drugs, controlled substances, and/or alcohol.

Section 5: Use of Legally Obtained Drugs

The abuse and/or inappropriate use of legally obtained drugs while on the job, while performing City business, while on City Premises, while in operation of a City vehicle, or while in operation of any other equipment or vehicle in performance of City business is prohibited and shall constitute grounds for disciplinary action, up to and including termination. The following policies shall apply to the use of ~~use of~~ legally obtained drugs:

- (a) City employees must not be on the job, on call, on City Premises, operating a City vehicle, or operating any other equipment or vehicle while in performance of City business while impaired due to any drug, legal or illegal, that renders the City employee unfit for duty. An employee is “unfit for duty” if, in the City’s opinion, the employee’s use of legally obtained drugs jeopardizes his or her ability to work safely and efficiently.
- (b) A City employee who is using legally obtained drugs must notify his or her immediate supervisor of any and all known or experienced symptoms and probable adverse side effects that may render the employee unfit for duty. An employee’s failure to so notify the City constitutes grounds for disciplinary action, up to and including termination. A City employee is not expected to notify the City of legally obtained drugs that are unlikely to render him or her unfit for duty.
- (c) City employees using legally obtained drugs while on the job shall do so in strict accordance with physician and/or manufacturer’s directions. It is the employee’s responsibility to notify the prescribing physician of the duties required by the employee’s position and to ensure that the physician approves the use of the prescription medication while the employee is performing his or her duties.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

(d) Any prescription medication brought onto City or customer property or taken aboard City vehicles must be retained in its original container labeled with the names of the employee and the prescribing physician.

(e) No City employee may take another person's medication.

Section 6: When Drug Testing is Required

(a) Job Applicants for Safety-Sensitive Positions

All applicants for full-time and part-time Safety-Sensitive Positions of employment with the City will be tested for drugs after a conditional offer of employment has been extended. No such applicant or new hire shall be permitted to report for duty until the results of the drug test are obtained. All applicants for temporary full-time and temporary part-time Safety-Sensitive Positions of employment will be tested for drugs after a conditional offer of employment has been extended.

(b) Transfers to Safety-Sensitive Positions

City employees who are transferred, reclassified, promoted, or demoted from a non-Safety-Sensitive Position into a Safety-Sensitive Position will be tested for drugs before performing any job duties in the new position.

(c) Reasonable Suspicion

All City employees will be subject to immediate testing when there is reasonable suspicion that the employee has used or misused drugs or alcohol in violation of this policy. Any City employee who is required to take a reasonable suspicion test will be immediately placed on administrative leave without pay pending the results of the test and confirmation of the results. Supervisors or directors who suspect that an employee is under the influence of drugs or alcohol shall document all credible evidence on the Reasonable Suspicion Incident Checklist provided by the Human Resources Department and shall seek confirmation of the observations from the ~~Director of Human Resources~~ City Manager or Designee or another employee with Reasonable Suspicion training before transporting the employee for testing. A reasonable suspicion test may be required based upon, but not limited to the following:

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

1. the personal observation of the City employee's job performance, appearance, behavior, speech, or odor by the trained individual creating a reasonable suspicion that the City employee has used drugs or alcohol in violation of this policy;
2. personal observation of the City employee by another individual who has fully disclosed the observation to the City;
3. observation of the City employee by a nurse or physician engaged in the treatment or evaluation of a work-related injury who has disclosed such observations to the City;
4. information from a law enforcement agency received by the City.
5. specific and objective facts indicating that a city employee's drug or alcohol use may have caused or been a contributing factor to an on-duty motor vehicle accident. The following facts, if present, may independently or collectively, depending upon the circumstances, give rise to reasonable suspicion in this instance:
 - a. the appearance, behavior, speech or odor of the City employee immediately prior to or after the accident;
 - b. the City employee left the scene or attempted to leave the accident scene without legal authority or permission to do so;
 - c. the City employee acted contrary to a safety rule, established safety practice or otherwise engaged in demonstrably unsafe behavior for which there is no reasonable explanation;
 - d. the City employee was arrested or received a traffic citation;
 - e. the City employee or any person received medical attention as a result of the accident; and
 - f. the City employee has been involved, as a contributing factor, in a pattern of repetitive on-duty accidents whether or not they involved actual or potential injury.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

6. specific and objective facts indicating that a City employee's drug or alcohol use may have caused or been a contributing factor to an on-duty accident involving the use of motorized equipment, heavy machinery or heavy equipment. The following facts, if present, may independently or collectively, depending on the circumstances, give rise to reasonable suspicion in this instance:

- a. the appearance, behavior, speech or odor of the City employee immediately prior to the accident;
- b. the City employee left the accident scene or attempted to leave the accident scene without legal authority or authorization to do so, or failed to report the accident to the appropriate individual or otherwise attempted to keep appropriate persons from learning about the accident or the extent of the accident;
- c. the City employee acted contrary to a safety rule, established safety practices or otherwise engaged in demonstrably unsafe behavior without a reasonable explanation;
- d. the City employee or any other person received medical attention as a result of the accident; and
- e. the City employee has been involved as a contributing factor in a pattern of on-duty accidents whether or not they involved actual or potential injury.

Additionally, any untrained supervisor or director may require a reasonable suspicion test(s) for drugs or alcohol when a trained supervisor or director or the ~~Director of Human Resources~~ City Manager or Designee has reviewed the underlying facts and agrees that reasonable suspicion exists to require a test.

(d) Required Testing After Certain Accidents

Drug and alcohol testing must be performed within policy guidelines when any City employee holding a safety-sensitive position, while in operation of a City vehicle, equipment, or heavy machinery, or while in operation of any other vehicle or equipment while in the performance of City business, is the apparent cause of an accident that results in: (1) a fatality; or (2) a citation issued to the City employee; or (3) an injured person requiring immediate medical treatment; or (4) damage to City property; or (5) damage to any other property. Alcohol and drug test(s)

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

required after any of the above accidents shall be completed within eight (8) hours of such an accident. This testing is to be performed in addition to any drug or alcohol test(s) that may be ordered by law enforcement authorities. The involved City employee must report immediately for testing, or be subject to disciplinary action, up to and including termination.

(e) Random Testing

All City employees ~~holding Safety Sensitive Positions~~ will be subject to random drug testing, as follows:

1. tests will be ordered on a random, unannounced basis from the pool of identified City employees, ~~holding Safety Sensitive Positions.~~
2. a random selection method and test rates as adopted by the ~~Director of Human Resources~~ City Manager or Designee will be used to select City employees, thereby allowing each city employee an equal chance of being tested each month. Random selection test rates are subject to change as determined by the Human Resource Director. This selection will be facilitated and monitored by the City's occupational medicine provider.
3. a city employee's name will remain in the pool after being selected so that every employee will have an equal chance of being tested each time selections are made. Therefore, it is possible that a city employee ~~holding a Safety Sensitive Position~~ who is randomly selected for testing may be randomly selected again during the same year.
4. ~~Human Resources~~ the City Clerk will notify the supervisor or director when an employee has been selected through the random process. The employee will report to the testing facility taking with them the Chain of Custody Form. The supervisor or director is not to inform the associate that he or she has been chosen for the test until immediately prior to the time the employee is given their notice.
5. City employees are allowed to continue working pending the results of the test. If the testing facility notifies the City that the City employee has produced a confirmed positive sample, ~~Human Resources~~ the City Clerk will contact the appropriate director with the results.

6. all information received by the City of Flowery Branch as a result of any testing procedure is considered confidential but may be entered into evidence or disclosed in any civil action or administrative proceedings when the information is relevant to the City's defense in any such action or proceedings.

(f) After-Care Testing

Persons ~~in Safety Sensitive Positions~~ returning to work from an approved treatment program for drug or alcohol abuse may be subject to unannounced testing at the discretion of the ~~Director of Human Resources~~ City Manager or Designee for a period of one (1) year following the City employee's return to work.

(g) Return to Duty Testing

All City employees ~~in Safety Sensitive Positions~~ who are absent from work for more than thirty (30) days, for any reason, or following any workers' compensation leave, medical leave, or short term disability leave shall be tested for drugs immediately upon returning to work and before performing any job duties.

Section 7: Procedures for Testing

- (a) Alcohol screening will be conducted using a federally approved evidential breath testing device or the use of a swab/saliva test performed by an approved independent medical facility. In the event that it is not reasonable under the circumstances to conduct an alcohol test based on a breath test or a swab/saliva test, the City reserves the right to test for the presence of drugs or alcohol by a blood test analysis.
- (b) All drug tests shall be administered and accounted for by an approved laboratory and/or medical facility that are operating in compliance with the U.S. Department of Health and Human Services (DHHS). Testing will involve an initial screening test(s) and confirmation of positive tests by gas chromatography/mass spectrometry (GC/MS) analysis, or other test(s) that are approved by the DHHS for screening and confirmation of drugs or alcohol in a person's system. Tests will be certified, to the fullest extent possible under the circumstances, by a laboratory approved by the DHHS.
- (c) All positive test results for drugs will be interpreted by a physician approved by the City as a medical review officer (MRO) before the results are reported to the City.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Prior to notifying the City, the MRO will make reasonable efforts to contact the City employee for the purpose of allowing the City employee to offer an alternative medical explanation for the positive test result. If the MRO is able to contact the applicant or City employee and determine there is a legitimate medical explanation for the positive test, the result will be communicated as negative to the City. The MRO's inability to contact the applicant or city employee before providing test results to the City will not void the test results or make the test results unusable in any subsequent disciplinary action. An applicant or city employee who fails to respond to an inquiry by the MRO within forty-eight (48) hours of such inquiry shall have waived his or her opportunity to offer an alternative medical explanation for the positive result or to request confirmation testing. Because the City employee is present for interpretation of an alcohol test, the procedure concerning prior notification by the MRO is not applicable. ~~A~~An MRO will not be used when a blood test for alcohol is conducted.

- (d) Upon notification by the MRO of a confirmed positive result for drugs, the City employee may request, within three (3) calendar days of such notification, that the remaining portion of his/her specimen undergo a second confirmation test at his/her expense at a DHHS laboratory of his/her choice. If the test conducted by the laboratory selected by the City employee is negative for the presence of drugs, a third test may be made at the City's sole expense at a separate DHHS facility of its own choosing. The results of the third facility will be determinative. If the results from the third facility are negative, all prior positive tests will be disregarded and shall not be the basis for any disciplinary or adverse action. This option of a confirmation test is contingent upon there being enough of the specimen remaining to allow for a confirmation test.
- (e) Any City employee ordered to be tested based upon reasonable suspicion, shall be immediately removed from duty, escorted to the testing facility, and taken home (unless other suitable arrangements have been made to transport the City employee). Under no circumstances will the City employee be allowed to drive himself or herself home. The City employee shall be suspended without pay pending the results of the test and any confirmation tests, if applicable. If the positive test is explained or negated by the MRO and/or subsequent confirmation testing, the City employee shall be reinstated with back pay and the suspension without pay will be expunged from the City employee's personnel file.

Section 8: Investigation of Prohibited Drug and Alcohol Use and Searches

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

All City-issued, City-owned or City-leased equipment, property, and facilities, including, but not limited to, desks, workstations, file cabinets, lockers, vehicles, computer equipment, or any other property or equipment owned, leased, or provided by the City is subject to inspection at any time and for any reason. No employee shall have any privacy interest whatsoever in any City-issued, City-owned or City-leased equipment, property and facilities. If a search uncovers evidence of City employee wrongdoing, illegal activity, or City employee violations of City rules or policies, the evidence may be used to support disciplinary action, up to and including termination. In cases involving suspected illegal activities, the evidence may be turned over to appropriate legal authorities. The City also reserves the right to conduct searches on city property of city employees and/or their personal property when, in the city's view, there is a reasonable suspicion that a City employee is buying, selling, transporting, or otherwise in possession of illegal drugs or controlled substances on the City's property or during working time. A refusal to submit to, or cooperate with, a search may result in immediate discipline, including discharge.

(a) Consent for testing

Commented [KH18]: Do we have this consent form?

Prior to date of hire, all City employees and job applicants are required to sign a consent form consenting to any and all frequency of drug and/or alcohol test(s) set forth in this policy and permitting the release of test results to the City and/or the MRO. Signed consent forms shall be kept on file by the ~~Human Resources department~~ City Clerk and are enforceable for the duration of employment.

(b) Refusals to undergo testing

The City has a zero tolerance policy regarding test refusals. As such, any City employee so refusing to immediately proceed as directed will be subject to disciplinary action including termination from employment.

Other actions that constitute a test refusal occur when a City employee:

1. fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the City, after being directed to do so by the City;
2. fails to remain at the testing site until the testing process is complete;

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

3. fails to provide a urine, breath, saliva or blood specimen for any drug or alcohol test required;
4. in the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of his/her provision of a specimen;
5. fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
6. fails or declines to take a second test the City or collector has directed the City employee to take;
7. fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process;
8. fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational or obstructive way that disrupts the collection process; refuses to be escorted to the designated collection site when so directed, is physically absent resulting in the inability to conduct testing).
9. City employees who refuse to submit to a test or test positive for alcohol or illegal drugs may be disqualified for unemployment compensation benefits.
10. City employees who refuse to submit to a test, or test positive for alcohol or unlawful drugs following a workplace injury may be disqualified for workers compensation benefits.

(c) Confidentiality

All reports of test results for drug and alcohol, searches, or any employee referral, or participation in an assistance program or treatment program for addictive disorders, will be maintained in strict confidence. Any person authorized to have access to such confidential information, who, without authorization, discloses it to

another person shall have engaged in gross misconduct and be subject to severe disciplinary action, up to and including, termination. The confidentiality of such information shall not apply to any use by or communication to the City's attorneys, or where the information is relevant to the City's defense in an administrative proceeding or civil action. Such information may also be disclosed to the extent required by any federal, state or local law, statute, ordinance or regulation.

(d) Discipline for Violations of Policy

1. Immediate Suspension

A City employee who tests positive for drugs or alcohol shall immediately be relieved from duty, placed on suspension without pay, and sent home pending disciplinary action. If the positive test is explained or negated by the MRO and/or subsequent confirmation testing, the City employee shall be reinstated with back pay and the suspension without pay will be expunged from the City employee's personnel file.

2. Disciplinary Action

A City employee who violates any provision of this policy is subject to discipline, up to and including termination. If terminated, the City employee will not be eligible for rehire for a minimum period of two (2) years.

3. Immediate Termination

The following reasons shall be presumed to result in immediate termination of a City employee:

- a. manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, or selling, or otherwise transferring an illegal drug(s) or controlled substance(s) while on the job, on call, on City property, while operating City equipment or vehicles, or while operating any other equipment or vehicles on City business.
- b. operating City motorized equipment while unfit for duty due to the use of drugs and/or alcohol.

- c. conviction for violation of any drug law.
- d. refusing to consent to or to take a drug or alcohol test pursuant to this policy.
- e. failure to appear at the designated collection site to take a drug or alcohol test when so directed.
- f. a confirmed positive test for drugs or alcohol.

(e) Employee Assistance Program (EAP)

The City cares about the health and well-being of its employees and recognizes that a variety of personal problems can disrupt their personal and work lives. While many employees solve their problems either on their own or with the help of family and friends, sometimes employees need professional assistance and advice. The City will maintain an Employee Assistance Program (EAP) that provides confidential access to professional counseling services for help in confronting personal problems such as alcohol and other substance abuse, marital and family difficulties, financial or legal troubles, and emotional distress. The EAP is available to all City employees and their immediate family members offering problem assessment, short-term counseling, and referral to appropriate community and private services.

1. The EAP is strictly confidential and is designed to safeguard your privacy and rights. Information given to the EAP counselor may be released only if requested by you in writing. All counselors are guided by a Professional Code of Ethics. Personal information concerning employee participation in the EAP is maintained in a confidential manner. No information related to an employee's participation in the program is entered into the personnel file.
2. In certain situations, an employee's supervisor may make a direct referral to EAP. Supervisors will undergo training to discuss EAP services and identify issues that may warrant a supervisory referral to EAP.

3. The following information will be made available to the supervisor making a directed referral:
 - a. the City employee kept or did not keep the appointment with the EAP counselor;
 - b. the City employee did or did not complete the EAP recommended treatment/assistance;
 - c. a referral for treatment/assistance was made by an EAP counselor and was accepted or rejected by the City employee; and/or
 - d. the City employee did or did not complete the EAP recommended treatment/assistance.
4. A City employee's failure to successfully complete the treatment plan or to release the information regarding his/her participation may result in disciplinary actions.
5. There is no cost for City employees to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline community and private services available. The counselor will also let City employees know whether any costs associated with private services may be covered by their health insurance plan. Costs that are not covered are the responsibility of the City employee.
6. City employees desiring assistance or consultation through EAP are encouraged to contact EAP directly or Human Resources for further information regarding an EAP counselor.

F. SOCIAL NETWORKING (modified 3/15)

A. PURPOSE

Social media websites provide an opportunity for individuals to interact with people throughout the world. Given the multitude of concerns (legal, political, and ethical) raised by social networking (Facebook, Twitter, etc.) this policy establishes prudent and acceptable practices regarding usage of social networking by City of Flowery Branch officials and employees. Additionally, this policy identifies specific guidelines and standards that personnel, defined as City employees or appointed board members for purposes of this policy, must adhere to when utilizing social media websites.

While the City of Flowery Branch encourages its personnel to enjoy and make good use of their off-duty time, certain activities on the part of its personnel may become a problem if they have the effect of: impairing the work of any official or employee; harassing, demeaning, or creating a hostile working environment; disrupting the smooth and orderly flow of work; or harming the goodwill and reputation of the City among its citizens or in the community. For these reasons, the City reminds its personnel that the following guidelines apply in their use of social media, both on and off duty.

Under this policy, the City disavows, and is not responsible for, any sites, posts, opinions, or content not coordinated through and approved by the City Manager or his/her designee. If City personnel post data purporting or implying to be on behalf of the City while using a social media site without the approval of the City Manager or his/her designee, the City is not responsible for that content, such content is not to be construed as reflecting the views or opinions of the Mayor, City Council or other City management, and the City is not responsible for archiving such content in accordance with applicable records retention schedules, or providing copies in accordance with the Georgia Open Records Act. Furthermore, the absence of explicit reference to a particular site does not limit the extent of the application of this policy. If you are uncertain as to the propriety of a post, opinion or other content, consult your ~~department head~~department director before proceeding.

B. GENERAL GUIDELINES FOR PERSONNEL

1. While on duty, the use of City equipment or internet service by personnel must be limited to work-related tasks. Social media activities should never interfere with work commitments.
2. No personnel may post online content as a representative of the City, or on the City's behalf, without the City Manager or his/her designee's approval.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

3. If discussing City-related issues, but not posting online content as an approved representative of the City or on the City's behalf, all personnel must make it clear that they are speaking for themselves, and not on behalf of the City by displaying a disclaimer that states: "This is my own opinion and not necessarily an opinion or position held by the City of Flowery Branch, the Mayor or the City Council."
4. Personnel who choose to maintain or participate in social media or social networking platforms while off-duty shall conduct themselves with professionalism and in such a manner that will not reflect negatively upon the City. Be aware of your City of Flowery Branch association in online social networks. If you identify yourself as a City of Flowery Branch employee or have a public facing position for which your City of Flowery Branch association is known to the general public, ensure your online profile and related content (even if it is of a personal and not an official nature) is consistent with how you wish to present yourself as a City of Flowery Branch professional, appropriate with the public trust associated with your position.

C. GUIDELINES FOR OFFICIAL CITY SOCIAL MEDIA SITES AND CONTENT

1. All City-sanctioned social media sites shall be maintained by the City Manager or his/her designee. Any content to be posted on City-sanctioned social media sites must meet the approval of the **City Manager or his/her designee before it is posted.**
2. All personnel that engage in social media activities on the City's behalf and all City-sanctioned social media sites shall adhere to applicable federal, state and local laws, regulations and policies, including the Georgia Open Records Act and the records retention schedules issued by the Georgia Archives. All content must be managed, stored and retrieved to comply with these laws.
3. All online content posted as representative of the City, or on the City's behalf, shall **clearly** indicate that it is subject to the records retention schedules issued by the Georgia Archives and public disclosure pursuant to the Georgia Open Records Act. All City-sanctioned social media sites shall clearly indicate that any articles and any other content posted or submitted for posting are subject to the aforementioned records retention schedules and public disclosure. Note, for purposes of this policy each individual posting does not need the aforementioned disclaimer when such disclaimer is clearly posted on a social network site that contains the disclaimer in a readily accessible area of the site.
4. Any content posted as representative of the City, or content posted to a City-sanctioned social media site containing any of the following, shall not be allowed:

Formatted: Highlight

Commented [KH19]: This needs to be on all our social media pages

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

- a. Comments not topically related to the particular site or blog article being commented upon;
- b. Profane language or content;
- c. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
- d. Sexual content or links to sexual content;
- e. Conduct or encouragement of illegal activity;
- f. Information that may tend to compromise the safety or security of the public or public systems; or
- g. Content that violates a legal ownership interest of any other party.

Any content removed from a City social media site will be maintained in accordance with the Georgia Open Records Act.

- 5. Content submitted for posting on a City-sanctioned social media site that is deemed unsuitable for posting by the City Manager or his/her designee because it violates criteria in the preceding item (Item 4, above) of this policy, shall be retained pursuant to the applicable records retention schedules along with a description of the reason the specific content is deemed unsuitable for posting. Where hyperlinks are used on a City-sanctioned social media site, the site shall include a disclaimer which states: "The City does not guarantee the authenticity, accuracy, appropriateness or security of the link, website, or content linked hereto."
- 6. All data transmitted, received, accessed, or stored by the City of Flowery Branch network systems or a third-party vendor (cloud), remains the property of the City of Flowery Branch.

The City of Flowery Branch reserves the right to access or audit this information in accordance with local, state and federal laws. Additionally, in the event an employee is no longer a City of Flowery Branch employee or doing work with the City of Flowery Branch, the City of Flowery Branch retains the ownership to all work-related data and login information that was created to perpetuate business for the City of Flowery Branch (i.e. passwords, usernames, customer lists created for City of Flowery Branch business, Twitter handles created for the City of Flowery Branch business). The

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Commented [KH20]: We need this added to sites as appropriate

employee is hereby notified that passwords and usernames are administrative identifications and do not create an expectation of privacy in the event of a routine audit, public record requests, lawsuit, and internal investigation.

7. The City Manager or his/her designee will maintain a listing of all employees authorized to post on all City social media sites. Personnel are not allowed to create City of Flowery Branch websites without approval of the City Manager or his/her designee.

D. GUIDELINES FOR PERSONAL SOCIAL MEDIA SITES AND CONTENT

1. Section D, "Guidelines for Personal Social Media Sites and Content," of this Social Networking Policy shall apply to all officials, appointed board members and employees in the performance of their official duties for or on behalf of the City of Flowery Branch unless otherwise noted.
2. Use common sense when using personal social media sites. Remember that what you write is public, may be public for a long time, and has the propensity to spread to large audiences. Personnel should refrain from posting information that they would not want their supervisor or other employees to read or that they would be embarrassed to see in the newspaper or on television. The City expects its employees to be truthful, courteous, and respectful toward supervisors, co-workers, citizens, customers, and other persons associated with the City. Personnel shall not engage in name-calling or personal attacks or other such demeaning behavior.
3. Personnel may use social media on their own time and using their own equipment and may use social media to express their thoughts or ideas as long as they do not negatively impact the City of Flowery Branch's policies or business. To ensure the City of Flowery Branch's safety, operational fluidity, and public trust, the list below provides guidelines on prohibited conduct on an official's, board member's, or employee's personal social media site. The list is not meant to be an exhaustive list of all prohibited conduct for personal social media use, but rather a guideline on forms of speech that are not protected under the First Amendment or allowed by the City of Flowery Branch:
 - o Hate speech or libelous speech as such is defined by local, state or federal law; o Sexually harassing speech as such is defined by local, state or federal law; o Statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, or that might constitute harassment or bullying. Examples of such conduct include, but are not limited to, offensive posts meant to intentionally harm someone's reputation or posts that

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

- could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law;
- Obscenity prohibited by local, state or federal law;
 - Fighting words, extortion, and other threats prohibited by local, state or federal law;
 - Disclosure of private health or financial information protected by local, state or federal law;
 - Disclosure of other confidential information protected by local, state or federal law;
 - Disclosure of confidential information gained during the course and scope of employment that compromises the safety of others;
 - Disclosure of information obtained from emergency dispatches—such as, personal health information, financial information, or private family information received in a dispatch;
 - On-duty or off-duty speech that compromises City investigations and the applicable department’s mission; and
 - All other speech prohibited by local, state or federal law not mentioned in this list.
4. Officials and personnel (employees or appointed board members) agree to avoid persistent and unwelcome posts, pictures, audio, video or any other communication that harasses another co-worker, vendor or other third party. There is zero tolerance for any harassing communications to a co-worker, vendor or other third party based on race, sex, religion, creed, ancestry, national origin, age, disability, marital status, or other protected classification by state or federal law. Users also agree not to violate local, state or federal harassment laws. All officials and personnel (employees or appointed board members) are hereby notified they may be personally liable for social media harassment. To report violations of this provision, please refer to the City’s harassment policy which shall govern all harassing communications.
5. Officials and personnel (employees or appointed board members) are not allowed to use their personal social media sites to display any video, audio, pictures, **confidential** work data, writings, logos or any other communications that identify their employment with the City of Flowery Branch.
6. Where applicable, personnel are allowed to identify themselves as an employee of the City of Flowery Branch, however, if commenting on issues, but not posting online content as an approved representative of the City or on the City’s behalf, all personnel must make it clear that they are speaking for themselves, and not on behalf of the City

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.

Commented [KH21]: Can we not share posts or list in our Info that we are employed with CoFB?

by displaying a disclaimer that states: “This is my own opinion and not necessarily an opinion or position held by the City of Flowery Branch, the Mayor or the City Council.” City officials are expressly exempted from this provision and may identify themselves as City officials without the use of the aforementioned disclaimer.

Nothing in this policy shall be construed to limit an official’s authority to engage in social media activities without needing to place any disclaimer in such posting so long as the speech is subject to First Amendment protection.

7. In no situation shall personnel insinuate that the City of Flowery Branch endorses or authorizes the employee’s personal website, blog or private social network account. Additionally, no one is to directly or indirectly suggest that the City of Flowery Branch endorses a commercial service or product.
8. Personal or business venture social media account names shall not be tied to the City. For example, City of Flowery Branch employee would not be an appropriate personal account name or “handle” for a social media account.
9. Personnel, City contract employees, and City volunteers shall not use their City email account or password in conjunction with a personal social networking site.
10. To others online, there is no clear distinction between your work life and your personal life. Always be honest and respectful in both capacities.

Any violation of this policy is subject to disciplinary action up to and including termination.

Nothing in this manual is to be construed to create a contract between the City and its employees. Any benefit, rule, or provision provided in this handbook may be modified or withdrawn at any time without notice, except as provided by federal or state law.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Task Order #2 with ESG Engineering, Inc. for the Modification, Expansion and Additional Wastewater Reclamation facility Design and Issuance of Construction Manager at Risk (CMAR) Request for Qualifications (RFQ).

COUNCIL MEETING DATE: January 5, 2023

HISTORY:

The City of Flowery Branch engaged Infratec Consultants on February 16, 2017 to design an expansion of its wastewater treatment plant. A 2.2MGD plant was designed and it was bid in May 2022. Part of this engagement was obtaining a 2.2MGD permit from EPD which the city now has. Unfortunately, the bids came in at more than double the existing budget (\$20M) for the plant and ranged from \$52M - \$57M. City staff went through a value engineering effort using ESG, Engineering, Inc. to try to get the costs closer to the budgeted amount, but found that it was not possible without major modifications to the design of the plant.

FACTS AND ISSUES:

During the value engineering effort, the concept of construction manager at risk (CMAR) was explored. Also explored, was the idea that the current plant is operating at almost 1MGD and has a useful life for years in the future especially with some rehabilitation and modification.

This task order with ESG Engineering, Inc. is for the design of this rehabilitation and modifications of our existing plant as well as a new 1.5MGD plant allowing the city to utilize up to 2.2MGD permitted by EPD. ESG Engineering, Inc. will also develop the RFQ for CMAR allowing the construction manager to be involved in the design process/decision making from the beginning which will ensure budget control, potentially alleviate long lead time issues on equipment, provide a maximum not-to-exceed price earlier in process, and allow construction of the new facility to be built into the contractor's backlog well in advance of the classical Design-Bid-Build process.

Construction administration/oversight and observation services were contemplated by the engineer and will be agreed to at a later time prior to commencement of construction.

OPTIONS:

- 1) Approve task order #2 with ESG, Engineering, Inc.
- 2) Do not approve the task order and offer alternatives.

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

Yes

AMOUNT AND SOURCE OF FUNDS:

\$1.5M - GEFA Loan

RECOMMENDATION:

Approval of Task Order #2 with ESG Engineering, Inc. for the Modification, Expansion and Additional Wastewater Reclamation facility Design and Issuance of Construction Manager at Risk (CMAR) Request for Qualifications (RFQ).

SAMPLE MOTION:

I make a motion to approve task order #2 with ESG Engineering, Inc. for the modification, expansion and additional wastewater reclamation facility design and issuance of construction manager at risk (CMAR) request for qualifications (RFQ).

COLLABORATING DEPARTMENT:

Water/Wastewater

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [ES - Task Order #2 ESG Engineering WRF CMAR.pdf](#)
- [Task Order Flowery Branch WRF Design \(RB edits\).pdf](#)



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Approval of Task Order #2 with ESG Engineering, Inc. for the Modification, Expansion and Additional Wastewater Reclamation facility Design and Issuance of Construction Manager at Risk (CMAR) Request for Qualifications (RFQ).

DATE: December 28, 2022

(X)RECOMMENDATION

() POLICY DISCUSSION

() STATUS REPORT

() OTHER

BUDGET INFORMATION:

ANNUAL-

CAPITAL- \$1,500,000

COUNCIL ACTION REQUESTED ON: January 5, 2023

PURPOSE: To engage ESG Engineering, Inc. for the Modification, Expansion and Additional Wastewater Reclamation facility Design and Issuance of Construction Manager at Risk (CMAR) Request for Qualifications (RFQ).

HISTORY: The City of Flowery Branch engaged Infratec Consultants on February 16, 2017 to design an expansion of its wastewater treatment plant. A 2.2MGD plant was designed and it was bid in May 2022. Part of this engagement was obtaining a 2.2MGD permit from EPD which the city now has. Unfortunately, the bids came in at more than double the existing budget (\$20M) for the plant and ranged from \$52M - \$57M. City staff went through a value engineering effort using ESG, Engineering, Inc. to try to get the costs closer to the budgeted amount, but found that it was not possible without major modifications to the design of the plant.

FACTS AND ISSUES: During the value engineering effort, the concept of construction manager at risk (CMAR) was explored. Also explored, was the idea that the current plant is operating at almost 1MGD and has a useful life for years in the future especially with some rehabilitation and modification.

This task order with ESG Engineering, Inc. is for the design of this rehabilitation and modifications of our existing plant as well as a new 1.5MGD plant allowing the city to utilize up to 2.2MGD permitted by EPD. ESG Engineering, Inc. will also develop the RFQ for CMAR allowing the

construction manager to be involved in the design process/decision making from the beginning which will ensure budget control, potentially alleviate long lead time issues on equipment, provide a maximum not-to-exceed price earlier in process, and allow construction of the new facility to be built into the contractor's backlog well in advance of the classical Design-Bid-Build process.

Construction administration/oversight and observation services were contemplated by the engineer and will be agreed to at a later time prior to commencement of construction.

OPTIONS:

- 1) Approve task order #2 with ESG, Engineering, Inc.
 - 2) Do not approve the task order and offer alternatives.
-
-

RECOMMENDED SAMPLE MOTION:

I make a motion to approve task order #2 with ESG Engineering, Inc. for the modification, expansion and additional wastewater reclamation facility design and issuance of construction manager at risk (CMAR) request for qualifications (RFQ).

DEPARTMENT: Administration

Prepared by: Tonya Parrish

City of Flowery Branch General Services Agreement

Task Order No. 2

Task Order No. 2, is an Agreement (“AGREEMENT”) between ESG Engineering, Inc and the City of Flowery Branch (“OWNER”), for a PROJECT generally described as follows: Flowery Branch Water Reclamation Facility (WRF) Expansion Engineering Design and Construction Services.

Article 1. Scope of Work

The ENGINEER agrees to furnish OWNER with the following specific services order; all work will be executed to achieve the earliest possible construction schedule, completion date, and commissioning for the expanded WRF:

Task 1 – Construction Manager at Risk RFQ and Permitting Support

It is anticipated that the WRF expansion project will be completed through the Construction Manager at Risk delivery model in order to help with cost control throughout the design and decision-making process. As part of this effort an RFQ will be developed for the selection of the CMAR contractor. Included in this scope of work is the effort required for the RFQ, coordination in bringing the CM onboard and coordination throughout the design process.

In addition to support required for the delivery of the project through the CMAR process it is anticipated that additional coordination, meetings, and deliverables (DDR) will be required by the GA EPD for the approval of the expansion design. Included in this scope of work is the effort required to coordinate and provide the support required to obtain GA EPD approval of the WRF facility expansion design. It is assumed that the existing permit will be utilized for discharge and a complete discharge permit process is not required. In addition to the facility DDR and design drawing approval, it is anticipated that a wasteload allocation request in Mud Creek for a discharge at the LAS facility will be included and completed parallel to the design effort. (The WLA request will also include a request to keep the LAS permit active.) The complete effort required for a discharge into Mud Creek including the Antidegradation Report, Environmental Impacts Document, and NPDES permit application is not included in this scope of work but can be added once it is determined that Mud Creek has available capacity for discharge.

Task 2 – Existing Unit Process Modifications/Expansion

The existing WRF is in need of a capacity expansion from the current capacity of 0.9MGD (0.4MGD to Lake Lanier and 0.51 to LAS). The existing facility utilizes a package biological treatment system, secondary clarification, cloth media filtration and tertiary membrane filtration, and belt filter press dewatering among other treatment processes. In order to achieve the immediate expansion to 1.5MGD as well as incorporate future capacity capabilities up to 2.2MGD, the expansion design must be completed.

Based on a preliminary review of the existing facility, it is assumed that the existing WRF will have the following unit processes expanded/modified to accomplish the expansion to 1.5MGD and 2.2MGD.

1. Screening and Grit Removal

The existing WRF was originally constructed with a single screen and bar rack for the influent screening process. The final headworks (screening and grit) solution needs to be selected, designed, and installed in order to properly protect the downstream process and assets of the new and existing facility including the existing EQ tank.

2. Equalization Tank and Pump Station

This upgrade component will include the design of improved equalization aeration and a new pump station. The size of the tank will work as installed and does not require a volume change.

3. Bioreactor Structure and Secondary Clarification

The existing bioreactor structure, aeration system, and existing secondary clarifiers are currently being rehabilitated in order to improve their current operation. It is anticipated these changes will be implemented by early 2023. Once in operation the performance of the rehabilitated system will be reviewed. Depending on the performance of the system, the addition of a secondary clarifier or other process improvements will be considered. For the purpose of this scope of work, no new structures for the existing facility are included in the design but can be added if determined it is needed.

5. Cloth Media Filter and Tertiary Membrane System Modifications

The existing cloth media filter and tertiary membranes at the existing facility will most likely require minor improvements in order to optimize these systems with the expanded facility. Included in the design are the necessary design modifications to accommodate these improvements. It is not expected that new structures, relocated facilities, or expanded capacity will be required for these facilities.

6. Disinfection System Modifications

A new UV disinfection system shall be included in the design to accommodate the entire facility flow. The configuration or open channel or closed vessel will be evaluated with staff and the appropriate system will be selected for design.

7. Cascade Reaeration

The existing reaeration system will be replaced in design to provide reaeration for the entire facility capacity. It is anticipated that the facility will be a cascade style system provided there is sufficient space in the hydraulic profile. If difficulties are encountered the design can be adjusted to a supplied air reaeration system if needed.

8. Dewatering Facility

The existing dewatering facility (belt filter press) is undersized for the ultimate plant capacity but is sufficient for the initial expansion to 1.5MGD. However, the age of the existing machine has caused it to require repair. During the design, a replacement unit will be evaluated to determine if the replacement cost can fit within the overall project budget. If the cost of the other processes required to expand the facility capacity utilizes the entire expansion budget, the existing unit will need to remain in service until it is able to be rebuilt or the replacement unit can be purchased.

9. Emergency Generator Evaluation and Modification

The existing generator is currently able to keep certain essential unit processes online but with the addition of equipment for the facility expansion, as well as the new EQ aeration system, the overall capabilities will be reviewed. It is expected that the generator will require replacement or duplication in order to meet the power requirements of the essential processes. The preliminary design will review the facility needs and the design will include the necessary upgrades to address emergency power for the required processes at 1.5 and 2.2MGD capacities.

10. Effluent Pumping Systems

Based on the existing size and configuration of the effluent and reuse pumping systems it is expected that the existing pipe and outfall to Lake Lanier is sufficient size to convey the 1.5MGD flow. During the design a hydraulic model will be developed to confirm the piping capacity and select the appropriate pumps to increase the output to the lake discharge location.

Task 3 – New Unit Process Addition for Facility Expansion

To meet the capacity needs of the City of Flowery Branch a new treatment facility (biological treatment and clarification) will be required to be designed and installed parallel to the existing plant. To balance the use of the existing facility assets and new components, the selected capacity for the new parallel facility has been selected to be 1.5MGD. During the preliminary design phase, and including input from the CM, the potential process options will be reviewed and comparatively evaluated to determine the best value option while meeting the treatment and operational needs. It is anticipated that the process option that minimizes the number of facilities required and optimizes the size of the biological treatment process will need to be selected to meet the available construction budget. Included in this design scope is the design of the biological treatment, aeration, clarification, and tertiary polishing for the entire MMADF of 1.5MGD. This will include chemical feed systems for the new and old facilities.

Article 2. Compensation

Compensation by OWNER to ENGINEER will be as follows:

The total cost for Task Order No. 2, enumerated in ARTICLE 1 (Tasks 1 through 3) herein will be completed for the itemized amounts below unless changed by written amendment signed by both Parties.

Design assumptions included in Appendix A.

Task 1 CMAR and Permitting Support	\$75,000 NTE*
Task 2 Existing Unit Process Modification	\$350,000**
Task 3 New Unit Process Addition	\$1,150,000**

* NTE is Not to Exceed amount without prior authorization from City

**Basis for Design Engineering (Task 2 + Task 3) Pricing- 3.75% of \$40,000,000

OTHER PROVISIONS

As provided in the General Services Agreement, this TASK ORDER will become part of the referenced AGREEMENT when executed by both parties.

For the OWNER, **City of Flowery Branch**.

Dated this _____ day of _____, 2023

By: _____
Name Title

Attest: _____
Shelia Cooper, City Clerk

For the **ESG Engineering, Inc**,

Dated this _____ day of _____, 2022

By: _____
Name Title

APPENDIX A ASSUMPTIONS

1. The ENGINEER's design team will hold internal bi-weekly progress meetings.
2. The design will be based on the federal and state statutes and regulations and local codes and standards in effect at the start of the project. Any changes in these statutes, regulations, or codes may necessitate a change in scope with potential changes in compensation and / or schedule.
3. As-built documents from previous construction are accurate, and no additional construction or maintenance alterations have taken place subsequently.
4. The OWNER will pay any permit processing fees.
5. All geotechnical services will be contracted, managed, and paid for by the OWNER if required.
6. Right-of-way easements will not be required.
7. Structures will have conventional spread foundations. Over excavation, preload, piles, or underdrain systems are not included in the ENGINEER's scope.
8. Uplift due to high groundwater levels, if any, will be addressed by ENGINEER with thickened base slabs. Design of pile foundations systems or other special foundations are not included in the ENGINEER's scope.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider the First Read of Ordinances 675 and 676, a request from VM&R, LLC to rezone two parcels of land from Agricultural (A) to Highway Business (HB).

COUNCIL MEETING DATE: January 5, 2023

HISTORY:

FACTS AND ISSUES:

This is a rezoning request for two parcels of land located at the northeast corner of the intersection of HF Reed Industrial Parkway and Falcon Parkway. The two parcels are identified as 08070 001002 and 08073 000004A totaling a combined 13.7 +/- acres. Currently zoned Agriculture (A), the applicant wished to rezone to Highway Business (HB) with the intent to construct a convenience store and gas station with additional, yet to be determined, HB appropriate uses.

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve first read of ordinance 675 and 676.

SAMPLE MOTION:

I make a motion to approve the first read of ordinance 675

I make a motion to approve the first read of ordinance 676

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- [Rezoning Application \(HF Reed and Falcon Pkwy\).pdf](#)
- [NOV 17 Falcon Pkwy Exterior Elevations Rendering.pdf](#)
- [Nov 17 Rezoning Supplemental Request \(HF Reed\).pdf](#)
- [NOV 17 C-4 SITE PLAN_10-28-22.pdf](#)
- [Nov 17 HF Reed & Falcon Pkwy.pdf](#)
- [Staff Report Pilot.pdf](#)
- [Rezoning Ordinance 675.pdf](#)
- [Rezoning Ordinance 676.pdf](#)



REZONING APPLICATION

Date: September 16, 2022

Address of Request:

Northwest corner of the intersection of HF Reed Industrial Pkwy and Falcon Pkwy.

Tax Map # 08070 001002; 08073 000004A Current Zoning: A

Is this site located within the boundaries of the historic district? No

Currently a conforming use? Yes

Any conditions of zoning, CUP's, etc.? No

Applicant Information

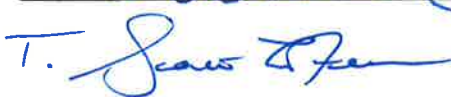
Name: VM&R, LLC

Address: 5317 T L Bower Way, Flowery Branch, GA, 30542

E-mail address: slefevre@clipperpetroleum.com

Phone number: 770-965-6416

Signature: 

Notary: 



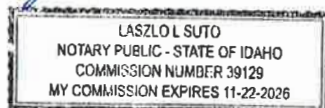


Property owner information (if different than the applicant)

Property owner (please print): Banks Property Management, LLC; The McCrary Family Partnership, L.P.; Burwell Investments, L.P.

Signature of property owner: Rex McCrary, General Partner, THE McCrary Family Partnership, L.P.

Notary: State of Idaho
County of Bonner
Signed by Rex McCrary on 9-15-22



[Signature] Notary
My Commission expires 11-22-26

Property Information

Tax Map Number: 08070 001002; 08073 000004A

Current Zoning: A Total Acres: 13.78

Is this property located within the city-limits of Flowery Branch? Yes

Proposed City of Flowery Branch Zoning: HB

Current Use: Undeveloped parcels.

Please review the Flowery Branch Code of Ordinances, Appendix C, "Zoning Ordinance", Article 34, for complete requirements.

Please provide the following at time of submittal in (one hard copy and digitally):

- Legal description
- Current survey of property

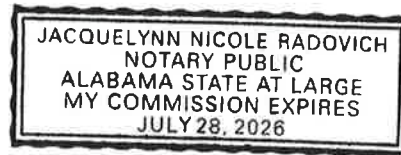


Property owner information (if different than the applicant)

Property owner (please print): Banks Property Management, LLC; The McCrary Family Partnership, L.P.; Burwell Investments, L.P.

Signature of property owner: [Signature] - BURWELL INVESTMENTS, LP

Notary:



Property Information

Tax Map Number: 08070 001002; 08073 000004A

Current Zoning: A Total Acres: 13.78

Is this property located within the city-limits of Flowery Branch? Yes

Proposed City of Flowery Branch Zoning: HB

Current Use: Undeveloped parcels.

Please review the Flowery Branch Code of Ordinances, Appendix C, "Zoning Ordinance", Article 34, for complete requirements.

Please provide the following at time of submittal in (one hard copy and digitally):

- Legal description
- Current survey of property



Property owner information (if different than the applicant)

Property owner (please print): Banks Property Management, LLC; The McCrary Family Partnership, L.P.; Burwell Investments, L.P.

Signature of property owner: *[Handwritten Signature]*

Notary: *Kelli B. Moore*



Property Information

Tax Map Number: 08070 001002; 08073 000004A

Current Zoning: A Total Acres: 13.78

Is this property located within the city-limits of Flowery Branch? Yes

Proposed City of Flowery Branch Zoning: HB

Current Use: Undeveloped parcels.

Please review the Flowery Branch Code of Ordinances, Appendix C, "Zoning Ordinance", Article 34, for complete requirements.

Please provide the following at time of submittal in (one hard copy and digitally):

- Legal description
- Current survey of property



- Site plan shall meet the requirements of the Flowery Branch Code of Ordinances; Appendix C, “Zoning Ordinance”, Article 34 sections 34.5
- Development statistics per the Flowery Branch Code of Ordinances; Appendix C, “Zoning Ordinance”, Article 34 sections 34.6
- Analysis requirements per the Flowery Branch Code of Ordinances; Appendix C, “Zoning Ordinance”, Article 34 sections 34.7
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Names and addresses of adjoining property owners
- Reasons for requesting rezoning
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property

Conflict of Interest Disclosure

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who

Have a property interest in the real property affected by this request

N/A

Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request

N/A

Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request

N/A



Disclosure of Campaign Contributions

List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

Elected Officials Name	Amount of Description of Gift
N/A	

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



Sec. 34.7. - Analysis Requirements

- (a) Yes. Proposed use is a c-store with petroleum sales. Recent neighboring development includes large warehouses/fulfillment centers, as well as residential apartments.
- (b) The proposal will not adversely affect usability of adjacent or nearby properties. There is ample space on the subject property. It sits along I-985, HF Reed Pkwy, Falcon Pkwy, and adjacent to Zion Hill Baptist Church.
- (c) Subject property is currently zoned Agriculture. Recent development in the immediate area is industrial (M-1).
- (d) Proposed use will not cause excessive use of existing transportation facilities, utilities, or schools.
- (e) Yes
- (f) N/A
- (g) Existing subject property is undeveloped land. Surrounding properties are zoned M-1, and include large warehouses and apartments.
- (h) Unknown.
- (i) Adjacent property is already developed, and proposed use will not negatively impact value or improvement of adjacent property.
- (j) Requested zoning will not create an isolated zoning district.
- (k) N/A
- (l) Development will be conducted in a manner to minimize any soil erosion and sedimentation. No foreseen impact related to flooding, air and water quality.
- (m) The proposed use is consistent with the overall zoning scheme.

All that tract or parcel of land lying and being in Land Lot 73 of the 8th district, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a concrete right of way monument at the intersection of the northeastern right of way of H.F. Reed Industrial Parkway, a.k.a. Martin Road, said right of way having a variable width and the northwestern right of way of State Route 13, a.k.a. Falcon Parkway, said right of way having a variable width;

Thence proceeding along said northeastern right of way of H.F. Reed Industrial Parkway the following courses and distances: along the arc of a curve to the right, having a radius of 835.96 feet and an arc length of 90.67 feet, being subtended by a chord bearing and distance of North 57°15'11" West, 90.62 feet to a concrete right of way monument; North 35°33'09" East, 9.94 feet to a concrete right of way monument; along the arc of a curve to the right, having a radius of 741.32 feet and an arc length of 473.78, being subtended by a chord bearing and distance of North 35°20'30" West, 465.76 feet to a concrete right of way monument; North 09°46'26" West, 157.02 feet to a concrete right of way monument; North 17°01'26" West, 99.94 feet to a concrete right of way monument; North 24°38'02" West, 151.32 feet to a concrete right of way monument; and North 13°11'41" West, 133.68 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; thence leaving said right of way and proceeding along the property now or formerly of Rafe Banks, Jr. the following courses and distances: North 58°29'43" East, 379.27 feet to a 2 inch open top pipe found; North 64°12'54" West, 70.29 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; North 57°32'05" West, 422.53 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; and North 55°58'31" West, 113.67 feet to a concrete right of way monument on the southeastern right of way of Interstate 985, said right of way having a variable width; thence proceeding along said southeastern right of way of Interstate 985 North 28°21'37" East, 44.76 feet to a concrete right of way monument; thence leaving said right of way and proceeding along the property now or formerly of Zion Hill Baptist Church the following courses and distances: South 54°30'40" East, 111.34 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484"; South 56°47'33" East, 96.39 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484"; South 56°59'41" East, 333.02 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484"; South 64°11'15" East, 92.58 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484"; and South 29°34'04" East, 573.21 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484" on the aforementioned northwestern right of way of State Route 13; thence proceeding along said northwestern right of way of State Route 13 the following courses and distances: South 11°10'46" West, 357.33 feet to a concrete right of way monument; South 78°49'13" East, 40.00 feet to a concrete right of way monument; South 11°10'46" West, 124.31 feet to a concrete right of way monument; South 13°20'57" West, 85.17 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; North 79°00'37" West, 6.66 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528" and South 34°16'09" West, 138.00 feet to the POINT OF BEGINNING.

Said tract contains 10.907 acres.

All that tract or parcel of land lying and being in Land Lot 73 of the 8th district, Hall County, Georgia and being more particularly described as follows:

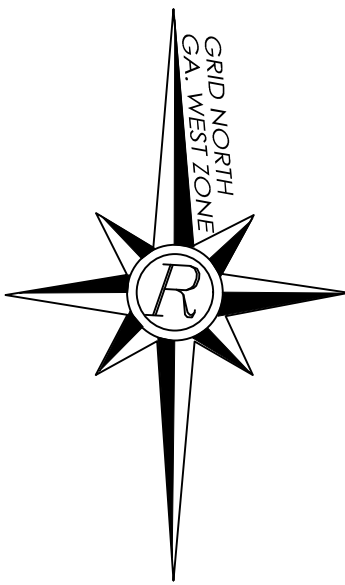
Commencing at a concrete right of way monument at the intersection of the northeastern right of way of H.F. Reed Industrial Parkway, a.k.a. Martin Road, said right of way having a variable width and the northwestern right of way of State Route 13, a.k.a. Falcon Parkway, said right of way having a variable width;

Thence proceeding along said northeastern right of way of H.F. Reed Industrial Parkway the following courses and distances: along the arc of a curve to the right, having a radius of 835.96 feet and an arc length of 90.67 feet, being subtended by a chord bearing and distance of North 57°15'11" West, 90.62 feet to a concrete right of way monument; North 35°33'09" East, 9.94 feet to a concrete right of way monument; along the arc of a curve to the right, having a radius of 741.32 feet and an arc length of 473.78, being subtended by a chord bearing and distance of North 35°20'30" West, 465.76 feet to a concrete right of way monument; North 09°46'26" West, 157.02 feet to a concrete right of way monument; North 17°01'26" West, 99.94 feet to a concrete right of way monument; North 24°38'02" West, 151.32 feet to a concrete right of way monument; and North 13°11'41" West, 133.68 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528", said 1/2 inch rebar being the TRUE POINT OF BEGINNING;

From the TRUE POINT OF BEGINNING thus established and continuing along the aforementioned northeastern right of way of H.F. Reed Parkway the following courses and distances: North 13°04'43" West, 32.15 feet to a concrete right of way monument; along a curve to the left having a radius of 1,055.35 feet and an arc length of 227.12 feet, being subtended by a chord bearing and distance of North 29°52'06" West, 226.68 feet to a concrete right of way monument South 54°18'56" West, 20.02 feet to a concrete right of way monument along a curve to the left having a radius of 1,037.81 feet and an arc length of 111.37 feet, being subtended by a chord bearing and distance of North 38°55'58" West, 111.31 feet to a concrete right of way monument; and North 32°31'29" West, 97.35 feet to a concrete right of way monument at the intersection of the aforementioned northeastern right of way of H.F. Reed Parkway and the southeastern right of way of Interstate 985, said right of way having a variable width; thence proceeding along said southeastern right of way of Interstate 985 the following courses and distances: North 22°38'22" East, 74.47 feet to a concrete right of way monument; and North 31°01'04" East, 76.50 feet to a concrete right of way monument; thence leaving said right of way and proceeding along the property now or formerly of Jane Wood Banks the following courses and distances: South 55°58'31" East, 113.67 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; South 57°32'05" East, 422.53 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; South 64°12'54" East, 70.29 feet to a 2 inch open top pipe found; and South 58°29'43" West, 379.27 feet to the TRUE POINT OF BEGINNING.

Said tract contains 2.870 acres.

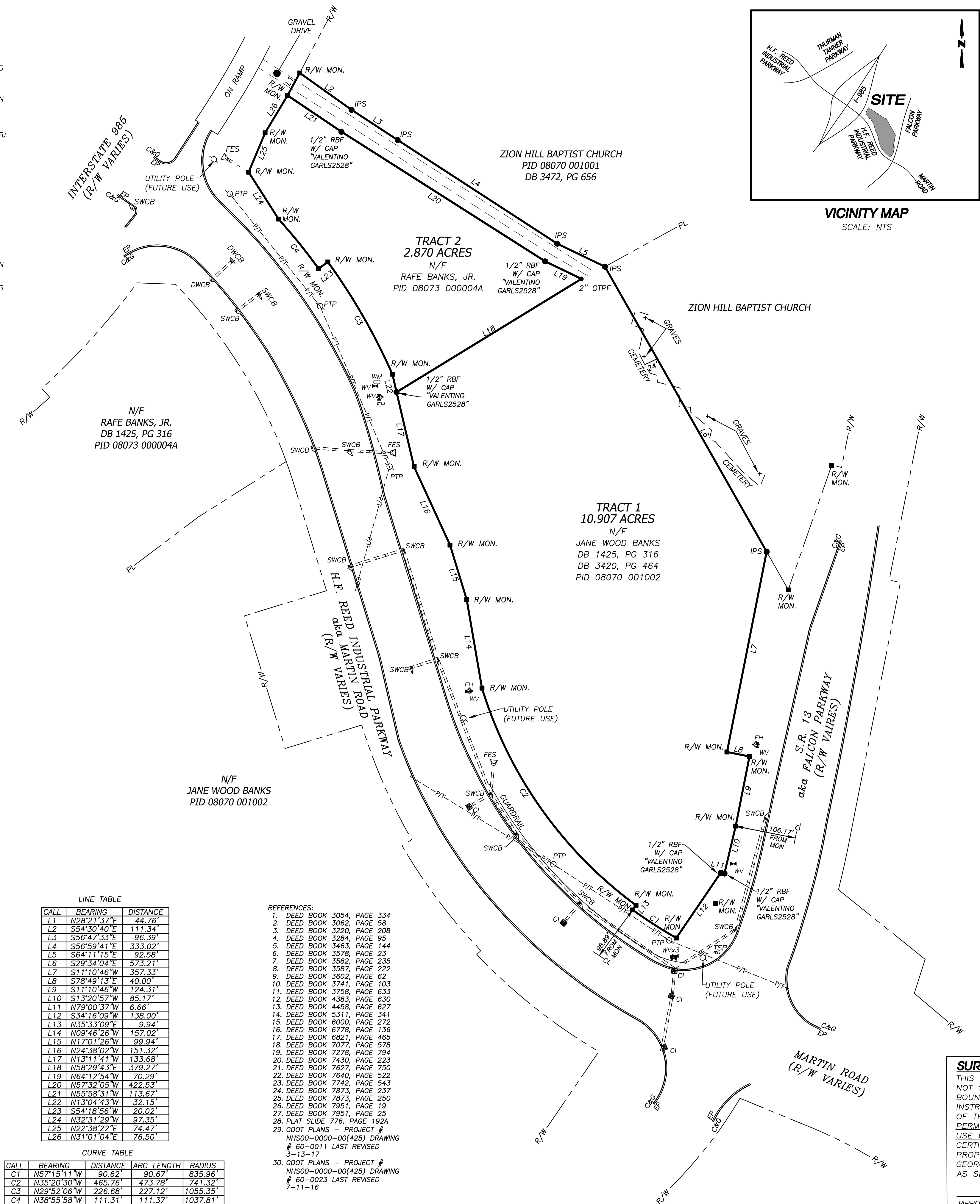
THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT



- LEGEND**
- AKA - ALSO KNOWN AS
 - C&G - CURB & GUTTER
 - CI - CENTER INLET
 - CMF - CONCRETE MONUMENT FOUND
 - CONC - CONCRETE
 - DB, PG - DEED BOOK, PAGE
 - DI - DROP INLET
 - DWCB - DOUBLE-WING CATCH BASIN
 - EP - EDGE OF PAVEMENT
 - FES - FLAIRED END SECTION
 - FH - FIRE HYDRANT
 - HM - HEADWALL
 - IPS - IRON PIN SET (1/2" REBAR)
 - JB - JUNCTION BOX
 - LL - LAND LOT
 - LP - LIGHT POLE
 - MH - MANHOLE
 - MON - MONUMENT
 - N/F - NOW OR FORMERLY
 - OTPF - OPEN TOP PIPE FOUND
 - PBX - POWER BOX
 - PL - PROPERTY LINE
 - PM - POWER METER
 - POB - POINT OF BEGINNING
 - PP - POWER POLE
 - PTP - POWER & TELEPHONE POLE
 - PWNT - PAVEMENT
 - RBF - REBAR FOUND
 - R/W - RIGHT OF WAY
 - SWCB - SINGLE-WING CATCH BASIN
 - TGB - TELEPHONE BOX
 - TP - TELEPHONE POLE
 - TPOB - TRUE POINT OF BEGINNING
 - TSP - TRAFFIC SIGNAL POLE
 - WM - WATER METER
 - WV - WATER VALVE

SURVEY NOTES

1. THE FIELD DATA DATED 3/29/19 THRU 4/1/19, AND 9/14/22 UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 45,916 FEET AND AN ANGULAR ERROR OF 1" SECONDS PER ANGLE AND WAS ADJUSTED BY LEAST SQUARES. A TRIMBLE S-SERIES ROBOTIC TOTAL STATION WAS USED FOR ANGULAR AND LINEAR MEASUREMENTS.
2. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 1,112,883 FEET.
3. THE HORIZONTAL DATUM FOR THIS SURVEY IS THE NORTH AMERICAN DATUM OF 1983, NAD 83 GEORGIA WEST ZONE, AND THE VERTICAL DATUM USED IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) AS DETERMINED BY UTILIZING GPS. THE EQUIPMENT USED TO OBTAIN THIS DATA WAS A DUAL FREQUENCY TRIMBLE R10 GNSS GPS RECEIVER WITH A TRIMBLE TSC3 DATA COLLECTOR RECEIVING RTK CORRECTIONS VIA A WIRELESS NETWORK FROM BASE STATIONS OPERATED BY TRIMBLE NAVIGATION. THE AVERAGE RELATIVE POSITIONAL ACCURACY OBTAINED ON THE POSITIONS UTILIZED IN THIS SURVEY WAS 0.04 FT. HORIZONTAL AND 0.07 FT. VERTICAL. THESE VALUES WERE DERIVED FROM GPS PROCESSING SOFTWARE. THE REMAINDER OF THE FIELD WORK WAS PERFORMED WITH CONVENTIONAL EQUIPMENT AS DESCRIBED ABOVE. ALL DISTANCES AS SHOWN ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET (39.37 INCHES = 1 METER).
4. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT; THEREFORE EXCEPTION IS MADE HEREIN TO ANY EASEMENTS, RESERVATIONS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD, WHICH MAY EXIST. FURTHERMORE, THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, RESERVATIONS, RIGHTS OF WAY, OR RESTRICTIONS, WHICH ARE NOT RECORDED OR NOT DISCLOSED BY THE TITLE COMMITMENT OR OTHERWISE UNKNOWN TO THE SURVEYOR; THEREFORE EXCEPTION IS TAKEN TO ANY SUCH ITEMS.
5. THIS PROPERTY MAY OR MAY NOT CONTAIN WETLAND AREAS. NO EFFORTS HAVE BEEN MADE BY THIS SURVEYOR TO IDENTIFY OR LOCATE ANY WETLAND AREAS ON THIS PROPERTY. A QUALIFIED WETLAND SPECIALIST OR BIOLOGIST, PRIOR TO ANY LAND DISTURBANCE, SHOULD PERFORM WETLAND IDENTIFICATION AND DELINEATION.
6. NO PORTION OF THIS PROPERTY IS LOCATED IN A FLOOD HAZARD ZONE AS PER F.E.M.A. FLOOD INSURANCE RATE MAP OF HALL COUNTY, GEORGIA AS SHOWN ON MAP NUMBER 13139C0284G HAVING A REVISED DATE OF APRIL 4, 2018. NO AREAS LIE BELOW THE MAXIMUM FLOOD CONTROL STORAGE OF LAKE SIDNEY LANIER (ELEVATION 1085).
7. DURING THE FIELD SURVEY PERFORMED ON THIS SITE THERE WAS VISIBLE ABOVE GROUND EVIDENCE OF A HUMAN BURIAL AREA OR CEMETERY OBSERVED, AS SHOWN. HOWEVER, THIS SURVEYOR DID NOT PERFORM A THOROUGH INSPECTION OF THE INTERIOR OF THIS SITE. THEREFORE EXCEPTION IS MADE HEREIN TO ANY HUMAN AREAS OR CEMETERIES THAT MAY EXIST WITHIN THE BOUNDARIES OF THIS SITE.
8. THIS PLAT IS FOR THE EXCLUSIVE USE OF THE ENTITIES SHOWN HEREON; ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.
9. ALL PROPERTY CORNERS REFERENCED AS "IPS" INDICATES A 1/2" REBAR PLACED WITH A YELLOW PLASTIC CAP STAMPED "ROCHESTER-LSF000484", UNLESS OTHERWISE NOTED.



LINE TABLE		
CALL	BEARING	DISTANCE
L1	N28°21'37"E	44.76'
L2	S54°30'40"E	111.34'
L3	S56°47'33"E	96.39'
L4	S56°59'41"E	333.02'
L5	S64°11'15"E	92.58'
L6	S29°34'04"E	573.21'
L7	S11°10'46"W	357.33'
L8	S78°49'13"E	40.00'
L9	S11°10'46"W	124.31'
L10	S13°20'57"W	85.17'
L11	N79°00'37"W	6.66'
L12	S34°16'09"W	138.00'
L13	N35°33'09"E	9.94'
L14	N09°46'26"W	157.02'
L15	N17°01'26"W	99.94'
L16	N24°38'02"W	151.32'
L17	N13°11'41"W	133.68'
L18	N58°29'43"E	379.27'
L19	N64°12'54"W	70.29'
L20	N57°32'05"W	422.53'
L21	N55°58'31"W	113.67'
L22	N13°04'43"W	32.15'
L23	S54°18'56"W	20.02'
L24	N26°11'29"W	97.35'
L25	N22°38'24"E	74.47'
L26	N31°01'04"E	76.50'

CURVE TABLE				
CALL	BEARING	DISTANCE	ARC LENGTH	RADIUS
C1	N57°15'11"W	90.62'	90.62'	835.96'
C2	N39°20'50"W	465.76'	473.78'	741.32'
C3	N29°52'06"W	226.68'	227.12'	1055.35'
C4	N38°55'58"W	111.31'	111.37'	1037.81'

- REFERENCES:
1. DEED BOOK 3054, PAGE 334
 2. DEED BOOK 3062, PAGE 58
 3. DEED BOOK 3220, PAGE 208
 4. DEED BOOK 3284, PAGE 95
 5. DEED BOOK 3463, PAGE 144
 6. DEED BOOK 3578, PAGE 23
 7. DEED BOOK 3582, PAGE 235
 8. DEED BOOK 3587, PAGE 222
 9. DEED BOOK 3602, PAGE 62
 10. DEED BOOK 3741, PAGE 103
 11. DEED BOOK 3758, PAGE 633
 12. DEED BOOK 4363, PAGE 630
 13. DEED BOOK 4458, PAGE 627
 14. DEED BOOK 5311, PAGE 341
 15. DEED BOOK 6001, PAGE 272
 16. DEED BOOK 6778, PAGE 136
 17. DEED BOOK 6821, PAGE 465
 18. DEED BOOK 7077, PAGE 578
 19. DEED BOOK 7276, PAGE 794
 20. DEED BOOK 7430, PAGE 223
 21. DEED BOOK 7627, PAGE 750
 22. DEED BOOK 7640, PAGE 522
 23. DEED BOOK 7742, PAGE 543
 24. DEED BOOK 7873, PAGE 237
 25. DEED BOOK 7873, PAGE 250
 26. DEED BOOK 7951, PAGE 19
 27. DEED BOOK 7951, PAGE 25
 28. PLAT SLIDE 776, PAGE 192A
 29. GOOT PLANS PROJECT # NHS00-0000-00(425) DRAWING # 60-0011 LAST REVISED 3-13-17
 30. GOOT PLANS - PROJECT # NHS00-0000-00(425) DRAWING # 60-0023 LAST REVISED 7-11-16

LEGAL DESCRIPTION - TRACT 1

All that tract or parcel of land lying and being in Land Lot 73 of the 8th district, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a concrete right of way monument at the intersection of the northeastern right of way of H.F. Reed Industrial Parkway, a.k.a. Martin Road, said right of way having a variable width and the northwestern right of way of State Route 13, a.k.a. Falcon Parkway, said right of way having a variable width;

Thence proceeding along said northeastern right of way of H.F. Reed Industrial Parkway the following courses and distances: along the arc of a curve to the right, having a radius of 835.96 feet and an arc length of 90.62 feet, being subtended by a chord bearing and distance of North 57°15'11" East, 90.62 feet to a concrete right of way monument; North 35°33'09" East, 9.94 feet to a concrete right of way monument; along the arc of a curve to the right, having a radius of 741.32 feet and an arc length of 473.78, being subtended by a chord bearing and distance of North 35°20'30" West, 465.76 feet to a concrete right of way monument; North 09°46'26" West, 157.02 feet to a concrete right of way monument; North 17°01'26" West, 99.94 feet to a concrete right of way monument; North 24°38'02" West, 151.32 feet to a concrete right of way monument; and North 13°11'41" West, 133.68 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; thence leaving said right of way and proceeding along the property now or formerly of Rafe Banks, Jr. the following courses and distances: North 58°29'43" East, 379.27 feet to a 2 inch open top pipe found; North 64°12'54" West, 70.29 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; North 57°32'05" West, 422.53 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; and North 55°58'31" West, 113.67 feet to a concrete right of way monument on the southeastern right of way of Interstate 985, said right of way having a variable width; thence proceeding along said southeastern right of way of Interstate 985 North 28°21'37" East, 44.76 feet to a concrete right of way monument; thence leaving said right of way and proceeding along the property now or formerly of Zion Hill Baptist Church the following courses and distances: South 54°30'40" East, 111.34 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484"; South 58°47'33" East, 96.39 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484"; South 56°59'41" East, 333.02 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484"; South 64°11'15" East, 92.58 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484"; and South 29°34'04" East, 573.21 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484" on the aforementioned northwestern right of way of State Route 13; thence proceeding along said northwestern right of way of State Route 13 the following courses and distances: South 11°10'46" West, 357.33 feet to a concrete right of way monument; South 78°49'13" East, 40.00 feet to a concrete right of way monument; South 11°10'46" West, 124.31 feet to a concrete right of way monument; South 13°20'57" West, 85.17 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; North 79°00'37" West, 6.66 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528" and South 34°16'09" West, 138.00 feet to the POINT OF BEGINNING.

Said tract contains 10.907 acres.

LEGAL DESCRIPTION - TRACT 2

All that tract or parcel of land lying and being in Land Lot 73 of the 8th district, Hall County, Georgia and being more particularly described as follows:

Commencing at a concrete right of way monument at the intersection of the northeastern right of way of H.F. Reed Industrial Parkway, a.k.a. Martin Road, said right of way having a variable width and the northwestern right of way of State Route 13, a.k.a. Falcon Parkway, said right of way having a variable width;

Thence proceeding along said northeastern right of way of H.F. Reed Industrial Parkway the following courses and distances: along the arc of a curve to the right, having a radius of 835.96 feet and an arc length of 90.62 feet, being subtended by a chord bearing and distance of North 57°15'11" East, 90.62 feet to a concrete right of way monument; North 35°33'09" East, 9.94 feet to a concrete right of way monument; along the arc of a curve to the right, having a radius of 741.32 feet and an arc length of 473.78, being subtended by a chord bearing and distance of North 35°20'30" West, 465.76 feet to a concrete right of way monument; North 09°46'26" West, 157.02 feet to a concrete right of way monument; North 17°01'26" West, 99.94 feet to a concrete right of way monument; North 24°38'02" West, 151.32 feet to a concrete right of way monument; and North 13°11'41" West, 133.68 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; said 1/2 inch rebar being the TRUE POINT OF BEGINNING;

From the TRUE POINT OF BEGINNING thus established and continuing along the aforementioned northeastern right of way of H.F. Reed Parkway the following courses and distances: North 13°04'43" West, 32.15 feet to a concrete right of way monument; along a curve to the left having a radius of 1,055.35 feet and an arc distance of 227.12 feet, being subtended by a chord bearing and distance of North 29°52'06" West, 226.68 feet to a concrete right of way monument South 54°18'56" West, 20.02 feet to a concrete right of way monument along a curve to the left having a radius of 1,037.81 feet and an arc distance of 111.37 feet, being subtended by a chord bearing and distance of North 38°55'58" West, 111.31 feet to a concrete right of way monument; and North 32°31'29" West, 97.35 feet to a concrete right of way monument at the intersection of the aforementioned northeastern right of way of H.F. Reed Parkway and the southeastern right of way of Interstate 985, said right of having a variable width; thence proceeding along said southeastern right of way of Interstate 985 the following courses and distances: North 22°38'22" East, 74.47 feet to a concrete right of way monument; and North 31°01'04" East, 76.50 feet to a concrete right of way monument; thence leaving said right of way and proceeding along the property now or formerly of Jane Wood Banks the following courses and distances: South 55°58'31" East, 113.67 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; South 57°32'05" East, 422.53 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; South 64°12'54" East, 70.29 feet to a 2 inch open top pipe found; and South 58°29'43" West, 379.27 feet to the TRUE POINT OF BEGINNING.

Said tract contains 2.870 acres.

SURVEYORS CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

JARROD D. BLACK, GEORGIA RLS #003288 9/15/2022
DATE
jblack@rochester-assoc.com
Rochester and Associates, LLC
LSF-000484
www.rochester-assoc.com

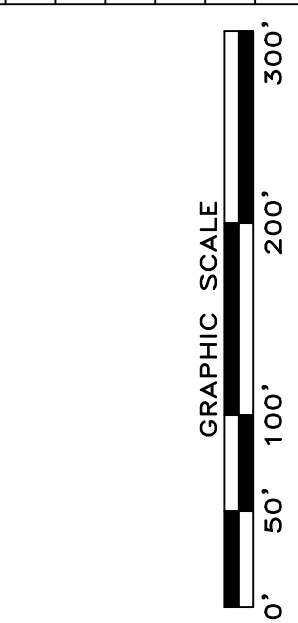


Rochester and Associates, LLC
425 Oak St NW, Gainesville, GA 30601
770.778.0600 P | www.rochester-assoc.com

BANKS ESTATE

LOCATED IN:
LAND LOT 73, 8TH DISTRICT
HALL COUNTY, GEORGIA

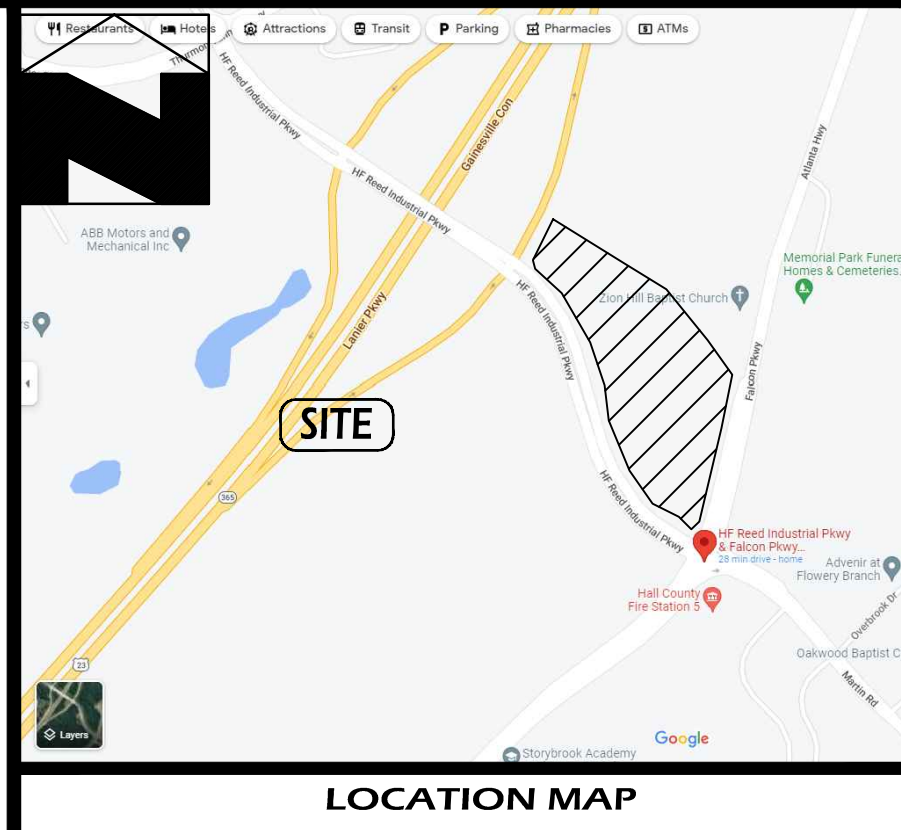
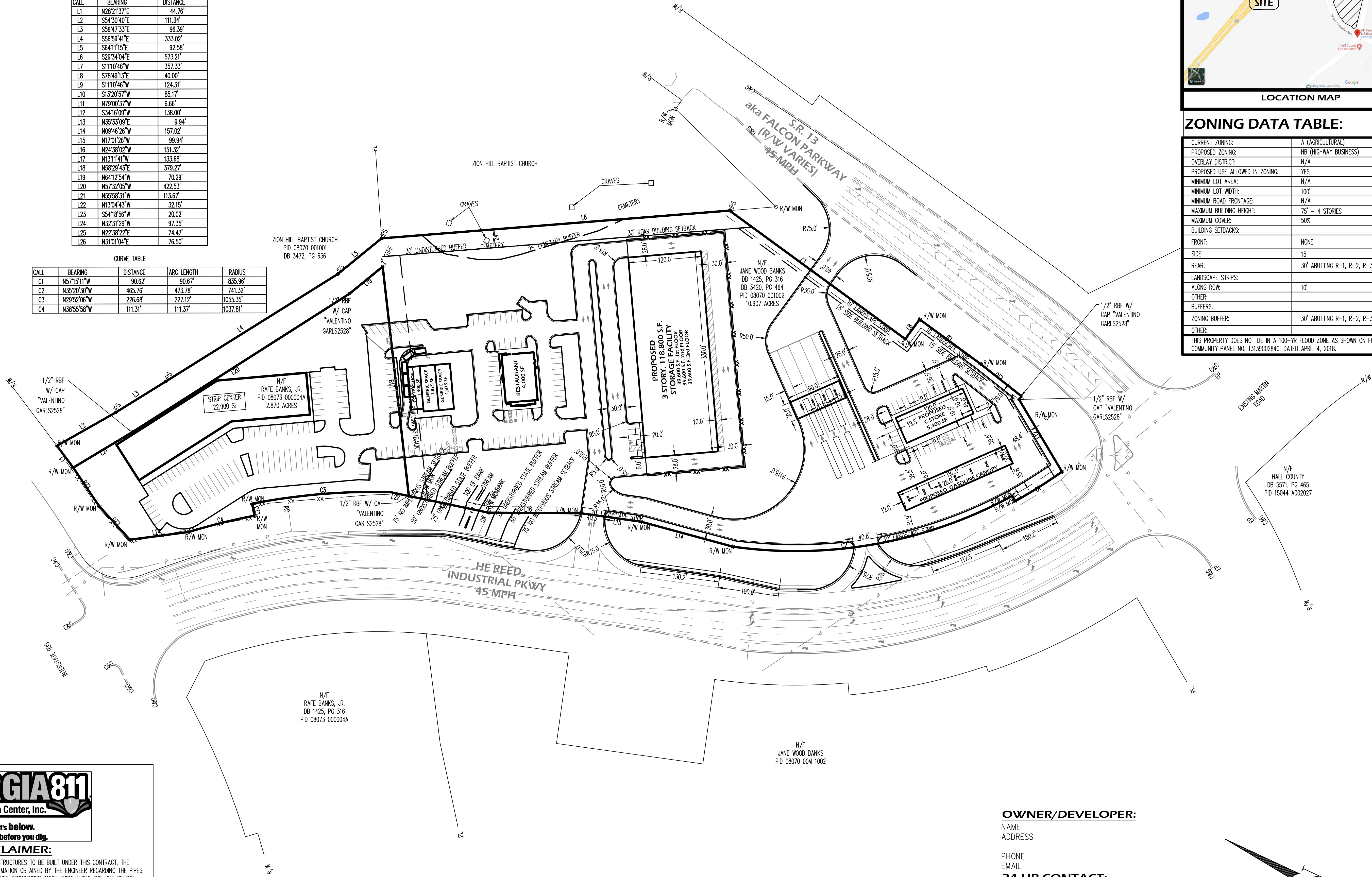
RETRACEMENT SURVEY		REVISIONS	
NO.	DATE	NO.	DATE



SHEET		DATE	
1	OF 1	9/15/22	1"=100'
JOB NO. G204226.MNP		DRAWN BY: MSA	
DWG NO. .SRW		BY: MSA	

LINE TABLE		
CALL	BEARING	DISTANCE
L1	N28°21'37"E	44.76'
L2	S54°30'40"E	111.34'
L3	S56°47'33"E	96.39'
L4	S56°59'41"E	333.02'
L5	S64°11'15"E	92.58'
L6	S29°34'04"E	573.21'
L7	S11°10'46"W	357.33'
L8	S78°49'15"E	40.00'
L9	S11°10'46"W	124.31'
L10	S13°20'57"W	85.17'
L11	N79°00'37"W	6.66'
L12	S34°16'09"W	138.00'
L13	N35°33'09"E	9.94'
L14	N09°46'26"W	157.02'
L15	N17°01'26"W	99.94'
L16	N24°38'02"W	151.32'
L17	N13°11'41"W	133.68'
L18	N58°29'43"E	378.27'
L19	N64°12'54"W	70.29'
L20	N57°32'05"W	422.53'
L21	N55°58'31"W	113.67'
L22	N13°04'43"W	32.15'
L23	S54°18'56"W	20.02'
L24	N32°31'29"W	97.35'
L25	N22°38'22"E	74.47'
L26	N31°01'04"E	76.50'

CURVE TABLE			
CALL	BEARING	DISTANCE	RADIUS
C1	N57°15'11"W	90.62'	835.96'
C2	N35°20'30"W	465.76'	473.78'
C3	N29°52'06"W	226.68'	1055.35'
C4	N38°55'58"W	111.31'	1037.81'



ZONING DATA TABLE:	
CURRENT ZONING:	A (AGRICULTURAL)
PROPOSED ZONING:	HB (HIGHWAY BUSINESS)
OVERLAY DISTRICT:	N/A
PROPOSED USE ALLOWED IN ZONING:	YES
MINIMUM LOT AREA:	N/A
MINIMUM LOT WIDTH:	100'
MINIMUM ROAD FRONTAGE:	N/A
MAXIMUM BUILDING HEIGHT:	75' - 4 STORIES
MAXIMUM COVER:	50%
BUILDING SETBACKS:	
FRONT:	NONE
SIDE:	15'
REAR:	30' ABUTTING R-1, R-2, R-3, TND, PUD
LANDSCAPE STRIPS:	
ALONG ROW:	10'
OTHER:	
BUFFERS:	
ZONING BUFFER:	30' ABUTTING R-1, R-2, R-3, TND, PUD
OTHER:	
THIS PROPERTY DOES NOT LIE IN A 100-YR FLOOD ZONE AS SHOWN ON FIRM COMMUNITY PANEL NO. 13138C0284G, DATED APRIL 4, 2018.	

Evans Design Group, Inc.
Civil Engineering /
Site Planning /
Land Development Services
4755 Summer Song Court
Buford, GA 30519
(Ph) 678.207.6830
jevans@evansdg.com

REGISTERED
NO. 26681
PROFESSIONAL
ENGINEER
JON M. EVANS
GSWCC LEVEL II CERT. # 10877

PROJECT NAME
HF REED & FALCON PARKWAY RETAIL CENTER
HF REED INDUSTRIAL PKWY I.L.00 00th DIST. CITY OF FLOWERY BRANCH GEORGIA

DATE:
8-23-22

DESIGN BY JME **DRAWN BY** JME **CHECKED BY** JME

☒ Not Released For Construction
☐ Released For Construction

OWNER/DEVELOPER

© COPYRIGHT 2022
EVANS DESIGN GROUP, INC.
ALL RIGHTS RESERVED.
THESE CONSTRUCTION DOCUMENTS AND PERMITTED REPRODUCTIONS, IN WHOLE OR IN PART, ARE INSTRUMENTS OF SERVICE AND ARE THE SOLE PROPERTY OF EVANS DESIGN GROUP, INC. UNLESS OTHERWISE AGREED TO, THEY SHALL NOT BE REPRODUCED OR CONVEYED IN ANY MANNER NOR ARE THEY TO BE USED FOR ANY OTHER PROJECTS OTHER THAN THAT SPECIFICALLY INDICATED HEREIN WITHOUT WRITTEN PERMISSION FROM AND DUE COMPENSATION TO EVANS DESIGN GROUP, INC.

REVISIONS	

JOB NUMBER:
22-046

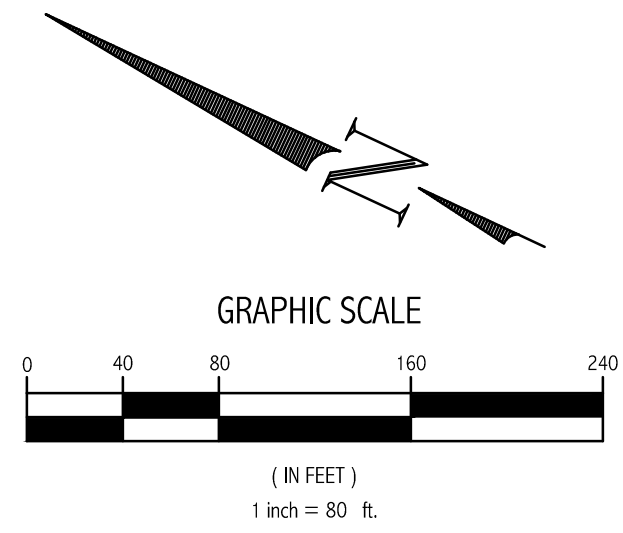
SHEET TITLE
SITE PLAN
C-4

GEORGIA811
Utilities Protection Center, Inc.
Know what's below.
Call before you dig.

UTILITY DISCLAIMER:
IN ADDITION TO SHOWING THE STRUCTURES TO BE BUILT UNDER THIS CONTRACT, THE DRAWINGS SHOW CERTAIN INFORMATION OBTAINED BY THE ENGINEER REGARDING THE PIPES, POLE LINES, CONDUITS, AND OTHER STRUCTURES WHICH EXIST ALONG THE LINE OF THE WORK, BOTH AT AND BELOW THE SURFACE OF THE GROUND. THE ENGINEER AND THE OWNER EXPRESSLY DISCLAIM ANY RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION GIVEN ON THE DRAWINGS WITH REGARD TO EXISTING STRUCTURES, AND THE CONTRACTOR WILL NOT BE ENTITLED TO ANY EXTRA COMPENSATION ON ACCOUNT OF ANY INACCURACY OR INCOMPLETENESS OF SUCH INFORMATION, SAID STRUCTURES BEING INDICATED ONLY FOR THE CONVENIENCE OF THE CONTRACTOR, WHO MUST VERIFY THE INFORMATION TO HIS OWN SATISFACTION. THE GIVING OF THIS INFORMATION UPON THE CONTRACT DRAWINGS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATION TO SUPPORT AND PROTECT ALL PIPES, CONDUITS, AND OTHER STRUCTURES. THE CONTRACTOR SHALL LOCATE ALL UNDERGROUND OBSTRUCTIONS PRIOR TO EXCAVATION SO AS TO PREVENT ANY DAMAGE TO THOSE SERVICES OR OTHER UTILITIES. ANY SUCH DAMAGES MUST BE REPAIRED WITHOUT DELAY AND THE COST OF SUCH REPAIRS MUST BE BORNE BY THE CONTRACTOR.

OWNER/DEVELOPER:
NAME
ADDRESS

PHONE
EMAIL
24-HR CONTACT:
NAME
PHONE
EMAIL
ENGINEER:
EVANS DESIGN GROUP, INC.
4755 SUMMER SONG COURT
BUFORD, GA 30519
678.207.6830 (Ph)
CONTACT: JON M. EVANS, P.E.







CLIPPER
PETROLEUM

HFR
HILL FOLEY ROSSI
ARCHITECTURE • ENGINEERING



FRONT ELEVATION

CLIPPER

FALCON PKWY , FLOWERY BRANCH



SIDE ELEVATION

CLIPPER

FALCON PKWY , FLOWERY BRANCH



CLIPPER
PETROLEUM

HFR
HILL FOLEY ROSSI
ARCHITECTURE • ENGINEERING



REAR ELEVATION

CLIPPER

FALCON PKWY , FLOWERY BRANCH



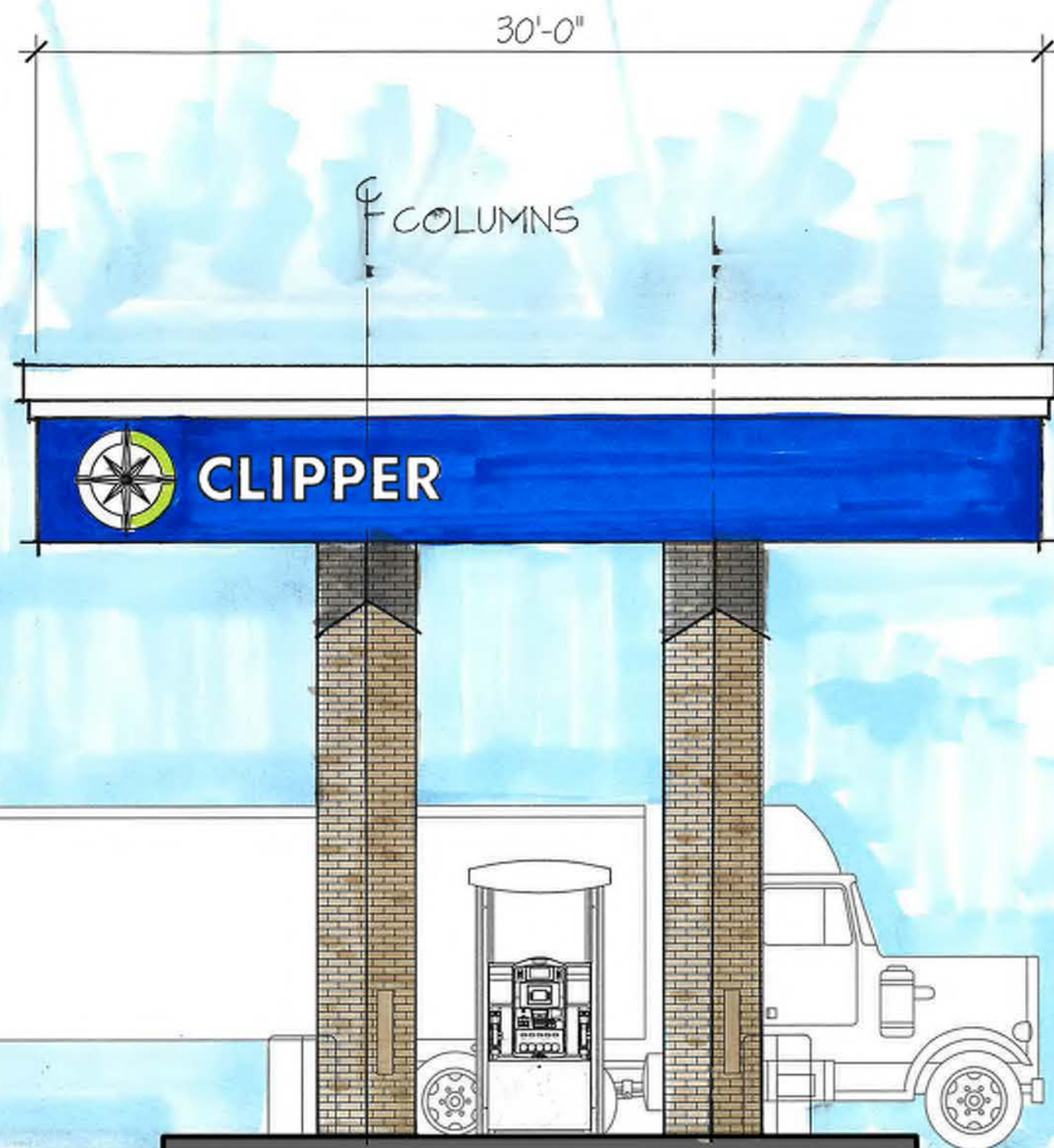
SIDE ELEVATION

CLIPPER

FALCON PKWY , FLOWERY BRANCH



HFR
HILL FOLEY ROSSI
ARCHITECTURE • ENGINEERING



FRONT ELEVATION

CLIPPER

FALCON PKWY , FLOWERY BRANCH



SIDE ELEVATION

CLIPPER

FALCON PKWY , FLOWERY BRANCH



REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: 9/20/2022

Address of Request:

Northwest corner of the intersection of HF Reed Industrial Pkwy and Falcon Pkwy.

Tax Map # 08070 001002; 08073 000004A Current Zoning: A

Please submit an analysis of the proposed project including:

1. Value of improvements upon complete build out.
2. Property tax valuation based upon existing millage rate (indicate total tax expectation if project is phased).
3. Schedule of the total build out (showing a timeline of construction in months/years if project is phased).
4. Anticipated total square footage (heated) to be built in the requested number of units.
5. Total acreage developed with units.
6. Total acreage for right of way and roads.
7. Total acreage of open space/common area (include plan for maintenance of open space/common area).
8. Acreage required for buffer and watershed protection.
 - Does the buffer comply with the current City ordinance?
 - Do individual property lines for lots extend into the buffer?
 - Does the Developer intend to dedicate any of the site area to the City? If so, for what purpose?



9. Does your proposal consider Multi Transportation alternatives? (Please describe in detail)
10. Please identify all amenities and total number of acres they incorporate by complete description.
11. Number of street lights and separation table as proposed on your site plan.
12. Will Technology Development be included in this development?
13. List the total linear feet and cubic yards for sidewalks.
14. Are appropriate storm water controls provided in your proposal? Are these controls completely and accurately reflected on all drawings and plans?
15. Has a transportation/traffic study been done to predict the impact of anticipated traffic? Has the project been reviewed by all appropriate County and State agencies relating to transportation issues?
16. Does the proposal provide for utilization of “reuse” water? Is this depicted on the plans? Do the plans provide for storage of “reuse” water?
17. What is the total capacity for daily Wastewater Management?
18. What is the anticipated maximum daily water consumption? Are low flow fixtures required by the development?
19. Has a slope and grade study been done on this development? Does the study reflect density placement?
20. Please identify what public safety needs are being considered for the project?
21. Has the Hall County School System been notified of the proposed density for this project?
22. Please provide a copy of all private covenants and/or architectural guidelines to be filed regarding this development.



23. Information as required under Ordinance No. 349 for preliminary plat approval if rezoning involves subdivision. Ordinance No. 349 can be found at www.flowerybranchga.org

CITY STAFF ONLY

Received By: _____

Date: _____ Total Fee: _____

REZONING ADDITIONAL INFORMATION

1. Approximately \$12 million.
2. \$153,369.60
3. C-Store as quickly as commercially feasible after property acquisition.
4. N/A
5. N/A
6. 0
7. Maintenance for open space / common area will be borne by property owner. All property, including any future property owners of any future sub-divided parcel, will participate in maintenance of common drives on a pro-rata basis.
8. Unknown
9. No.
10. Unknown
11. TBD
12. No.
13. TBD
14. If zoning is approved, storm water management will be provided as required by Flowery Branch.
15. No.
16. No.
17. TBD
18. Unknown.
19. No
20. Driveways will be constructed of sufficient width to accommodate fire trucks and other emergency vehicles
21. No.
22. TBD
23. N/A

EXPLANATION FOR REMAINING PARCEL USE

Currently, there are no specific development plans for the remaining acreage on the property. The buildings shown are conceptual drawings showing what could be built at a future date. Applicant would anticipate a quick-service restaurant at the corner of HF Reed Pkwy and Falcon Pkwy.

1. SITE DENSITY FACTOR:

SITE AREA = 13.77

- BLDG AREA = 0.859

TOTAL AREA = 12.91ACERS.

TOTAL UNITS REQUIRED = 12.91 ACER X 15 UNITS ACER

= 193,65 UNITS

NONE TO REMAIN

 $\bar{z}$

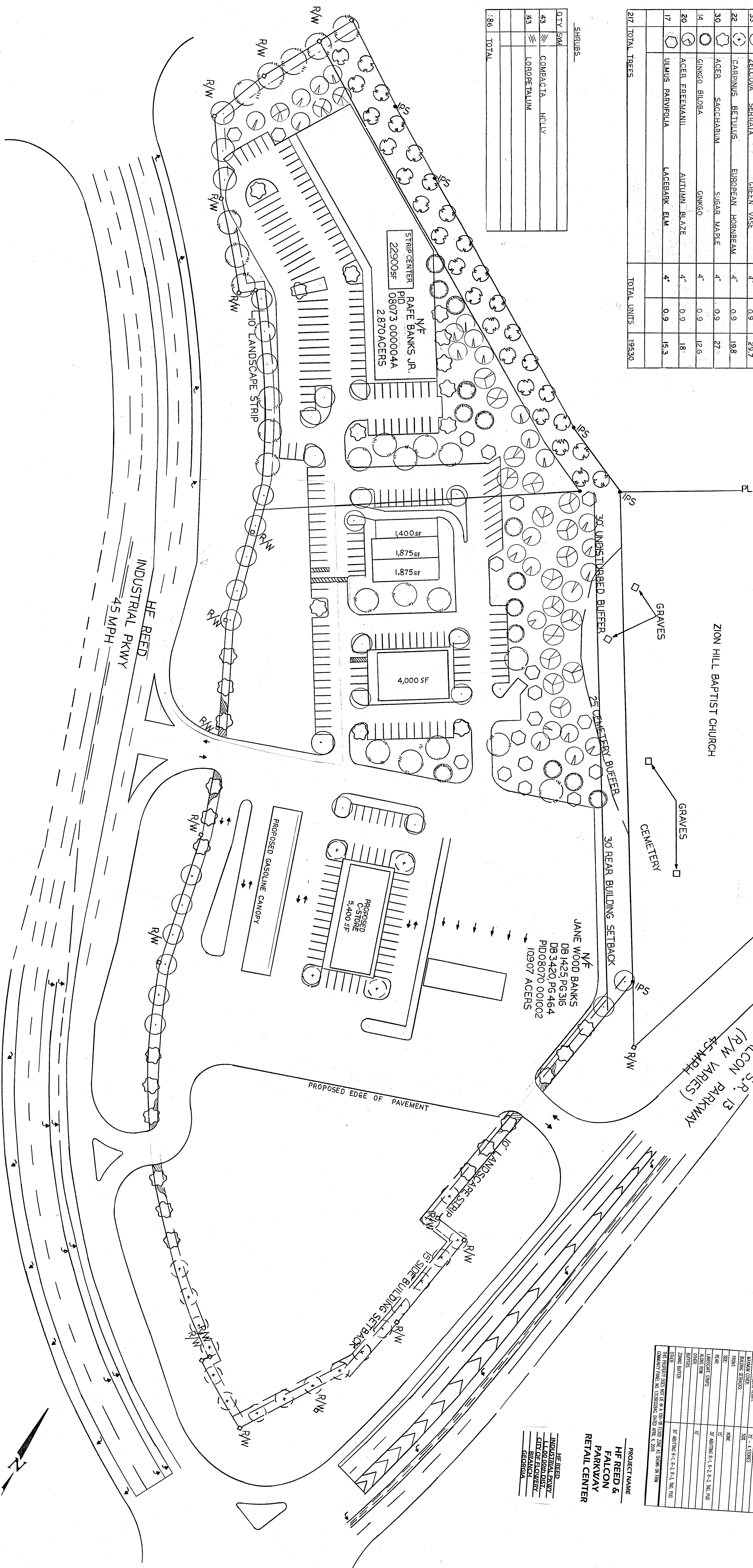
217 - 4" TREES @ 0.9 UNITS/EA. =195.30UNITS

TOTAL UNITS REQUIRED = 193.65

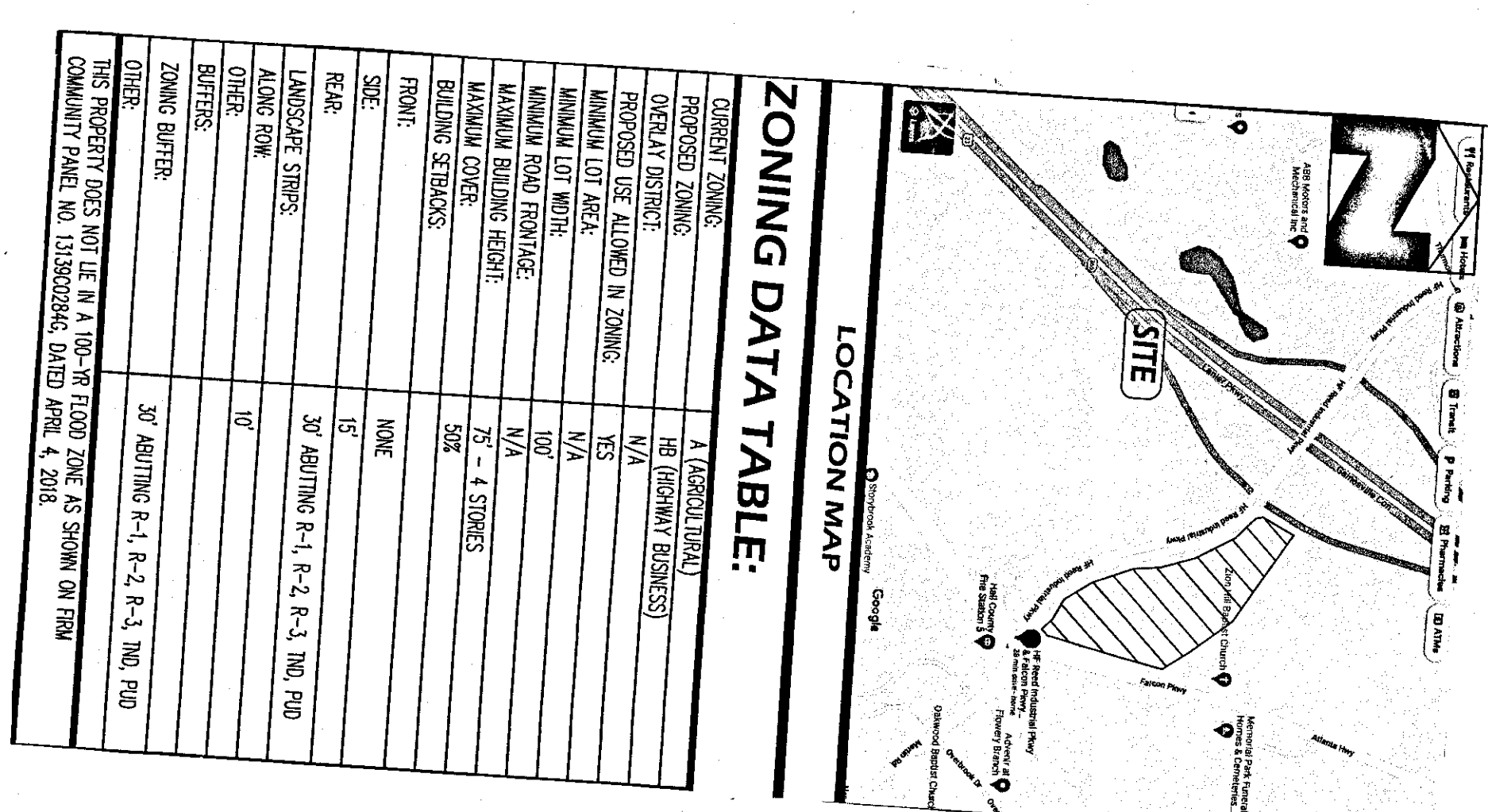
TOTAL UNITS EXISTING & PROPOSED = 195,30

QTY	SYMBOL	BOTANICAL NAME	COMMON NAME		
30		THUJA OCCIDENTALIS	AMERICAN BILLAR	4"	0.9
25		ACER RUBRUM	OCTOBER GLORY	4"	0.9
26		QUERCUS PHELLOS	WILLOW OAK	4"	0.9
33		ZELCOYA SERGATA	GREEN VASE	4"	0.9
22		CARPINUS BETULUS	EUROPEAN HORNBAM	4"	0.9
30		ACER SACCCHARUM	SUGAR MAPLE	4"	0.9
14		GINKGO BILOBA	GINKGO	4"	0.9
20		ACER FREEMANII	AUTUMN BLAZE	4"	0.9
17		ULMUS PARVIFOLIA	LACEBARK ELM	4"	0.9
17	TOTAL TREES			TOTAL UNITS	
				195.30	

QTY	SYM	
43	≡	COMPACTA HOLLY
43	≡	LOROPETALUM
86		TOTAL



FRONTAGE TREES
HE REED INDUSTRIAL PKWY
 TOTAL FRONTAGE =
 ONE TREE PER 40 FEET REQUIRED 1781 / 40 = 44.52 TREES & SHRUB
 0 EXISTING FRONTAGE TREES REMAIN
 46 TREES TO BE PLANTED
 60 SHRUB
 FALCON PARKWAY
 FRONTAGE =
 ONE TREE PER 40 FEET REQUIRED 772 / 40 = 19.3 TREES & SHRUBS
 0 EXISTING FRONTAGE TREES REMAIN
 120 TREES TO BE PLANTED
 26 SHRUBS TO BE PLANTED



PROJECT NAME
**HF REED &
FALCON
PARKWAY
RETAIL CENTER**

MR REED
 INDUSTRIAL PKWY
 L.L.OO 000th DIST.
 CITY OF FLOWERY
 BRANCH
 GEORGIA

DeepRoots

5203 Dahlonega Highway, Clermont, GA 30522
OFFICE: 678-928-9226 | FAX: 678-928-9226
customer@deeproofsiga.com
www.deeproofsiga.com

2022

GRAPHIC SCALE



Applicant: VM&R, LLC.

Property Owners: Banks

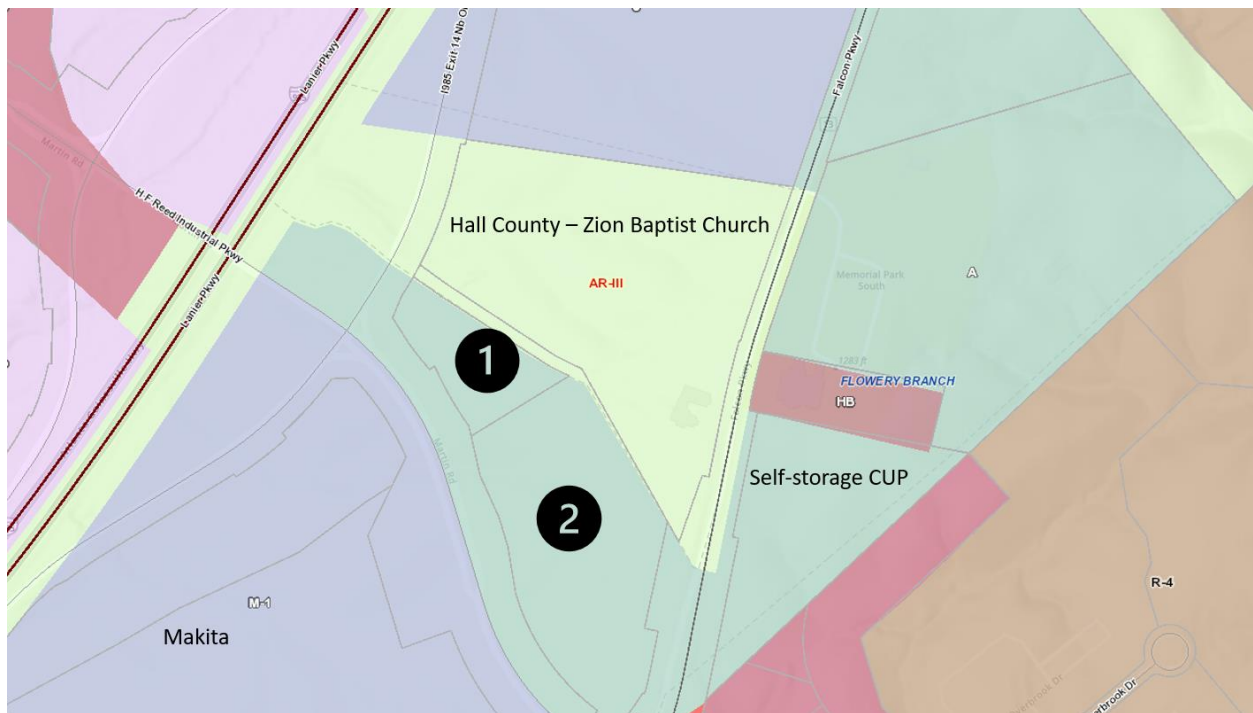
Subject Properties: 08070 001002, 08073 000004A

Request: Rezone from A (Agricultural) to HB (Highway Business) with the intent to construct a gas station and convenience store

Current Use: Vacant

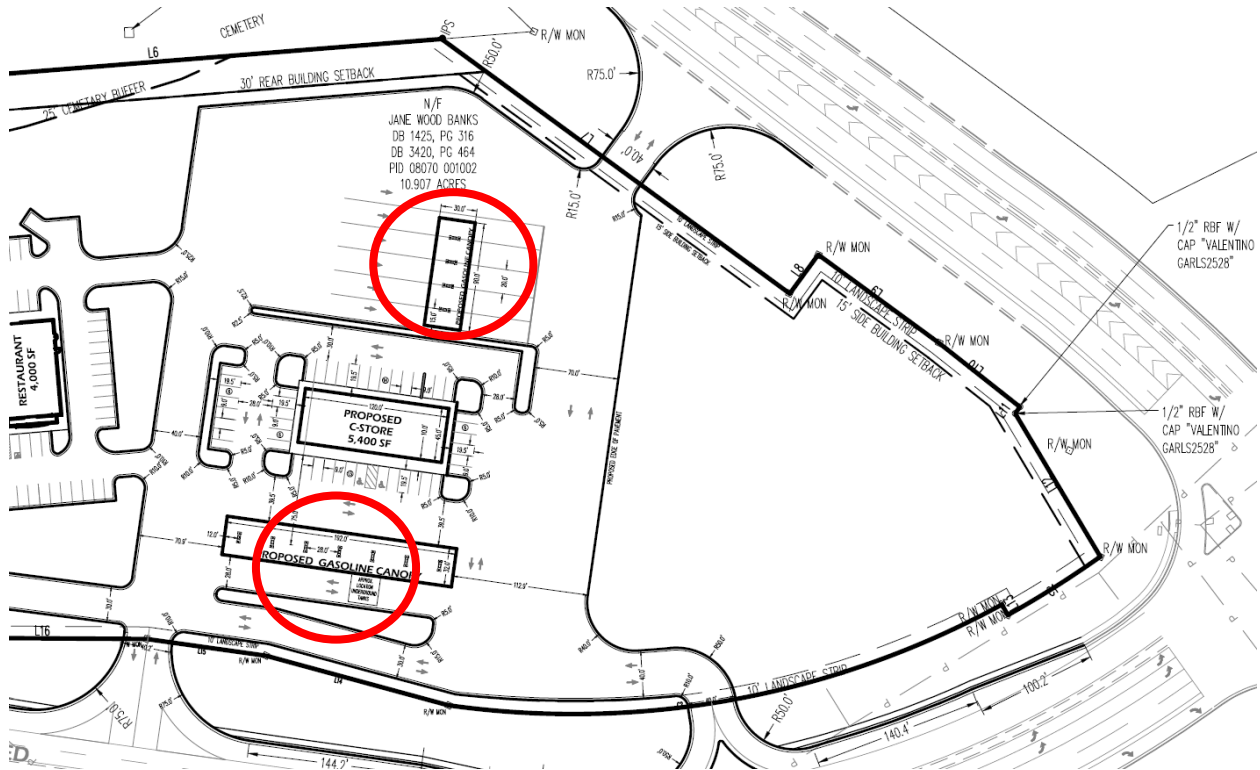
Character Area: Industrial Employment

The two parcels are currently zoned Agriculture (A) and the request is to rezone to Highway Business (HB).

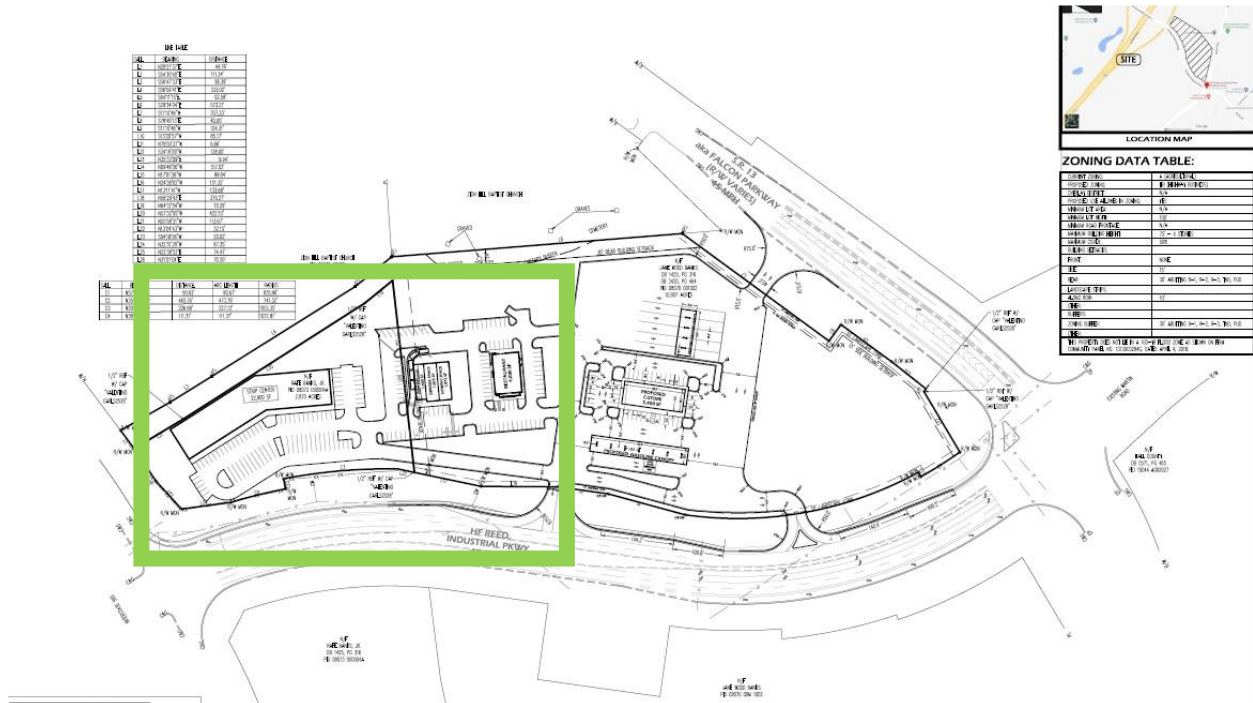




Proposed layout:



Gas pumps - The location of the pumps are not located behind the primary structure as required by code therefore, a variance has been applied for by the applicant. The variance is scheduled for a public hearing and first read on January 5, 2023, with the second read scheduled to coincide with the second read of this rezoning request (January 19, 2023).

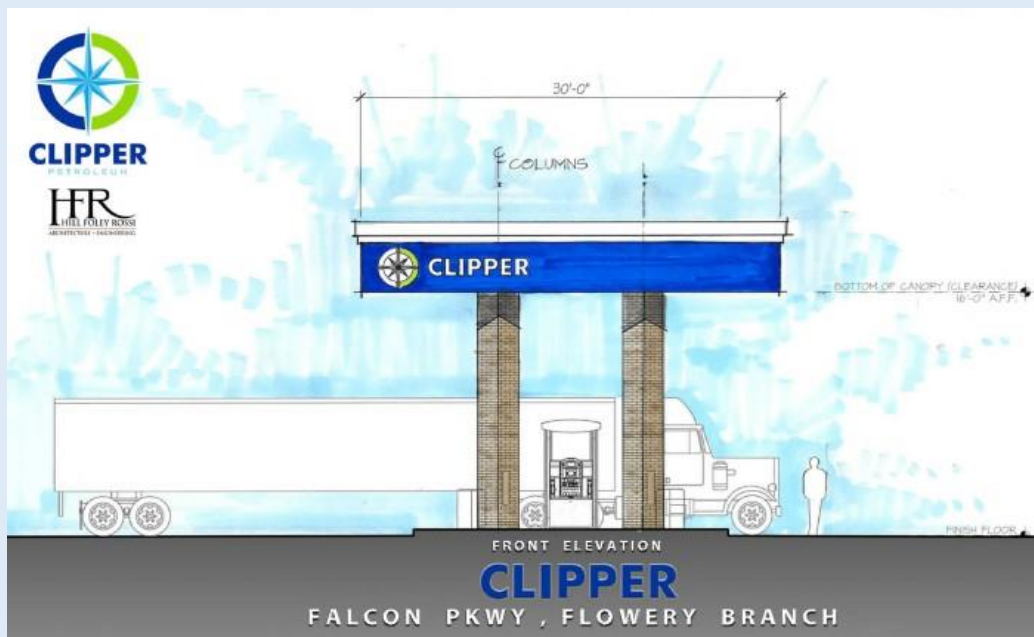
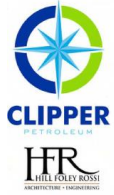


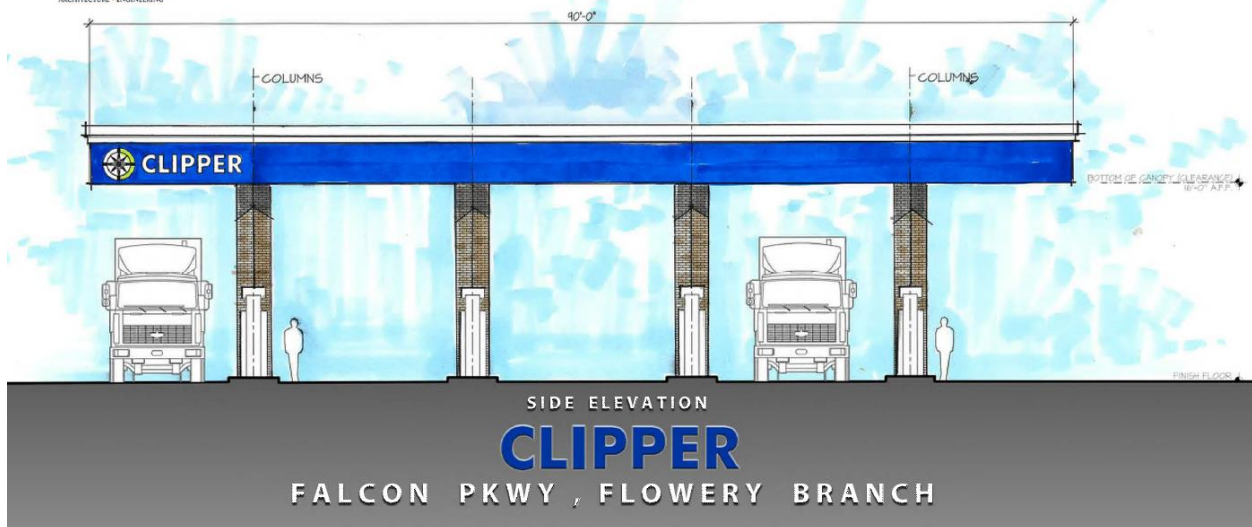
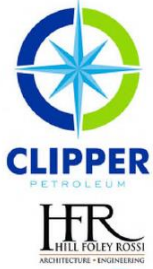
The remainder of the project (not the convenience store/gas pumps) is outlined in green. This area will be developed separately and will be required to meet Highway Business (HB) zoning requirements. Additionally, conditions of zoning will require this portion of the development to be built to significantly match the convenience store in materials and appearance.



Proposed elevation:





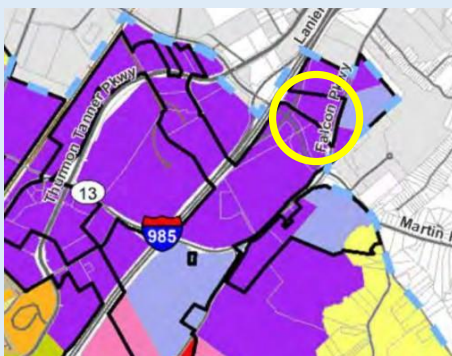


Comprehensive Plan

Comprehensive Plan



Map



Character Area

Industrial Employment
Zoning uses cite M-1 and
M-2

Convenience store with
gas pumps is an allowed
use in both these districts

Request meets the intent of the Comprehensive Plan



Rezoning Analysis:

Flowery Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

Applications to amend the official zoning map and applications for conditional uses shall provide a written analysis comparing the proposed action with the criteria in this Section. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare, and after consideration of the analysis requirements which may in individual cases be considered criteria relevant to Zoning Administrator in making recommendations and by the Governing Body in the decision-making process.

Staff Response:

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. **Yes, the proposed use is appropriate for this site and the surrounding area.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **The development will not adversely affect the area and will in fact enhance it.**
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. **Yes, the current zoning of A (Agricultural) could be used in accordance with the current rules and regulations of that zoning district.**
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. **It is the staff's opinion that the use will not create any unnecessary burdens.**
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. **Currently, the Comprehensive Plan denotes this area as part of the "Industrial Employment" character area. The proposed use meets the intent of the Comprehensive Plan.**
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. **No**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed use will fit in well with the corridor.**
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the



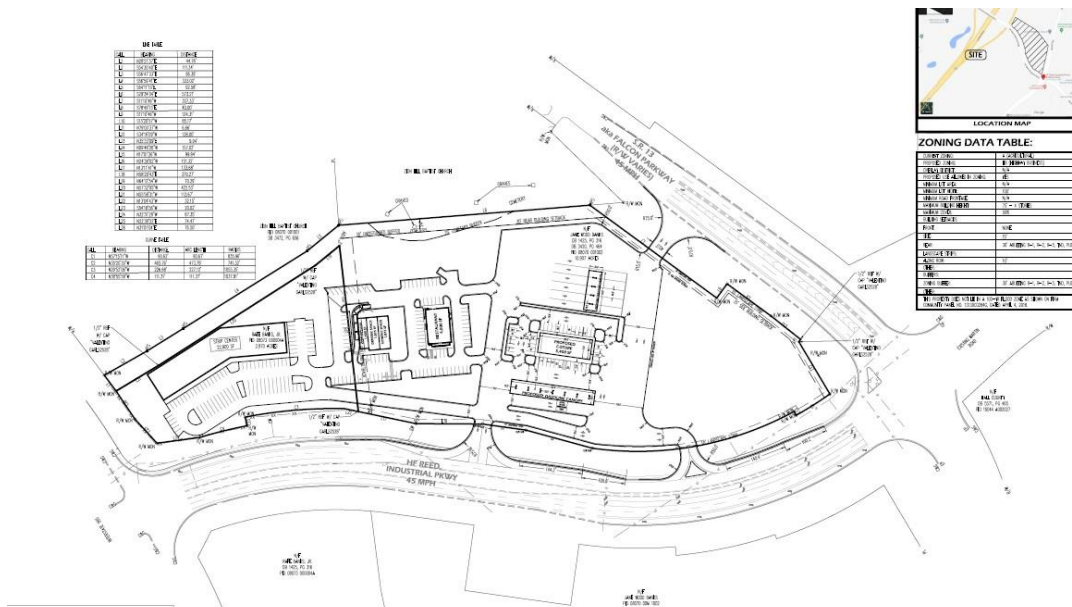
property or sell the property under the existing zoning district classification. **Staff does not have a specific number regarding property value, but the current zoning classification of Agricultural does not allow the proposed use. The HB classification is a more realistic zoning designation for this area.**

- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. **Staff does not feel that the proposed will be a deterrent.**
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. **N/A**
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. **The proposed use will not have a negative impact in staff's opinion.**
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. **The development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.**
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. **The proposed development will meet the intent of the Zoning Ordinance.**

Staff Recommendation:

Staff recommends approval of the rezoning with the following conditions:

1. Project shall significantly adhere to the site plan as shown below:





2. Structures throughout the development shall substantially adhere to the elevations submitted and incorporated as part of this report in regard to building materials and overall appearance.
3. An overall comprehensive signs plan shall be submitted to the City for approval prior to the issuance of a certificate of occupancy for the convenience store.
4. A variance for pump location must be approved prior to the issuance of a land disturbance permit.

ORDINANCE NO. 675

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OF LAND TOTALING 10.89 +/- ACRES OF LAND, OWNED BY BANKS PROPERTY MANAGEMENT, LLC, THE MCCRARY FAMILY TRUST, L.P, AND BURWELL INVESTMENTS, L.P, IDENTIFIED AS 0 FALCON PARKWAY, TAX PARCEL 08070 001002, TO BE REZONED FROM AGRICULTURE (A) TO HIGHWAY BUSINESS (HB) AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”, AND AS CONDITIONED ON ATTACHED EXHIBIT “C”, PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Banks Property Management, LLC; The McCrary Family Partnership, L.P; Burwell Investments, L.P. owns the subject parcel of land identified as Parcel Tax Identification No.08098 001019, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, Banks Property Management, LLC; The McCrary Family Partnership, L.P; Burwell Investments, L.P. submitted to the City of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being rezoned, and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of November 17, 2022, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

**NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH
HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Agriculture (A) to Highway Business (HB) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. The property could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned; however, an alternative use is appropriately considered.

4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is generally in conformity with the policy and intent of the comprehensive plan including the character area map and future land use plan map.
6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.
7. No determination has been made by staff with regard to the value differential between development under the current zoning as opposed to Highway Business (HB).
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. REZONING.

The subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, is hereby rezoned from Agriculture (A) to Highway Business (HB) and conditioned as shown on attached Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

This Ordinance is enacted as an amendment to the Zoning Map of Flowery Branch, Georgia. Accordingly, the Zoning Administrator is hereby authorized to update the Official Map consistent with Article 3 of the Zoning Ordinance.

SECTION 4. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be January 19, 2023.

Public Hearing Published 10/05/2022
Public Hearing 11/17/2022

First Reading 12/15/2022
Adopted 01/19/2023

SECTION 6. REPEALER.

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

Approved this 19th day of January 2023.

Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

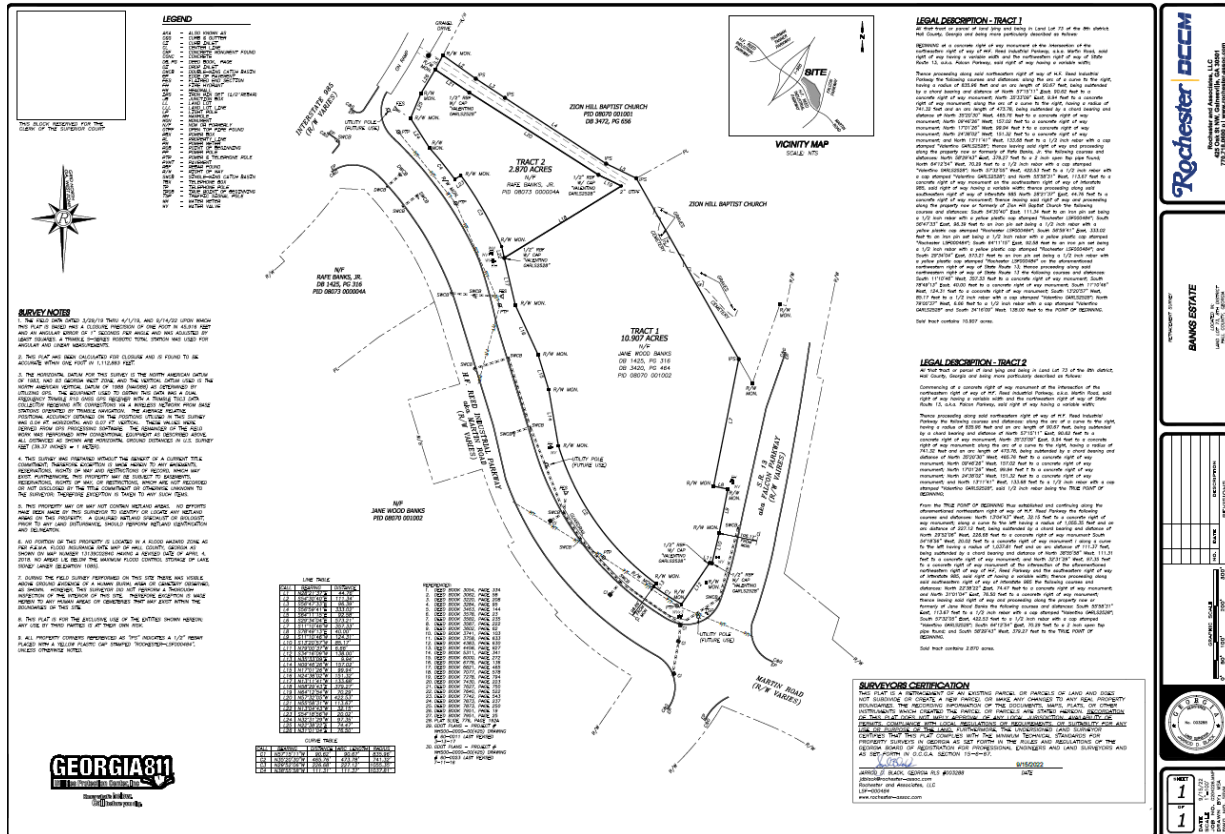


Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 73 of the 8th district, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a concrete right of way monument at the intersection of the northeastern right of way of H.F. Reed Industrial Parkway, a.k.a. Martin Road, said right of way having a variable width and the northwestern right of way of State Route 13, a.k.a. Falcon Parkway, said right of way having a variable width;

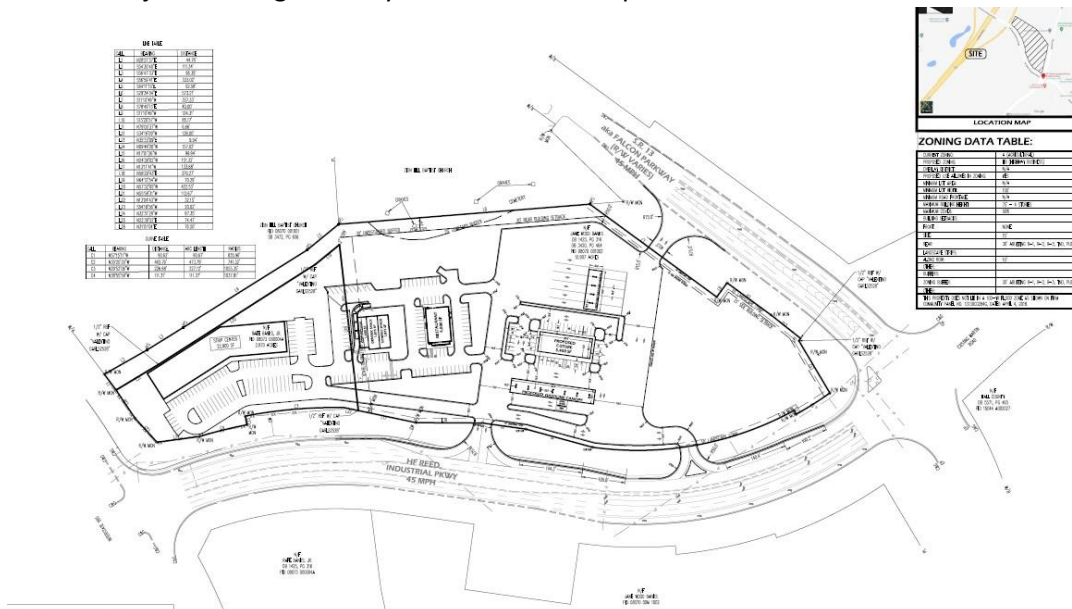
Thence proceeding along said northeastern right of way of H.F. Reed Industrial Parkway the following courses and distances: along the arc of a curve to the right, having a radius of 835.96 feet and an arc length of 90.67 feet, being subtended by a chord bearing and distance of North 57°15'11" West, 90.62 feet to a concrete right of way monument; North 35°33'09" East, 9.94 feet to a concrete right of way monument; along the arc of a curve to the right, having a radius of 741.32 feet and an arc length of 473.78, being subtended by a chord bearing and distance of North 35°20'30" West, 465.76 feet to a concrete right of way monument; North 09°46'26" West, 157.02 feet to a concrete right of way monument; North 17°01'26" West, 99.94 feet to a concrete right of way monument; North 24°38'02" West, 151.32 feet to a concrete right of way monument; and North 13°11'41" West, 133.68 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; thence leaving said right of way and proceeding along the property now or formerly of Rafe Banks, Jr. the following courses and distances: North 58°29'43" East, 379.27 feet to a 2 inch open top pipe found; North 64°12'54" West, 70.29 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; North 57°32'05" West, 422.53 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; and North 55°58'31" West, 113.67 feet to a concrete right of way monument on the southeastern right of way of Interstate 985, said right of way having a variable width; thence proceeding along said southeastern right of way of Interstate 985 North 28°21'37" East, 44.76 feet to a concrete right of way monument; thence leaving said right of way and proceeding along the property now or formerly of Zion Hill Baptist Church the following courses and distances: South 54°30'40" East, 111.34 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484"; South 56°47'33" East, 96.39 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484"; South 56°59'41" East, 333.02 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484"; South 64°11'15" East, 92.58 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484"; and South 29°34'04" East, 573.21 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484" on the aforementioned northwestern right of way of State Route 13; thence proceeding along said northwestern right of way of State Route 13 the following courses and distances: South 11°10'46" West, 357.33 feet to a concrete right of way monument; South 78°49'13" East, 40.00 feet to a concrete right of way monument; South 11°10'46" West, 124.31 feet to a concrete right of way monument; South 13°20'57" West, 85.17 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; North 79°00'37" West, 6.66 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528" and South 34°16'09" West, 138.00 feet to the POINT OF BEGINNING.

Said tract contains 10.907 acres.

Exhibit “C”

Exhibit “C”

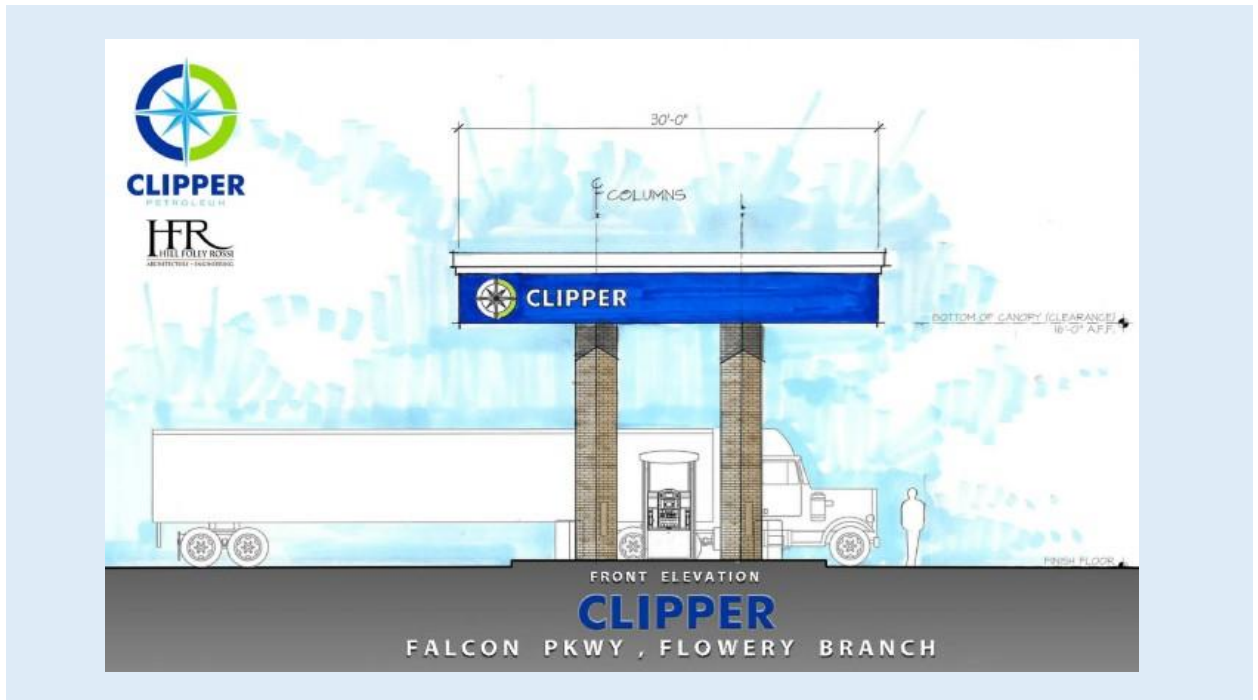
1. Project shall significantly adhere to the site plan as shown below:



2. Structures throughout the development shall substantially adhere to the elevations submitted and incorporated as part of this report in regard to building materials and overall appearance. The elevations are shown below:







3. An overall comprehensive signs plan shall be submitted to the City for approval prior to the issuance of a certificate of occupancy for the convenience store.
4. A variance for pump location must be approved prior to the issuance of a land disturbance permit.

Public Hearing Published	10/05/2022
Public Hearing	11/17/2022

First Reading	12/15/2022
Adopted	01/19/2023

ORDINANCE NO. 676

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OF LAND TOTALING 2.87+/- ACRES OF LAND, OWNED BY BANKS PROPERTY MANAGEMENT, LLC, THE MCCRARY FAMILY TRUST, L.P, AND BURWELL INVESTMENTS, L.P, IDENTIFIED AS 0 FALCON PARKWAY, TAX PARCEL 08073 000004A, TO BE REZONED FROM AGRICULTURE (A) TO HIGHWAY BUSINESS (HB) AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”, AND AS CONDITIONED ON ATTACHED EXHIBIT “C”, PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Banks Property Management, LLC; The McCrary Family Partnership, L.P; Burwell Investments, L.P. owns the subject parcel of land identified as Parcel Tax Identification No.08073 000004A, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, Banks Property Management, LLC; The McCrary Family Partnership, L.P; Burwell Investments, L.P. submitted to the City of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being rezoned, and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of November 17, 2022, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Agriculture (A) to Highway Business (HB) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.

3. The property could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned; however, an alternative use is appropriately considered.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is generally in conformity with the policy and intent of the comprehensive plan including the character area map and future land use plan map.
6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.
7. No determination has been made by staff with regard to the value differential between development under the current zoning as opposed to Highway Business (HB).
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. REZONING.

The subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, is hereby rezoned from Agriculture (A) to Highway Business (HB) and conditioned as shown on attached Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

This Ordinance is enacted as an amendment to the Zoning Map of Flowery Branch, Georgia. Accordingly, the Zoning Administrator is hereby authorized to update the Official Map consistent with Article 3 of the Zoning Ordinance.

SECTION 4. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Public Hearing Published 10/05/2022
Public Hearing 11/17/2022

First Reading 12/15/2022
Adopted 01/19/2023

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be January 19, 2023.

SECTION 6. REPEALER.

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

Approved this 19th day of January 2023.

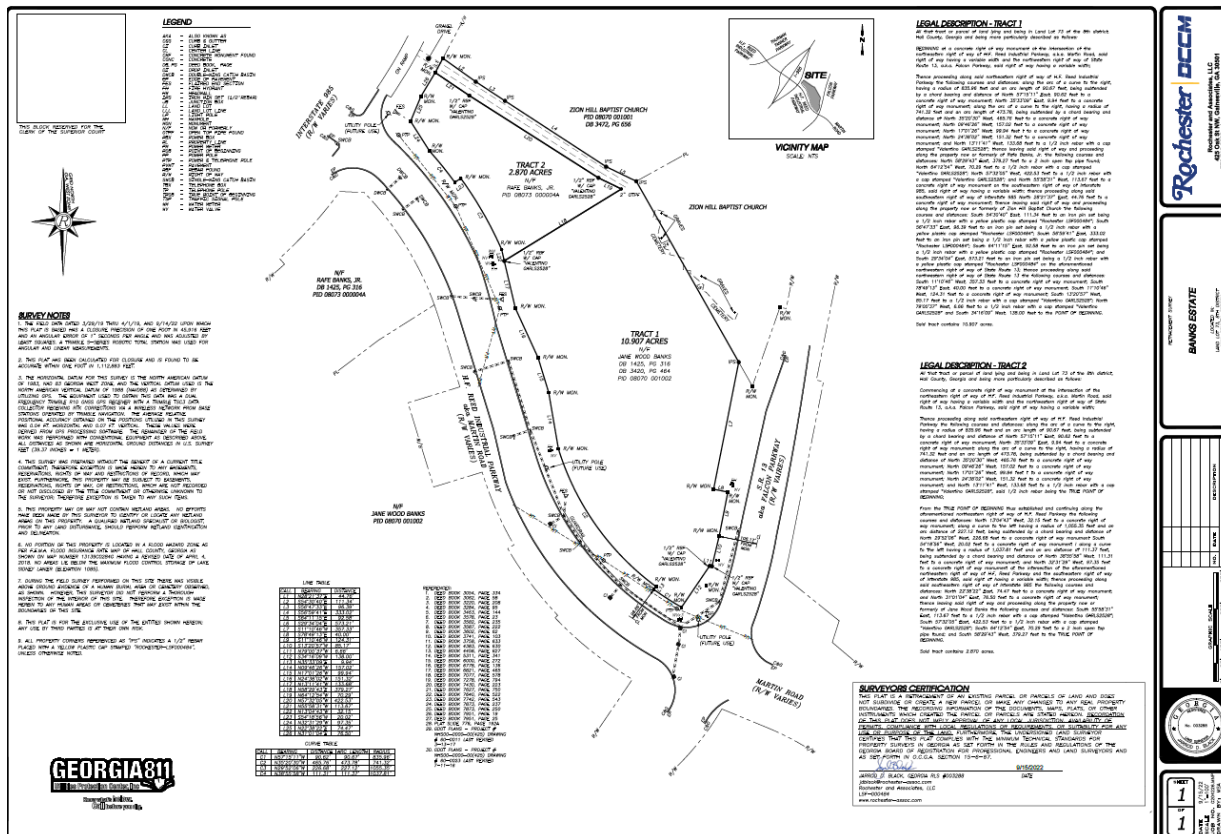
Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit “A”



Public Hearing Published 10/05/2022
Public Hearing 11/17/2022

First Reading 12/15/2022
Adopted 01/19/2023

Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 73 of the 8th district, Hall County, Georgia and being more particularly described as follows:

Commencing at a concrete right of way monument at the intersection of the northeastern right of way of H.F. Reed Industrial Parkway, a.k.a. Martin Road, said right of way having a variable width and the northwestern right of way of State Route 13, a.k.a. Falcon Parkway, said right of way having a variable width;

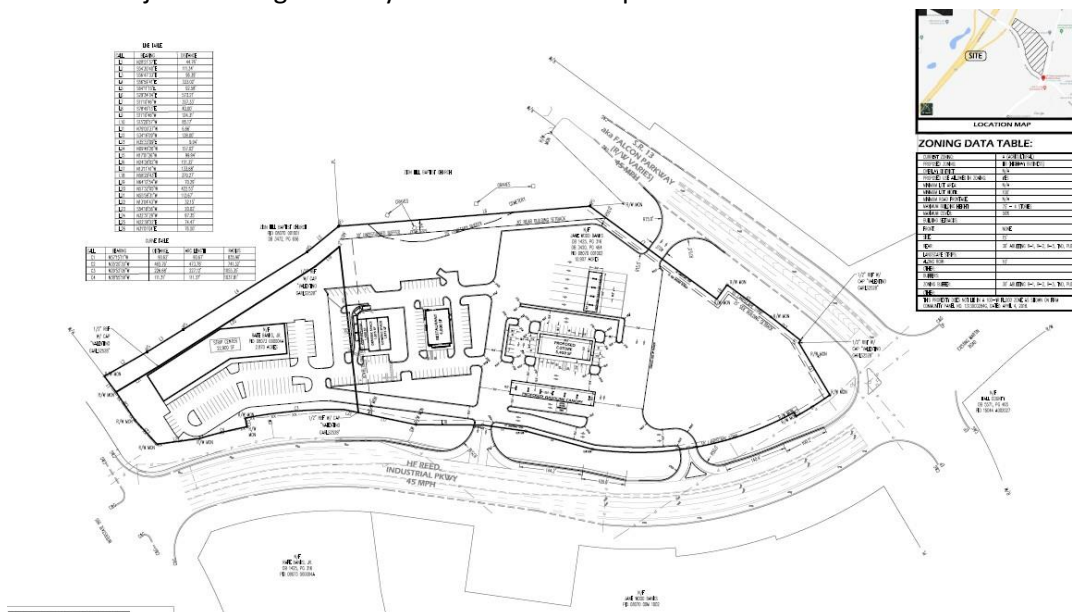
Thence proceeding along said northeastern right of way of H.F. Reed Industrial Parkway the following courses and distances: along the arc of a curve to the right, having a radius of 835.96 feet and an arc length of 90.67 feet, being subtended by a chord bearing and distance of North 57°15'11" West, 90.62 feet to a concrete right of way monument; North 35°33'09" East, 9.94 feet to a concrete right of way monument; along the arc of a curve to the right, having a radius of 741.32 feet and an arc length of 473.78, being subtended by a chord bearing and distance of North 35°20'30" West, 465.76 feet to a concrete right of way monument; North 09°46'26" West, 157.02 feet to a concrete right of way monument; North 17°01'26" West, 99.94 feet to a concrete right of way monument; North 24°38'02" West, 151.32 feet to a concrete right of way monument; and North 13°11'41" West, 133.68 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528", said 1/2 inch rebar being the TRUE POINT OF BEGINNING;

From the TRUE POINT OF BEGINNING thus established and continuing along the aforementioned northeastern right of way of H.F. Reed Parkway the following courses and distances: North 13°04'43" West, 32.15 feet to a concrete right of way monument; along a curve to the left having a radius of 1,055.35 feet and an arc length of 227.12 feet, being subtended by a chord bearing and distance of North 29°52'06" West, 226.68 feet to a concrete right of way monument South 54°18'56" West, 20.02 feet to a concrete right of way monument along a curve to the left having a radius of 1,037.81 feet and an arc length of 111.37 feet, being subtended by a chord bearing and distance of North 38°55'58" West, 111.31 feet to a concrete right of way monument; and North 32°31'29" West, 97.35 feet to a concrete right of way monument at the intersection of the aforementioned northeastern right of way of H.F. Reed Parkway and the southeastern right of way of Interstate 985, said right of way having a variable width; thence proceeding along said southeastern right of way of Interstate 985 the following courses and distances: North 22°38'22" East, 74.47 feet to a concrete right of way monument; and North 31°01'04" East, 76.50 feet to a concrete right of way monument; thence leaving said right of way and proceeding along the property now or formerly of Jane Wood Banks the following courses and distances: South 55°58'31" East, 113.67 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; South 57°32'05" East, 422.53 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; South 64°12'54" East, 70.29 feet to a 2 inch open top pipe found; and South 58°29'43" West, 379.27 feet to the TRUE POINT OF BEGINNING.

Said tract contains 2.870 acres.

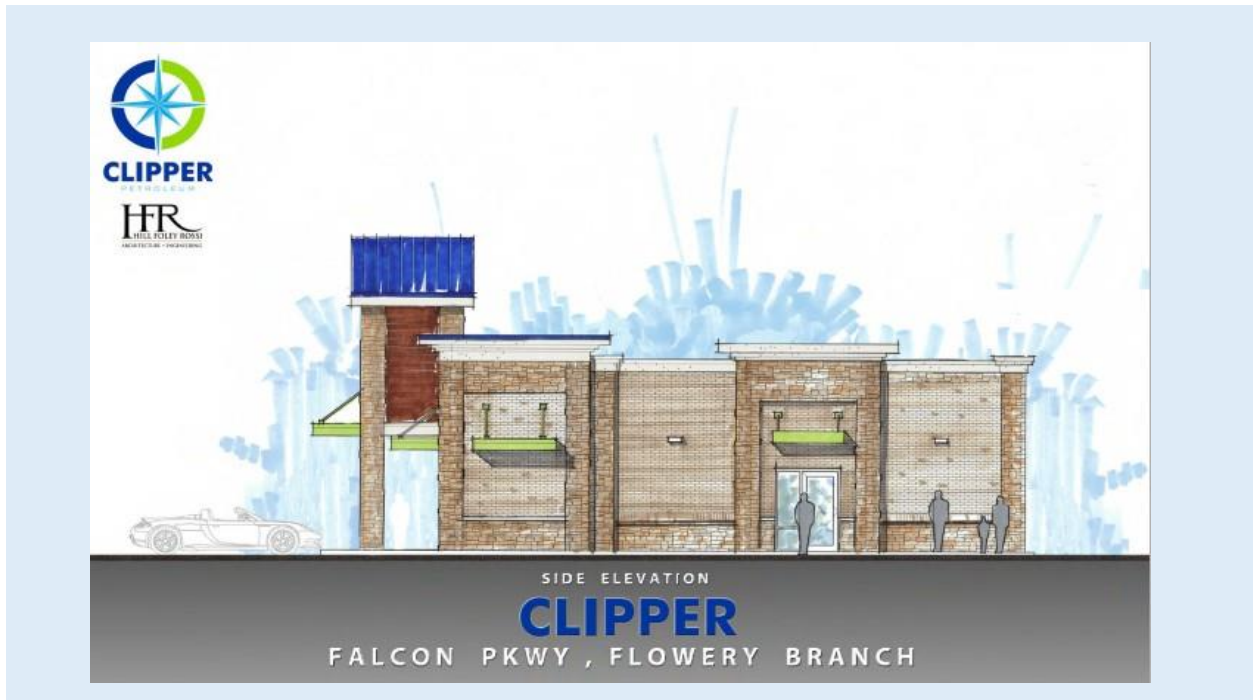
Exhibit "C"

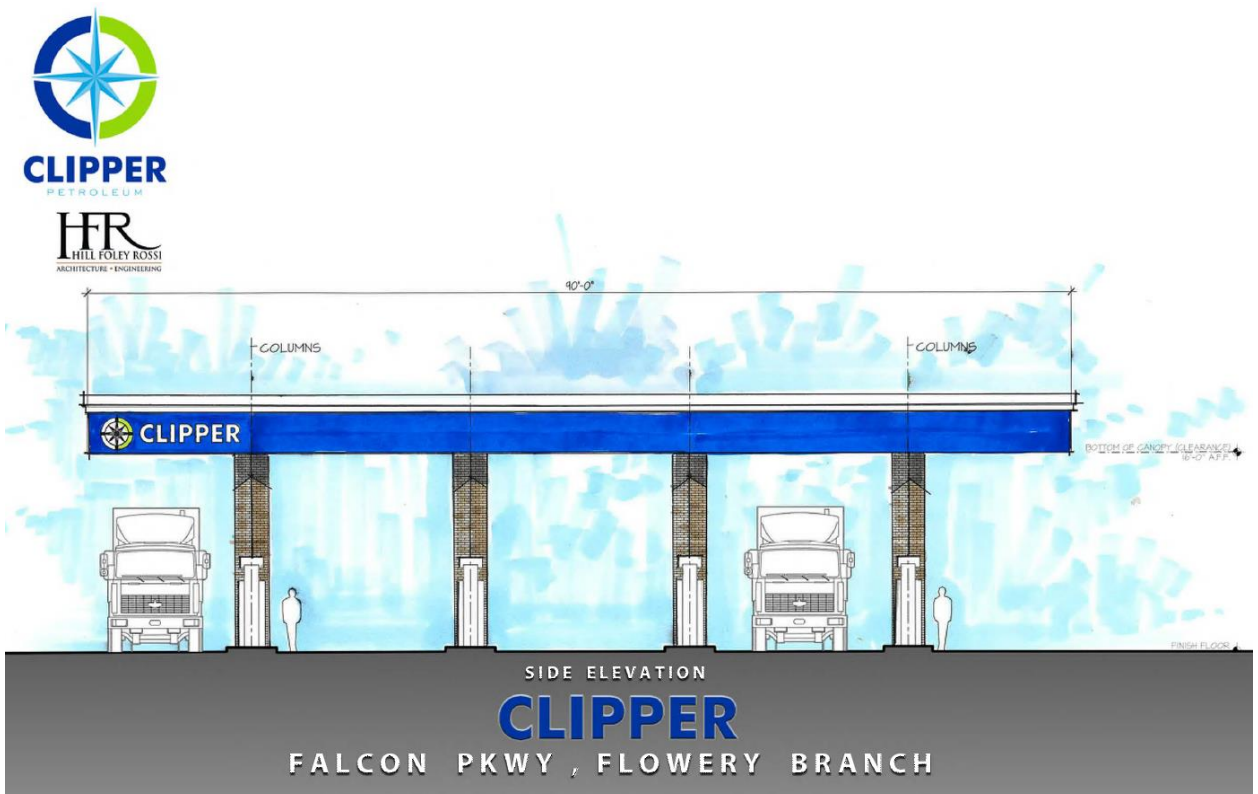
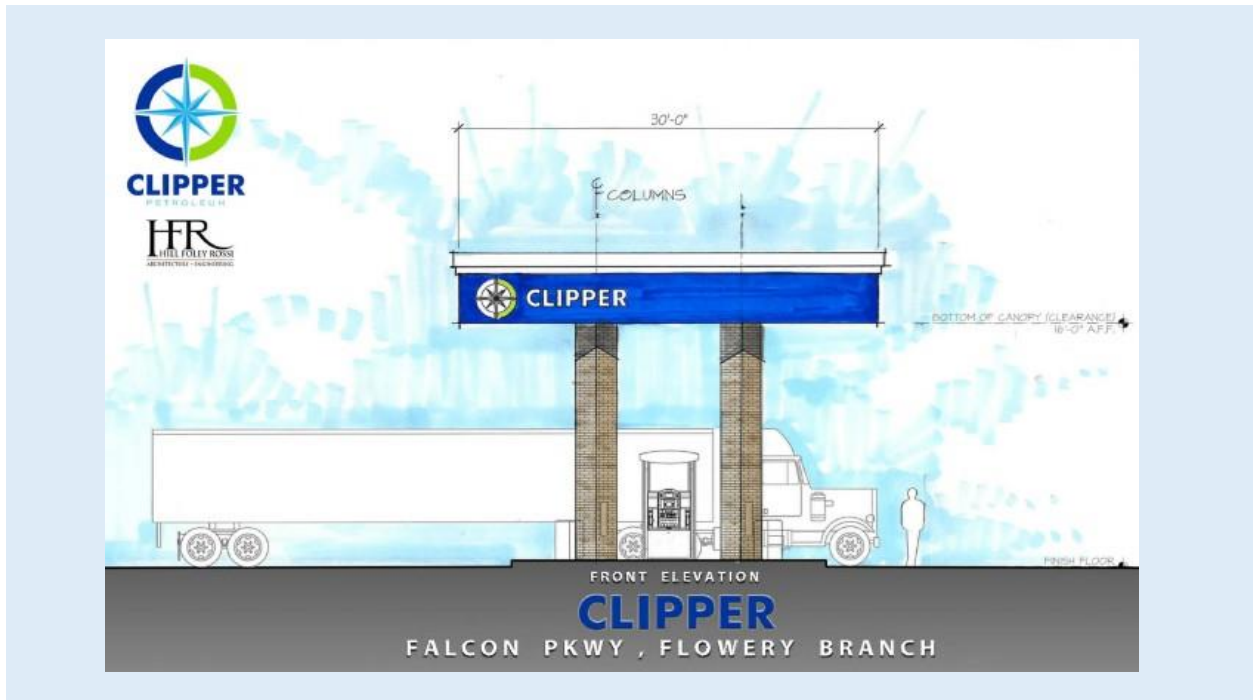
1. Project shall significantly adhere to the site plan as shown below:



2. Structures throughout the development shall substantially adhere to the elevations submitted and incorporated as part of this report in regard to building materials and overall appearance. The elevations are shown below:







3. An overall comprehensive signs plan shall be submitted to the City for approval prior to the issuance of a certificate of occupancy for the convenience store.
4. A variance for pump location must be approved prior to the issuance of a land disturbance permit.

Public Hearing Published	10/05/2022
Public Hearing	11/17/2022

First Reading	12/15/2022
Adopted	01/19/2023



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider a variance request submitted by VM&R, LLC. allowing gasoline pumps to be located in front of the primary structure.

COUNCIL MEETING DATE: January 5, 2023

HISTORY:

The variance request goes hand in hand with the rezoning request submitted by the same applicant. The rezoning ordinances are 675 and 676 and are rezoning requests for two parcels of land located at the northeast corner of the intersection of HF Reed Industrial Parkway and Falcon Parkway. The two parcels are identified as 08070 001002 and 08073 000004A totaling a combined 13.7 +/- acres. Currently zoned Agriculture (A), the applicant wished to rezone to Highway Business (HB) with the intent to construct a convenience store and gas station with additional, yet to be determined, HB appropriate uses.

FACTS AND ISSUES:

The variance requests are ordinances 684 and 685 and they are requested for relief from the requirements set forth in the City of Flowery Branch Zoning Ordinance; Article 10, Development Requirements and Guidelines section 10.9 (f): Convenience stores shall locate gas pumps behind the principal structure in order to effectively screen the pumps from view of the street.

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve first read

SAMPLE MOTION:

I make a motion to approve the first read of of ordinance 684.

I make a motion to approve the first read of of ordinance 685.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

ATTACHMENTS

- [Variance Application \(HF Reed - Falcon Pkwy\)\(with Signatures\).pdf](#)
- [22-046 HF REED INDUSTRIAL PK WY RETAIL CENTER C-4 SITE PLAN_10-28-22.pdf](#)
- [ORDINANCE 684.pdf](#)
- [ORDINANCE 685.pdf](#)



VARIANCE APPLICATION

Address of Request:

Northwest corner of the intersection of HF Reed Industrial Pkwy and Falcon Pkwy.

Type of Variance Requested

Complete requirements for variances can be found in the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37;

Please verify all the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37, section 37.5 are being met. Explain below:

See Attachment

Applicant: VM&R, LLC

Address: 5317 T L Bower Way, Flowery Branch, GA 30542

E-mail address: slfevre@clipperpetroleum.com

Phone number: 770-965-6416

Signature: _____

Notary Seal: _____



T. Scott Lefevre
11-30-2022



Property owner information (if different than the applicant)

Property owner (please print): Banks Property Management, LLC; The McCrary Family Partnership, L.P.; Burwell Investments, L.P.

Signature of property owner: [Handwritten Signature] / Banks Property Management, LLC

Notary Seal:



Please provide the following at time of submittal:

- Payment of \$325.00
- Legal description – one hard copy and on a flash drive
- Current survey of property – one hard copy and on a flash drive
- Site plan – one hard copy and on a flash drive
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)



Property owner information (if different than the applicant)

Property owner (please print): Banks Property Management, LLC; The McCrary Family Partnership, L.P.; Burwell Investments, L.P.

Signature of property owner: *Ray McCrary, GENERAL PARTNER*

Notary Seal:



Please provide the following at time of submittal:

- Payment of \$325.00
- Legal description – one hard copy and on a flash drive
- Current survey of property – one hard copy and on a flash drive
- Site plan – one hard copy and on a flash drive
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)



Property owner information (if different than the applicant)

Property owner (please print): Banks Property Management, LLC; The McCrary Family Partnership, L.P.; Burwell Investments, L.P.

Signature of property owner: [Signature]

Notary Seal:

CAROL BURWELL - BURWELL
INVESTMENTS, LP

Please provide the following at time of submittal:

- Payment of \$325.00
- Legal description – one hard copy and on a flash drive
- Current survey of property – one hard copy and on a flash drive
- Site plan – one hard copy and on a flash drive
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)



Conflict of Interest Disclosure

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who

Have a property interest in the real property affected by this request

N/A

Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request

N/A

Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request

N/A

Disclosure of Campaign Contributions

List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

Elected Officials Name

Amount of Description of Gift

N/A



Applicant seeks a variance from F.B.M.C § 10.9(f) that requires fueling dispensers to be located behind the principal structure. In support of its request for variance, Applicant shows the following:

- A. The shape of the property is narrowest at its corners, causing Applicant to position its store in the middle and rear of the parcel. This also is due to maximizing traffic flow. Applicant proposes fueling dispensers in the front of property. The front will be dispensers typically found at a c-store, while the back will provide auxiliary diesel lanes. Positioning all dispensers behind the principal structure would impose a hardship on operations due to congested traffic on that portion of Applicant's property.
- B. Without the requested variance, Applicant's useable portion of the property would be substantially reduced, depriving Applicant of full use and enjoyment of the property that other properties customarily enjoy.
- C. Numerous other c-stores with petroleum sales in the City of Flowery Branch have fueling dispensers in front of the property's principal structure.
- D. The plain language of the ordinance at question states "however, if fuel pumps are not located in the rear of the building, then additional landscaping should be required." Applicant's submitted landscaping plan shows the installation of ample landscaping to screen the fueling dispensers. In light of the proposed landscaping buffers, the proposed variance would be in harmony with the purpose and intent of the ordinance. The property and building will be aesthetically pleasing. In addition, Applicant submits having dispensers in front of the principal structure is safer than placing them behind where vehicles and customers are hidden from view of public roads.
- E. The necessity for the sought after variance are not due to circumstances that result from actions of Applicant.
- F. The requested variance is the minimum needed for Applicant to make full use of the property.
- G. The variance, if granted, does not grant a use of the property that is not permitted in the zoning district sought by Applicant.

All that tract or parcel of land lying and being in Land Lot 73 of the 8th district, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a concrete right of way monument at the intersection of the northeastern right of way of H.F. Reed Industrial Parkway, a.k.a. Martin Road, said right of way having a variable width and the northwestern right of way of State Route 13, a.k.a. Falcon Parkway, said right of way having a variable width;

Thence proceeding along said northeastern right of way of H.F. Reed Industrial Parkway the following courses and distances: along the arc of a curve to the right, having a radius of 835.96 feet and an arc length of 90.67 feet, being subtended by a chord bearing and distance of North 57°15'11" West, 90.62 feet to a concrete right of way monument; North 35°33'09" East, 9.94 feet to a concrete right of way monument; along the arc of a curve to the right, having a radius of 741.32 feet and an arc length of 473.78, being subtended by a chord bearing and distance of North 35°20'30" West, 465.76 feet to a concrete right of way monument; North 09°46'26" West, 157.02 feet to a concrete right of way monument; North 17°01'26" West, 99.94 feet to a concrete right of way monument; North 24°38'02" West, 151.32 feet to a concrete right of way monument; and North 13°11'41" West, 133.68 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; thence leaving said right of way and proceeding along the property now or formerly of Rafe Banks, Jr. the following courses and distances: North 58°29'43" East, 379.27 feet to a 2 inch open top pipe found; North 64°12'54" West, 70.29 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; North 57°32'05" West, 422.53 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; and North 55°58'31" West, 113.67 feet to a concrete right of way monument on the southeastern right of way of Interstate 985, said right of way having a variable width; thence proceeding along said southeastern right of way of Interstate 985 North 28°21'37" East, 44.76 feet to a concrete right of way monument; thence leaving said right of way and proceeding along the property now or formerly of Zion Hill Baptist Church the following courses and distances: South 54°30'40" East, 111.34 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484"; South 56°47'33" East, 96.39 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484"; South 56°59'41" East, 333.02 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484"; South 64°11'15" East, 92.58 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484"; and South 29°34'04" East, 573.21 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484" on the aforementioned northwestern right of way of State Route 13; thence proceeding along said northwestern right of way of State Route 13 the following courses and distances: South 11°10'46" West, 357.33 feet to a concrete right of way monument; South 78°49'13" East, 40.00 feet to a concrete right of way monument; South 11°10'46" West, 124.31 feet to a concrete right of way monument; South 13°20'57" West, 85.17 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; North 79°00'37" West, 6.66 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528" and South 34°16'09" West, 138.00 feet to the POINT OF BEGINNING.

Said tract contains 10.907 acres.

All that tract or parcel of land lying and being in Land Lot 73 of the 8th district, Hall County, Georgia and being more particularly described as follows:

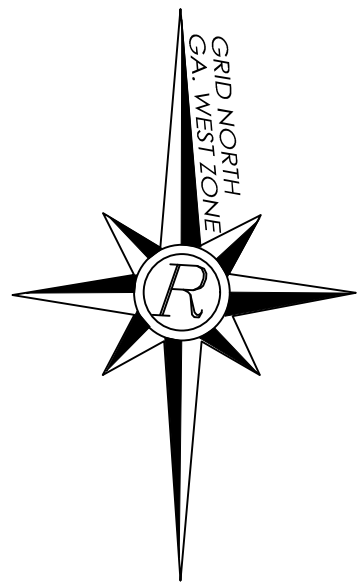
Commencing at a concrete right of way monument at the intersection of the northeastern right of way of H.F. Reed Industrial Parkway, a.k.a. Martin Road, said right of way having a variable width and the northwestern right of way of State Route 13, a.k.a. Falcon Parkway, said right of way having a variable width;

Thence proceeding along said northeastern right of way of H.F. Reed Industrial Parkway the following courses and distances: along the arc of a curve to the right, having a radius of 835.96 feet and an arc length of 90.67 feet, being subtended by a chord bearing and distance of North 57°15'11" West, 90.62 feet to a concrete right of way monument; North 35°33'09" East, 9.94 feet to a concrete right of way monument; along the arc of a curve to the right, having a radius of 741.32 feet and an arc length of 473.78, being subtended by a chord bearing and distance of North 35°20'30" West, 465.76 feet to a concrete right of way monument; North 09°46'26" West, 157.02 feet to a concrete right of way monument; North 17°01'26" West, 99.94 feet to a concrete right of way monument; North 24°38'02" West, 151.32 feet to a concrete right of way monument; and North 13°11'41" West, 133.68 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528", said 1/2 inch rebar being the TRUE POINT OF BEGINNING;

From the TRUE POINT OF BEGINNING thus established and continuing along the aforementioned northeastern right of way of H.F. Reed Parkway the following courses and distances: North 13°04'43" West, 32.15 feet to a concrete right of way monument; along a curve to the left having a radius of 1,055.35 feet and an arc length of 227.12 feet, being subtended by a chord bearing and distance of North 29°52'06" West, 226.68 feet to a concrete right of way monument South 54°18'56" West, 20.02 feet to a concrete right of way monument along a curve to the left having a radius of 1,037.81 feet and an arc length of 111.37 feet, being subtended by a chord bearing and distance of North 38°55'58" West, 111.31 feet to a concrete right of way monument; and North 32°31'29" West, 97.35 feet to a concrete right of way monument at the intersection of the aforementioned northeastern right of way of H.F. Reed Parkway and the southeastern right of way of Interstate 985, said right of way having a variable width; thence proceeding along said southeastern right of way of Interstate 985 the following courses and distances: North 22°38'22" East, 74.47 feet to a concrete right of way monument; and North 31°01'04" East, 76.50 feet to a concrete right of way monument; thence leaving said right of way and proceeding along the property now or formerly of Jane Wood Banks the following courses and distances: South 55°58'31" East, 113.67 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; South 57°32'05" East, 422.53 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; South 64°12'54" East, 70.29 feet to a 2 inch open top pipe found; and South 58°29'43" West, 379.27 feet to the TRUE POINT OF BEGINNING.

Said tract contains 2.870 acres.

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT



- LEGEND**
- AKA - ALSO KNOWN AS
 - C&G - CURB & GUTTER
 - CI - CENTER INLET
 - CMF - CONCRETE MONUMENT FOUND
 - CONC - CONCRETE
 - DB, PG - DEED BOOK, PAGE
 - DI - DROP INLET
 - DWCB - DOUBLE-WING CATCH BASIN
 - EP - EDGE OF PAVEMENT
 - FES - FLAIREED END SECTION
 - FH - FIRE HYDRANT
 - HM - HEADWALL
 - IPS - IRON PIN SET (1/2" REBAR)
 - JB - JUNCTION BOX
 - LL - LAND LOT
 - LP - LIGHT POLE
 - MH - MANHOLE
 - MON - MONUMENT
 - N/F - NOW OR FORMERLY
 - OTPF - OPEN TOP PIPE FOUND
 - PBX - POWER BOX
 - PL - PROPERTY LINE
 - PM - POWER METER
 - POB - POINT OF BEGINNING
 - PP - POWER POLE
 - PTP - POWER & TELEPHONE POLE
 - PWNT - PAVEMENT
 - RBF - REBAR FOUND
 - R/W - RIGHT OF WAY
 - SWCB - SINGLE-WING CATCH BASIN
 - WBX - WATER BOX
 - TP - TELEPHONE POLE
 - TPOB - TRUE POINT OF BEGINNING
 - TSP - TRAFFIC SIGNAL POLE
 - WM - WATER METER
 - WV - WATER VALVE

SURVEY NOTES

1. THE FIELD DATA DATED 3/29/19 THRU 4/1/19, AND 9/14/22 UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 45,916 FEET AND AN ANGULAR ERROR OF 1" SECONDS PER ANGLE AND WAS ADJUSTED BY LEAST SQUARES. A TRIMBLE S-SERIES ROBOTIC TOTAL STATION WAS USED FOR ANGULAR AND LINEAR MEASUREMENTS.
2. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 1,112,883 FEET.
3. THE HORIZONTAL DATUM FOR THIS SURVEY IS THE NORTH AMERICAN DATUM OF 1983, NAD 83 GEORGIA WEST ZONE, AND THE VERTICAL DATUM USED IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) AS DETERMINED BY UTILIZING GPS. THE EQUIPMENT USED TO OBTAIN THIS DATA WAS A DUAL FREQUENCY TRIMBLE R10 GNSS GPS RECEIVER WITH A TRIMBLE TSC3 DATA COLLECTOR RECEIVING RTK CORRECTIONS VIA A WIRELESS NETWORK FROM BASE STATIONS OPERATED BY TRIMBLE NAVIGATION. THE AVERAGE RELATIVE POSITIONAL ACCURACY OBTAINED ON THE POSITIONS UTILIZED IN THIS SURVEY WAS 0.04 FT. HORIZONTAL AND 0.07 FT. VERTICAL. THESE VALUES WERE DERIVED FROM GPS PROCESSING SOFTWARE. THE REMAINDER OF THE FIELD WORK WAS PERFORMED WITH CONVENTIONAL EQUIPMENT AS DESCRIBED ABOVE. ALL DISTANCES AS SHOWN ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET (39.37 INCHES = 1 METER).
4. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT; THEREFORE EXCEPTION IS MADE HEREIN TO ANY EASEMENTS, RESERVATIONS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD, WHICH MAY EXIST. FURTHERMORE, THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, RESERVATIONS, RIGHTS OF WAY, OR RESTRICTIONS, WHICH ARE NOT RECORDED OR NOT DISCLOSED BY THE TITLE COMMITMENT OR OTHERWISE UNKNOWN TO THE SURVEYOR; THEREFORE EXCEPTION IS TAKEN TO ANY SUCH ITEMS.
5. THIS PROPERTY MAY OR MAY NOT CONTAIN WETLAND AREAS. NO EFFORTS HAVE BEEN MADE BY THIS SURVEYOR TO IDENTIFY OR LOCATE ANY WETLAND AREAS ON THIS PROPERTY. A QUALIFIED WETLAND SPECIALIST OR BIOLOGIST, PRIOR TO ANY LAND DISTURBANCE, SHOULD PERFORM WETLAND IDENTIFICATION AND DELINEATION.
6. NO PORTION OF THIS PROPERTY IS LOCATED IN A FLOOD HAZARD ZONE AS PER F.E.M.A. FLOOD INSURANCE RATE MAP OF HALL COUNTY, GEORGIA AS SHOWN ON MAP NUMBER 13139C0284G HAVING A REVISED DATE OF APRIL 4, 2018. NO AREAS LIE BELOW THE MAXIMUM FLOOD CONTROL STORAGE OF LAKE SIDNEY LANIER (ELEVATION 1085).
7. DURING THE FIELD SURVEY PERFORMED ON THIS SITE THERE WAS VISIBLE ABOVE GROUND EVIDENCE OF A HUMAN BURIAL AREA OR CEMETERY OBSERVED, AS SHOWN. HOWEVER, THIS SURVEYOR DID NOT PERFORM A THOROUGH INSPECTION OF THE INTERIOR OF THIS SITE. THEREFORE EXCEPTION IS MADE HEREIN TO ANY HUMAN AREAS OR CEMETERIES THAT MAY EXIST WITHIN THE BOUNDARIES OF THIS SITE.
8. THIS PLAT IS FOR THE EXCLUSIVE USE OF THE ENTITIES SHOWN HEREON; ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.
9. ALL PROPERTY CORNERS REFERENCED AS "IPS" INDICATES A 1/2" REBAR PLACED WITH A YELLOW PLASTIC CAP STAMPED "ROCHESTER-LSF000484", UNLESS OTHERWISE NOTED.

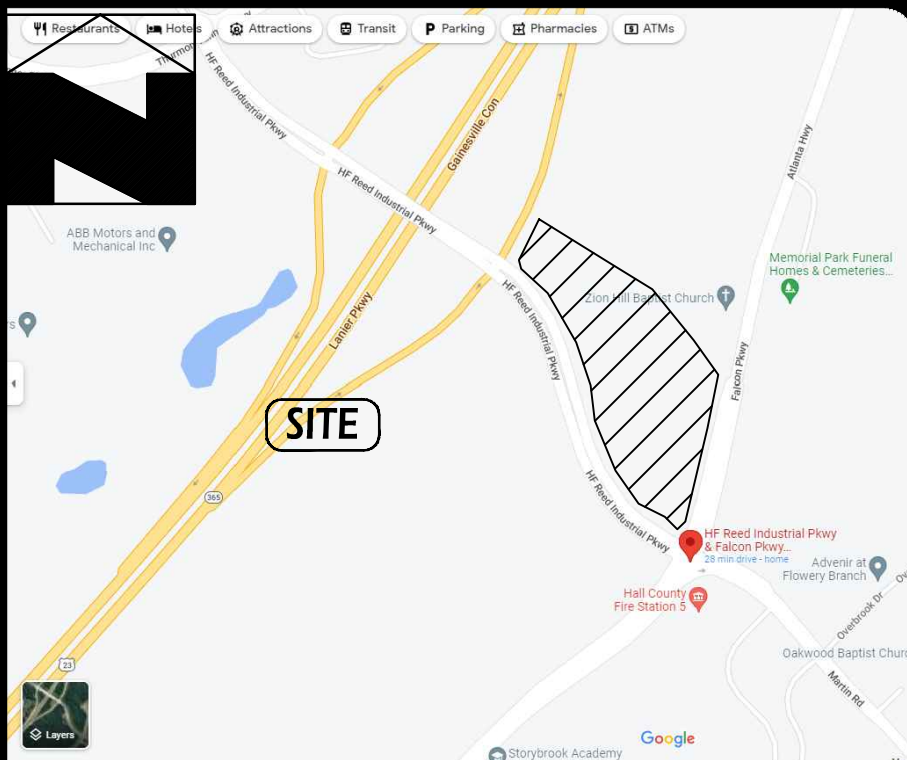
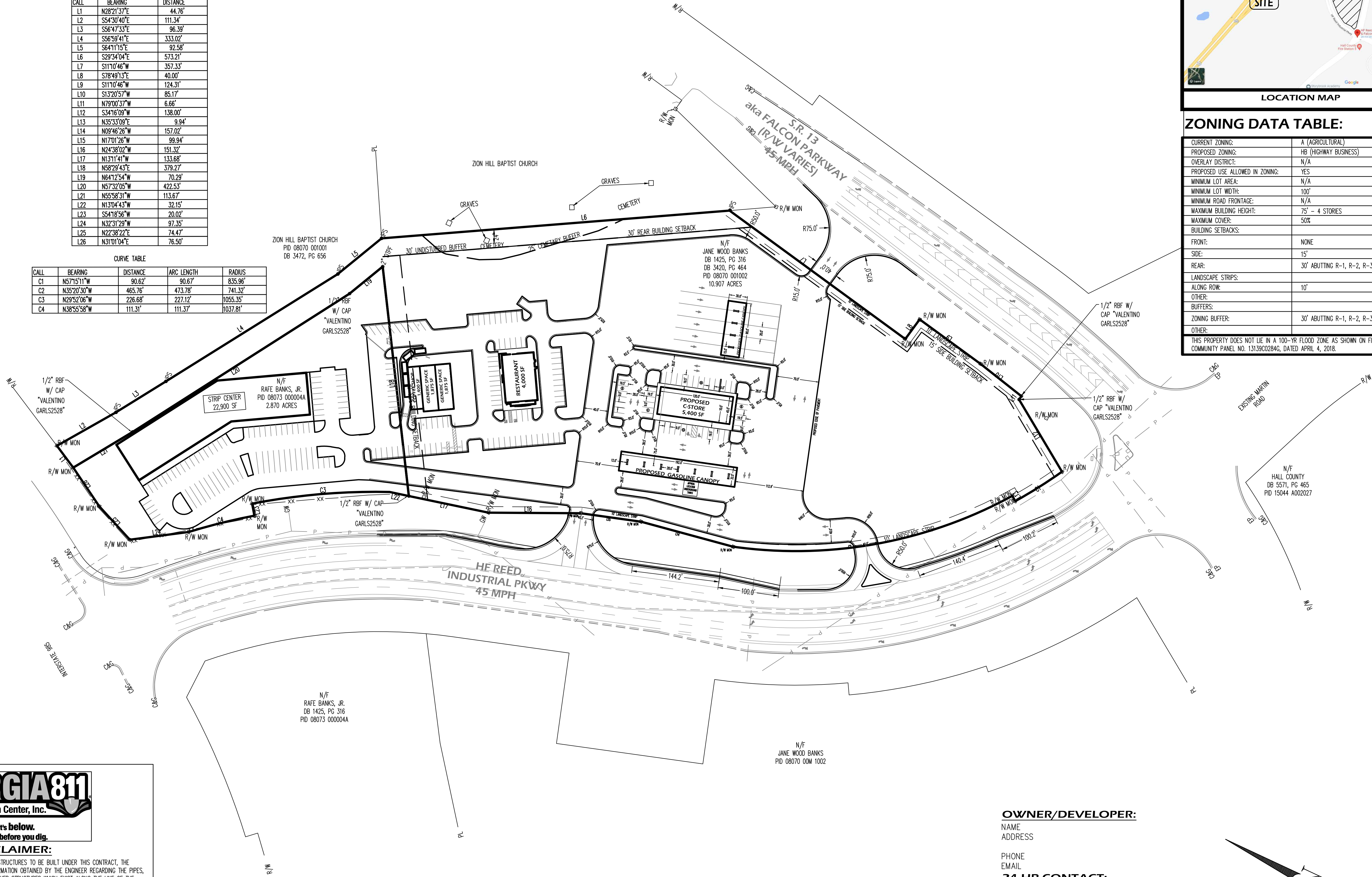
LINE TABLE		
CALL	BEARING	DISTANCE
L1	N28°21'37"E	44.76'
L2	S54°30'40"E	111.34'
L3	S56°47'33"E	96.39'
L4	S56°59'41"E	333.02'
L5	S64°11'15"E	92.58'
L6	S29°34'04"E	573.21'
L7	S11°10'46"W	357.33'
L8	S78°49'13"E	40.00'
L9	S11°10'46"W	124.31'
L10	S13°20'57"W	85.17'
L11	N79°00'37"W	6.66'
L12	S34°16'09"W	138.00'
L13	N35°33'09"E	9.94'
L14	N09°46'26"W	157.02'
L15	N17°01'26"W	99.94'
L16	N24°38'02"W	151.32'
L17	N13°11'41"W	133.68'
L18	N58°29'43"E	379.27'
L19	N64°12'54"W	70.29'
L20	N57°32'05"W	422.53'
L21	N55°58'31"W	113.67'
L22	N13°04'43"W	32.15'
L23	S54°18'56"W	20.02'
L24	N26°11'29"W	97.35'
L25	N22°38'22"E	74.47'
L26	N31°01'04"E	76.50'

CURVE TABLE				
CALL	BEARING	DISTANCE	ARC LENGTH	RADIUS
C1	N57°15'11"W	90.62'	90.67'	835.96'
C2	N39°20'50"W	465.76'	473.78'	741.32'
C3	N29°52'06"W	226.68'	227.12'	1055.35'
C4	N38°55'58"W	111.31'	111.37'	1037.81'

- REFERENCES:
1. DEED BOOK 3054, PAGE 334
 2. DEED BOOK 3062, PAGE 58
 3. DEED BOOK 3220, PAGE 208
 4. DEED BOOK 3284, PAGE 95
 5. DEED BOOK 3463, PAGE 144
 6. DEED BOOK 3578, PAGE 23
 7. DEED BOOK 3582, PAGE 235
 8. DEED BOOK 3587, PAGE 222
 9. DEED BOOK 3602, PAGE 62
 10. DEED BOOK 3741, PAGE 103
 11. DEED BOOK 3758, PAGE 633
 12. DEED BOOK 4363, PAGE 630
 13. DEED BOOK 4458, PAGE 627
 14. DEED BOOK 5311, PAGE 341
 15. DEED BOOK 6001, PAGE 272
 16. DEED BOOK 6778, PAGE 136
 17. DEED BOOK 6821, PAGE 465
 18. DEED BOOK 7077, PAGE 578
 19. DEED BOOK 7276, PAGE 794
 20. DEED BOOK 7430, PAGE 223
 21. DEED BOOK 7627, PAGE 750
 22. DEED BOOK 7640, PAGE 522
 23. DEED BOOK 7742, PAGE 543
 24. DEED BOOK 7873, PAGE 237
 25. DEED BOOK 7873, PAGE 250
 26. DEED BOOK 7951, PAGE 19
 27. DEED BOOK 7951, PAGE 25
 28. PLAT SLIDE 776, PAGE 192A
 29. GOOT PLANS PROJECT #
 30. GOOT PLANS PROJECT #
 31. GOOT PLANS PROJECT #
 32. GOOT PLANS PROJECT #
 33. GOOT PLANS PROJECT #
 34. GOOT PLANS PROJECT #
 35. GOOT PLANS PROJECT #
 36. GOOT PLANS PROJECT #
 37. GOOT PLANS PROJECT #
 38. GOOT PLANS PROJECT #
 39. GOOT PLANS PROJECT #
 40. GOOT PLANS PROJECT #
 41. GOOT PLANS PROJECT #
 42. GOOT PLANS PROJECT #
 43. GOOT PLANS PROJECT #
 44. GOOT PLANS PROJECT #
 45. GOOT PLANS PROJECT #
 46. GOOT PLANS PROJECT #
 47. GOOT PLANS PROJECT #
 48. GOOT PLANS PROJECT #
 49. GOOT PLANS PROJECT #
 50. GOOT PLANS PROJECT #
 51. GOOT PLANS PROJECT #
 52. GOOT PLANS PROJECT #
 53. GOOT PLANS PROJECT #
 54. GOOT PLANS PROJECT #
 55. GOOT PLANS PROJECT #
 56. GOOT PLANS PROJECT #
 57. GOOT PLANS PROJECT #
 58. GOOT PLANS PROJECT #
 59. GOOT PLANS PROJECT #
 60. GOOT PLANS PROJECT #
 61. GOOT PLANS PROJECT #
 62. GOOT PLANS PROJECT #
 63. GOOT PLANS PROJECT #
 64. GOOT PLANS PROJECT #
 65. GOOT PLANS PROJECT #
 66. GOOT PLANS PROJECT #
 67. GOOT PLANS PROJECT #
 68. GOOT PLANS PROJECT #
 69. GOOT PLANS PROJECT #
 70. GOOT PLANS PROJECT #
 71. GOOT PLANS PROJECT #
 72. GOOT PLANS PROJECT #
 73. GOOT PLANS PROJECT #
 74. GOOT PLANS PROJECT #
 75. GOOT PLANS PROJECT #
 76. GOOT PLANS PROJECT #
 77. GOOT PLANS PROJECT #
 78. GOOT PLANS PROJECT #
 79. GOOT PLANS PROJECT #
 80. GOOT PLANS PROJECT #
 81. GOOT PLANS PROJECT #
 82. GOOT PLANS PROJECT #
 83. GOOT PLANS PROJECT #
 84. GOOT PLANS PROJECT #
 85. GOOT PLANS PROJECT #
 86. GOOT PLANS PROJECT #
 87. GOOT PLANS PROJECT #
 88. GOOT PLANS PROJECT #
 89. GOOT PLANS PROJECT #
 90. GOOT PLANS PROJECT #
 91. GOOT PLANS PROJECT #
 92. GOOT PLANS PROJECT #
 93. GOOT PLANS PROJECT #
 94. GOOT PLANS PROJECT #
 95. GOOT PLANS PROJECT #
 96. GOOT PLANS PROJECT #
 97. GOOT PLANS PROJECT #
 98. GOOT PLANS PROJECT #
 99. GOOT PLANS PROJECT #
 100. GOOT PLANS PROJECT #
 101. GOOT PLANS PROJECT #
 102. GOOT PLANS PROJECT #
 103. GOOT PLANS PROJECT #
 104. GOOT PLANS PROJECT #
 105. GOOT PLANS PROJECT #
 106. GOOT PLANS PROJECT #
 107. GOOT PLANS PROJECT #
 108. GOOT PLANS PROJECT #
 109. GOOT PLANS PROJECT #
 110. GOOT PLANS PROJECT #
 111. GOOT PLANS PROJECT #
 112. GOOT PLANS PROJECT #
 113. GOOT PLANS PROJECT #
 114. GOOT PLANS PROJECT #
 115. GOOT PLANS PROJECT #
 116. GOOT PLANS PROJECT #
 117. GOOT PLANS PROJECT #
 118. GOOT PLANS PROJECT #
 119. GOOT PLANS PROJECT #
 120. GOOT PLANS PROJECT #
 121. GOOT PLANS PROJECT #
 122. GOOT PLANS PROJECT #
 123. GOOT PLANS PROJECT #
 124. GOOT PLANS PROJECT #
 125. GOOT PLANS PROJECT #
 126. GOOT PLANS PROJECT #
 127. GOOT PLANS PROJECT #
 128. GOOT PLANS PROJECT #
 129. GOOT PLANS PROJECT #
 130. GOOT PLANS PROJECT #
 131. GOOT PLANS PROJECT #
 132. GOOT PLANS PROJECT #
 133. GOOT PLANS PROJECT #
 134. GOOT PLANS PROJECT #
 135. GOOT PLANS PROJECT #
 136. GOOT PLANS PROJECT #
 137. GOOT PLANS PROJECT #
 138. GOOT PLANS PROJECT #
 139. GOOT PLANS PROJECT #
 140. GOOT PLANS PROJECT #
 141. GOOT PLANS PROJECT #
 142. GOOT PLANS PROJECT #
 143. GOOT PLANS PROJECT #
 144. GOOT PLANS PROJECT #
 145. GOOT PLANS PROJECT #
 146. GOOT PLANS PROJECT #
 147. GOOT PLANS PROJECT #
 148. GOOT PLANS PROJECT #
 149. GOOT PLANS PROJECT #
 150. GOOT PLANS PROJECT #
 151. GOOT PLANS PROJECT #
 152. GOOT PLANS PROJECT #
 153. GOOT PLANS PROJECT #
 154. GOOT PLANS PROJECT #
 155. GOOT PLANS PROJECT #
 156. GOOT PLANS PROJECT #
 157. GOOT PLANS PROJECT #
 158. GOOT PLANS PROJECT #
 159. GOOT PLANS PROJECT #
 160. GOOT PLANS PROJECT #
 161. GOOT PLANS PROJECT #
 162. GOOT PLANS PROJECT #
 163. GOOT PLANS PROJECT #
 164. GOOT PLANS PROJECT #
 165. GOOT PLANS PROJECT #
 166. GOOT PLANS PROJECT #
 167. GOOT PLANS PROJECT #
 168. GOOT PLANS PROJECT #
 169. GOOT PLANS PROJECT #
 170. GOOT PLANS PROJECT #
 171. GOOT PLANS PROJECT #
 172. GOOT PLANS PROJECT #
 173. GOOT PLANS PROJECT #
 174. GOOT PLANS PROJECT #
 175. GOOT PLANS PROJECT #
 176. GOOT PLANS PROJECT #
 177. GOOT PLANS PROJECT #
 178. GOOT PLANS PROJECT #
 179. GOOT PLANS PROJECT #
 180. GOOT PLANS PROJECT #
 181. GOOT PLANS PROJECT #
 182. GOOT PLANS PROJECT #
 183. GOOT PLANS PROJECT #
 184. GOOT PLANS PROJECT #
 185. GOOT PLANS PROJECT #
 186. GOOT PLANS PROJECT #
 187. GOOT PLANS PROJECT #
 188. GOOT PLANS PROJECT #
 189. GOOT PLANS PROJECT #
 190. GOOT PLANS PROJECT #
 191. GOOT PLANS PROJECT #
 192. GOOT PLANS PROJECT #
 193. GOOT PLANS PROJECT #
 194. GOOT PLANS PROJECT #
 195. GOOT PLANS PROJECT #
 196. GOOT PLANS PROJECT #
 197. GOOT PLANS PROJECT #
 198. GOOT PLANS PROJECT #
 199. GOOT PLANS PROJECT #
 200. GOOT PLANS PROJECT #
 201. GOOT PLANS PROJECT #
 202. GOOT PLANS PROJECT #
 203. GOOT PLANS PROJECT #
 204. GOOT PLANS PROJECT #
 205. GOOT PLANS PROJECT #
 206. GOOT PLANS PROJECT #
 207. GOOT PLANS PROJECT #
 208. GOOT PLANS PROJECT #
 209. GOOT PLANS PROJECT #
 210. GOOT PLANS PROJECT #
 211. GOOT PLANS PROJECT #
 212. GOOT PLANS PROJECT #
 213. GOOT PLANS PROJECT #
 214. GOOT PLANS PROJECT #
 215. GOOT PLANS PROJECT #
 216. GOOT PLANS PROJECT #
 217. GOOT PLANS PROJECT #
 218. GOOT PLANS PROJECT #
 219. GOOT PLANS PROJECT #
 220. GOOT PLANS PROJECT #
 221. GOOT PLANS PROJECT #
 222. GOOT PLANS PROJECT #
 223. GOOT PLANS PROJECT #
 224. GOOT PLANS PROJECT #
 225. GOOT PLANS PROJECT #
 226. GOOT PLANS PROJECT #
 227. GOOT PLANS PROJECT #
 228. GOOT PLANS PROJECT #
 229. GOOT PLANS PROJECT #
 230. GOOT PLANS PROJECT #
 231. GOOT PLANS PROJECT #
 232. GOOT PLANS PROJECT #
 233. GOOT PLANS PROJECT #
 234. GOOT PLANS PROJECT #
 235. GOOT PLANS PROJECT #
 236. GOOT PLANS PROJECT #
 237. GOOT PLANS PROJECT #
 238. GOOT PLANS PROJECT #
 239. GOOT PLANS PROJECT #
 240. GOOT PLANS PROJECT #
 241. GOOT PLANS PROJECT #
 242. GOOT PLANS PROJECT #
 243. GOOT PLANS PROJECT #
 244. GOOT PLANS PROJECT #
 245. GOOT PLANS PROJECT #
 246. GOOT PLANS PROJECT #
 247. GOOT PLANS PROJECT #
 248. GOOT PLANS PROJECT #
 249. GOOT PLANS PROJECT #
 250. GOOT PLANS PROJECT #
 251. GOOT PLANS PROJECT #
 252. GOOT PLANS PROJECT #
 253. GOOT PLANS PROJECT #
 254. GOOT PLANS PROJECT #
 255. GOOT PLANS PROJECT #
 256. GOOT PLANS PROJECT #
 257. GOOT PLANS PROJECT #
 258. GOOT PLANS PROJECT #
 259. GOOT PLANS PROJECT #
 260. GOOT PLANS PROJECT #
 261. GOOT PLANS PROJECT #
 262. GOOT PLANS PROJECT #
 263. GOOT PLANS PROJECT #
 264. GOOT PLANS PROJECT #
 265. GOOT PLANS PROJECT #
 266. GOOT PLANS PROJECT #
 267. GOOT PLANS PROJECT #
 268. GOOT PLANS PROJECT #
 269. GOOT PLANS PROJECT #
 270. GOOT PLANS PROJECT #
 271. GOOT PLANS PROJECT #
 272. GOOT PLANS PROJECT #
 273. GOOT PLANS PROJECT #
 274. GOOT PLANS PROJECT #
 275. GOOT PLANS PROJECT #
 276. GOOT PLANS PROJECT #
 277. GOOT PLANS PROJECT #
 278. GOOT PLANS PROJECT #
 279. GOOT PLANS PROJECT #
 280. GOOT PLANS PROJECT #
 281. GOOT PLANS PROJECT #
 282. GOOT PLANS PROJECT #
 283. GOOT PLANS PROJECT #
 284. GOOT PLANS PROJECT #
 285. GOOT PLANS PROJECT #
 286. GOOT PLANS PROJECT #
 287. GOOT PLANS PROJECT #
 288. GOOT PLANS PROJECT #
 289. GOOT PLANS PROJECT #
 290. GOOT PLANS PROJECT #
 291. GOOT PLANS PROJECT #
 292. GOOT PLANS PROJECT #
 293. GOOT PLANS PROJECT #
 294. GOOT PLANS PROJECT #
 295. GOOT PLANS PROJECT #
 296. GOOT PLANS PROJECT #
 297. GOOT PLANS PROJECT #
 298. GOOT PLANS PROJECT #
 299. GOOT PLANS PROJECT #
 300. GOOT PLANS PROJECT #
 301. GOOT PLANS PROJECT #
 302. GOOT PLANS PROJECT #
 303. GOOT PLANS PROJECT #
 304. GOOT PLANS PROJECT #
 305. GOOT PLANS PROJECT #
 306. GOOT PLANS PROJECT #
 307. GOOT PLANS PROJECT #
 308. GOOT PLANS PROJECT #
 309. GOOT PLANS PROJECT #
 310. GOOT PLANS PROJECT #
 311. GOOT PLANS PROJECT #
 312. GOOT PLANS PROJECT #
 313. GOOT PLANS PROJECT #
 314. GOOT PLANS PROJECT #
 315. GOOT PLANS PROJECT #
 316. GOOT PLANS PROJECT #
 317. GOOT PLANS PROJECT #
 318. GOOT PLANS PROJECT #
 319. GOOT PLANS PROJECT #
 320. GOOT PLANS PROJECT #
 321. GOOT PLANS PROJECT #
 322. GOOT PLANS PROJECT #
 323. GOOT PLANS PROJECT #
 324. GOOT PLANS PROJECT #
 325. GOOT PLANS PROJECT #
 326. GOOT PLANS PROJECT #
 327. GOOT PLANS PROJECT #
 328. GOOT PLANS PROJECT #
 329. GOOT PLANS PROJECT #
 330. GOOT PLANS PROJECT #
 331. GOOT PLANS PROJECT #
 332. GOOT PLANS PROJECT #
 333. GOOT PLANS PROJECT #
 334. GOOT PLANS PROJECT #
 335. GOOT PLANS PROJECT #
 336. GOOT PLANS PROJECT #
 337. GOOT PLANS PROJECT #
 338. GOOT PLANS PROJECT #
 339. GOOT PLANS PROJECT #
 340. GOOT PLANS PROJECT #
 341. GOOT PLANS PROJECT #
 342. GOOT PLANS PROJECT #
 343. GOOT PLANS PROJECT #
 344. GOOT PLANS PROJECT #
 345. GOOT PLANS PROJECT #
 346. GOOT PLANS PROJECT #
 347. GOOT PLANS PROJECT #
 348. GOOT PLANS PROJECT #
 349. GOOT PLANS PROJECT #
 350. GOOT PLANS PROJECT #
 351. GOOT PLANS PROJECT #
 352. GOOT PLANS PROJECT #
 353. GOOT PLANS PROJECT #
 354. GOOT PLANS PROJECT #
 355. GOOT PLANS PROJECT #
 356. GOOT PLANS PROJECT #
 357. GOOT PLANS PROJECT #
 358. GOOT PLANS PROJECT #
 359. GOOT PLANS PROJECT #
 360. GOOT PLANS PROJECT #
 361. GOOT PLANS PROJECT #
 362. GOOT PLANS PROJECT #
 363. GOOT PLANS PROJECT #
 364. GOOT PLANS PROJECT #
 365. GOOT PLANS PROJECT #
 366. GOOT PLANS PROJECT #
 367. GOOT PLANS PROJECT #
 368. GOOT PLANS PROJECT #
 369. GOOT PLANS PROJECT #
 370. GOOT PLANS PROJECT #
 371. GOOT PLANS PROJECT #
 372. GOOT PLANS PROJECT #
 373. GOOT PLANS PROJECT #
 374. GOOT PLANS PROJECT #
 375. GOOT PLANS PROJECT #
 376. GOOT PLANS PROJECT #
 377. GOOT PLANS PROJECT #
 378. GOOT PLANS PROJECT #
 379. GOOT PLANS PROJECT #
 380. GOOT PLANS PROJECT #
 381. GOOT PLANS PROJECT #
 382. GOOT PLANS PROJECT #
 383. GOOT PLANS PROJECT #
 384. GOOT PLANS PROJECT #
 385. GOOT PLANS PROJECT #
 386. GOOT PLANS PROJECT #
 387. GOOT PLANS PROJECT #
 388. GOOT PLANS PROJECT #
 389. GOOT PLANS PROJECT #
 390. GOOT PLANS PROJECT #
 391. GOOT PLANS PROJECT #
 392. GOOT PLANS PROJECT #
 393. GOOT PLANS PROJECT #
 394. GOOT PLANS PROJECT #
 395. GOOT PLANS PROJECT #
 396. GOOT PLANS PROJECT #
 397. GOOT PLANS PROJECT #
 398. GOOT PLANS PROJECT #
 399. GOOT PLANS PROJECT #
 400. GOOT PLANS PROJECT #
 401. GOOT PLANS PROJECT #
 402. GOOT PLANS PROJECT #
 403. GOOT PLANS PROJECT #
 404. GOOT PLANS PROJECT #
 405. GOOT PLANS PROJECT #
 406. GOOT PLANS PROJECT #
 407. GOOT PLANS PROJECT #
 408. GOOT PLANS PROJECT #
 409. GOOT PLANS PROJECT #
 410. GOOT PLANS PROJECT #
 411. GOOT PLANS PROJECT #
 412. GOOT PLANS PROJECT #
 413. GOOT PLANS PROJECT #
 414. GOOT PLANS PROJECT #
 415. GOOT PLANS PROJECT #
 416. GOOT PLANS PROJECT #
 417. GOOT PLANS PROJECT #
 418. GOOT PLANS PROJECT #
 419. GOOT PLANS PROJECT #
 420. GOOT PLANS PROJECT #
 421. GOOT PLANS PROJECT #
 422. GOOT PLANS PROJECT #
 423. GOOT PLANS PROJECT #
 424. GOOT PLANS PROJECT #
 425. GOOT PLANS PROJECT #
 426. GOOT PLANS PROJECT #
 427. GOOT PLANS PROJECT #
 428. GOOT PLANS PROJECT #
 429. GOOT PLANS PROJECT #
 430. GOOT PLANS PROJECT #
 431. GOOT PLANS PROJECT #
 432. GOOT PLANS PROJECT #
 433. GOOT PLANS PROJECT #
 434. GOOT PLANS PROJECT #
 435. GOOT PLANS PROJECT #
 436. GOOT PLANS PROJECT #
 437. GOOT PLANS PROJECT #
 438. GOOT PLANS PROJECT #
 439. GOOT PLANS PROJECT #
 440. GOOT PLANS PROJECT #
 441. GOOT PLANS PROJECT #
 442. GOOT PLANS PROJECT #
 443. GOOT PLANS PROJECT #
 444. GOOT PLANS PROJECT #
 445. GOOT PLANS PROJECT #
 446. GOOT PLANS PROJECT #
 447. GOOT PLANS PROJECT #
 448. GOOT PLANS PROJECT #
 449. GOOT PLANS PROJECT #
 450. GOOT PLANS PROJECT #
 451. GOOT PLANS PROJECT #
 452. GOOT PLANS PROJECT #
 453. GOOT PLANS PROJECT #
 454. GOOT PLANS PROJECT #
 455. GOOT PLANS PROJECT #
 456. GOOT PLANS PROJECT #
 457. GOOT PLANS PROJECT #
 458. GOOT PLANS PROJECT #
 459. GOOT PLANS PROJECT #
 460. GOOT PLANS PROJECT #
 461. GOOT PLANS PROJECT #
 462. GOOT PLANS PROJECT #
 463. GOOT PLANS PROJECT #
 464. GOOT PLANS PROJECT #
 465. GOOT PLANS PROJECT #
 466. GOOT PLANS PROJECT #
 467. GOOT PLANS PROJECT #
 468. GOOT PLANS PROJECT #
 469. GOOT PLANS PROJECT #
 470. GOOT PLANS PROJECT #
 471. GOOT PLANS PROJECT #
 472. GOOT PLANS PROJECT #
 473. GOOT PLANS PROJECT #
 474. GOOT PLANS PROJECT #
 475. GOOT PLANS PROJECT #
 476. GOOT PLANS PROJECT #
 477. GOOT PLANS PROJECT #
 478. GOOT PLANS PROJECT #
 479. GOOT PLANS PROJECT #
 480. GOOT PLANS PROJECT #
 481. GOOT PLANS PROJECT #
 482. GOOT PLANS PROJECT #
 483. GOOT PLANS PROJECT #
 484. GOOT PLANS PROJECT #
 485. GOOT PLANS PROJECT #
 486. GOOT PLANS PROJECT #
 487. GOOT PLANS PROJECT #
 488. GOOT PLANS PROJECT #
 489. GOOT PLANS PROJECT #
 490. GOOT PLANS PROJECT #
 491. GOOT PLANS PROJECT #
 492. GOOT PLANS PROJECT #
 493. GOOT PLANS PROJECT #
 494. GOOT PLANS PROJECT #
 495. GOOT PLANS PROJECT #
 496. GOOT PLANS PROJECT #
 497. GOOT PLANS PROJECT #
 498. GOOT PLANS PROJECT #
 499. GOOT PLANS PROJECT #
 500. GOOT PLANS PROJECT #
 501. GOOT PLANS PROJECT #
 502. GOOT PLANS PROJECT #
 503. GOOT PLANS PROJECT #
 504. GOOT PLANS PROJECT #
 505. GOOT PLANS PROJECT #
 506. GOOT PLANS PROJECT #
 507. GOOT PLANS PROJECT #
 508. GOOT PLANS PROJECT #
 509. GOOT PLANS PROJECT #
 510. GOOT PLANS PROJECT #
 511. GOOT PLANS PROJECT #
 512. GOOT PLANS PROJECT #
 513. GOOT PLANS PROJECT #
 514. GOOT PLANS PROJECT #
 515. GOOT PLANS PROJECT #
 516. GOOT PLANS PROJECT #
 517. GOOT PLANS PROJECT #
 518. GOOT PLANS PROJECT #
 519. GOOT PLANS PROJECT #
 520. GOOT PLANS PROJECT #
 521. GOOT PLANS PROJECT #
 522. GOOT PLANS PROJECT #
 523. GOOT PLANS PROJECT #
 524. GOOT PLANS PROJECT #
 525. GOOT PLANS PROJECT #
 526. GOOT PLANS PROJECT #
 527. GOOT PLANS PROJECT #
 528. GOOT PLANS PROJECT #
 529. GOOT PLANS PROJECT #
 530. GOOT PLANS PROJECT #
 531. GOOT PLANS PROJECT #
 532. GOOT PLANS PROJECT #
 533. GOOT PLANS PROJECT #
 534. GOOT PLANS PROJECT #
 535. GOOT PLANS PROJECT #
 536. GOOT PLANS PROJECT #
 537. GOOT PLANS PROJECT #
 538. GOOT PLANS PROJECT #
 539. GOOT PLANS PROJECT #
 540. GOOT PLANS PROJECT #
 541. GOOT PLANS PROJECT #
 542. GOOT PLANS PROJECT #
 543. GOOT PLANS PROJECT #
 544. GOOT PLANS PROJECT #
 545. GOOT PLANS PROJECT #
 546. GOOT PLANS PROJECT #
 547. GOOT PLANS PROJECT #
 548. GOOT PLANS PROJECT #
 549. GOOT PLANS PROJECT #
 550. GOOT PLANS PROJECT #
 551. GOOT PLANS PROJECT #
 552. GOOT PLANS PROJECT #
 553. GOOT PLANS PROJECT #
 554. GOOT PLANS PROJECT #
 555. GOOT PLANS PROJECT #
 556. GOOT PLANS PROJECT #
 557. GOOT PLANS PROJECT #
 558. GOOT PLANS PROJECT #
 559. GOOT PLANS PROJECT #
 560. GOOT PLANS PROJECT #
 561. GOOT PLANS PROJECT #
 562. GOOT PLANS PROJECT #
 563. GOOT PLANS PROJECT #
 564. GOOT PLANS PROJECT #
 565. GOOT PLANS PROJECT #
 566. GOOT PLANS PROJECT #
 567. GOOT PLANS PROJECT #
 568. GOOT PLANS PROJECT #
 569. GOOT PLANS PROJECT #
 570. GOOT PLANS PROJECT #
 571. GOOT PLANS PROJECT #
 572. GOOT PLANS PROJECT #
 573. GOOT PLANS PROJECT #
 574. GOOT PLANS PROJECT #
 575. GOOT PLANS PROJECT #
 576. GOOT PLANS PROJECT #
 577. GOOT PLANS PROJECT #
 578. GOOT PLANS PROJECT #
 579. GOOT PLANS PROJECT #
 580. GOOT PLANS PROJECT #
 581. GOOT PLANS PROJECT #
 582. GOOT PLANS PROJECT #
 583. GOOT PLANS PROJECT #
 584. GOOT PLANS PROJECT #
 585. GOOT PLANS PROJECT #
 586. GOOT PLANS PROJECT #
 587. GOOT PLANS PROJECT #
 588. GOOT PLANS PROJECT #
 589. GOOT PLANS PROJECT #
 590. GOOT PLANS PROJECT #
 591. GOOT PLANS PROJECT #
 592. GOOT PLANS PROJECT #
 593. GOOT PLANS PROJECT #
 594. GOOT PLANS PROJECT #
 595. GOOT PLANS PROJECT #
 596. GOOT PLANS PROJECT #
 597. GOOT PLANS PROJECT #
 598. GOOT PLANS PROJECT #
 599. GOOT PLANS PROJECT #
 600. GOOT PLANS PROJECT #
 601. GOOT PLANS PROJECT #
 602. GOOT PLANS PROJECT #
 603. GOOT PLANS PROJECT #
 604. GOOT PLANS PROJECT #
 605. GOOT PLANS PROJECT #
 606. GOOT PLANS PROJECT #
 607. GOOT PLANS PROJECT #
 608. GOOT PLANS PROJECT #
 609. GOOT PLANS PROJECT #
 610. GOOT PLANS PROJECT #
 611. GOOT PLANS PROJECT #
 612. GOOT PLANS PROJECT #
 613. GOOT PLANS PROJECT #
 614. GOOT PLANS PROJECT #
 615. GOOT PLANS PROJECT #
 616. GOOT PLANS PROJECT #
 617. GOOT PLANS PROJECT #
 618. GOOT PLANS PROJECT #
 619. GOOT PLANS PROJECT #
 620. GOOT PLANS PROJECT #
<

LINE TABLE		
CALL	BEARING	DISTANCE
L1	N28°21'37"E	44.76'
L2	S54°30'40"E	111.34'
L3	S56°47'33"E	96.39'
L4	S56°59'41"E	333.02'
L5	S64°11'15"E	92.58'
L6	S29°34'04"E	573.21'
L7	S11°10'46"W	357.33'
L8	S78°49'15"E	40.00'
L9	S11°10'46"W	124.31'
L10	S13°20'57"W	85.17'
L11	N79°00'37"W	6.66'
L12	S34°16'09"E	138.00'
L13	N35°33'09"E	9.94'
L14	N09°46'26"W	157.02'
L15	N17°01'26"W	99.94'
L16	N24°38'02"W	151.32'
L17	N13°11'41"W	133.68'
L18	N58°29'43"E	378.27'
L19	N64°12'54"W	70.29'
L20	N57°32'05"W	422.53'
L21	N55°58'31"W	113.67'
L22	N13°04'43"W	32.15'
L23	S54°18'56"W	20.02'
L24	N32°31'29"W	97.35'
L25	N22°38'22"E	74.47'
L26	N31°01'04"E	76.50'

CURVE TABLE			
CALL	BEARING	DISTANCE	RADIUS
C1	N57°15'11"W	90.62'	835.96'
C2	N35°20'30"W	465.76'	473.78'
C3	N29°52'06"W	226.68'	1055.35'
C4	N38°55'58"W	111.31'	1037.81'



ZONING DATA TABLE:

CURRENT ZONING:	A (AGRICULTURAL)
PROPOSED ZONING:	HB (HIGHWAY BUSINESS)
OVERLAY DISTRICT:	N/A
PROPOSED USE ALLOWED IN ZONING:	YES
MINIMUM LOT AREA:	N/A
MINIMUM LOT WIDTH:	100'
MINIMUM ROAD FRONTAGE:	N/A
MAXIMUM BUILDING HEIGHT:	75' - 4 STORIES
MAXIMUM COVER:	50%
BUILDING SETBACKS:	
FRONT:	NONE
SIDE:	15'
REAR:	30' ABUTTING R-1, R-2, R-3, TND, PUD
LANDSCAPE STRIPS:	
ALONG ROW:	10'
OTHER:	
BUFFERS:	
ZONING BUFFER:	30' ABUTTING R-1, R-2, R-3, TND, PUD
OTHER:	

THIS PROPERTY DOES NOT LIE IN A 100-YR FLOOD ZONE AS SHOWN ON FIRM COMMUNITY PANEL NO. 13139C0284G, DATED APRIL 4, 2018.

Evans Design Group, Inc.
Civil Engineering /
Site Planning /
Land Development Services
4755 Summer Song Court
Buford, GA 30519
(Ph) 678.207.6830
jevans@evansdg.com

REGISTERED
NO. 26681
PROFESSIONAL
ENGINEER
JON M. EVANS
GSWCC LEVEL II CERT. # 10877

PROJECT NAME
HF REED & FALCON PARKWAY RETAIL CENTER

HF REED INDUSTRIAL PKWY I.L.00 00th DIST. CITY OF FLOWERY BRANCH GEORGIA

DATE:
8-23-22

DESIGN BY JME **DRAWN BY** JME **CHECKED BY** JME

☒ Not Released For Construction
☐ Released For Construction

OWNER/DEVELOPER

© COPYRIGHT 2022
EVANS DESIGN GROUP, INC.
ALL RIGHTS RESERVED.
THESE CONSTRUCTION DOCUMENTS AND PERMITTED REPRODUCTIONS, IN WHOLE OR IN PART, ARE INSTRUMENTS OF SERVICE AND ARE THE SOLE PROPERTY OF EVANS DESIGN GROUP, INC. UNLESS OTHERWISE AGREED TO, THEY SHALL NOT BE REPRODUCED OR CONVEYED IN ANY MANNER NOR ARE THEY TO BE USED FOR ANY OTHER PROJECTS OTHER THAN THAT SPECIFICALLY INDICATED HEREIN WITHOUT WRITTEN PERMISSION FROM AND DUE COMPENSATION TO EVANS DESIGN GROUP, INC.

REVISIONS	

JOB NUMBER:
22-046

SHEET TITLE
SITE PLAN
C-4

GEORGIA811
Utilities Protection Center, Inc.
Know what's below.
Call before you dig.

UTILITY DISCLAIMER:
IN ADDITION TO SHOWING THE STRUCTURES TO BE BUILT UNDER THIS CONTRACT, THE DRAWINGS SHOW CERTAIN INFORMATION OBTAINED BY THE ENGINEER REGARDING THE PIPES, POLE LINES, CONDUITS, AND OTHER STRUCTURES WHICH EXIST ALONG THE LINE OF THE WORK, BOTH AT AND BELOW THE SURFACE OF THE GROUND. THE ENGINEER AND THE OWNER EXPRESSLY DISCLAIM ANY RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION GIVEN ON THE DRAWINGS WITH REGARD TO EXISTING STRUCTURES, AND THE CONTRACTOR WILL NOT BE ENTITLED TO ANY EXTRA COMPENSATION ON ACCOUNT OF ANY INACCURACY OR INCOMPLETENESS OF SUCH INFORMATION, SAID STRUCTURES BEING INDICATED ONLY FOR THE CONVENIENCE OF THE CONTRACTOR, WHO MUST VERIFY THE INFORMATION TO HIS OWN SATISFACTION. THE GIVING OF THIS INFORMATION UPON THE CONTRACT DRAWINGS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATION TO SUPPORT AND PROTECT ALL PIPES, CONDUITS, AND OTHER STRUCTURES. THE CONTRACTOR SHALL LOCATE ALL UNDERGROUND OBSTRUCTIONS PRIOR TO EXCAVATION SO AS TO PREVENT ANY DAMAGE TO THOSE SERVICES OR OTHER UTILITIES. ANY SUCH DAMAGES MUST BE REPAIRED WITHOUT DELAY AND THE COST OF SUCH REPAIRS MUST BE BORNE BY THE CONTRACTOR.

OWNER/DEVELOPER:

NAME
ADDRESS

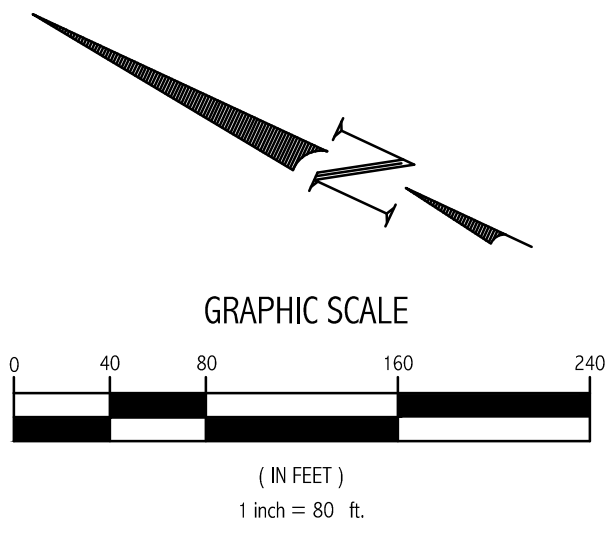
PHONE
EMAIL

24-HR CONTACT:

NAME
PHONE
EMAIL

ENGINEER:

EVANS DESIGN GROUP, INC.
4755 SUMMER SONG COURT
BUFORD, GA 30519
678.207.6830 (Ph)
CONTACT: JON M. EVANS, P.E.



TREE CALCULATIONS:

1. SITE DENSITY FACTOR:

SITE AREA = 13.77
- BLDG AREA = 0.859

TOTAL AREA = 12.91 ACERS

TOTAL UNITS REQUIRED = 12.91 ACER X 15 UNITS/ACER
= 193.65 UNITS

2. EXISTING DENSITY FACTOR

NONE TO REMAIN

3. PROPOSED DENSITY FACTOR

217 - 4" TREES @ 0.9 UNITS/EA = 195.30 UNITS
TOTAL UNITS REQUIRED = 193.65

PLANTING SUMMARY

QTY	SYM	BOTANICAL NAME	COMMON NAME	SIZE	UNIT	AMOUNT
30	⊙	THUJA OCCIDENTALIS	AMERICAN PILLAR	4"	0.9	27
25	⊙	ACER RUBRUM	OCTOBER GLORY	4"	0.9	22.5
26	⊙	QUERCUS PHELLOS	WILLOW OAK	4"	0.9	23.4
33	⊙	ZELCOVA SERRATA	GREEN VASE	4"	0.9	29.7
22	⊙	CARPINUS BETULUS	EUROPEAN HORNBREAM	4"	0.9	19.8
30	⊙	ACER SACCHARUM	SUGAR MAPLE	4"	0.9	27
14	⊙	GINKGO BILOBA	GINKGO	4"	0.9	12.6
20	⊙	ACER FREEMANII	AUTUMN PLAZE	4"	0.9	18
17	⊙	ULMUS PARVIFOLIA	LACEBARK ELM	4"	0.9	15.3
217		TOTAL TREES				195.30

TOTAL UNITS EXISTING & PROPOSED = 195.30

FRONTAGE TREES

HF REED INDUSTRIAL PKWY

TOTAL FRONTAGE =

ONE TREE PER 40 FEET REQUIRED 1781 / 40 = 44.52 TREES & SHRUB
0 EXISTING FRONTAGE TREES REMAIN
46 TREES TO BE PLANTED
60 SHRUB

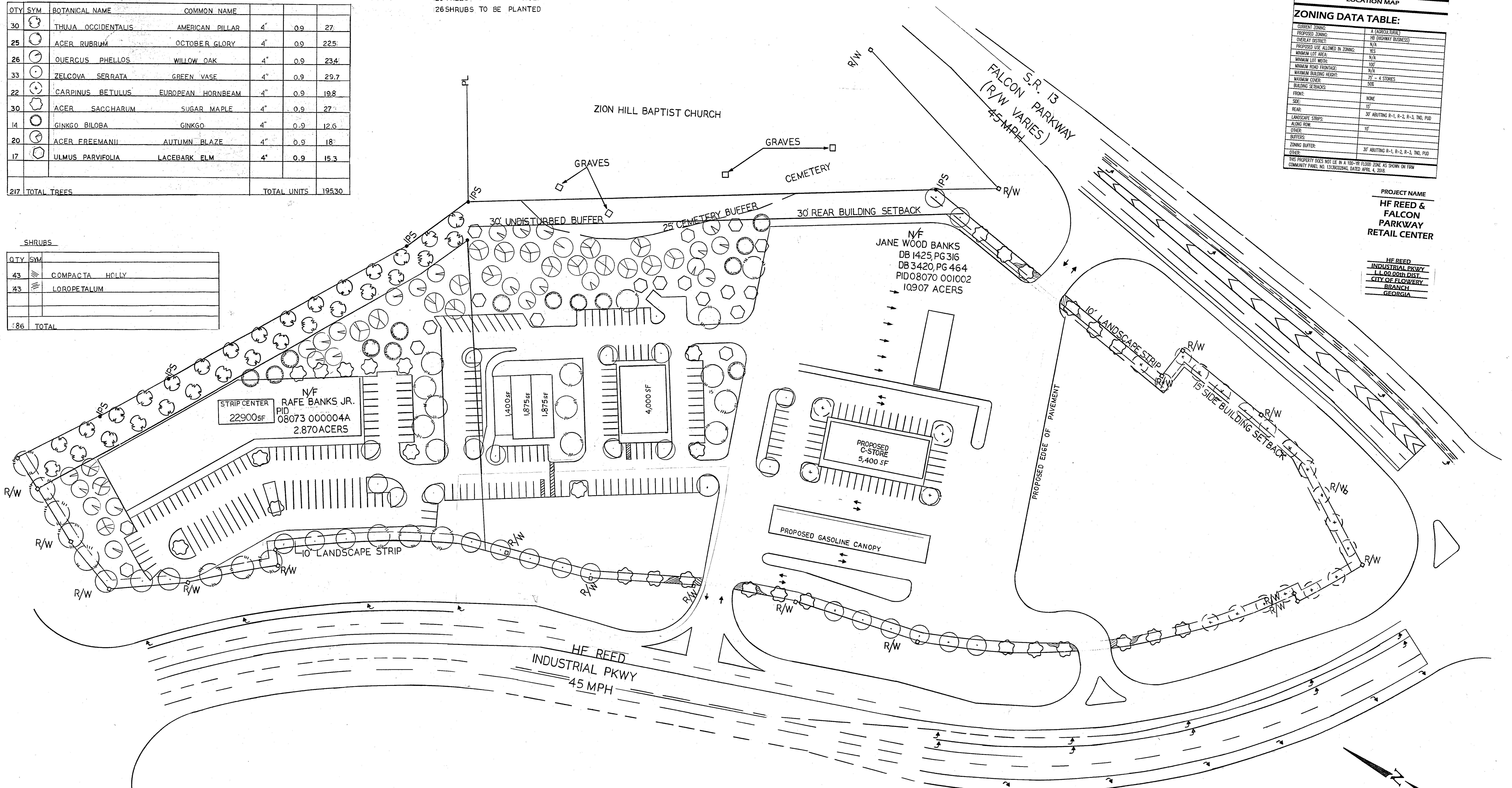
FALCON PARKWAY

FRONTAGE =

ONE TREE PER 40 FEET REQUIRED 772 / 40 = 19.3 TREES & SHRUBS
0 EXISTING FRONTAGE TREES REMAIN
20 TREES TO BE PLANTED
26 SHRUBS TO BE PLANTED

SHRUBS

QTY	SYM	BOTANICAL NAME	COMMON NAME
43	⊙	COMPACTA HOLLY	
43	⊙	LOROPETALUM	
86		TOTAL	



LOCATION MAP

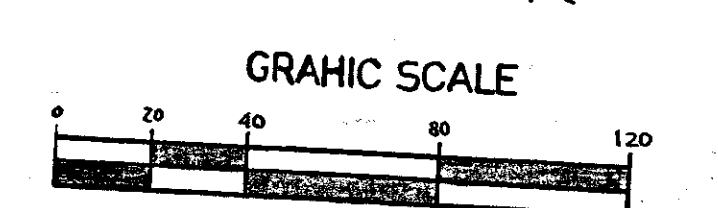
ZONING DATA TABLE:

CURRENT ZONING	A (AGRICULTURE)
PROPOSED ZONING	NE (NEIGHBORLY BUSINESS)
OVERLAY DISTRICT	N/A
PROPOSED USE ALLOWED IN ZONING	YES
MINIMUM LOT AREA	N/A
MINIMUM LOT WIDTH	100'
MINIMUM ROAD FRONTAGE	N/A
MINIMUM BUILDING HEIGHT	7' - 4' STORES
MINIMUM COVER	50%
BUILDING SETBACKS	
FRONT	15'
SIDE	NONE
REAR	30' ABUTTING R-1, R-2, R-3, TND, PUD
LANDSCAPE STRIPS	
ALONG ROAD	15'
OTHER	15'
BUFFERS	
ZONING BUFFER	30' ABUTTING R-1, R-2, R-3, TND, PUD
OVER	

THIS PROPERTY DOES NOT LIE IN A 100-YR FLOOD ZONE AS SHOWN ON FIRM COMMUNITY PANEL NO. 131002000G, DATED APRIL 4, 2004.

PROJECT NAME
HF REED & FALCON PARKWAY RETAIL CENTER

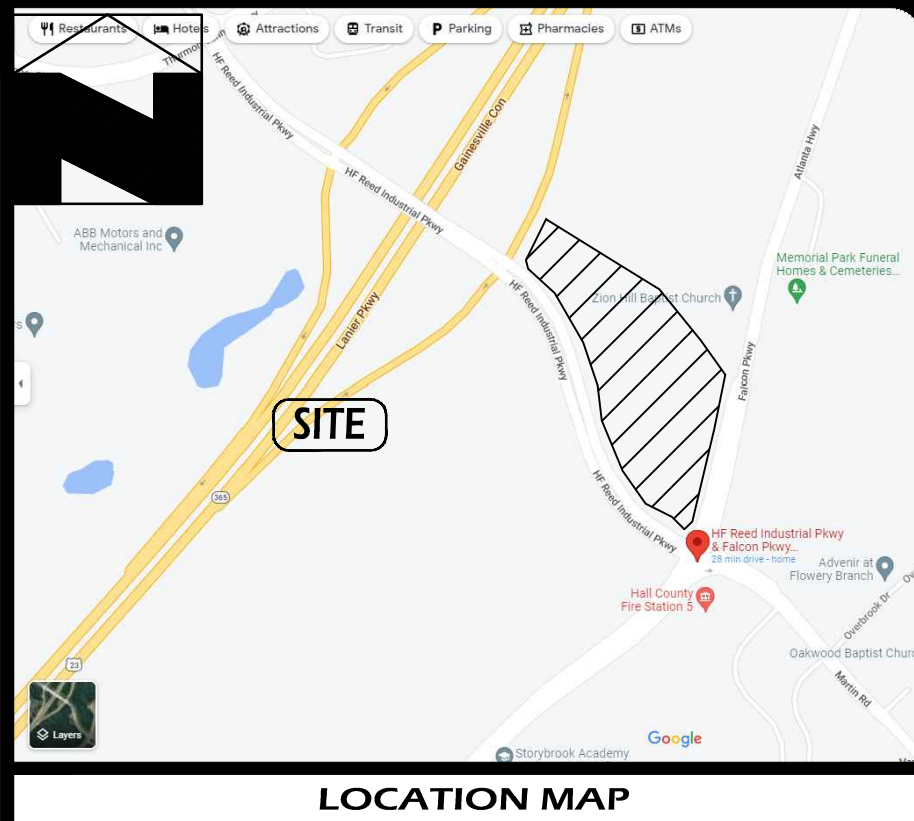
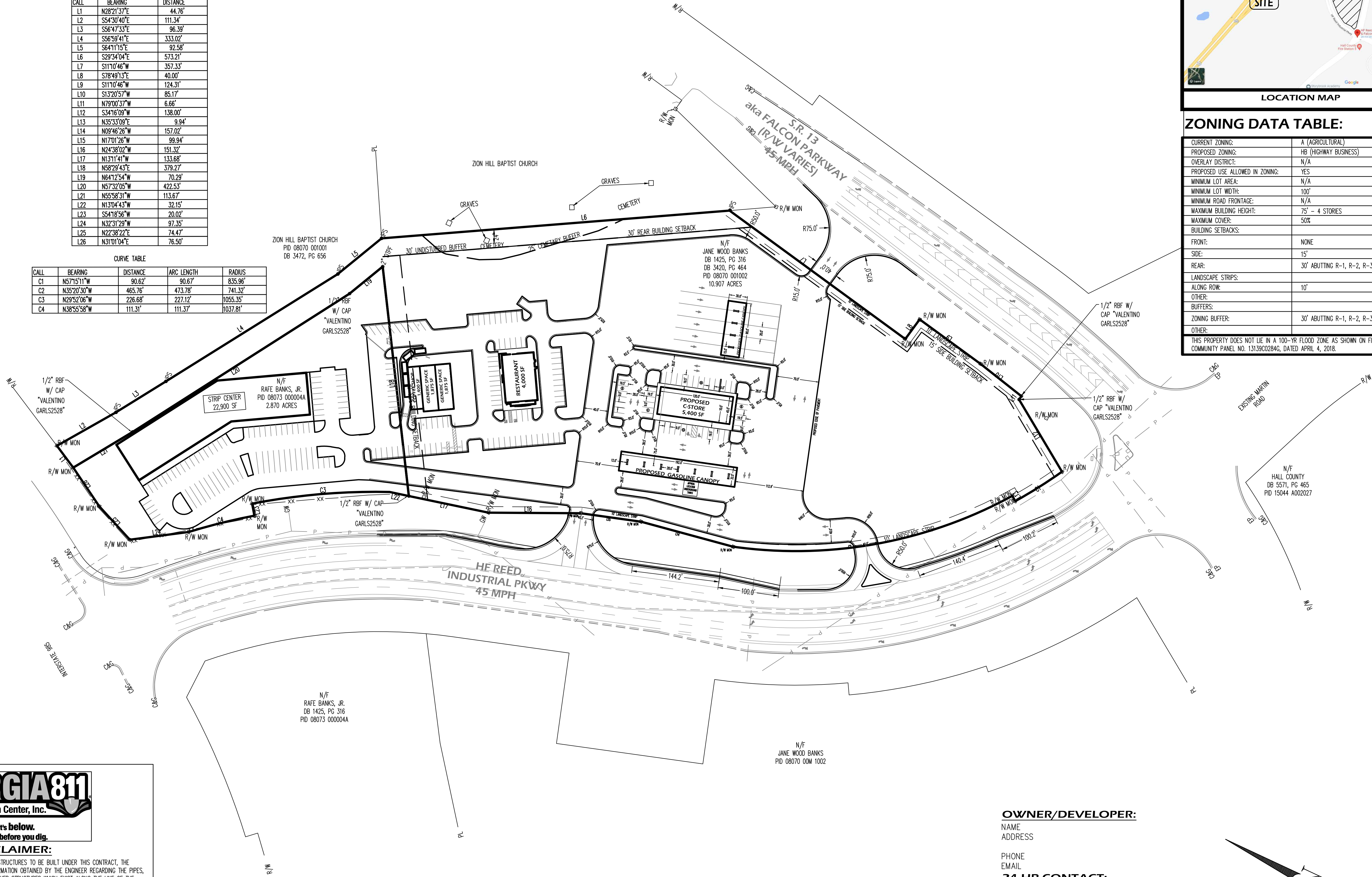
HF REED INDUSTRIAL PKWY
11.00.00th DIST.
CITY OF FLOWERY BRANCH
GEORGIA



DeepRoots
Landscaping LLC
GAINESVILLE, FL
5933 Dahlonega Highway, Clermont, GA 30527
OFFICE: 678-928-9228 | FAX: 678-928-9228
customers@deeprootsga.com
www.deeprootsga.com

LINE TABLE		
CALL	BEARING	DISTANCE
L1	N28°21'37"E	44.76'
L2	S54°30'40"E	111.34'
L3	S56°47'33"E	96.39'
L4	S56°59'41"E	333.02'
L5	S64°11'15"E	92.58'
L6	S29°34'04"E	573.21'
L7	S11°10'46"W	357.33'
L8	S78°49'15"E	40.00'
L9	S11°10'46"W	124.31'
L10	S13°20'57"W	85.17'
L11	N79°00'37"W	6.66'
L12	S34°16'09"E	138.00'
L13	N35°33'09"E	9.94'
L14	N09°46'26"W	157.02'
L15	N17°01'26"W	99.94'
L16	N24°38'02"W	151.32'
L17	N13°11'41"W	133.68'
L18	N58°29'43"E	378.27'
L19	N64°12'54"W	70.29'
L20	N57°32'05"W	422.53'
L21	N55°58'31"W	113.67'
L22	N13°04'43"W	32.15'
L23	S54°18'56"W	20.02'
L24	N32°31'29"W	97.35'
L25	N22°38'22"E	74.47'
L26	N31°01'04"E	76.50'

CURVE TABLE			
CALL	BEARING	DISTANCE	RADIUS
C1	N57°15'11"W	90.62'	835.96'
C2	N35°20'30"W	465.76'	473.78'
C3	N29°52'06"W	226.68'	1055.35'
C4	N38°55'58"W	111.31'	1037.81'



ZONING DATA TABLE:	
CURRENT ZONING:	A (AGRICULTURAL)
PROPOSED ZONING:	HB (HIGHWAY BUSINESS)
OVERLAY DISTRICT:	N/A
PROPOSED USE ALLOWED IN ZONING:	YES
MINIMUM LOT AREA:	N/A
MINIMUM LOT WIDTH:	100'
MINIMUM ROAD FRONTAGE:	N/A
MAXIMUM BUILDING HEIGHT:	75' - 4 STORIES
MAXIMUM COVER:	50%
BUILDING SETBACKS:	
FRONT:	NONE
SIDE:	15'
REAR:	30' ABUTTING R-1, R-2, R-3, TND, PUD
LANDSCAPE STRIPS:	
ALONG ROW:	10'
OTHER:	
BUFFERS:	
ZONING BUFFER:	30' ABUTTING R-1, R-2, R-3, TND, PUD
OTHER:	
THIS PROPERTY DOES NOT LIE IN A 100-YR FLOOD ZONE AS SHOWN ON FIRM COMMUNITY PANEL NO. 13139C0284G, DATED APRIL 4, 2018.	

Evans Design Group, Inc.
Civil Engineering /
Site Planning /
Land Development Services
4755 Summer Song Court
Buford, GA 30519
(Ph) 678.207.6830
jevans@evansdg.com

REGISTERED
NO. 26681
PROFESSIONAL
ENGINEER
JON M. EVANS
GSWCC LEVEL II CERT. # 10877

PROJECT NAME
HF REED & FALCON PARKWAY RETAIL CENTER

HF REED INDUSTRIAL PKWY I.L.00 00th DIST. CITY OF FLOWERY BRANCH GEORGIA

DATE:
8-23-22

DESIGN BY	DRAWN BY	CHECKED BY
JME	JME	JME

☒ Not Released For Construction
☐ Released For Construction

OWNER/DEVELOPER

© COPYRIGHT 2022
EVANS DESIGN GROUP, INC.
ALL RIGHTS RESERVED.
THESE CONSTRUCTION DOCUMENTS AND PERMITTED REPRODUCTIONS, IN WHOLE OR IN PART, ARE INSTRUMENTS OF SERVICE AND ARE THE SOLE PROPERTY OF EVANS DESIGN GROUP, INC. UNLESS OTHERWISE AGREED TO, THEY SHALL NOT BE REPRODUCED OR CONVEYED IN ANY MANNER NOR ARE THEY TO BE USED FOR ANY OTHER PROJECTS OTHER THAN THAT SPECIFICALLY INDICATED HEREIN WITHOUT WRITTEN PERMISSION FROM AND DUE COMPENSATION TO EVANS DESIGN GROUP, INC.

REVISIONS	

JOB NUMBER:
22-046

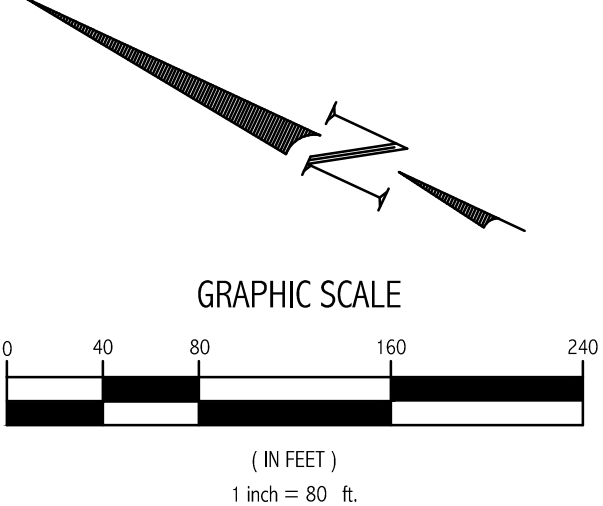
SHEET TITLE
SITE PLAN
C-4

GEORGIA811
Utilities Protection Center, Inc.
Know what's below.
Call before you dig.

UTILITY DISCLAIMER:
IN ADDITION TO SHOWING THE STRUCTURES TO BE BUILT UNDER THIS CONTRACT, THE DRAWINGS SHOW CERTAIN INFORMATION OBTAINED BY THE ENGINEER REGARDING THE PIPES, POLE LINES, CONDUITS, AND OTHER STRUCTURES WHICH EXIST ALONG THE LINE OF THE WORK, BOTH AT AND BELOW THE SURFACE OF THE GROUND. THE ENGINEER AND THE OWNER EXPRESSLY DISCLAIM ANY RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION GIVEN ON THE DRAWINGS WITH REGARD TO EXISTING STRUCTURES, AND THE CONTRACTOR WILL NOT BE ENTITLED TO ANY EXTRA COMPENSATION ON ACCOUNT OF ANY INACCURACY OR INCOMPLETENESS OF SUCH INFORMATION, SAID STRUCTURES BEING INDICATED ONLY FOR THE CONVENIENCE OF THE CONTRACTOR, WHO MUST VERIFY THE INFORMATION TO HIS OWN SATISFACTION. THE GIVING OF THIS INFORMATION UPON THE CONTRACT DRAWINGS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATION TO SUPPORT AND PROTECT ALL PIPES, CONDUITS, AND OTHER STRUCTURES. THE CONTRACTOR SHALL LOCATE ALL UNDERGROUND OBSTRUCTIONS PRIOR TO EXCAVATION SO AS TO PREVENT ANY DAMAGE TO THOSE SERVICES OR OTHER UTILITIES. ANY SUCH DAMAGES MUST BE REPAIRED WITHOUT DELAY AND THE COST OF SUCH REPAIRS MUST BE BORNE BY THE CONTRACTOR.

OWNER/DEVELOPER:
NAME
ADDRESS

PHONE
EMAIL
24-HR CONTACT:
NAME
PHONE
EMAIL
ENGINEER:
EVANS DESIGN GROUP, INC.
4755 SUMMER SONG COURT
BUFORD, GA 30519
678.207.6830 (Ph)
CONTACT: JON M. EVANS, P.E.



ORDINANCE 684

AN ORDINANCE GRANTING A VARIANCE FROM THE REQUIREMENTS OF ARTICLE 10, SECTION 10.9.(F) OF THE FLOWERY BRANCH ZONING ORDINANCE TO 0 FALCON PARKWAY, TAX PARCEL IDENTIFICATION NO. 08070 001002, OWNED BY BANKS PROPERTY MANAGEMENT, LLC, THE MCCRARY FAMILY PARTNERSHIP, L.P., AND BURWELL INVESTMENTS, L.P., AS SHOWN ON EXHIBIT "A", DESCRIBED ON EXHIBIT "B", AND SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C", BY ALLOWING FUEL PUMPS TO BE LOCATED IN FRONT OF THE PRIMARY STRUCTURE; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, VM&R LLC. has submitted a written and signed application to the City of Flowery Branch, Georgia requesting a specific variance for property located at 0 Falcon Parkway; and

WHEREAS, a survey and complete description of the property subject to the requested variance is included in the application; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia held a public hearing on January 5, 2023, to consider the application, which was duly noticed as prescribed by law and published in the Gainesville Times, as shall be set forth in the minutes of said meeting; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia has considered the subject variance application of VM&R in conjunction with the standards set forth in Article 37, Section 37.5 of the Zoning Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS:

The City Council finds that the proposed variance from the City of Flowery Branch Zoning Ordinance Article 10, Section 10.9.(f) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;

- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
- (d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
- (e) The special circumstances are not the result of the actions of the applicant;
- (f) The variances requested are the minimum variances that will make possible the proposed use of the land, building, or structure in the use district proposed; and
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

SECTION 2. LEGAL DESCRIPTION, VARIANCES GRANTED AND CONDITIONS IMPOSED:

The properties as shown in attached Exhibit "A" and as legally described in Exhibit "B" shall be granted the following variance from the requirements set forth in the Flowery Branch Zoning Ordinance Article 10, Section 10.9.(f):

1. Fuel pumps shall be allowed to be placed in front of the primary structure

Conditions set forth in Exhibit "C" are imposed on said property. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Public Hearing Published 12/07/2022
Public Hearing 01/05/2023

First Reading 01/05/2023
Adopted 01/19/2023

SECTION 4. EFFECTIVE DATE.

The effective date of this Ordinance shall be upon adoption by the City Council of the City of Flowery Branch, Georgia.

SECTION 5. REPEALER.

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

Adopted this 19th day of January 2023.

Edward R. Asbridge, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 73 of the 8th district, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a concrete right of way monument at the intersection of the northeastern right of way of H.F. Reed Industrial Parkway, a.k.a. Martin Road, said right of way having a variable width and the northwestern right of way of State Route 13, a.k.a. Falcon Parkway, said right of way having a variable width;

Thence proceeding along said northeastern right of way of H.F. Reed Industrial Parkway the following courses and distances: along the arc of a curve to the right, having a radius of 835.96 feet and an arc length of 90.67 feet, being subtended by a chord bearing and distance of North 57°15'11" West, 90.62 feet to a concrete right of way monument; North 35°33'09" East, 9.94 feet to a concrete right of way monument; along the arc of a curve to the right, having a radius of 741.32 feet and an arc length of 473.78, being subtended by a chord bearing and distance of North 35°20'30" West, 465.76 feet to a concrete right of way monument; North 09°46'26" West, 157.02 feet to a concrete right of way monument; North 17°01'26" West, 99.94 feet to a concrete right of way monument; North 24°38'02" West, 151.32 feet to a concrete right of way monument; and North 13°11'41" West, 133.68 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; thence leaving said right of way and proceeding along the property now or formerly of Rafe Banks, Jr. the following courses and distances: North 58°29'43" East, 379.27 feet to a 2 inch open top pipe found; North 64°12'54" West, 70.29 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; North 57°32'05" West, 422.53 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; and North 55°58'31" West, 113.67 feet to a concrete right of way monument on the southeastern right of way of Interstate 985, said right of way having a variable width; thence proceeding along said southeastern right of way of Interstate 985 North 28°21'37" East, 44.76 feet to a concrete right of way monument; thence leaving said right of way and proceeding along the property now or formerly of Zion Hill Baptist Church the following courses and distances: South 54°30'40" East, 111.34 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484"; South 56°47'33" East, 96.39 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484"; South 56°59'41" East, 333.02 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484"; South 64°11'15" East, 92.58 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484"; and South 29°34'04" East, 573.21 feet to an iron pin set being a 1/2 inch rebar with a yellow plastic cap stamped "Rochester LSF000484" on the aforementioned northwestern right of way of State Route 13; thence proceeding along said northwestern right of way of State Route 13 the following courses and distances: South 11°10'46" West, 357.33 feet to a concrete right of way monument; South 78°49'13" East, 40.00 feet to a concrete right of way monument; South 11°10'46" West, 124.31 feet to a concrete right of way monument; South 13°20'57" West, 85.17 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; North 79°00'37" West, 6.66 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528" and South 34°16'09" West, 138.00 feet to the POINT OF BEGINNING.

Said tract contains 10.907 acres.

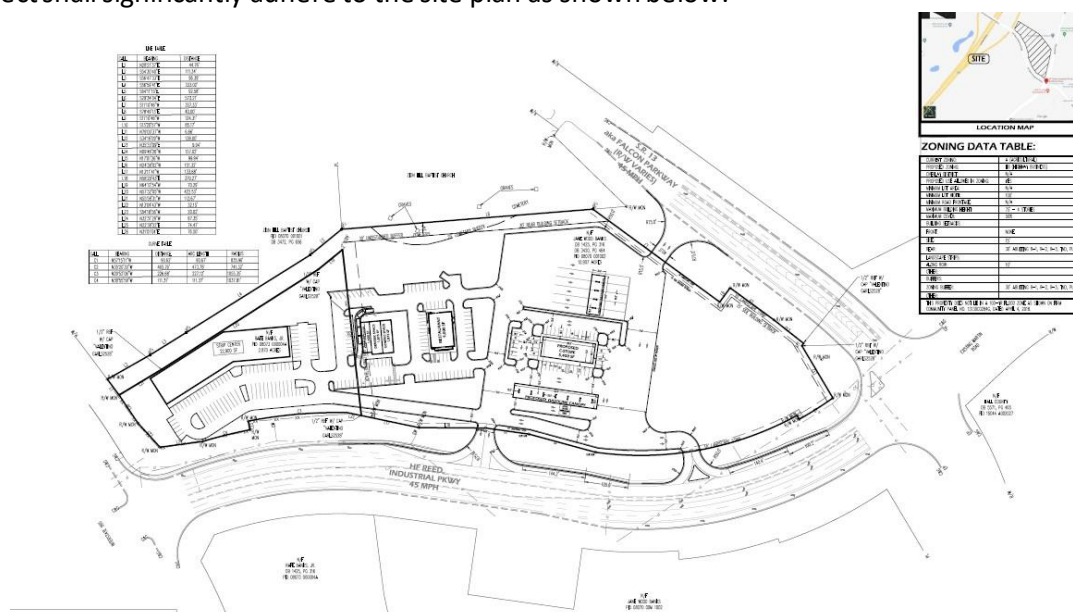
12/07/2022
01/05/2023

First Reading
Adopted

01/05/2023
01/19/2023

Exhibit "C"

Project shall significantly adhere to the site plan as shown below:



Public Hearing Published 12/07/2022
Public Hearing 01/05/2023

First Reading 01/05/2023
Adopted 01/19/2023

ORDINANCE 685

AN ORDINANCE GRANTING A VARIANCE FROM THE REQUIREMENTS OF ARTICLE 10, SECTION 10.9.(F) OF THE FLOWERY BRANCH ZONING ORDINANCE TO 0 FALCON PARKWAY, TAX PARCEL IDENTIFICATION NO. 08073 000004A,, OWNED BY BANKS PROPERTY MANAGEMENT, LLC, THE MCCRARY FAMILY PARTNERSHIP, L.P., AND BURWELL INVESTMENTS,L.P., AS SHOWN ON EXHIBIT "A", DESCRIBED ON EXHIBIT "B", AND SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C", BY ALLOWING FUEL PUMPS TO BE LOCATED IN FRONT OF THE PRIMARY STRUCTURE; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, VM&R LLC. has submitted a written and signed application to the City of Flowery Branch, Georgia requesting a specific variance for property located at 0 Falcon Parkway; and

WHEREAS, a survey and complete description of the property subject to the requested variance is included in the application; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia held a public hearing on January 5, 2023, to consider the application, which was duly noticed as prescribed by law and published in the Gainesville Times, as shall be set forth in the minutes of said meeting; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia has considered the subject variance application of VM&R in conjunction with the standards set forth in Article 37, Section 37.5 of the Zoning Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS:

The City Council finds that the proposed variance from the City of Flowery Branch Zoning Ordinance Article 10, Section 10.9.(f) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;

- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
- (d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
- (e) The special circumstances are not the result of the actions of the applicant;
- (f) The variances requested are the minimum variances that will make possible the proposed use of the land, building, or structure in the use district proposed; and
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

SECTION 2. LEGAL DESCRIPTION, VARIANCES GRANTED AND CONDITIONS IMPOSED:

The properties as shown in attached Exhibit "A" and as legally described in Exhibit "B" shall be granted the following variance from the requirements set forth in the Flowery Branch Zoning Ordinance Article 10, Section 10.9.(f):

1. Fuel pumps shall be allowed to be placed in front of the primary structure

Conditions set forth in Exhibit "C" are imposed on said property. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Public Hearing Published 12/07/2022
Public Hearing 01/05/2023

First Reading 01/05/2023
Adopted 01/19/2023

SECTION 4. EFFECTIVE DATE.

The effective date of this Ordinance shall be upon adoption by the City Council of the City of Flowery Branch, Georgia.

SECTION 5. REPEALER.

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

Adopted this 19th day of January 2023.

Edward R. Asbridge, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

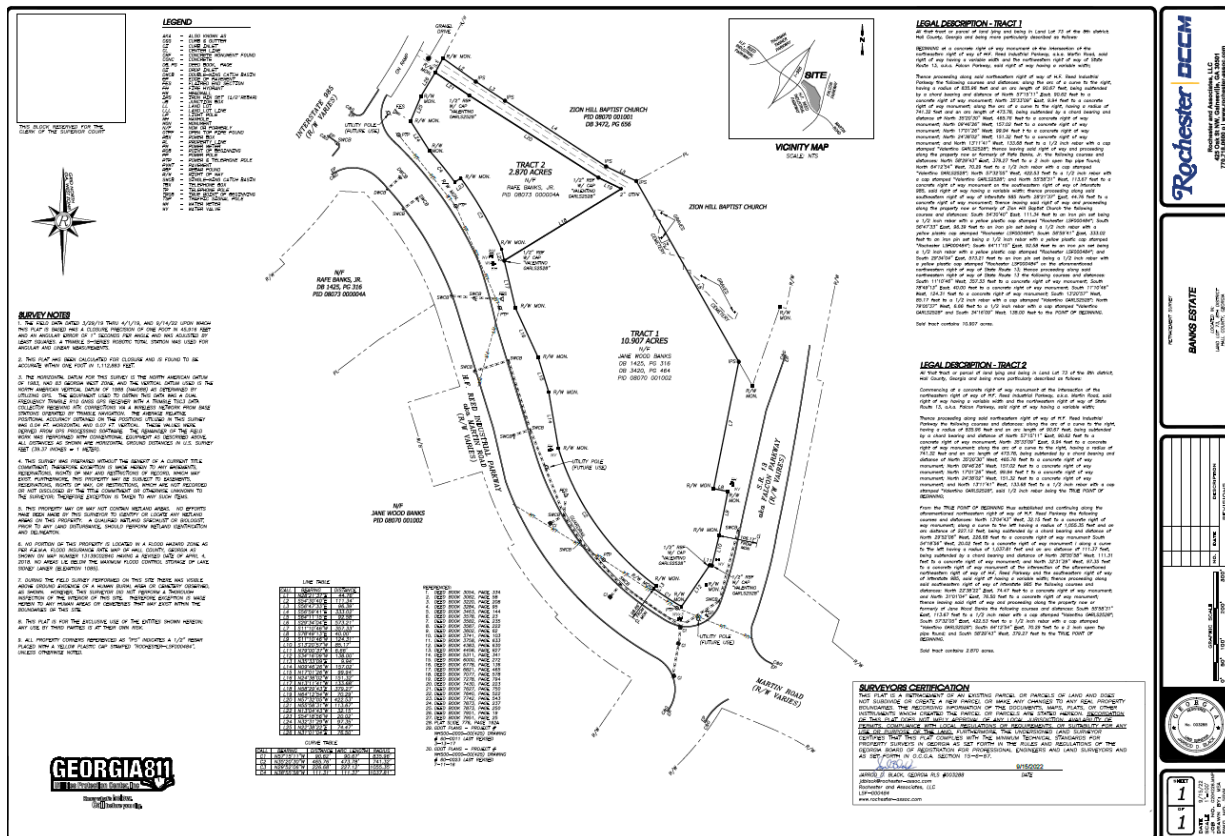


Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 73 of the 8th district, Hall County, Georgia and being more particularly described as follows:

Commencing at a concrete right of way monument at the intersection of the northeastern right of way of H.F. Reed Industrial Parkway, a.k.a. Martin Road, said right of way having a variable width and the northwestern right of way of State Route 13, a.k.a. Falcon Parkway, said right of way having a variable width;

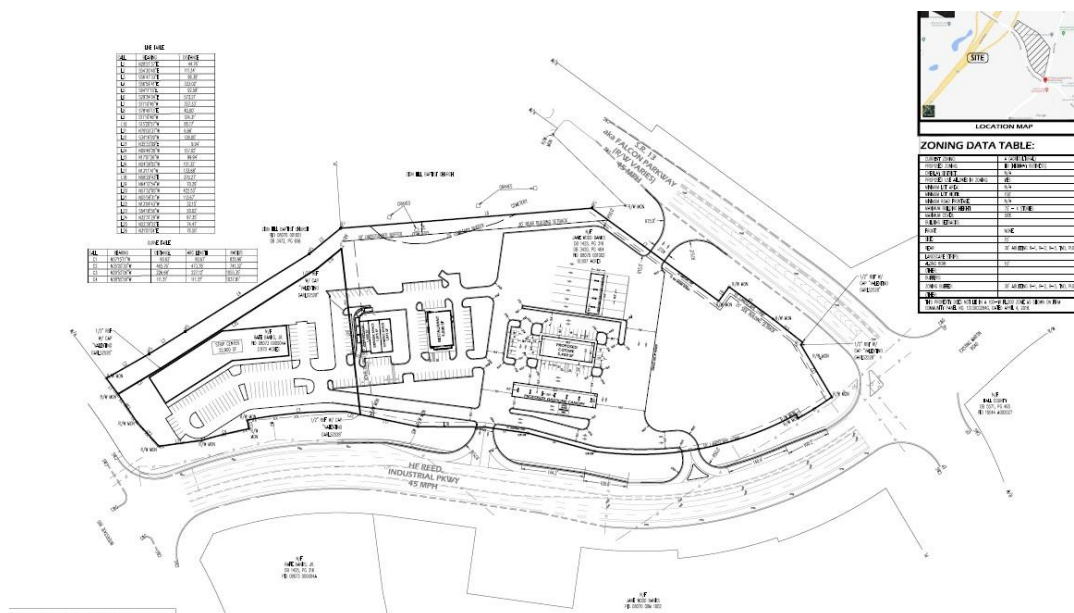
Thence proceeding along said northeastern right of way of H.F. Reed Industrial Parkway the following courses and distances: along the arc of a curve to the right, having a radius of 835.96 feet and an arc length of 90.67 feet, being subtended by a chord bearing and distance of North 57°15'11" West, 90.62 feet to a concrete right of way monument; North 35°33'09" East, 9.94 feet to a concrete right of way monument; along the arc of a curve to the right, having a radius of 741.32 feet and an arc length of 473.78, being subtended by a chord bearing and distance of North 35°20'30" West, 465.76 feet to a concrete right of way monument; North 09°46'26" West, 157.02 feet to a concrete right of way monument; North 17°01'26" West, 99.94 feet to a concrete right of way monument; North 24°38'02" West, 151.32 feet to a concrete right of way monument; and North 13°11'41" West, 133.68 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528", said 1/2 inch rebar being the TRUE POINT OF BEGINNING;

From the TRUE POINT OF BEGINNING thus established and continuing along the aforementioned northeastern right of way of H.F. Reed Parkway the following courses and distances: North 13°04'43" West, 32.15 feet to a concrete right of way monument; along a curve to the left having a radius of 1,055.35 feet and an arc length of 227.12 feet, being subtended by a chord bearing and distance of North 29°52'06" West, 226.68 feet to a concrete right of way monument South 54°18'56" West, 20.02 feet to a concrete right of way monument along a curve to the left having a radius of 1,037.81 feet and an arc length of 111.37 feet, being subtended by a chord bearing and distance of North 38°55'58" West, 111.31 feet to a concrete right of way monument; and North 32°31'29" West, 97.35 feet to a concrete right of way monument at the intersection of the aforementioned northeastern right of way of H.F. Reed Parkway and the southeastern right of way of Interstate 985, said right of way having a variable width; thence proceeding along said southeastern right of way of Interstate 985 the following courses and distances: North 22°38'22" East, 74.47 feet to a concrete right of way monument; and North 31°01'04" East, 76.50 feet to a concrete right of way monument; thence leaving said right of way and proceeding along the property now or formerly of Jane Wood Banks the following courses and distances: South 55°58'31" East, 113.67 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; South 57°32'05" East, 422.53 feet to a 1/2 inch rebar with a cap stamped "Valentino GARLS2528"; South 64°12'54" East, 70.29 feet to a 2 inch open top pipe found; and South 58°29'43" West, 379.27 feet to the TRUE POINT OF BEGINNING.

Said tract contains 2.870 acres.

Exhibit "C"

Project shall significantly adhere to the site plan as shown below:





FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consulting Agreement with Jimmy Dean for Wastewater Consulting Services

COUNCIL MEETING DATE: January 5, 2023

HISTORY:

The City of Flowery Branch has benefitted from the employment of Jimmy Dean for over 24 years as its Water/Wastewater Director.

FACTS AND ISSUES:

Jimmy Dean has decided to retire at the end of 2022 and has agreed to work an average of two days per week as there is so much going on with the city's water system and at the wastewater treatment plant.

The attached consulting agreement spells out the terms and conditions of this contractual relationship most notably the hourly rate of \$75.

OPTIONS:

Approve the consulting agreement.

Do not approve the consulting agreement and offer alternatives.

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

Yes

AMOUNT AND SOURCE OF FUNDS:

Up to \$108,000 - Water/Wastewater Fund

RECOMMENDATION:

Approve a consulting agreement with Jimmy Dean for wastewater consulting services during calendar year 2023.

SAMPLE MOTION:

I make a motion to approve the consulting agreement with Jimmy Dean.

COLLABORATING DEPARTMENT:

Water/Wastewater

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [ES - Consulting Agreement - J Dean.pdf](#)

- Consulting Agreement - J Dean.pdf



**FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY**

SUBJECT: Consulting Agreement with Jimmy Dean for Wastewater Consulting Services

DATE: December 28, 2022

(X)RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL- Up to \$108,000

() OTHER

CAPITAL-

COUNCIL ACTION REQUESTED ON: January 5, 2023

PURPOSE: To approve a consulting agreement with Jimmy Dean for wastewater consulting services during calendar year 2023.

HISTORY: The City of Flowery Branch has benefitted from the employment of Jimmy Dean for over 24 years as its Water/Wastewater Director.

FACTS AND ISSUES: Jimmy Dean has decided to retire at the end of 2022 and has agreed to work an average of two days per week as there is so much going on with the city's water system and at the wastewater treatment plant.

The attached consulting agreement spells out the terms and conditions of this contractual relationship most notably the hourly rate of \$75.

OPTIONS:

- 1) Approve the consulting agreement.
 - 2) Do not approve the consulting agreement and offer alternatives.
-
-

RECOMMENDED SAMPLE MOTION:

I make a motion to approve the consulting agreement with Jimmy Dean.

DEPARTMENT: Administration

Prepared by: Tonya Parrish

**CONSULTING AGREEMENT BY AND BETWEEN
THE CITY OF FLOWERY BRANCH AND JIMMY DEAN**

This Consulting Agreement ("Agreement") is entered into as of January 5, 2023, but effective as of January 2, 2023 ("Effective Date"), by and between the City of Flowery Branch, a Georgia municipal corporation ("City"), and Jimmy Dean, a resident of the state of Georgia whose permanent address is 255 Night Hawk View, Demorest, Georgia, 30535 ("Consultant").

WHEREAS, City provides public water and sewer utility services including but not limited to the construction, operation and maintenance of a water system and a sewer system within and without the jurisdiction of the City;

WHEREAS, Consultant retired from City contemporaneous with the Effective Date of this Agreement;

WHEREAS, Consultant is a former employee of City and has knowledge of the public water and sewer utility services provided by City; and,

WHEREAS, City desires to obtain, and Consultant desires to provide, consulting services in accordance with the terms of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are herein contained, City and Consultant agree as follows:

1. Consulting Services. During the term of this Agreement, Consultant agrees to provide advice and assistance on matters about which Consultant has knowledge and familiarity ("Consulting Services") to City making himself available as reasonably requested by City. Where such Consulting Services must be provided in person, City will accommodate Consultant's availability to every extent possible. Any time expended on travel associated with the provision of Consulting Services shall be considered as Consulting Services.
2. Authority and Relationship. Except as otherwise consented to or directed by City in writing, Consultant does not have the authority to act on behalf of the City to (a) accept or reject any inquiry; (b) respond to a request/complaint from any person; or, (c) enter into any agreement or contract. City and Consultant agree that Consultant is an independent contractor of City and that no employer-employee relationship shall exist between City and Consultant.
3. Compliance with Laws. In rendering the Consulting Services under this Agreement, City and Consultant agree that they will comply with any and all applicable laws, regulations, decrees or other local, state or federal directives having the force of law.

4. Fees. Consulting Services shall be billed at an hourly rate of \$75.00 not to exceed \$9,000 per calendar month. Such amounts will be payable within thirty (30) days of the receipt of Consultant's invoice. Time spent on Consulting Services shall be tracked and billed in increments of not less than .25 of an hour. Consultant shall be responsible for all personal income taxes and similar obligations with respect to any and all payments hereunder, including without limitation, all federal and state income tax, social security tax and any withholding or similar obligations of Consultant. City shall provide Consultant with a phone to be used only for providing the services set forth in this Agreement.
5. Term. This Agreement shall automatically terminate one (1) year after the Effective date with no further documents to be executed by the parties. This Agreement may only be extended by an amendment to this Agreement set forth in writing signed by both the City and Consultant.
6. Payments Due Upon Cancellation. City and Consultant shall have the right to cancel this Agreement for any reason upon thirty (30) days written notice. If the Agreement is cancelled by either party, Consultant is not entitled to any additional payments other than fees earned up and through the date of cancellation.
7. Notices. All formal notices, request, consents and other communications hereunder shall be in writing and shall be emailed to the other party at the email address provided below with a copy forwarded by first class mail or overnight courier, fully prepaid and addressed as follows:

To the City at:

Tonya Parrish, City Manager
City of Flowery Branch
5410 West Pine Street
Post Office Box 757
Flowery Branch, Georgia 30542
770-967-6731
tonya@flowerybranchga.org

To the Consultant at:

Jimmy Dean
Jimmy Dean Consulting Services
255 Night Hawk View
Post Office Box 1514
Demorest, Georgia 30535
678-776-1074

8. Miscellaneous. This Agreement sets forth the understanding between the parties and supersedes all other agreements and understandings, whether written or oral, of the parties with respect to the Consulting Services. Without the prior written consent of City, this Agreement shall not be transferred or assigned by Consultant. This Agreement shall bind and inure to the benefit of the permitted successors and assignees of the parties. The terms and provisions of this Agreement may not be modified or amended except in writing executed by City and Consultant. This Agreement shall be construed under, governed by and enforced pursuant to the laws of the State of Georgia.

CITY OF FLOWERY BRANCH:

CONSULTANT:

By: Edward R. Asbridge, Mayor
Date: _____

By: Jimmy Dean
Date: _____

ATTEST:

Shelia Cooper, City Clerk



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Resolution 23-001 Appointment of Assistant City Clerk

COUNCIL MEETING DATE: January 5, 2023

HISTORY:

The City of Flowery Branch has had a city clerk since its establishment. From time to time it is possible that the city clerk may not be available to take minutes or perform other pertinent duties.

FACTS AND ISSUES:

The city clerk, Shelia Cooper, has been cross-training Mrs. Nancy Rodriguez on the duties of city clerk. It is in the best interest of the City of Flowery Branch to have an appointed assistant city clerk.

OPTIONS:

- 1) Approve Resolution 23-001 appointing Nancy Rodriguez as assistant city clerk.
- 2) Do not approve Resolution 23-001.

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Appoint Nancy Rodriguez as assistant city clerk.

SAMPLE MOTION:

I make a motion to approve Resolution 23-001 appointing Nancy Rodriguez as assistant city clerk.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [ES - Res 23-001 Appt of Asst City Clerk.pdf](#)
- [Res 23-001 Appointment Asst City Clerk.pdf](#)



**FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY**

SUBJECT: Resolution 23-001 Appointment of Assistant City Clerk

DATE: December 29, 2022

(X)RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL-

() OTHER

CAPITAL-

COUNCIL ACTION REQUESTED ON: January 5, 2023

PURPOSE: To appoint Nancy Rodriguez as assistant city clerk.

HISTORY: The City of Flowery Branch has had a city clerk since its establishment. From time to time it is possible that the city clerk may not be available to take minutes or perform other pertinent duties.

FACTS AND ISSUES: The city clerk, Shelia Cooper, has been crosstraining Mrs. Nancy Rodriguez on the duties of city clerk. It is in the best interest of the City of Flowery Branch to have an appointed assistant city clerk.

OPTIONS:

- 1) Approve Resolution 23-001 appointing Nancy Rodriguez as assistant city clerk.
 - 2) Do not approve Resolution 23-001.
-
-

RECOMMENDED SAMPLE MOTION:

I make a motion to approve Resolution 23-001 appointing Nancy Rodriguez as assistant city clerk.

DEPARTMENT: Administration

Prepared by: Tonya Parrish

RESOLUTION NO. 23-001
TO APPOINT AN ASSISTANT CITY CLERK

WHEREAS Section 8.2 of the Charter of the City of Flowery Branch authorizes the Council to appoint and assign duties to a City Clerk; and

WHEREAS Section 3.1 of the Charter of the City of Flowery Branch empowers the Council to establish, abolish or alter all nonelective offices, positions of employment, departments and agencies of the city, as necessary for the proper administration of the affairs and government of the city; and

WHEREAS the Council finds that it is in the best interest of the public health, safety and welfare to appoint an Assistant City Clerk.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Flowery Branch that Nancy Rodriguez is hereby appointed as the Assistant City Clerk.

SO RESOLVED this 5th day of January, 2023.

Edward R. Asbridge, Mayor

ATTEST:

Shelia Cooper, City Clerk

Approved as to form:

E. Ronald Bennett, Jr., City Attorney