

**Mayor**  
Rhonda Haight

**City Council**  
Angie Arp, Mayor Pro Tempore  
Jack Taylor  
Christy Kay  
Bill Bivins  
William Whaley



**City Administrator**  
Eric M. Soroka

**City Clerk**  
Amy Mintz

**City Attorney**  
Chuck Conerly

## City of Blue Ridge City Council Meeting Agenda

**May 17, 2022**

5:00 p.m.

**Blue Ridge City Hall**

**480 West First Street**

**Blue Ridge, Ga 30513**

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1. **Call Meeting to Order**
  2. **Prayer and Pledge of Allegiance**
  3. **Approval of Minutes from Previous Meeting**
    - a) April 19, 2022 – Council Meeting
    - b) May 2, 2022 – Joint Meeting with County
    - c) May 2, 2022 – Joint Meeting with DDA
  4. **Approval of Agenda or Motion to Amend Agenda (if applicable)**
  5. **Called Public Hearings (rezoning or appeals authorized by Ordinance)**
    - a) AN ORDINANCE (I) TO AMEND CHAPTER 2 (“ADMINISTRATION”), ARTICLE III (“DEPARTMENTS, BOARDS AND COMMISSIONS”), DIVISION 1 (“GENERALLY”), SECTION 2-52 (“DEPARTMENTAL ORGANIZATION”) OF THE CODE OF THE CITY OF BLUE RIDGE, GEORGIA; (II) TO DELETE DIVISION 2 (“DEPARTMENT OF PERSONNEL”), DIVISION 3 (“DEPARTMENT OF FINANCE”), DIVISION 4 (“WATER MAINTENANCE DEPARTMENT”), DIVISION 5 (“STREET MAINTENANCE DEPARTMENT”), AND DIVISION 6 (“DEPARTMENT OF HOUSING AND BUILDING INSPECTION”) IN THEIR ENTIRETY; AND (III) TO RENUMBER DIVISION 7 (“CITY PLANNING COMMISSION”), DIVISION 8 (“BOARD OF ZONING APPEALS”), AND DIVISION 9 (“AREA PLANNING COMMISSION”). (SECOND READING)
    - b) MOTION TO ACCEPT THE PLANNING COMMISSION’S RECOMMENDATION OF MAY 3, 2022 TO APPROVE THE REZONING OF 78 WEST FAIR STREET

### **Our Mission Statement**

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(PARCEL BR01 136), OWNED BY LATY, LLC AND BEING APPROXIMATELY 0.38 ACRES, FROM R2 TO C2.

- c) A ZONING ORDINANCE/ACTION AMENDING THE ZONING MAP OF THE CITY OF BLUE RIDGE, GEORGIA, BY REZONING ONE PARCEL OF LAND WITHIN THE CITY OF BLUE RIDGE, BEING TAX PARCEL BR01 136 OWNED BY LATTY, LLC AND BEING APPROXIMATELY 0.38 ACRES, MORE OR LESS, AS MORE PARTICULARLY DESCRIBED IN THE LIMITED WARRANTY DEED ATTACHED HERETO AND INCORPORATED BY REFERENCE INTO THIS ZONING ORDINANCE ("PROPERTY") AND REZONING THE PROPERTY FROM MEDIUM DENSITY RESIDENTIAL ("R-2") TO GENERAL COMMERCIAL ("C-2"); REPEALING CONFLICTING ZONING ORDINANCES APPLICABLE TO THE PROPERTY; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)
- d) MOTION TO ACCEPT THE PLANNING COMMISSION'S RECOMMENDATION OF MAY 3, 2022 TO APPROVE SEARLES FOUNDATION AFFORDABLE HOUSING LAND FUND, LLC TO REZONE A TRACT OF LAND FROM GENERAL COMMERCIAL (C-2) TO HIGH-DENSITY RESIDENTIAL (R-3). A TRACT OF LAND TOTALING 9.08-ACRES LOCATED AT THE INTERSECTION OF BOARDTOWN ROAD AND TRACKSIDE LANE AND IS IDENTIFIED AS TAX PARCEL BR03 033 AND BR03 034
- e) A ZONING ORDINANCE/ACTION AMENDING THE ZONING MAP OF THE CITY OF BLUE RIDGE, GEORGIA, BY REZONING TWO PARCELS OF LAND WITHIN THE CITY OF BLUE RIDGE, BEING TAX PARCELS BR03 033 AND BR03 034 OWNED BY SEARLES FOUNDATION AFFORDABLE HOUSING LAND FUND, LLC AND BEING APPROXIMATELY 9.08 ACRES, MORE OR LESS, AS MORE PARTICULARLY DESCRIBED IN THE LIMITED WARRANTY DEED ATTACHED HERETO AND INCORPORATED BY REFERENCE INTO THIS ZONING ORDINANCE ("PROPERTY") AND REZONING THE PROPERTY FROM GENERAL COMMERCIAL ("C-2") TO HIGH DENSITY RESIDENTIAL ("R-3"); REPEALING CONFLICTING ZONING ORDINANCES APPLICABLE TO THE PROPERTY; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)
- f) AN ORDINANCE TO AMEND CHAPTER 10 ("BUSINESS REGULATIONS") ARTICLE II ("OCCUPATIONAL TAXES") OF THE CODE OF THE CITY OF BLUE RIDGE, GEORGIA TO REASSIGN CERTAIN DUTIES TO THE CITY ADMINISTRATOR OR HIS/HER DESIGNEE; TO CHANGE CERTAIN DEADLINES, AND FOR OTHER PURPOSES. (FIRST READING)

## 6. **Consent Agenda**

- a) A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BLUE

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RIDGE, STATE OF GEORGIA, TO AMEND RESOLUTION NO. BR 2018-12-11, BY WHICH THE CITY OF BLUE RIDGE CREATED THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF BLUE RIDGE, GEORGIA ("DDA"), TO RESTATE AND CLARIFY THE POWERS AND DUTIES CONFERRED UPON THE DDA.

- b) MOTION TO APPROVE A NON-BUDGETED EXPENDITURE OF \$12,400 FOR A KUBOTA ZD1011-3-54 RIDING MOWER WITH NELSON TRACTOR COMPANY, INC.
- c) MOTION TO APPROVE A NON-BUDGETED EXPENDITURE OF \$3,557 FOR THE REPLACEMENT OF POLICE ISSUED HANDGUNS FOR POLICE OFFICERS.

**7. Action Agenda Items (Items requiring the approval of the City Council)**

- a) MOTION TO ADOPT COMMUNITY REVITALIZATION PLAN DOCUMENT.

**8. Discussion Agenda Items**

**9. Reports**

- a) Proclamation
- b) Downtown Development Authority Update
- c) Blue Ridge Business Association Update

**10. Public Comments**

**11. Executive Session (if needed)**

**12. Adjournment**

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**City of Blue Ridge  
City Council Meeting  
MINUTES**

**April 19, 2022**

**5:00 p.m.**

**Blue Ridge City Hall**

**480 West First Street**

**Blue Ridge, Ga 30513**

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**1. Call Meeting to Order**

Mayor Rhonda Haight called the meeting to order at 5:00 pm. Present were Mayor Rhonda Haight, Council Members William Whaley, Angie Arp, Jack Taylor, Christy Kay, Bill Bivins, City Attorney Check Conerly. City Administrator Eric Soroka and City Clerk Amy Mintz.

**2. Prayer and Pledge of Allegiance**

Led by Council Member Whaley.

**3. Approval of Minutes from Previous Meeting**

a) March 15, 2022 (Council Meeting)

A motion to approve was offered by Council Member Whaley, seconded by Council Member Bivins, passed unanimously.

b) April 7, 2022 (Workshop/ Visioning Session)

A motion to approve was offered by Council Member Whaley, seconded by Council Member Bivins, passed unanimously.

**4. Approval of Agenda or Motion to Amend Agenda (if applicable)**

A motion to approve the agenda was offered by Council Member Whaley, seconded by Council Member Arp, passed unanimously.

**5. Called Public Hearings (rezoning or appeals authorized by Ordinance)**

City Attorney discussed the following ordinance to be voted on:

- a) AN ORDINANCE TO AMEND CHAPTER 22 ("TRAFFIC CODE"), ARTICLE II ("PARKING SCHEDULES") OF THE CODE OF THE CITY OF BLUE RIDGE, GEORGIA BY REPEALING AND REPLACING, IN ITS ENTIRETY, SECTION 22-51 ("RESTRICTED PARKING") PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING)

A motion to table was offered by Council Member Kay, no second. Motion denied.

A motion to approve was offered by Council Member Taylor, seconded by Council Member Arp, passed 3-2, with Council Member Kay and Council Member Bivins voting no.

BR2022-10.

City Attorney discussed the following ordinance to be voted on:

- b) AN ORDINANCE OF THE CITY OF BLUE RIDGE, GEORGIA, ESTABLISHING GENERAL PURCHASING REGULATIONS PURSUANT TO CITY CHARTER SECTION 6.31 ("PURCHASING"); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING)

A motion to approve was offered by Council Member Whaley, seconded by Council Member Bivins, passed unanimously.

BR2022-11

City Administrator discussed the following item to be voted on:

- c) MOTION TO AUTHORIZE THE CITY ATTORNEY TO PREPARE THE REQUIRED LEGISLATION TO ALLOW THE PROPERTY LOCATION AT 180 MOUNTAIN HIDEAWAY TRAIL, BLUE RIDGE BE DEANNEXED FROM THE INCORPORATED AREA OF THE CITY.

A motion to deny request was offered by Council Member Taylor, seconded by Council Member Whaley, passed unanimously.

City Attorney discussed the following ordinance for the first reading:

- d) AN ORDINANCE (I) TO AMEND CHAPTER 2 ("ADMINISTRATION"), ARTICLE III ("DEPARTMENTS, BOARDS AND COMMISSIONS"), DIVISION 1 ("GENERALLY"), SECTION 2-52 ("DEPARTMENTAL ORGANIZATION") OF THE CODE OF THE CITY OF BLUE RIDGE, GEORGIA; (II) TO DELETE DIVISION 2 ("DEPARTMENT OF PERSONNEL"), DIVISION 3 ("DEPARTMENT OF FINANCE"), DIVISION 4 ("WATER MAINTENANCE DEPARTMENT"), DIVISION 5 ("STREET MAINTENANCE DEPARTMENT"), AND DIVISION 6 ("DEPARTMENT OF HOUSING AND BUILDING INSPECTION") IN THEIR ENTIRETY; AND (III) TO RENUMBER DIVISION 7 ("CITY PLANNING COMMISSION"), DIVISION 8 ("BOARD OF ZONING APPEALS"), AND DIVISION 9 ("AREA PLANNING COMMISSION"). (FIRST READING)

## 6. Consent Agenda

A motion to approve the consent agenda was offered by Council Member Whaley, seconded by Council Member Taylor, passed unanimously.

- a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLUE RIDGE, GEORGIA, ADOPTING THE PLANNING AND ZONING APPLICATION FEE SCHEDULE ATTACHED AS EXHIBIT "A" AND PROVIDING AN EFFECTIVE DATE.  
**BR2022-13**
- b) MOTION TO APPROVE A NON-BUDGETED EXPENDITURE OF \$3,100 FOR A POLICE BODY CAMERA FOR THE PART-TIME POLICE OFFICERS.
- c) MOTION TO APPROVE A NON-BUDGETED EXPENDITURE FOR SECURITY CAMERAS TO BE LOCATED AT THE CITY'S WATER PLANT FACILITY IN THE AMOUNT OF \$9,412.83.
- d) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLUE RIDGE, GEORGIA AUTHORIZING THE MAYOR ON THE CITY'S BEHALF TO EXECUTE THE ATTACHED CONTRACT FOR PROBATION SUPERVISION SERVICES BETWEEN THE CITY AND CSRA PROBATION SERVICES, INC. AND PROVIDING AN EFFECTIVE DATE.  
**BR2022-14**

- e) MOTION AUTHORIZING THE MAYOR TO EXECUTE TASK RELEASE NO. 38 UNDER MASTER ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF BLUE RIDGE AND CARTER SLOOP, INC. FOR PAVING AND SIDEWALK EVALUATION IN THE AMOUNT OF \$26,500.

**7. Action Agenda Items (Items requiring the approval of the City Council)**

- a) APPOINTMENT OF MEMBERS TO PLANNING COMMISSION

A motion to appoint two (2) new members and reappoint three (3) members was offered by Council Member Taylor, seconded by Council Member Bivins, passed unanimously. Appointments and terms: John Suave – 2 years, Cindy Trimble – 2 years, Brian Higgins – 4 years, Dale Greene – 4 years, and Greg Arnold – 4 years.

- b) A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BLUE RIDGE, STATE OF GEORGIA, TO AMEND RESOLUTION NO. BR 2018-12-11, BY WHICH THE CITY OF BLUE RIDGE CREATED THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF BLUE RIDGE, GEORGIA (“DDA”), TO RESTATE AND CLARIFY THE POWERS AND DUTIES CONFERRED UPON THE DDA.

A motion to table until May meeting was offered by Council Member Whaley, seconded by Council Member Taylor, passed unanimously.

**8. Reports None**

**9. Public Comments**

- a) Downtown Development Authority Update – No update
- b) Blue Ridge Business Association Update – Not Present
- c) Cody Chinn
- d) Robert Borgwat – Trout Festival

**10. Executive Session (if needed)**

A motion to enter into executive session was offered by Council Member Taylor, seconded by Council Member Bivins, passed unanimously. Executive session opened at 5:32 PM.

A motion to adjourn executive session was offered by Council Member Whaley, seconded by Council Member Taylor, passed unanimously. Executive session adjourned at 6:13 PM.

**11. Adjournment**

A motion to adjourn was offered by Council Member Taylor, seconded by Council Member Bivins, passed unanimously and the meeting adjourned at 6:13 PM.

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Mayor, Rhonda Haight

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Approved

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City Clerk, Amy Mintz



## City of Blue Ridge and Fannin County Commission

### Joint Meeting

### Minutes

May 2, 2022

5:00 p.m.

Blue Ridge City Hall

480 West First Street

Blue Ridge, Ga 30513

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#### 1. **Call Meeting to Order Fannin County Commission and Blue Ridge City Council**

Mayor Rhonda Haight called meeting to order at 5:00 pm.

A motion to open the meeting was offered by Council Member Taylor, seconded by Council Member Bivins, passed unanimously.

County Board of Commissioners, Chairman, Jamie Hensley called the County Meeting to order.

Present were City Council Members Mayor Rhonda Haight, Council Members Angie Arp, Christy Kay, Jack Taylor, Bill Bivins, William Whaley (via phone call), City Administrator Eric Soroka, and City Clerk Amy Mintz. County Commissioners present were Chairman Jamie Hensley, Commissioners Glenn Patterson, Johnny Searce (via phone call) and County Clerk Sherri Walker.

#### 2. **Prayer and Pledge of Allegiance**

Led by Officer Shawn Searce.

#### 3. **Called Public Hearings**

- a) Resolution authorizing the Mayor to execute the Intergovernmental Agreement for Blue Ridge City Park by and between the City of Blue Ridge, Georgia and Fannin County, Georgia

A motion to approve the Resolution was offered by Council Member Kay, seconded by Council Member Bivins, passed unanimously.

- b) Motion for Fannin County Commission to approve the Intergovernmental Agreement for Blue Ridge City Park by and between the City of Blue Ridge, Georgia and Fannin County, Georgia

A motion to accept the City Councils proposal for the county to lease the city park was offered by Chairman Jamie Hensley, seconded by Commissioner Patterson, passed unanimously.

4. **Adjournment**

A motion to adjourn the City Council meeting was offered by Council Member Arp, seconded by Council Member Taylor, passed unanimously.

A motion to adjourn the County Commissioner Meeting was offered by Chairman Hensley, seconded by Commissioner Patterson, passed unanimously.

Both meetings adjourned at 5:16 PM.

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Mayor, Rhonda Haight

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City Clerk, Amy Mintz

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Date





## City of Blue Ridge and Downtown Development Authority

### Joint Meeting

### Minutes

May 2, 2022

5:30 p.m.

Blue Ridge City Hall

480 West First Street

Blue Ridge, Ga 30513

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#### **1. Call Meeting to Order City Council and Downtown Development Authority**

Mayor Rhonda Haight called the meeting to order at 5:30 pm.

A motion to open the meeting was offered by Council Member Taylor, seconded by Council Member Bivins, passed unanimously.

DDA Chairman Russell Black called the meeting to order.

A motion to open the meeting was offered by Vice Chairman Cesar Martinez, seconded by Nichole Potzauf.

Present were City Council Members Mayor Rhonda Haight, Council Members Angie Arp, Christy Kay, Jack Taylor, Bill Bivins, William Whaley (via phone call), City Administrator Eric Soroka, and City Clerk Amy Mintz. DDA members present were

#### **Our Mission Statement**

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Chairman Russell Black, Vice Chairman Cesar Martinez, Nichole Potzauf, Laura Ray, Natalie Kissel, and Andy Bowen.

**2. Prayer and Pledge of Allegiance**

Led by Council Member Jack Taylor.

**3. City Council/ DDA discussion**

City Council Members and DDA Members discussed a resolution prepared by the City Attorney, funding, future projects, training, and the role of the DDA moving forward.

**4. Adjournment**

A motion to adjourn the DDA meeting was offered by Vice Chairman Cesar Martinez, seconded by Board Member Potzauf, passed unanimously.

A motion to adjourn the City Council Meeting was offered by Council Member Taylor, seconded by Council Member Bivins passed unanimously.

Both meetings adjourned at 6:37 pm.

\_\_\_\_\_  
Mayor, Rhonda Haight

\_\_\_\_\_  
Chairman, Russell Black

\_\_\_\_\_  
City Clerk, Amy Mintz

\_\_\_\_\_  
Date

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## City Council Meeting Agenda Submittal

**MEETING DATE:** 5/17/2022

**AGENDA NO:** 5a

**AGENDA ITEM:**

AN ORDINANCE (I) TO AMEND CHAPTER 2 ("ADMINISTRATION"), ARTICLE III ("DEPARTMENTS, BOARDS AND COMMISSIONS"), DIVISION 1 ("GENERALLY"), SECTION 2-52 ("DEPARTMENTAL ORGANIZATION") OF THE CODE OF THE CITY OF BLUE RIDGE, GEORGIA; (II) TO DELETE DIVISION 2 ("DEPARTMENT OF PERSONNEL"), DIVISION 3 ("DEPARTMENT OF FINANCE"), DIVISION 4 ("WATER MAINTENANCE DEPARTMENT"), DIVISION 5 ("STREET MAINTENANCE DEPARTMENT"), AND DIVISION 6 ("DEPARTMENT OF HOUSING AND BUILDING INSPECTION") IN THEIR ENTIRETY; AND (III) TO RENUMBER DIVISION 7 ("CITY PLANNING COMMISSION"), DIVISION 8 ("BOARD OF ZONING APPEALS"), AND DIVISION 9 ("AREA PLANNING COMMISSION").

**BACKGROUND:**

This Ordinance updates Chapter 2, section 2-52 of the City Code which established the various departments of the City by reflecting the recent reorganization and establishing the following departments of the City as shown on the attached Organization Chart: Administration, Finance, Legal, Public Safety, Public Works, Planning & Zoning, Municipal Court, and Utility.

**RECOMMENDATION:**

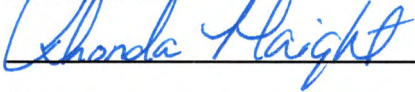
It is recommended that the City Council enact the attached Ordinance.

**ATTACHMENT (S):**

Ordinance No:BR2022-15

City Organization Chart

**APPROVED:**



**Mayor**

  
**City Administrator**

FIRST READING \_\_\_\_\_

SECOND READING \_\_\_\_\_

PASSED \_\_\_\_\_

**AN ORDINANCE NO. BR2022-15**

**AN ORDINANCE (I) TO AMEND CHAPTER 2 (“ADMINISTRATION”), ARTICLE III (“DEPARTMENTS, BOARDS AND COMMISSIONS”), DIVISION 1 (“GENERALLY”), SECTION 2-52 (“DEPARTMENTAL ORGANIZATION”) OF THE CODE OF THE CITY OF BLUE RIDGE, GEORGIA; (II) TO DELETE DIVISION 2 (“DEPARTMENT OF PERSONNEL”), DIVISION 3 (“DEPARTMENT OF FINANCE”), DIVISION 4 (“WATER MAINTENANCE DEPARTMENT”), DIVISION 5 (“STREET MAINTENANCE DEPARTMENT”), AND DIVISION 6 (“DEPARTMENT OF HOUSING AND BUILDING INSPECTION”) IN THEIR ENTIRETY; AND (III) TO RENUMBER DIVISION 7 (“CITY PLANNING COMMISSION”), DIVISION 8 (“BOARD OF ZONING APPEALS”), AND DIVISION 9 (“AREA PLANNING COMMISSION”).**

**WHEREAS**, Chapter 2 (“Administration”), Article III (“Departments, Boards and Commissions”), Division 1 (“Generally”), Section 2-52 (“Departmental Organization”) of the Code of the City of Blue Ridge, Georgia (“Code”) provides generally for the division of City services and employees into departments; and

**WHEREAS**, it appears that this organizational structure has not been modified for nearly twenty years; and

**WHEREAS**, City staff has recommended certain changes to the organizational structure of the City operations to reflect the recent re-organization plan and for other reasons; and

**WHEREAS**, the Mayor and City Council find it in the public interest to change the organizational structure of the City operations to bring it in conformity with the re-organization plan and for other reasons.

**NOW, THEREFORE, BE IT ORDAINED, AND IT IS HEREBY ORDAINED** by the authority of the City Charter and general law: (i) that Chapter 2 (“Administration”), Article III (“Departments, Boards and Commissions”), Division 1 (“Generally”), Section 2-52 (“Departmental Organization”) of the Code of the City of Blue Ridge, Georgia, is hereby amended, (ii) that Division 2 (“Department of Personnel”), Division 3 (“Department of Finance”), Division 4 (“Water Maintenance Department”), Division 5 (“Street Maintenance Department”), and Division 6 (“Department of Housing And Building Inspection”) are hereby deleted in their entirety, and (iii) that Division 7 (“City Planning Commission”), Division 8 (“Board of Zoning Appeals”), and Division 9 (“Area Planning Commission”) are renumbered, as follows:

**SECTION 1.**

**CHAPTER 2 (“ADMINISTRATION”), ARTICLE III  
 (“DEPARTMENTS, BOARDS AND**

**COMMISSIONS”), DIVISION 1 (“GENERALLY”),  
SECTION 2-52 (“DEPARTMENTAL  
ORGANIZATION”) AMENDED**

Chapter 2 (“Administration”), Article III (“Departments, Boards and Commissions”), Division 1 (“Generally”), Section 2-52 (“Departmental Organization”) is hereby amended to read as follows:

**Sec. 2-52. Departmental organization.**

- (a) ~~The administrative service of the city shall be divided into the following departments and heads of:~~ City Departments Created. For the purpose of systemically and efficiently administering the operations of the city, the following departments of government are hereby created: Administration, Finance, Legal, Public Safety, Public Works, Planning & Zoning, Municipal Court, and Utility.

*Departmental Organization*

<i>City Department</i>	<i>Department Head</i>
Department of personnel	Personnel director
Department of finance	Director of finance
Water maintenance department	Water superintendent
Street maintenance department	Street superintendent
Police department	Police chief
Department of civil defense	Civil defense director
Department of housing and building inspection	City building inspector

- (b) ~~A description of each department's composition, the method of appointment and the duties of the head of each department shall be found by department title in the list of job descriptions on file in the city clerk's office.~~

**Secs. 2-53—2-~~77~~212. Reserved.**

**SECTION 2.**

**DIVISION 2 (“DEPARTMENT OF PERSONNEL”),  
DIVISION 3 (“DEPARTMENT OF FINANCE”),  
DIVISION 4 (“WATER MAINTENANCE  
DEPARTMENT”), DIVISION 5 (“STREET  
MAINTENANCE DEPARTMENT”), AND DIVISION  
6 (“DEPARTMENT OF HOUSING AND BUILDING  
INSPECTION”) DELETED IN THEIR ENTIRETY**

Division 2 (“Department of Personnel”), Division 3 (“Department of Finance”), Division 4 (“Water Maintenance Department”), Division 5 (“Street Maintenance Department”), And

Division 6 (“Department of Housing And Building Inspection”) of the Code of the City of Blue Ridge, Georgia are hereby deleted in their entirety

**SECTION 3. DIVISION 7 (“CITY PLANNING COMMISSION”),  
DIVISION 8 (“BOARD OF ZONING APPEALS”),  
AND DIVISION 9 (“AREA PLANNING  
COMMISSION”) RENUMBERED**

Division 7 (“City Planning Commission”) is renumbered, as follows:

DIVISION 72. (“CITY PLANNING COMMISSION”)

...

Division 8 (“Board of Zoning Appeals”) is renumbered, as follows:

DIVISION 83. BOARD OF ZONING APPEALS

...

Division 9 (“Area Planning Commission”) is renumbered, as follows:

DIVISION 94. AREA PLANNING COMMISSION

**SECTION 4. SEVERABILITY.**

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this ordinance 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 ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Blue Ridge to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

**SECTION 5. REPEAL OF CONFLICTING ORDINANCES TO  
THE EXTENT OF THE CONFLICT.**

All parts of prior ordinances, in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict; but it is hereby provided, that any ordinance, or any provision of any ordinance, or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof, and shall be legally construed to be in favor of upholding this ordinance on behalf of the City of Blue Ridge, Georgia.

**SECTION 6.**

**EFFECTIVE DATE.**

The effective date of this ordinance shall be upon its passage by the City Council.

**SO ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

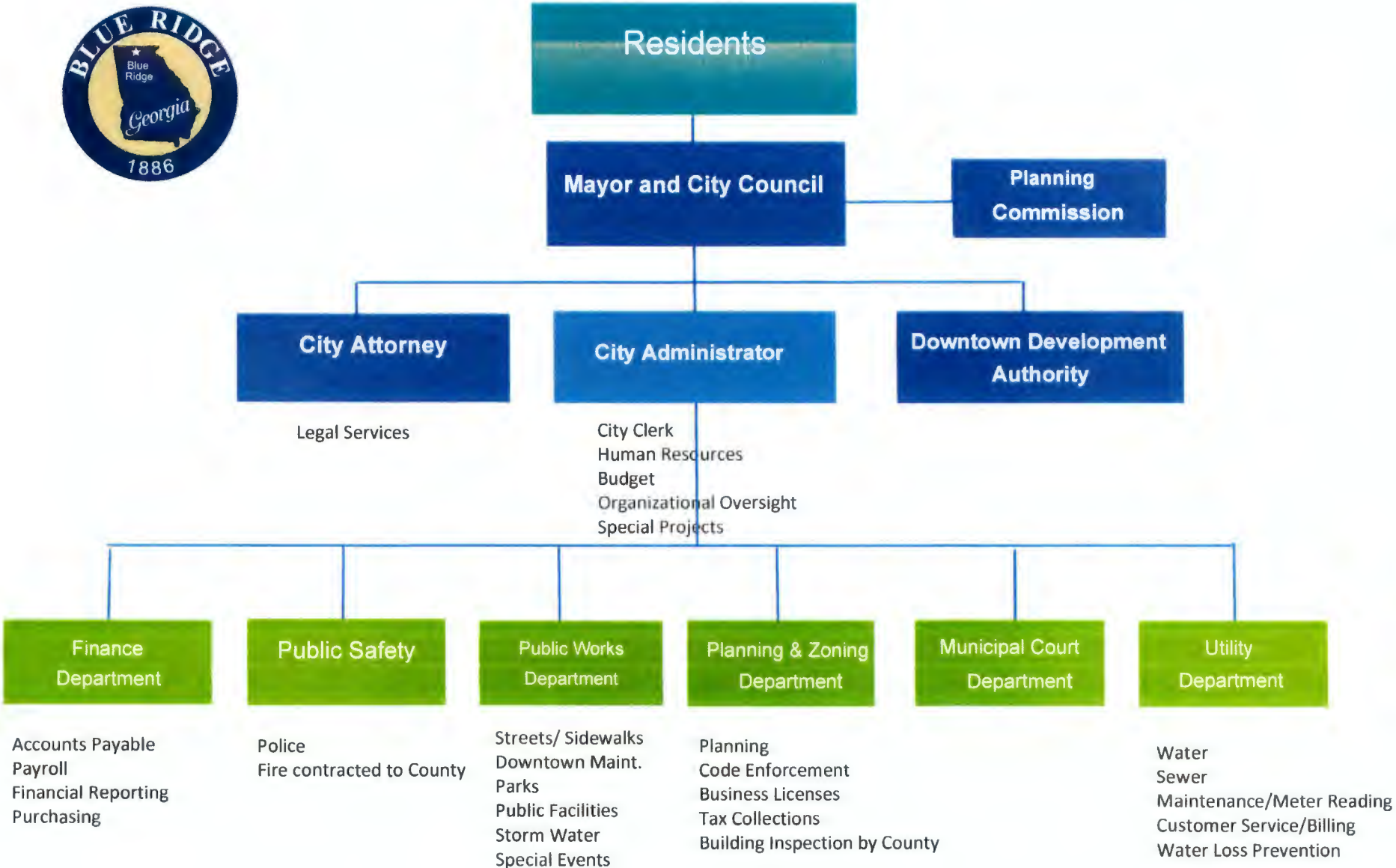
BLUE RIDGE CITY COUNCIL

By: \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Amy Mintz, City Clerk

# City of Blue Ridge Organizational Chart





## City Council Meeting Agenda Submittal

**MEETING DATE:** 5/17/2022

**AGENDA NO:** 5b

**AGENDA ITEM:**

Motion to accept the Planning Commission's recommendation of May 3, 2022 to approve the rezoning of 78 West Fain Street (Parcel BR01 136), owned by LATY,LLC and being approximately 0.38 acres, from R2 to C2

**BACKGROUND:**

The subject property was previously developed as a single-family detached dwelling. The purpose of the petitioner's request is to redevelop the subject property with a restaurant.

The surrounding uses and zoning are as follows: 1) To the north is an undeveloped 0.36-acre tract of land zoned General Commercial C-2; 2) To the east is a 1.8-acre tract of land zoned C-2 that contains multiple commercial buildings; 3) To the south is an undeveloped portion of the eastern-adjacent tract; and 4) To the west are four tracts of land that range in size from 9.6-acres to 0.2-acres. The largest eastern-adjacent tract of land contains the Home Depot retail development while the other three eastern tracts are undeveloped and zoned C-2. All in all, the area surrounding the subject property is predominantly commercially zoned and developed.

The Planning Commission and staff recommends that the requested C-2 rezoning be approved based on the following findings;

- 1) The subject property is entirely surrounded by C-2 zoned properties,
- 2) The existing pattern of development of this area is notable commercial in nature,
- 3) No adverse impact to any surrounding properties is expected if this rezoning is approved,

**RECOMMENDATION:**

It is recommended that the City Council adopt the Motion to approve.

**ATTACHMENT (S):**

Application and staff analysis

**APPROVED:**



**Mayor**



**City Administrator**

**STAFF ANALYSIS**  
**REZONING REQUEST**  
*Zoning Ordinance of Blue Ridge, Georgia*

**ZONING REQUEST:** To hear the request of Martin Valasquez to rezone a tract of land from Medium-Density Residential R-2 to General Commercial C-2. A tract of land totaling 0.38-acres located at 78 West Fain St. Blue Ridge, GA 30513 and is identified as tax parcel BR01-136.

The subject property was previously developed as a single-family detached dwelling. The purpose of the petitioner's request is in order to redevelop the subject property with a restaurant.

The surrounding uses and zoning are as follows: 1) To the north is an undeveloped 0.36-acre tract of land zoned General Commercial C-2; 2) To the east is a 1.8-acre tract of land zoned C-2 that contains multiple commercial buildings; 3) To the south is an undeveloped portion of the eastern-adjacent tract; and 4) To the west are four tracts of land that range in size from 9.6-acres to 0.2-acres. The largest eastern-adjacent tract of land contains the Home Depot retail development while the other three eastern tracts are undeveloped and zoned C-2. All in all, the area surrounding the subject property is predominantly commercially zoned and developed.

The subject property is within the jurisdiction of the City of Blue Ridge Mayor and Council.

**Standards for Review:**

**1) Whether the proposed amendment would allow a use that is generally suitable for the site when compared to other possible uses, and the uses and zoning of adjacent and nearby properties.**

This area of the city has been predominantly zoned and developed for commercial purposes. The subject property has historically been part of a small island of residential zoning surrounded by commercial zoning. The existing built environment surrounding the subject property has been commercial in character for quite some time, and other adjacent residential properties have declined in condition or have been demolished and rezoned for commercial use. The established character of the surrounding area is, without a doubt, commercial in form and function. The proposed rezoning would eliminate the small island of residential zoning and, therefore, create a more consistent zoning map.

**2) Whether the proposed amendment would adversely affect the economic value or uses of adjacent and nearby properties.**

No impact is expected based upon the existing commercial zoning and development of the area surrounding the subject property.

**3) Whether the property to be affected by the proposed amendment can be used as currently zoned.**

The subject property may only be used and/or developed for medium-density residential use. The current zoning is dissimilar to all of the adjacent zoning and development. The proposed C-2 rezoning would allow for more appropriate use of the subject property based on the character of the area and the existing zoning of the area.

**4) Whether the proposed amendment, if adopted, would result in a use which would or could cause an excessive or burdensome use of existing streets, schools, sewers, water resources, police and fire protection, or other utilities.**

This area is well served in terms of utilities and roads, and the subject property would not burden any public infrastructure if it is rezoned C-2. There is sufficient road frontage along West Fain St. fronting the subject property. There are also multiple opportunities for traffic movement to and from the subject property along West Fain St. without cause for concern in regard to potential traffic generation. This planner does, however, want to note that the intended use of the subject property as a restaurant may be challenging in regard to parking and setbacks due to the irregular shape of the subject property. With no attached site plan, this planner can neither confirm or deny the developer's ability to provide for sufficient off-street parking.

**5) Whether the subject property under the proposed amendment is in conformity with the policies and intent of the adopted Joint Comprehensive Plan for Fannin County and the Cities of Blue Ridge, McCaysville, and Morganton, as amended.**

The Comprehensive Plan's future land use map shows the subject property to be planned for single-family residential land use. While this was historically the use of the subject property, the zoning and development of this area has redeveloped commercially. The immediate proximity to the major intersection of Appalachian Hwy, and Blue Ridge Dr, has created the market demand for commercial development over recent decades. The subject property has been part of a very small island of residential zoning and development which has been slowly shrinking through the years. There is no logical reasoning for the subject property to remain zoned for commercial use, and the future land use map shows that there are only a few small tracts designated for residential use surrounded by future commercial development. The residential designation on the FLU for the subject property was likely intended in order to allow the former residents of these homes to remain residential based on their existing state at that time. The subject property is in a poor location for residential use based on the existing surrounding land use and zoning, and this planner would recommend that the FLU be updated to eliminate this island of residential future land use as part of the current Comprehensive Plan update process.

**6) Whether there are other conditions or transitional patterns affecting the use and development of the subject property, if applicable, which give grounds either for approval or disapproval of the proposed amendment?**

The subject property is currently an island of residential zoning entirely surrounded by commercial zoning and development. This situation is similar in nature to a "spot zone." The proposed C-2 rezoning would eliminate the island of R-2 and create a much more

consistent and appropriate district for this location.

**Conclusion:** This planner recommends that the requested C-2 rezoning be approved based on the following findings;

- 1) The subject property is entirely surrounded by C-2 zoned properties,
- 2) The existing pattern of development of this area is notable commercial in nature,
- 3) No adverse impact to any surrounding properties is expected if this rezoning is approved,
- 4) While the Future Development Map indicates that the subject property will remain residential in zoning and land use, this planner believes there was an oversight during the last FLU map update based on the surrounding commercial zoning and land use in this area that suggests the subject property would be much better suited for commercial development.

CITY OF BLUE RIDGE  
**RESIDENTIAL PERMIT**

480 West First Street / Blue Ridge, GA 30513  
PHONE: (706)632-2091 FAX: ()-

DATE ISSUED: 03/11/2022

PERMIT #: 2022-765

LOCATION: 78 WEST FAIN STREET  
DISTRICT: LOT  
TAX MAP PARCEL: BR01 136  
ZONING DISTRICT: R2

OWNER: MARTIN VELASQUEZ

TOTAL VALUATION  
\$ 0

CONTRACTOR:

TOTAL SQ FT  
0

HEATED/UNHEATED  
0 / 0

TYPE CONSTRUCTION: MASONRY (WALL BEARING)

OCCUPANCY GROUP: ONE FAMILY

<u>FEE CODE</u>	<u>FEE</u>
MISCELLANEOUS	500.00
TOTAL PAID: 500.00      **PAID IN FULL**	TOTAL AMOUNT: 500.00

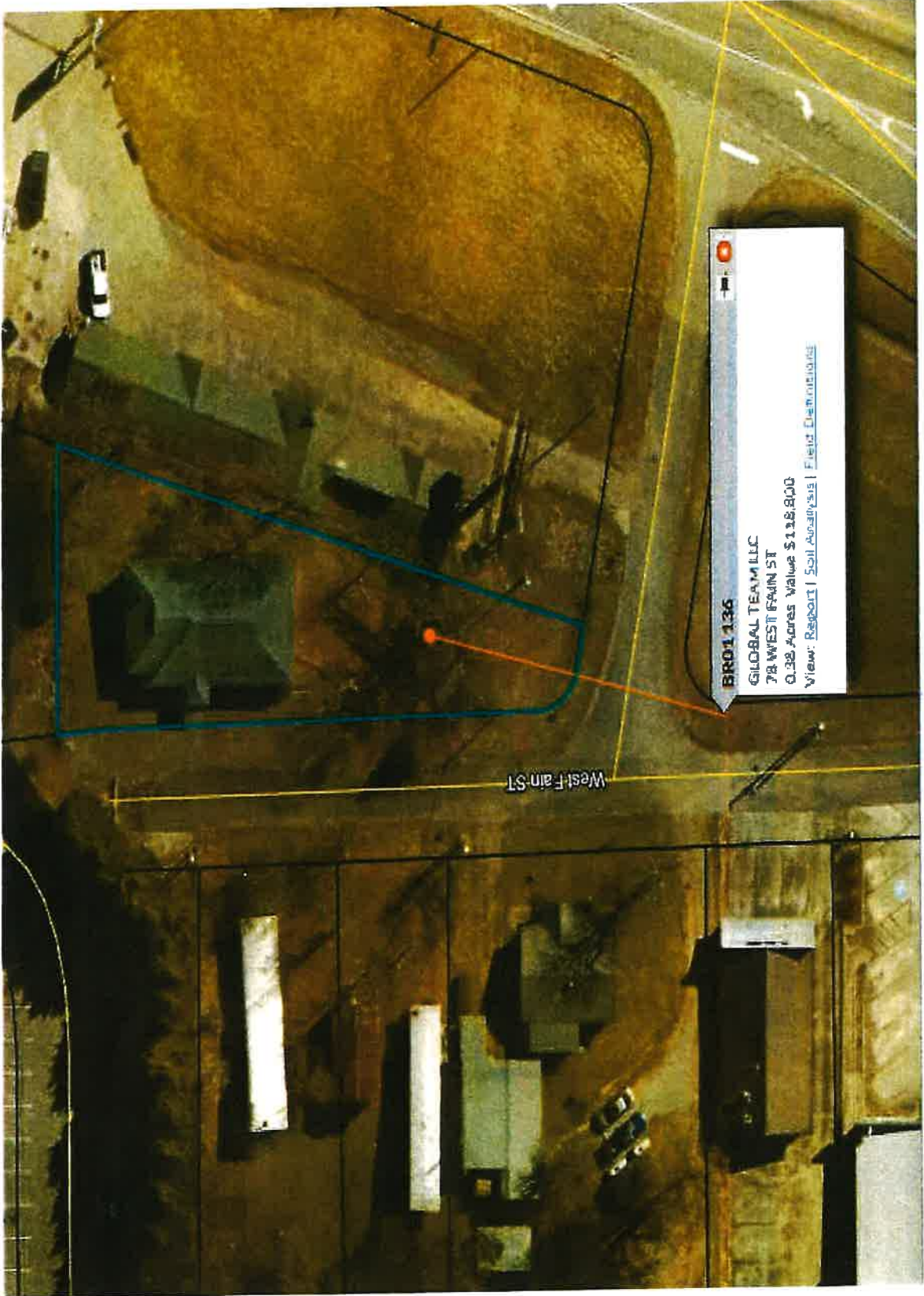
REMARKS: REZONE R2-C2 TO BUILD A FUTURE RESTAURANT

\_\_\_\_\_  
(SIGNATURE OF CONTRACTOR/OWNER)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(ISSUED BY)

\_\_\_\_\_  
(DATE)



**Owner** GLOBAL TEAM LLC  
12955 APPALACHIAN HWY  
MORGANTON, GA 30560

**Physical Address** 78 WEST FAIN ST  
**Fair Market Value** \$118,800

# Application for Rezoning City of Blue Ridge, Georgia

Application No. 2022-765  
PC Hearing Date: May 3, 2022  
City Council Hearing Date: May 17, 2022

Applicant Martin Velasquez Phone# 770-656-8763  
(applicant's name printed)

Address 4309 Oglethorpe Loop E-mail martinelacosecha.net  
Aleworth, GA 30101

Martin Velasquez Address 4309 Oglethorpe Loop, Aleworth GA  
(representative's name, printed) 30101

[Signature] Phone# 770-656-8763 E-mail martinelacosecha.net  
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature]  
Notary Public

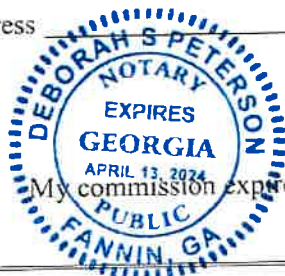
My commission expires: 4/13/24

Titleholder Latty LLC Phone# \_\_\_\_\_ E-mail \_\_\_\_\_  
(titleholder's name, printed)

Signature [Signature] Address \_\_\_\_\_  
(attach additional signature, if needed)

Signed, sealed and delivered in presence of:

[Signature]  
Notary Public



My commission expires: 4/13/24

Zoning Request From R2 to C2  
(present zoning) (proposed zoning)

For the Purpose of future restaurant Size of Tract .38 Acre(s)  
(subdivision, restaurant, warehouse, apt., etc.)

Location 78 West Fain Street, Blue Ridge, GA 30513  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 278 District(s) 8

## REQUIREMENTS FOR COMPLETING APPLICATION FOR REZONING CITY OF BLUE RIDGE, GEORGIA

The following items are required for submitting an application for rezoning:

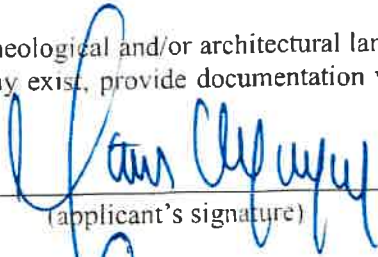
1. **Original** notarized signatures of titleholder(s) and representative(s).
2. If the titleholder(s) is a domestic or foreign corporation, then the following documentation shall also be required:
  - (a) A notarized statement under oath that the individual signing on behalf of the corporation is duly authorized to execute the rezoning application on behalf of the corporation and that the execution of this specific rezoning application has been duly authorized;
  - (b) That any officer of the corporation executing the document does in fact occupy the official position indicated, that one in such position is duly authorized to execute such document on behalf of the corporation, and that the signature of such officer subscribed thereto is genuine; and
  - (c) That the execution of the document on behalf of the corporation has been duly authorized.
3. A copy of the warranty deed that reflects the current owner(s) of the property. Security deeds are not acceptable.
4. A current legal description of the subject property. If the application consists of several tracts, a legal description of each tract is required. A separate legal description of each zoning classification is also required, as well as an overall description of all tracts and/or classifications combined. No legal description should include more property than what has been requested for rezoning.
5. A copy of the paid tax receipt for the subject property. Properties with delinquent taxes may be withdrawn by Staff and/or delayed or denied by the City Council.
6. A copy of current site plan and current boundary survey drawn to scale by a registered engineer, architect, land planner, or land surveyor currently registered in accordance with applicable state laws. **(Plans must be stamped)**. These plans must include: (a) north arrow; b) land lot lines; c) district lines; d) lot lines; e) angles; f) bearing and distances; g) adjoining street with right-of-way (present and proposed); h) paving widths; i) the exact size and location of all buildings along with intended use; j) buffer areas; k) parking spaces; l) lakes and streams; m) utility easements; n) limits of the 100-year flood plain and acreage of flood plain; o) cemeteries; p) wetlands; q) access points; and r) stream buffers.

**NOTE: Three (3) drawings shall be no larger than 36" x 48" and two (2) copies must be 8½" x 11".**

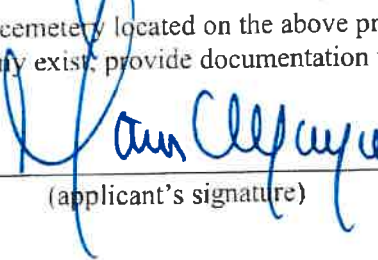


7. Zoning Application Disclosure forms attached hereto **must** be completed.
8. Every application for rezoning involving a request for a non-residential zoning district shall include a complete written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters:
  - (a) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
  - (b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
  - (c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
  - (d) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
  - (e) Whether the zoning proposal is in conformity with the policy and intent of the land use plan; and
  - (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 zoning proposal.
9. Applicant, or representative for applicant, **must** attend the Zoning Hearings. Failure to attend may result in dismissal with prejudice, rejection of the application or continuance of the hearing at the City Council's sole discretion.
10. Application fee for rezoning. The fees are \$300 for every rezoning requesting a residential category and \$500 for every rezoning application seeking a commercial zoning. If the rezoning request exceeds ten (10) acres, the application fee shall be \$1,000 and shall increase by \$50 per acre to a maximum charge of \$2,500. Make all checks payable to "City of Blue Ridge".
11. Signs will be posted on or near the right-of-way of the nearest public street thirty (30) days before the public hearing. The zoning sign will be posted for every 500 feet of public road frontage. The rezoning fee includes the cost for one sign. To the extent a parcel or property has more than 500' of road frontage an additional sign will be required and each additional sign will be \$35 each. While City Staff will post the signs initially, it is the applicant's sole responsibility to maintain the signs continuously and failure to do so may prohibit consideration of the application at any scheduled public hearing. It is the responsibility of the applicant to ensure that signs remain posted throughout the advertising period, **including the day of the public hearings and to remain posted until the final decision by the City Council.**
12. Summary of Intent attached hereto **must** be completed.

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there are/are no such assets. If any exist, provide documentation with this application.

  
\_\_\_\_\_  
(applicant's signature)

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there is/is not such a cemetery. If any exist, provide documentation with this application.

  
\_\_\_\_\_  
(applicant's signature)

Application No. \_\_\_\_\_

## Summary of Intent for Rezoning

### Part 1. Residential Rezoning Information (attach additional information if needed)

- (a) Proposed unit square-footage(s): \_\_\_\_\_
- (b) Proposed building architecture: \_\_\_\_\_
- (c) List all requested variances: no variances

### Part 2. Non-residential Rezoning Information (attach additional information if needed)

- (a) Proposed use(s): future restaurant
- (b) Proposed building architecture: \_\_\_\_\_
- (c) Proposed hours/days of operation: unknown
- (d) List all requested variances: none

### Part 3. Other Pertinent Information (List or attach additional information if needed)

Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government? (Please list all Right-of-Ways, Government owned lots, City owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). \_\_\_\_\_

THE NEWS OBSERVER  
PO BOX 989  
BLUE RIDGE GA 30513  
(706) 632-2019  
Fax (706) 632-2577

ORDER CONFIRMATION (CONTINUED)

Salesperson: HOUSE

Printed at 04/05/22 10:39 by pbail-cn

Acct #: 6234

Ad #: 697854

Status: New WHOLD WHOI

The City of Blue Ridge Planning Commission will meet  
May 3, 2022.

The Planning Commission will hear a request for a  
Rezoning from R2 to C2.

The applicant is Martin Velasquez.

The subject property is described as Land Lot 278 8th  
District 2nd Section (tax parcel #BBD1-136) located on  
78 West Fain Street Blue Ridge, GA. 30513.

The hearing will be held at 6:00 pm, at Blue Ridge City  
Hall, 480 West First Street.

Any opponent to the request shall file a written  
disclosure statement concerning political contributions  
made to any member of the Council or Mayor of the City  
of Blue Ridge. This disclosure shall be filed with the City  
Clerk a minimum of (5) days prior to the hearing.

Any questions should be directed to the City of Blue  
Ridge Planning & Zoning Department, 706-632-2091.

April 13  
#697854

**Return recorded document to:**  
Wilson Hamilton LLC  
316 Summit Street  
Blue Ridge, GA 30513  
File No.: 22-0015 1031

## **LIMITED WARRANTY DEED**

STATE OF GEORGIA  
COUNTY OF FANNIN

THIS INDENTURE is made March 1, 2022, between **Global Team, LLC** ("Grantor"), and **LATY, LLC** ("Grantee"), (the words "Grantor" and "Grantee" to include their respective heirs, successors, and assigns where the context requires or permits).

WITNESSETH THAT: Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant bargain, sell and convey unto Grantee, the following described property:

All that tract or parcel of land lying and being in the 8th District and 2nd Section, a part of Land Lot No. 278, Fannin County, Georgia, and in the City of Blue Ridge and bounded and described as follows:

BEGINNING on the East side of Fain Street at a concrete post, bounded by property formerly owned by Carl Bennett; thence North with Fain Street a distance of 160 feet to a concrete post; thence East with the property line of property formerly owned by J.C. Cutter a distance of 95 feet to a concrete post; thence a southwest direction with the property line of property formerly owned by O.C. Farmer a distance of 183 feet to a concrete post and property formerly owned by Carl Bennett; thence West with the property line of property formerly owned by Carl Bennett a distance of 42 feet to the POINT OF BEGINNING.

For informational purposes only: Map Parcel No. BR01 136

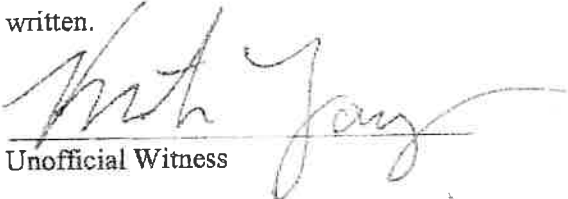
TOGETHER WITH right of ingress, egress and utility easement along existing roads to the subject property; AND SUBJECT TO all existing easements, restrictions, reservations and rights of way of record.

*Chain of Title:* This being the same property as was conveyed to Grantor herein by Limited Warranty Deed from Mike L. Hampton dated July 3, 2019 and recorded in Book 1301, Page 502, Fannin County Records.

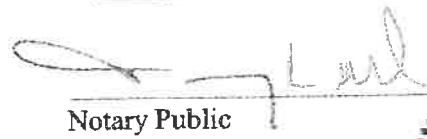
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit, and behoof of Grantee forever in FEE SIMPLE.

AND GRANTOR will warrant and forever defend the right and title to the above described property unto Grantee against the claims of all persons claiming by, through or under Grantor, but against none other.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year above written.

  
Unofficial Witness

Sworn and subscribed before me this 1 day  
of Mar, 2022.

  
Notary Public



My commission expires 7/19/2024

Global Team, LLC  
BY:   
Tech J. Lim  
Member

BY:   
Hoa Le Thai  
Member

BY:   
Annabel Le Yan Lim  
Member

**LIMITED LIABILITY COMPANY OPERATING AGREEMENT  
OF  
LATY, LLC**

This Single-Member LLC Operating Agreement ("Agreement") represents LATY, LLC that was formed in the State of Georgia on 09/08/2009 ("Company").

**MARTIN VELASQUEZ** of 4309 OGLETHORPE LOOP NW, ACWORTH, Georgia, 30101 is recognized as the sole member and owner of the Company ("Member(s)").

NOW, THEREFORE, for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, it is agreed as follows:

1. Name and Principal Place of Business.

The name of the Company is LATY, LLC with a principal place of business at 4309 OGLETHORPE LOOP NW, ACWORTH, Georgia, 30101. The mailing address shall be the same address as the principal place of business.

2. Registered Agent.

The name of the Registered Agent is MARTIN VELASQUEZ with a registered office located at the same address as the principal place of business of the Company for the service of process as of May 11 2021 ("Registered Agent"). The Registered Agent may change at any time by the Company filing an amendment with the Secretary of State, or respective office, in the State of Georgia.

3. Formation.

The Company was formed on 09/08/2009, when the Member(s) filed the Articles of Organization with the office of the Secretary of State pursuant to the statutes governing limited liability companies in the State of Georgia (the "Statutes").

4. Purpose.

The purpose of the Company is to engage in and conduct any and all lawful businesses, activities or functions, and to carry on any other lawful activities in connection with or incidental to the foregoing, as the Member(s) in their discretion shall determine.

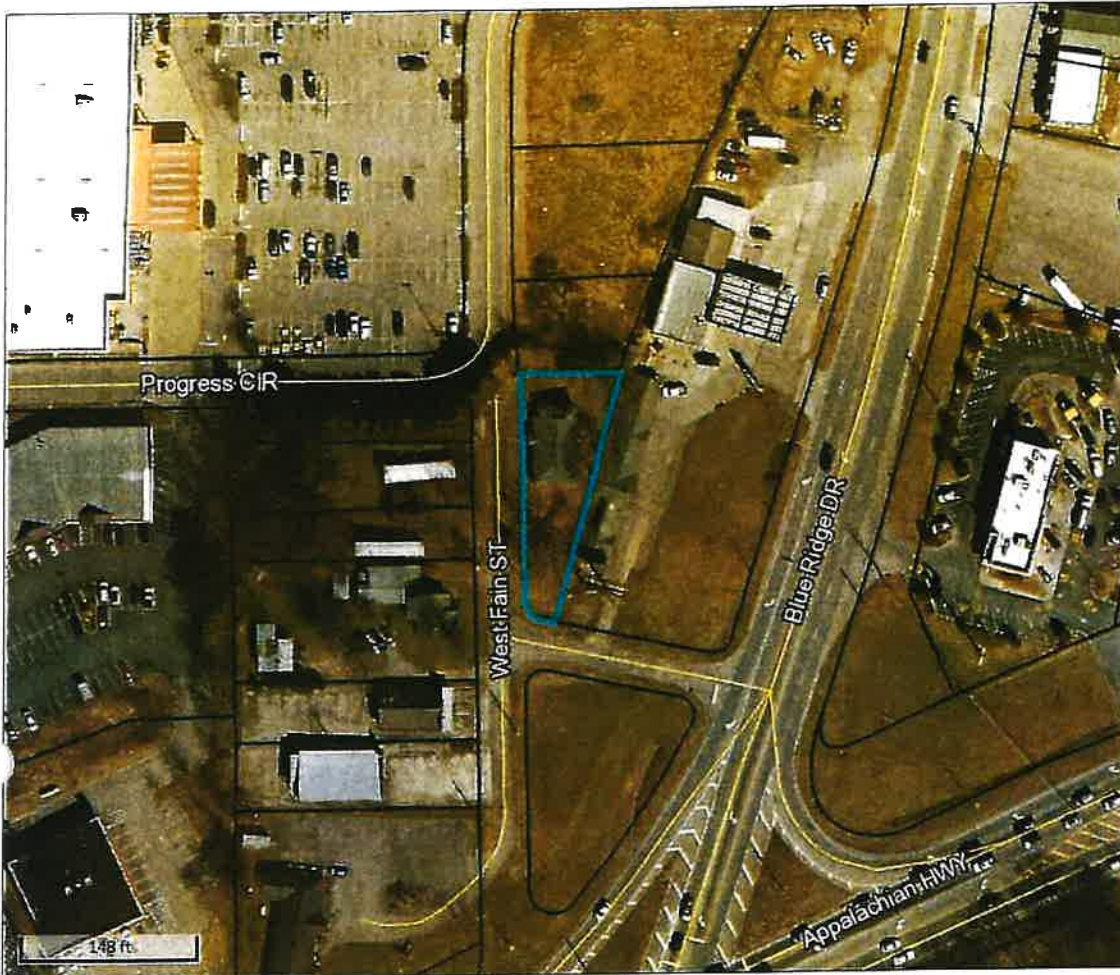
5. Term.

The term of the Company shall continue in perpetuity commencing on the filing of the Articles of Organization of the Company while continuing until terminated under the provisions set forth herein.

6. Member(s) Capital Contributions.

The Member shall not make a capital contribution to the Company.

7. Distributions.



Overview



Legend

- Parcels
- Roads

<b>Parcel ID</b>	BR01 136	<b>Owner</b>	GLOBAL TEAM LLC	<b>Last 2 Sales</b>			
<b>Real Key / Acct</b>	13275		12955 APPALACHIAN HWY	<b>Date</b>	<b>Price</b>	<b>Reason</b>	<b>Qual</b>
<b>Class Code</b>	Residential		MORGANTON, GA 30560	7/3/2019	\$175000	DP	U
<b>Taxing District</b>	BLUE RIDGE	<b>Physical Address</b>	78 WEST FAIN ST	n/a	0	n/a	n/a
<b>Acres</b>	0.38	<b>Fair Market Value</b>	\$118800				

(Note: Not to be used on legal documents)

Date created: 3/11/2022  
 Last Data Uploaded: 3/10/2022 7:08:10 PM

Developed by  Schneider  
 GEOSPATIAL



## **City Council Meeting Agenda Submittal**

**MEETING DATE: 5/17/2022**

**AGENDA NO: 5c**

### **AGENDA ITEM:**

A ZONING ORDINANCE/ACTION AMENDING THE ZONING MAP OF THE CITY OF BLUE RIDGE, GEORGIA, BY REZONING ONE PARCEL OF LAND WITHIN THE CITY OF BLUE RIDGE, BEING TAX PARCEL BR01 136 OWNED BY LATY, LLC AND BEING APPROXIMATELY 0.38 ACRES, MORE OR LESS, AS MORE PARTICULARLY DESCRIBED IN THE LIMITED WARRANTY DEED ATTACHED HERETO AND INCORPORATED BY REFERENCE INTO THIS ZONING ORDINANCE ("PROPERTY"), AND REZONING THE PROPERTY FROM MEDIUM DENSITY RESIDENTIAL ("R-2") TO GENERAL COMMERCIAL ("C-2"); REPEALING CONFLICTING ZONING ORDINANCES APPLICABLE TO THE PROPERTY; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

### **BACKGROUND:**

If the City Council approves Agenda Item 5b, this Ordinance sets in motion the update to the City's Zoning Map to reflect the rezoning of 78 West Fain Street (Parcel BR01 136), owned by LATY, LLC and being approximately 0.38 acres, from R2 to C2

### **RECOMMENDATION:**

It is recommended that the City Council enact the attached Ordinance.

### **ATTACHMENT (S):**

Ordinance No. BR2022-19

**APPROVED:**



**Mayor**



**City Administrator**

FIRST READING \_\_\_\_\_

ADVERTISED \_\_\_\_\_

PASSED \_\_\_\_\_

A ZONING ORDINANCE/ACTION NO. BR2022-19

A ZONING ORDINANCE/ACTION AMENDING THE ZONING MAP OF THE CITY OF BLUE RIDGE, GEORGIA, BY REZONING ONE PARCEL OF LAND WITHIN THE CITY OF BLUE RIDGE, BEING TAX PARCEL BR01 136 OWNED BY LATY, LLC AND BEING APPROXIMATELY 0.38 ACRES, MORE OR LESS, AS MORE PARTICULARLY DESCRIBED IN THE LIMITED WARRANTY DEED ATTACHED HERETO AND INCORPORATED BY REFERENCE INTO THIS ZONING ORDINANCE (“PROPERTY”), AND REZONING THE PROPERTY FROM MEDIUM DENSITY RESIDENTIAL (“R-2”) TO GENERAL COMMERCIAL (“C-2”); REPEALING CONFLICTING ZONING ORDINANCES APPLICABLE TO THE PROPERTY; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**BE IT ORDAINED** by the City Council of Blue Ridge, Georgia as follows:

**SECTION 1**  
**ZONING**

That from and after the passage of this zoning ordinance applicable only to the Property described herein within the City of Blue Ridge, said Property shall be zoned and so designated on the zoning map of the City of Blue Ridge as C-2, GENERAL COMMERCIAL, being Tax Parcel BR01 136 and being that same property depicted in the attached limited warranty deed.

Legal Description:

The legal description of the above-referenced property, which is being rezoned from R-2 to C-2, is as follows:

All that tract and parcel of land being approximately 0.38 acres and lying and being within the City of Blue Ridge, Fannin County, Georgia, and more particularly described in the limited warranty deed attached hereto and incorporated by reference.

**SECTION 2:**  
**REPEAL OF CONFLICTING ORDINANCES TO REMOVE CONFLICT**

Any ordinances applicable to the Property in conflict with the terms of this zoning ordinance are hereby repealed to the extent of the conflict, but it is hereby provided that any ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this zoning action on behalf of the City of Blue Ridge, Georgia.

**SECTION 3.**  
**SEVERABILITY**

If any paragraph, subparagraph, sentence, clause, phrase or any other portion of this Ordinance should be declared invalid or unconstitutional by any Court of competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular person, situation or set of circumstances is declared invalid or unconstitutional, such invalidity shall not be construed to affect the provisions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the legislative intent of the City Council of the City of Blue Ridge, Georgia to provide for separate and divisible parts and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

**SECTION 4.**  
**AMENDMENT TO THE ZONING MAP**

This zoning action/ordinance is enacted as an amendment to the zoning map of the City of Blue Ridge.

**SECTION 5.**  
**EFFECTIVE DATE**

The effective date of this Ordinance shall be immediately upon its passage by the City Council and execution by the Mayor or upon fifteen (15) days expiring.

**SO ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

MAYOR AND CITY COUNCIL OF BLUE RIDGE

\_\_\_\_\_  
Mayor, City of Blue Ridge

\_\_\_\_\_  
Clerk, City of Blue Ridge

**Return recorded document to:**  
Wilson Hamilton LLC  
316 Summit Street  
Blue Ridge, GA 30513  
File No.: 22-0015 1031

## **LIMITED WARRANTY DEED**

STATE OF GEORGIA  
COUNTY OF FANNIN

THIS INDENTURE is made March 1, 2022, between **Global Team, LLC** ("Grantor"), and **LATY, LLC** ("Grantee"), (the words "Grantor" and "Grantee" to include their respective heirs, successors, and assigns where the context requires or permits).

WITNESSETH THAT: Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant bargain, sell and convey unto Grantee, the following described property:

All that tract or parcel of land lying and being in the 8th District and 2nd Section, a part of Land Lot No. 278, Fannin County, Georgia, and in the City of Blue Ridge and bounded and described as follows:

BEGINNING on the East side of Fain Street at a concrete post, bounded by property formerly owned by Carl Bennett; thence North with Fain Street a distance of 160 feet to a concrete post; thence East with the property line of property formerly owned by J.C. Cutter a distance of 95 feet to a concrete post; thence a southwest direction with the property line of property formerly owned by O.C. Farmer a distance of 183 feet to a concrete post and property formerly owned by Carl Bennett; thence West with the property line of property formerly owned by Carl Bennett a distance of 42 feet to the POINT OF BEGINNING.

For informational purposes only: Map Parcel No. BR01 136

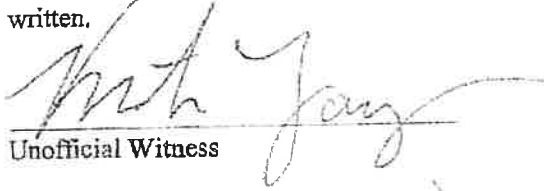
TOGETHER WITH right of ingress, egress and utility easement along existing roads to the subject property; AND SUBJECT TO all existing easements, restrictions, reservations and rights of way of record.

*Chain of Title:* This being the same property as was conveyed to Grantor herein by Limited Warranty Deed from Mike L. Hampton dated July 3, 2019 and recorded in Book 1301, Page 502, Fannin County Records.

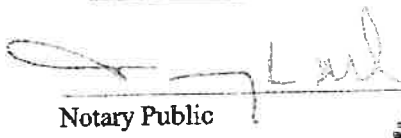
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit, and behoof of Grantee forever in FEE SIMPLE.

AND GRANTOR will warrant and forever defend the right and title to the above described property unto Grantee against the claims of all persons claiming by, through or under Grantor, but against none other.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year above written.


  
Unofficial Witness

Sworn and subscribed before me this 1 day  
of Mar, 20 22.

  
Notary Public



My commission expires 7/19/2024

Global Team, LLC  
BY:   
Tech J. Lim  
Member

BY:   
Hoa Le Thai  
Member

BY:   
Annabel Le Yan Lim  
Member

# **City Council Meeting Agenda Submittal**

**MEETING DATE: 5/17/2022**

**AGENDA NO: 5d**

## **AGENDA ITEM:**

Motion to accept the Planning Commission's recommendation of May 3, 2022 to approve Searles Foundation Affordable Housing Land Fund, LLC to rezone a tract of land from General Commercial (C-2) to High-Density Residential (R-3). A tract of land totaling 9.08-acres located at the intersection of Boardtown Road and Trackside Lane and is identified as tax parcels BR03 033 and BR03 034.

## **BACKGROUND:**

The subject property is undeveloped. The purpose of the petitioner's request is to redevelop the subject property for multi-family housing in the form of an 84-unit apartment complex.

The surrounding uses and zoning are as follows: 1) To the north is an 11.8-acre tract of land across Boardtown Rd that is zoned C-2. The northern adjacent tract contains a logging operation; 2) To the east are two adjacent tracts of land zoned R-2 Medium-Density Residential. The northernmost tract to the east totals 3.7-acres and contains seven residential structures that are used for government housing. The southern tract to the east totals 7.71-acres and contains a single-family detached dwelling; 3) To the south is a 6.8-acre tract of land that is zoned R-A Residential Agriculture and contains a mobile home; and 4) To the west is an undeveloped 4.2-acre tract of land zoned C-2. All in all, the area surrounding the subject property is a point of convergence of the commercial and residential zone districts.

The Planning Commission and staff recommends that the requested R-3 rezoning be approved based on the following findings;

- 1) The proposed rezoning and development would not introduce a character that does not already exist in the area at a lower density.
- 2) The rezoning would reduce the potential land use intensity from commercial to residential.
- 3) No burden is expected in regard to the school system, water/sewer utility, roads, or other public infrastructure if the rezoning and development are completed as requested.
- 4) While the Future Development Map shows the subject property to be within the Commercial designation, the eastern adjacent parcel is shown as Multi-Family. The Comprehensive Plan for the City lays out affordable housing options as a goal, and the proposed development would help to meet that goal.

**RECOMMENDATION:**

It is recommended that the City Council adopt the Motion to approve.

**ATTACHMENT (S):**

Application and staff analysis

**APPROVED:**

A handwritten signature in blue ink that reads "Chanda Haight". The signature is written in a cursive style and is positioned above a horizontal line.

**Mayor**

A handwritten signature in blue ink, consisting of stylized initials and a checkmark-like flourish. The signature is written above a horizontal line.

**City Administrator**



**STAFF ANALYSIS**  
**REZONING REQUEST**  
*Zoning Ordinance of Blue Ridge, Georgia*

**ZONING REQUEST:** To hear the request of Searles Foundation Affordable Housing Land Fund, LLC to rezone a tract of land from General Commercial (C-2) to High-Density Residential (R-3). A tract of land totaling 9.08-acres located at the intersection of Boardtown Road and Trackside Lane and is identified as tax parcel BR03-033.

The subject property is undeveloped. The purpose of the petitioner's request is in order to redevelop the subject property for multi-family housing in the form of an 84-unit apartment complex.

The surrounding uses and zoning are as follows: 1) To the north is an 11.8-acre tract of land across Boardtown Rd that is zoned C-2. The northern adjacent tract contains a logging operation; 2) To the east are two adjacent tracts of land zoned R-2 Medium-Density Residential. The northernmost tract to the east totals 3.7-acres and contains seven residential structures that are used for government housing. The southern tract to the east totals 7.71-acres and contains a single-family detached dwelling; 3) To the south is a 6.8-acre tract of land that is zoned R-A Residential Agriculture and contains a mobile home; and 4) To the west is an undeveloped 4.2-acre tract of land zoned C-2. All in all, the area surrounding the subject property is a point of convergence of the commercial and residential zone districts.

The subject property is within the jurisdiction of the City of Blue Ridge Mayor and Council.

**Standards for Review:**

**1) Whether the proposed amendment would allow a use that is generally suitable for the site when compared to other possible uses, and the uses and zoning of adjacent and nearby properties.**

Development in this area of the city appears to have a pattern where commercial zoning and land use run parallel between Trackside Lane and East Main Street. The subject property is near the southern boundary of the City where development has been less intensive than the City's downtown area. There are multiple commercial and residential developments in the surrounding area, including an adjacent government housing complex. While the proposed rezoning would create an island of R-3 zoning at this location, the character of multi-family affordable housing already exists adjacent to the subject property. It is not uncommon to see commercial and high-density residential zone districts adjacent, and in many cases, it is recommended that high-density housing and commercial zoning be adjacent.

**2) Whether the proposed amendment would adversely affect the economic value or uses of adjacent and nearby properties.**

The subject property is one of only a couple of undeveloped tracts in this area of the

city. The requested rezoning would allow for an apartment development to be developed on the subject property which would establish an entirely new character for the subject property. While there are no established apartment developments in the immediate vicinity, there is a multi-family government housing site adjacent to the subject property. There are a mix of commercial land uses in this area of the city. While the proposed density is notably more intensive than that already established in this area, this planner does not expect for there to be a negative impact to adjacent property values. There would also need to be a 12' buffer created along the southern boundary of the subject property based on the Zoning Ordinance where R-3 and R-A intersect. There are more impactful and intensive land uses permitted in the C-2 zone district than in the proposed R-3 zone district.

**3) Whether the property to be affected by the proposed amendment can be used as currently zoned.**

This area of the city, as stated previously, has an established commercial land use character, and the subject property could be developed for commercial purposes if it were the desire of the landowner.

**4) Whether the proposed amendment, if adopted, would result in a use which would or could cause an excessive or burdensome use of existing streets, schools, sewers, water resources, police and fire protection, or other utilities.**

The Blue Ridge municipal water and sewer utilities would not be burdened by the proposed development, but improvements to aging sewer infrastructure are currently in progress for this area to address stormwater infiltration. No impact is expected in regard to public infrastructure including the Fannin County School System, Blue Ridge Public Works based on feedback from the respective department heads. While the proposed development will not burden public water or sewer capacity for the City, the development will be responsible for moving the water and sewer pipes on the subject property. No buildings can be constructed above water or sewer lines in the city. According to the *Institute of Traffic Engineers Trip Generation Manual 10<sup>th</sup> Edition*, The average daily automobile trips will be 7.32 trips per day per dwelling unit with 50% entering the site and 50% exiting. With an average daily rate of 7.32 trips per day per unit, one should expect approximately 615 total trips per day based on the proposed 84-unit apartment complex. The trip generation estimates are based on 29 traffic studies for suburban low-rise apartments. Staff were not able to obtain average annual daily traffic information for Trakside Lane or Boardtown Road.

**5) Whether the subject property under the proposed amendment is in conformity with the policies and intent of the adopted *Joint Comprehensive Plan for Fannin County and the Cities of Blue Ridge, McCaysville, and Morganton, as amended.***

The Joint Comprehensive Plan's Future Development Map (Exhibit C) shows the subject property to be planned for future commercial development. One will note, however, that the subject property is adjacent to a tract of land that is planned for multi-family residential development. As stated previously, the adjacent multi-family residential tract has been developed for government housing. The existing built environment of this area suggests that residential is the dominant land use character

rather than commercial. The concept of blending commercial development with multi-family style development is often standard practice. Dense residential development should be near commercial centers and highways in order to mitigate traffic impact to local streets and ensure that the residents are within near proximity to job centers, goods, and services. Within the Joint Comprehensive Plan, the City set the goal of safe, affordable, and resource efficient workforce housing so that the members of the city's workforce can live in the community. The proposed development would be categorized as affordable workforce housing based on the GA Dept. Community Affairs' housing tax credit program. The DCA housing tax credit program, while government subsidized, is not to be confused with conventional government housing. DCA housing tax credit developments simply aide in subsidizing the upfront development costs in order to create market rate quality developments with affordable rental rates for those with low to moderate income. The proposed affordable housing multi-family development would be a direct step towards achieving the City's goal of increasing its workforce housing availability. Despite the FLU Map's commercial category of the subject property, the existing zoning and development of the area along with Goal #5 in the Blue Ridge's portion of the 2018 Joint Comprehensive Plan suggest that the proposed rezoning and development would be, overall, compatible with the content of the Joint Comprehensive Plan.

**6) Whether there are other conditions or transitional patterns affecting the use and development of the subject property, if applicable, which give grounds either for approval or disapproval of the proposed amendment?**

While the proposed R-3 rezoning would create an island of R-3 zoning, the surrounding zoning and development indicate that the multi-family character has already been established. The proposed rezoning and development is of a higher density than that already established for this area, however, the potential intensity of land use for R-3 is lesser than that of the current C-2 zoning. The proposed rezoning would not constitute a "spot zone" based on the surrounding zoning and the established developments.

**Conclusion:** This planner can recommend that the requested R-3 rezoning be approved based on the following findings;

- 1) The proposed rezoning and development would not introduce a character that does not already exist in the area at a lower density.
- 2) The rezoning would reduce the potential land use intensity from commercial to residential.
- 3) No burden is expected in regard to the school system, water/sewer utility, roads, or other public infrastructure if the rezoning and development are completed as requested.

- 4) While the Future Development Map shows the subject property to be within the Commercial designation, the eastern adjacent parcel is shown as Multi-Family. The Comprehensive Plan for the City lays out affordable housing options as a goal, and the proposed development would help to meet that goal.

**CITY OF BLUE RIDGE  
RESIDENTIAL PERMIT**

480 West First Street / Blue Ridge, GA 30513  
PHONE: (706)632-2091 FAX: ()-

DATE ISSUED: 03/31/2022

PERMIT #: 2022-767

LOCATION:

0 BOARDTOWN ROAD & TRACKSIDE LANE

DISTRICT

TAX MAP PARCEL  
BR03-033 BR03-034

LOT

ZONING DISTRICT  
C2

OWNER:

SEARLES FOUNDATION AFFORDABLE HOUSING

TOTAL VALUATION  
\$ 500

CONTRACTOR:

TOTAL SQ FT  
0

HEATED/UNHEATED  
0/0

TYPE CONSTRUCTION: OTHER

OCCUPANCY GROUP: TWO OR MORE FAMILY

FEE CODE

FEE

MISCELLANEOUS

500.00

TOTAL PAID:

600.00

\*\*PAID IN FULL\*\*

TOTAL AMOUNT:

500.00

REMARKS:

THIS IS TO REZONE FROM C2 TO R3

CITY OF BLUE RIDGE BLUE RIDGE, GA 30513	<b>CASH RECEIPT</b>		Date <u>3-30-22</u>	034225									
	Received From <u>Searles Foundation</u>												
	Address _____		Dollars \$ <u>600.00</u>										
	For <u>Rezone application</u>												
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">ACCOUNT</th> <th style="width: 50%;">HOW PAID</th> </tr> </thead> <tbody> <tr> <td>AMT OF ACCOUNT</td> <td>CASH</td> </tr> <tr> <td>AMT PAID <u>600.00</u></td> <td>CHECK <u>505.2</u></td> </tr> <tr> <td>BALANCE DUE</td> <td>MONEY ORDER <input type="checkbox"/></td> </tr> <tr> <td></td> <td>CREDIT CARD <input type="checkbox"/></td> </tr> </tbody> </table>		ACCOUNT	HOW PAID	AMT OF ACCOUNT	CASH	AMT PAID <u>600.00</u>	CHECK <u>505.2</u>	BALANCE DUE	MONEY ORDER <input type="checkbox"/>		CREDIT CARD <input type="checkbox"/>	By <u>[Signature]</u>
ACCOUNT	HOW PAID												
AMT OF ACCOUNT	CASH												
AMT PAID <u>600.00</u>	CHECK <u>505.2</u>												
BALANCE DUE	MONEY ORDER <input type="checkbox"/>												
	CREDIT CARD <input type="checkbox"/>												

\_\_\_\_\_  
(SIGNATURE OF CONTRACTOR/OWNER)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(ISSUED BY)

\_\_\_\_\_  
(DATE)

# Application for Rezoning City of Blue Ridge, Georgia


Application No. 767  
PC Hearing Date: May 3, 2022  
City Council Hearing Date: May 17, 2022

Applicant Searles Foundation Affordable Housing Land Fund, LLC Phone# 678-467-6861  
(applicant's name printed)

Address 4182 Westchester Trace NE, Roswell, GA 30075 E-mail philip@bjsfoundation.org

Philip Searles Address 4182 Westchester Trace NE, Roswell, GA 30075  
(representative's name, printed)

Phone# 678-467-6861 E-mail philip@bjsfoundation.org  
(representative's signature)

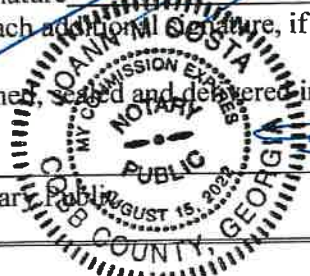
Signed, sealed, and delivered in presence of:  
  
My commission expires: 8/15/22



Searles Foundation Affordable Housing Land Fund, LLC  
Titleholder Searles Foundation Affordable Housing Land Fund, LLC Phone# 678-467-6861 E-mail philip@bjsfoundation.org  
(titleholder's name, printed)

Signature [Signature] Address 4182 Westchester Trace NE, Roswell, GA 30075  
(attach additional signature, if needed)

Signed, sealed and delivered in presence of:  
  
My commission expires: 8/15/22



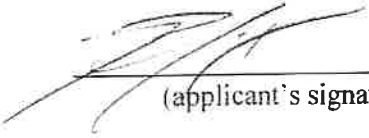
Zoning Request From General Commercial (C-2) to High Density Residential (R-3)  
(present zoning) (proposed zoning)

For the Purpose of Multi-Family Apartments Size of Tract 9.08 Acre(s)  
(subdivision, restaurant, warehouse, apt., etc.)

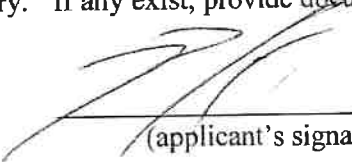
Location Boardtown Rd & Trakside Ln  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 315 & 316 District(s) 8th

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there are/are no such assets. If any exist, provide documentation with this application.

  
\_\_\_\_\_  
(applicant's signature)

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there is/is not such a cemetery. If any exist, provide documentation with this application.

  
\_\_\_\_\_  
(applicant's signature)

Application No. \_\_\_\_\_

## Summary of Intent for Rezoning

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Part 1. Residential Rezoning Information (attach additional information if needed)

- (a) Proposed unit square-footage(s): 1BR-650, 2BR-850, 3BR-1100, 4BR-1100 (see Part 3)
- (b) Proposed building architecture: 3-story open breezeway wood framing
- \_\_\_\_\_
- (c) List all requested variances: NONE
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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Part 2. Non-residential Rezoning Information (attach additional information if needed)

- (a) Proposed use(s): \_\_\_\_\_
- \_\_\_\_\_
- (b) Proposed building architecture: \_\_\_\_\_
- \_\_\_\_\_
- (c) Proposed hours/days of operation: \_\_\_\_\_
- (d) List all requested variances: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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Part 3. Other Pertinent Information (List or attach additional information if needed)

Section 42 Housing - For unit sizes. We are proposing unit sizes that are in accordance with local regulations.

(See Page 10 of the attached City of Blue Ridge June 15, 2021 City Council Meeting Minutes.)

\_\_\_\_\_

\_\_\_\_\_

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Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government? (Please list all Right-of-Ways, Government owned lots, City owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). No

\_\_\_\_\_

\_\_\_\_\_



**PROPERTY/FINANCIAL DISCLOSURE REPORT<sup>1</sup> BY APPLICANT<sup>2</sup>**  
**(A separate form must be completed by each applicant)**

Does any member of the Blue Ridge City Council or Blue Ridge Planning Commission have a property interest (direct or indirect ownership, including any percentage of ownership less than total) in the subject property? No

If so, describe the nature and extent of such interest: \_\_\_\_\_

Does any member of the Blue Ridge City Council or Blue Ridge Planning Commission have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property? No

If so, describe the nature and extent of such interest: \_\_\_\_\_

Does any member of the Blue Ridge City Council or Blue Ridge Planning Commission have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above? No

If so, describe the relationship and the nature and extent of such interest: \_\_\_\_\_

I certify that the foregoing information is true and correct, this 3<sup>rd</sup> day of March, 2022.

  
\_\_\_\_\_  
Applicant's Signature

<sup>1</sup>If the answer to any of the above is "Yes," then the member of the Blue Ridge City Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the City Council for the City of Blue Ridge, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

<sup>2</sup>Applicant means any person who applies for a rezoning action and any attorney, or other person representing or acting on behalf of a person who applies for a rezoning action.

**CAMPAIGN DISCLOSURE REPORT<sup>3</sup> BY APPLICANT<sup>4</sup>  
OR PERSON SPEAKING IN OPPOSITION**

**(A separate form must be completed by each applicant or person speaking in opposition<sup>5</sup>)**

Has the applicant made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of Blue Ridge City Council or Blue Ridge Planning Commission who will consider the application?

No

If so, the applicant and the attorney representing the applicant must file a disclosure report with the City Council of the City of Blue Ridge within ten (10) days after this application is first filed.

Please apply the following information that will be considered as the required disclosure:

The name of the member(s) of the City Council or Planning Commission to whom the campaign contribution or gift was made: N/A

The dollar amount of each campaign contribution made by the applicant to the member(s) of the City Council or Planning Commission during the two (2) years immediately preceding the filing of this application and the date of each such contribution: N/A

An enumeration and description of each gift having a value of two hundred fifty dollars (\$250.00) or more made by the applicant to the member(s) of the City Council or Planning Commission during the two (2) years immediately preceding the filing of this application: \_\_\_\_\_  
N/A

I certify that the foregoing information is true and correct, this 3<sup>rd</sup> day of March, 2021

  
Applicant's Signature

<sup>3</sup> If the answer to any of the above is "Yes," then the member of the City Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the City Council for the City of Blue Ridge, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

<sup>4</sup> Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.

<sup>5</sup> Any person wishing to speak in opposition to a rezoning application must also file a Campaign Disclosure Report.

Type: WD  
Kind: WARRANTY DEED  
Recorded: 2/1/2022 2:53:00 PM  
Fee Amt: \$900.00 Page 1 of 4  
Transfer Tax: \$875.00  
Fannin Co. Clerk of Superior Court  
DANA CHASTAIN Clerk of Courts

Participant ID: 4449229278

**BK 1483 PG 341 - 344**

After recording, please return to:  
**Pearce D. Hardwick**  
**McGee & Oxford, LLP**  
**5855 Sandy Springs Circle, Suite 300**  
**Atlanta, GA 30328**

**Parcel ID: BRO3 033 and**  
**BRO3 034**

STATE OF GEORGIA  
COUNTY OF FULTON

**LIMITED WARRANTY DEED**

THIS LIMITED WARRANTY DEED (this "Deed") is made as of January 31st, 2022, between **WLP PROPERTIES, LLC**, a Georgia limited liability company ("Grantor") and **SEARLES FOUNDATION AFFORDABLE HOUSING LAND FUND, LLC**, a Georgia limited liability company ("Grantee") (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that Grantor, for and in consideration of Ten Dollars (\$10.00) in hand paid at and before the sealing and delivery of these presents, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto Grantee the following described real property (the "Property"), to-wit:

**All that lot or tract or parcel of land lying and being in Land Lots 315 and 316 of the 8<sup>th</sup> District, 2<sup>nd</sup> Section, Fannin County, Georgia, being more particularly described on Exhibit "A" attached hereto and made a part hereof by reference.**



**TO HAVE AND TO HOLD** the Property with all and 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, subject, however, to all liens, exceptions, easements, rights-of-way, covenants, conditions, restrictions, reservations, encroachments, protrusions, shortages in area, boundary disputes and discrepancies, matters which could be discovered or would be revealed by, respectively, an inspection or current survey of the Property, encumbrances, impositions (monetary and otherwise), access limitations, licenses, leases, prescriptive rights, rights of parties in possession, rights of tenants, co-tenants, other co-owners, and any and all other matters or conditions affecting the Subject Property, as well as standby fees, real estate taxes, and assessments on the Property for the current year and prior and subsequent years, and

subsequent taxes and assessments for prior years due to change in land usage or ownership, and any and all zoning laws, regulations, and ordinances of municipal and other governmental authorities affecting the Property (all of the foregoing being collectively referred to as the "Permitted Encumbrances").

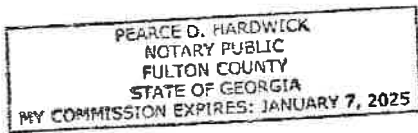
AND Grantor will warrant and forever defend the right and title to the Property unto Grantee against the claims of all persons claiming by, through or under Grantor, but not otherwise; provided, however, that Grantor's conveyance of the Property and Grantor's warranties of title contained in this Deed are and shall be subject to the Permitted Encumbrances.

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed and delivered under seal as of the date first written above.

As to signatory on behalf of Grantor,  
signed, sealed and delivered in  
the presence of:


  
Unofficial Witness  


Notary Public:  
(Affix notary seal and  
commission expiration date)



GRANTOR:

**WLP PROPERTIES, LLC,**  
a Georgia Limited Liability Company

By:   
Print Name: Wilds L. Pierce  
Title: Its Manager

**Exhibit "A"**  
**To Limited Warranty Deed**

**As to Parcel BR03 033:**

All that lot or tract or parcel of land lying and being in Land Lots 315 and 316 of the 8<sup>th</sup> District, 2<sup>nd</sup> Section, Fannin County, Georgia, and also being in the City of Blue Ridge, containing 6.50 acres of land, more or less, as shown on plat of survey for City of Blue Ridge dated March 22, 1991, prepared by Mike L. Hampton, G.R.L.S. No. 1452, and being recorded in Plat Hangar E35, Page 7, Fannin County Deed Records. Said plat of survey is incorporated herein by reference for a more complete and accurate description of the above-described property.

The above-described property is the same property that conveyed to The City of Blue Ridge by Warranty Deed dated December 23, 1960, from D. H. Haight, recorded in Deed Book 27, Page 229, Fannin County Deed Records.

**And**

**As to Parcel BR03 034:**

All that lot or tract or parcel of land lying and being in Land Lots 316 of the 8<sup>th</sup> District, 2<sup>nd</sup> Section, Fannin County, Georgia, as shown on that plat of survey titled "W.O. Anderson Tract", recorded in Plat Book 2, Page 83, in the Office of the Superior Court of Fannin County, Georgia and containing 3.0 acres. Said plat is incorporated herein by reference for a more complete and accurate metes and bounds description of the property herein.

The above-described property is the same property that conveyed to The City of Blue Ridge by Warranty Deed dated December 23, 1960, from D. H. Haight, recorded in Deed Book 27, Page 229, Fannin County Deed Records.

EXHIBIT "B"

1. Taxes and assessments due for the year 2022, and subsequent years not yet due and payable.
2. As to Parcel BRO3 033, all matters disclosed on plat recorded at Plat Hangar E35, Page 7, recorded June 5, 2007, aforesaid records.
3. As to Parcel BRO3 033, all matters disclosed on plat recorded at Plat Book 2, Page 215, recorded December 27, 1950, aforesaid records.
4. As to Parcel BRO3 034, all matters disclosed on plat recorded at Plat Book 2, Page 83 recorded April 11, 1956, aforesaid records.
5. All matters disclosed on Compiled Plat for Danny D. Davenport and Damon Davenport prepared by Lane S. Bishop and Associates dated January 27, 2009.

## PROPERTY DESCRIPTION

### OVERALL "FANNIN COUNTY SITE"

All that tract or parcel of land lying and being in Land Lot 316, 8<sup>th</sup> District, 2<sup>nd</sup> Section, Fannin County, Georgia and being more particularly described as follows:

Beginning at a ½-inch rebar with cap "LSF810" set at the intersection of the Southerly Right-of-Way Line of Boardtown Road (a.k.a. County Road 26), (apparent 60 feet wide right-of-way) as per the unrecorded Compiled Plat for Danny & Damon Davenport, prepared by Lane S. Bishop and Associates, dated January 27, 2009, and the Northeasterly Right-of-Way Line of Trackside Lane (a.k.a. County Road 383) / L & N Railroad / CSX Transportation (apparent 100 feet wide right-of-way) as shown on the said unrecorded Compiled Plat; thence, leaving said Point of Beginning and the said line of Trackside Lane / L & N Railroad / CSX Transportation and running with the said line of Boardtown Road

1. 152.40 feet along the arc of a curve deflecting to the right, having a radius of 1,080.05 feet and a chord bearing and distance of North 85° 24' 27" East, 152.27 feet; thence,
2. 72.59 feet along the arc of a curve deflecting to the right, having a radius of 3,761.31 feet and a chord bearing and distance of North 89° 51' 56" East, 72.58 feet; thence,
3. 162.06 feet along the arc of a curve deflecting to the right, having a radius of 3,761.31 feet and a chord bearing and distance of South 88° 20' 50" East, 162.05 feet; thence,
4. South 86° 37' 05" East, 30.55 feet to a ½-inch rebar with cap "LSF810" set; thence, leaving the aforesaid line of Boardtown Road and running with the property now or formerly owned by Government Federal Housing (City of Blue Ridge) as shown on the aforesaid Compiled Plat (deed information not found)
5. South 23° 49' 26" West, 83.60 feet to a capped rebar found; thence,
6. South 23° 49' 26" West, 305.53 feet to a nail found in a 5" concrete monument; thence, leaving the aforesaid Government Federal Housing property and running with the property now or formerly owned by Robert Greene per deed recorded among the Land Records of Fannin County, Georgia in Deed Book 593, Page 488
7. South 39° 25' 26" West, 624.57 feet to a 1.5-inch open top pipe found on the Land Lot Line and District Line common to Land Lots 316 and 10, and Districts 7 and 8; thence, leaving the aforesaid Robert Greene property and running with the said Land Lot and District Line and the property now or formerly owned by Earl Frank Weeks per deed recorded among the aforesaid land records in Deed Book 712, Page 144 and Deed Book 1245, Page 384
8. North 89° 49' 34" West, 137.69 feet to the Land Lot Corner Common to Land Lots 316, 9 and 10, said point being 0.20' Northeast of a capped rebar found "Bishop & Assoc"; thence, running with the Land Lot Line common to Land Lots 9 and 316
9. North 89° 56' 34" West, 230.66 feet, said point being 0.19' Northeast of a 1.5-inch open top pipe found; thence,
10. North 89° 56' 34" West, 19.59 feet; thence,
11. North 89° 56' 34" West, 29.41 feet to a ½-inch rebar with cap "LSF810" set on the aforesaid line of Trackside Lane / L & N Railroad / CSX Transportation; thence, leaving said point and the said Land Lot Line, District Line, and Earl Frank Weeks property and running with the said line of Trackside Lane / L & N railroad / CSX Transportation
12. North 28° 16' 58" East, 188.30 feet; thence,
13. 225.59 feet along the arc of a curve deflecting to the right, having a radius of 2,032.64 feet and a chord bearing and distance of North 32° 18' 03" East, 225.47 feet; thence,

14. North 35° 56' 07" East, 587.21 feet to the Point of Beginning, containing 395,850 square feet or 9.0874 acres of land, more or less.

Property is subject to all easements and rights of way recorded and unrecorded.



**BILL TRANSACTION REPORT**

CITY OF BLUE RIDGE  
FY 2022

\*(R) denotes payment reversal

**Account #** 16676  
**Owner** WLP PROPERTIES LLC  
2860 BAKERS FARM ROAD SE  
Atlanta, GA 30339

**Location** 0 Boardtown Road  
Blue Ridge, GA 30513

**Property Id** BR03-033  
**Bill No** 1799  
**Tax Year** 2021  
**Tax Type** Real Property

Date	Transaction Code	Trans Type	Posted	Reason Code	Amount (\$)	Init
11/01/2021	TXCH21 Tax Charge 2021 Update # 1 System #13156	Charge	X		461.29	CSI
12/06/2021	TXPY21 Tax Payment 2021 Update # 220057 System #13222	Payment	X		-461.29	CM

Check #: 1314

**Grand Total** \$0.00

**BILL TRANSACTION REPORT**

CITY OF BLUE RIDGE  
FY 2022

\*(R) denotes payment reversal

**Account #** 16676  
**Owner** WLP PROPERTIES LLC  
2860 BAKERS FARM ROAD SE  
Atlanta, GA 30339

**Location 0**  
Blue Ridge, GA 30513

**Property Id** BR03-034  
**Bill No** 1800  
**Tax Year** 2021  
**Tax Type** Real Property

Date	Transaction Code	Trans Type	Posted	Reason Code	Amount (\$)	Init
11/01/2021	TXCH21 Tax Charge 2021 Update # 1 System #13156	Charge	X		230.64	CSI
12/06/2021	TXPY21 Tax Payment 2021 Update # 220056 System #13222	Payment	X		-230.64	CM

Check #: 1315

**Grand Total**                    **\$0.00**

Printed: 03/04/2022 10:50:50 AM



Official Tax Receipt  
Fannin County, GA  
400 West Main Street, Suite 103  
Blue Ridge, 30513  
--Online Receipt--

Phone: 706-632-2645

Trans No	Property ID / District Description	Original Due	Interest & Penalty	Amount Due	Amount Paid	Transaction Balance
2021 - 030932	8-2 LL316 DB1089-154* 3.00ACS	\$644.96	\$0.00 Fees: \$0.00	\$0.00	\$644.96	\$0.00
<b>Totals:</b>		<b>\$644.96</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$644.96</b>	<b>\$0.00</b>

Paid Date: 12/06/2021

Charge Amount: \$644.96

WLP PROPERTIES LLC  
2860 BAKERS FARM ROAD SE

WLP PROPERTIES LLC



Scan this code with your mobile phone to view this bill

Printed: 03/04/2022 10:49:56 AM



Official Tax Receipt  
Fannin County, GA  
400 West Main Street, Suite 103  
Blue Ridge, 30513  
--Online Receipt--

Phone: 706-632-2645

Trans No	Property ID / District Description	Original Due	Interest & Penalty	Amount Due	Amount Paid	Transaction Balance
2021 - 030931	8-2 LL315,316 DB1089-154* 6.	\$1,289.93	\$0.00 Fees: \$0.00	\$0.00	\$1,289.93	\$0.00
<b>Totals:</b>		<b>\$1,289.93</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$1,289.93</b>	<b>\$0.00</b>

Paid Date: 12/06/2021

Charge Amount: \$1,289.93

WLP PROPERTIES LLC  
2860 BAKERS FARM ROAD SE

WLP PROPERTIES LLC



Scan this code with your mobile phone to view this bill

## PROPERTY DESCRIPTION

### OVERALL "FANNIN COUNTY SITE"

All that tract or parcel of land lying and being in Land Lot 316, 8<sup>th</sup> District, 2<sup>nd</sup> Section, Fannin County, Georgia and being more particularly described as follows:

Beginning at a ½-inch rebar with cap "LSF810" set at the intersection of the Southerly Right-of-Way Line of Boardtown Road (a.k.a. County Road 26), (apparent 60 feet wide right-of-way) as per the unrecorded Compiled Plat for Danny & Damon Davenport, prepared by Lane S. Bishop and Associates, dated January 27, 2009, and the Northeasterly Right-of-Way Line of Trackside Lane (a.k.a. County Road 383) / L & N Railroad / CSX Transportation (apparent 100 feet wide right-of-way) as shown on the said unrecorded Compiled Plat; thence, leaving said Point of Beginning and the said line of Trackside Lane / L & N Railroad / CSX Transportation and running with the said line of Boardtown Road

1. 152.40 feet along the arc of a curve deflecting to the right, having a radius of 1,080.05 feet and a chord bearing and distance of North 85° 24' 27" East, 152.27 feet; thence,
2. 72.59 feet along the arc of a curve deflecting to the right, having a radius of 3,761.31 feet and a chord bearing and distance of North 89° 51' 56" East, 72.58 feet; thence,
3. 162.06 feet along the arc of a curve deflecting to the right, having a radius of 3,761.31 feet and a chord bearing and distance of South 88° 20' 50" East, 162.05 feet; thence,
4. South 86° 37' 05" East, 30.55 feet to a ½-inch rebar with cap "LSF810" set; thence, leaving the aforesaid line of Boardtown Road and running with the property now or formerly owned by Government Federal Housing (City of Blue Ridge) as shown on the aforesaid Compiled Plat (deed information not found)
5. South 23° 49' 26" West, 83.60 feet to a capped rebar found; thence,
6. South 23° 49' 26" West, 305.53 feet to a nail found in a 5" concrete monument; thence, leaving the aforesaid Government Federal Housing property and running with the property now or formerly owned by Robert Greene per deed recorded among the Land Records of Fannin County, Georgia in Deed Book 593, Page 488
7. South 39° 25' 26" West, 624.57 feet to a 1.5-inch open top pipe found on the Land Lot Line and District Line common to Land Lots 316 and 10, and Districts 7 and 8; thence, leaving the aforesaid Robert Greene property and running with the said Land Lot and District Line and the property now or formerly owned by Earl Frank Weeks per deed recorded among the aforesaid land records in Deed Book 712, Page 144 and Deed Book 1245, Page 384
8. North 89° 49' 34" West, 137.69 feet to the Land Lot Corner Common to Land Lots 316, 9 and 10, said point being 0.20' Northeast of a capped rebar found "Bishop & Assoc"; thence, running with the Land Lot Line common to Land Lots 9 and 316
9. North 89° 56' 34" West, 230.66 feet, said point being 0.19' Northeast of a 1.5-inch open top pipe found; thence,
10. North 89° 56' 34" West, 19.59 feet; thence,
11. North 89° 56' 34" West, 29.41 feet to a ½-inch rebar with cap "LSF810" set on the aforesaid line of Trackside Lane / L & N Railroad / CSX Transportation; thence, leaving said point and the said Land Lot Line, District Line, and Earl Frank Weeks property and running with the said line of Trackside Lane / L & N railroad / CSX Transportation
12. North 28° 16' 58" East, 188.30 feet; thence,
13. 225.59 feet along the arc of a curve deflecting to the right, having a radius of 2,032.64 feet and a chord bearing and distance of North 32° 18' 03" East, 225.47 feet; thence,

14. North 35° 56' 07" East, 587.21 feet to the Point of Beginning, containing 395,850 square feet or 9.0874 acres of land, more or less.

Property is subject to all easements and rights of way recorded and unrecorded.

AREA TABLE	
TRACT 1:	112,041 SQ. FT. OR 2.5661 AC.
TRACT 2:	233,158 SQ. FT. OR 5.3511 AC.
TOTAL:	345,199 SQ. FT. OR 7.9172 AC.

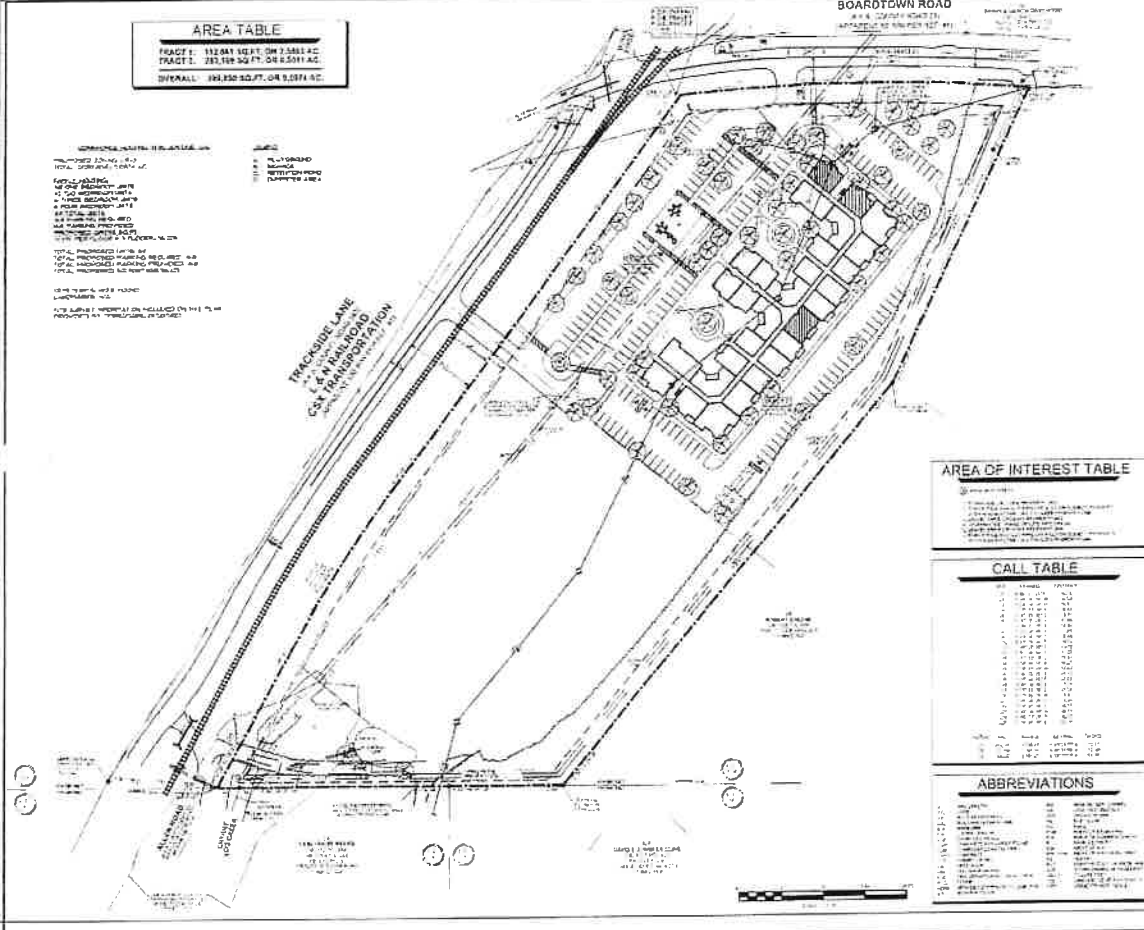
CONTRIBUTION TO THE PROJECT:  
 TRACT 1: 112,041 SQ. FT. OR 2.5661 AC.  
 TRACT 2: 233,158 SQ. FT. OR 5.3511 AC.  
 TOTAL: 345,199 SQ. FT. OR 7.9172 AC.

CONTRIBUTION TO THE PROJECT:  
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 TRACT 2: 233,158 SQ. FT. OR 5.3511 AC.  
 TOTAL: 345,199 SQ. FT. OR 7.9172 AC.

CONTRIBUTION TO THE PROJECT:  
 TRACT 1: 112,041 SQ. FT. OR 2.5661 AC.  
 TRACT 2: 233,158 SQ. FT. OR 5.3511 AC.  
 TOTAL: 345,199 SQ. FT. OR 7.9172 AC.

TRUCKSIDE LANE  
 1/4" = 1' PLAN  
 1/8" = 1' ELEVATION  
 1/4" = 1' PLAN  
 1/8" = 1' ELEVATION

BOARDTOWN ROAD  
 1/4" = 1' PLAN  
 1/8" = 1' ELEVATION



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ABBREVIATIONS	
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MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.  
 25 CHURCH STREET, SUITE 200 DECATUR, GEORGIA 30030  
 404-277-2000  
 WORKFORCE HOUSING  
 BRIDGE MOUNTAIN, GA



SA 1

## City Council Meeting Agenda Submittal

**MEETING DATE: 5/17/2022**

**AGENDA NO: 5e**

**AGENDA ITEM:**

A ZONING ORDINANCE/ACTION AMENDING THE ZONING MAP OF THE CITY OF BLUE RIDGE, GEORGIA, BY REZONING TWO PARCELS OF LAND WITHIN THE CITY OF BLUE RIDGE, BEING TAX PARCELS BR03 033 AND BR03 034 OWNED BY SEARLES FOUNDATION AFFORDABLE HOUSING LAND FUND, LLC AND BEING APPROXIMATELY 9.08 ACRES, MORE OR LESS, AS MORE PARTICULARLY DESCRIBED IN THE LIMITED WARRANTY DEED ATTACHED HERETO AND INCORPORATED BY REFERENCE INTO THIS ZONING ORDINANCE ("PROPERTY"), AND REZONING THE PROPERTY FROM GENERAL COMMERCIAL ("C-2") TO HIGH DENSITY RESIDENTIAL ("R-3"); REPEALING CONFLICTING ZONING ORDINANCES APPLICABLE TO THE PROPERTY; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**BACKGROUND:**

If the City Council approves Agenda Item 5d, this Ordinance sets in motion the update to the City's Zoning Map to reflect the rezoning of Searles Foundation Affordable Housing Land Fund, LLC from General Commercial (C-2) to High-Density Residential (R-3). A tract of land totaling 9.08-acres located at the intersection of Boardtown Road and Trackside Lane and is identified as tax parcels BR03 033 and BR03 034.

**RECOMMENDATION:**

It is recommended that the City Council enact the attached Ordinance.

**ATTACHMENT (S):**

Ordinance No. BR2022-20

**APPROVED:**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Administrator



FIRST READING \_\_\_\_\_

ADVERTISED \_\_\_\_\_

PASSED \_\_\_\_\_

A ZONING ORDINANCE/ACTION NO. BR2022-20

A ZONING ORDINANCE/ACTION AMENDING THE ZONING MAP OF THE CITY OF BLUE RIDGE, GEORGIA, BY REZONING TWO PARCELS OF LAND WITHIN THE CITY OF BLUE RIDGE, BEING TAX PARCELS BR03 033 AND BR03 034 OWNED BY SEARLES FOUNDATION AFFORDABLE HOUSING LAND FUND, LLC AND BEING APPROXIMATELY 9.08 ACRES, MORE OR LESS, AS MORE PARTICULARLY DESCRIBED IN THE LIMITED WARRANTY DEED ATTACHED HERETO AND INCORPORATED BY REFERENCE INTO THIS ZONING ORDINANCE (“PROPERTY”), AND REZONING THE PROPERTY FROM GENERAL COMMERCIAL (“C-2”) TO HIGH DENSITY RESIDENTIAL (“R-3”); REPEALING CONFLICTING ZONING ORDINANCES APPLICABLE TO THE PROPERTY; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**BE IT ORDAINED** by the City Council of Blue Ridge, Georgia as follows:

**SECTION 1**  
**ZONING**

That from and after the passage of this zoning ordinance applicable only to the Property described herein within the City of Blue Ridge, said Property shall be zoned and so designated on the zoning map of the City of Blue Ridge as R-3, HIGH DENISTY RESIDENTIAL, being Tax Parcels BR03 033 and BR03 034 and being that same property depicted in the attached limited warranty deed.

Legal Description:

The legal description of the above-referenced property, which is being rezoned from C-2 to R-3, is as follows:

All that tract and parcel of land being approximately 9.08 acres and lying and being within the City of Blue Ridge, Fannin County, Georgia, and more particularly described in the limited warranty deed attached hereto and incorporated by reference.

**SECTION 2:**  
**REPEAL OF CONFLICTING ORDINANCES TO REMOVE CONFLICT**

Any ordinances applicable to the Property in conflict with the terms of this zoning ordinance are hereby repealed to the extent of the conflict, but it is hereby provided that any ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this zoning action on behalf of the City of Blue Ridge, Georgia.

**SECTION 3.**  
**SEVERABILITY**

If any paragraph, subparagraph, sentence, clause, phrase or any other portion of this Ordinance should be declared invalid or unconstitutional by any Court of competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular person, situation or set of circumstances is declared invalid or unconstitutional, such invalidity shall not be construed to affect the provisions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the legislative intent of the City Council of the City of Blue Ridge, Georgia to provide for separate and divisible parts and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

**SECTION 4.**  
**AMENDMENT TO THE ZONING MAP**

This zoning action/ordinance is enacted as an amendment to the zoning map of the City of Blue Ridge.

**SECTION 5.**  
**EFFECTIVE DATE**

The effective date of this Ordinance shall be immediately upon its passage by the City Council and execution by the Mayor or upon fifteen (15) days expiring.

**SO ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

MAYOR AND CITY COUNCIL OF BLUE RIDGE

\_\_\_\_\_  
Mayor, City of Blue Ridge

\_\_\_\_\_  
Clerk, City of Blue Ridge

Type: WD  
Kind: WARRANTY DEED  
Recorded: 2/1/2022 2:53:00 PM  
Fee Amt: \$900.00 Page 1 of 4  
Transfer Tax: \$875.00  
Fannin Co. Clerk of Superior Court  
DANA CHASTAIN Clerk of Courts

Participant ID: 4449229278

**BK 1483 PG 341 - 344**

After recording, please return to:  
**Pearce D. Hardwick**  
**McGee & Oxford, LLP**  
**5855 Sandy Springs Circle, Suite 300**  
**Atlanta, GA 30328**

**Parcel ID: BRO3 033 and**  
**BRO3 034**

STATE OF GEORGIA  
COUNTY OF FULTON

LIMITED WARRANTY DEED

THIS LIMITED WARRANTY DEED (this "Deed") is made as of January 31st, 2022, between **WLP PROPERTIES, LLC**, a Georgia limited liability company ("Grantor") and **SEARLES FOUNDATION AFFORDABLE HOUSING LAND FUND, LLC**, a Georgia limited liability company ("Grantee") (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that Grantor, for and in consideration of Ten Dollars (\$10.00) in hand paid at and before the sealing and delivery of these presents, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto Grantee the following described real property (the "Property"), to-wit:

**All that lot or tract or parcel of land lying and being in Land Lots 315 and 316 of the 8<sup>th</sup> District, 2<sup>nd</sup> Section, Fannin County, Georgia, being more particularly described on Exhibit "A" attached hereto and made a part hereof by reference.**

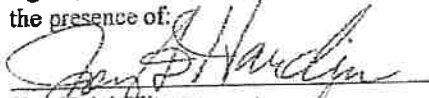

TO HAVE AND TO HOLD the Property with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee, forever, in FEE SIMPLE, subject, however, to all liens, exceptions, easements, rights-of-way, covenants, conditions, restrictions, reservations, encroachments, protrusions, shortages in area, boundary disputes and discrepancies, matters which could be discovered or would be revealed by, respectively, an inspection or current survey of the Property, encumbrances, impositions (monetary and otherwise), access limitations, licenses, leases, prescriptive rights, rights of parties in possession, rights of tenants, co-tenants, or other co-owners, and any and all other matters or conditions affecting the Subject Property, as well as standby fees, real estate taxes, and assessments on the Property for the current year and prior and subsequent years, and

subsequent taxes and assessments for prior years due to change in land usage or ownership, and any and all zoning laws, regulations, and ordinances of municipal and other governmental authorities affecting the Property (all of the foregoing being collectively referred to as the "Permitted Encumbrances").

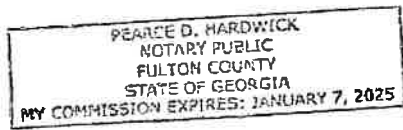
AND Grantor will warrant and forever defend the right and title to the Property unto Grantee against the claims of all persons claiming by, through or under Grantor, but not otherwise; provided, however, that Grantor's conveyance of the Property and Grantor's warranties of title contained in this Deed are and shall be subject to the Permitted Encumbrances.

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed and delivered under seal as of the date first written above.

As to signatory on behalf of Grantor,  
signed, sealed and delivered in  
the presence of:

  
Unofficial Witness  


Notary Public:  
(Affix notary seal and  
commission expiration date)



GRANTOR:

**WLP PROPERTIES, LLC,**  
a Georgia Limited Liability Company

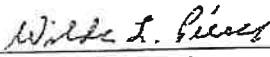
By:   
Print Name: Wilds L Pierce  
Title: Its Manager

Exhibit "A"  
**To Limited Warranty Deed**

**As to Parcel BR03 033:**

All that lot or tract or parcel of land lying and being in Land Lots 315 and 316 of the 8<sup>th</sup> District, 2<sup>nd</sup> Section, Fannin County, Georgia, and also being in the City of Blue Ridge, containing 6.50 acres of land, more or less, as shown on plat of survey for City of Blue Ridge dated March 22, 1991, prepared by Mike L. Hampton, G.R.L.S. No. 1452, and being recorded in Plat Hangar E35, Page 7, Fannin County Deed Records. Said plat of survey is incorporated herein by reference for a more complete and accurate description of the above-described property.

The above-described property is the same property that conveyed to The City of Blue Ridge by Warranty Deed dated December 23, 1960, from D. H. Haight, recorded in Deed Book 27, Page 229, Fannin County Deed Records.

**And**

**As to Parcel BR03 034:**

All that lot or tract or parcel of land lying and being in Land Lots 316 of the 8<sup>th</sup> District, 2<sup>nd</sup> Section, Fannin County, Georgia, as shown on that plat of survey titled "W.O. Anderson Tract", recorded in Plat Book 2, Page 83, in the Office of the Superior Court of Fannin County, Georgia and containing 3.0 acres. Said plat is incorporated herein by reference for a more complete and accurate metes and bounds description of the property herein.

The above-described property is the same property that conveyed to The City of Blue Ridge by Warranty Deed dated December 23, 1960, from D. H. Haight, recorded in Deed Book 27, Page 229, Fannin County Deed Records.

EXHIBIT "B"

1. Taxes and assessments due for the year 2022, and subsequent years not yet due and payable.
2. As to Parcel BRO3 033, all matters disclosed on plat recorded at Plat Hangar E35, Page 7, recorded June 5, 2007, aforesaid records.
3. As to Parcel BRO3 033, all matters disclosed on plat recorded at Plat Book 2, Page 215, recorded December 27, 1950, aforesaid records.
4. As to Parcel BRO3 034, all matters disclosed on plat recorded at Plat Book 2, Page 83 recorded April 11, 1956, aforesaid records.
5. All matters disclosed on Compiled Plat for Danny D. Davenport and Damon Davenport prepared by Lane S. Bishop and Associates dated January 27, 2009.

## City Council Meeting Agenda Submittal

MEETING DATE: 5/17/2022

AGENDA NO: 5f

### AGENDA ITEM:

AN ORDINANCE TO AMEND CHAPTER 10 (“BUSINESS REGULATIONS”), ARTICLE II (“OCCUPATION TAXES”) OF THE CODE OF THE CITY OF BLUE RIDGE, GEORGIA TO REASSIGN CERTAIN DUTIES TO THE CITY ADMINISTRATOR OR HIS/HER DESIGNEE; TO CHANGE CERTAIN DEADLINES; AND FOR OTHER PURPOSES.

### BACKGROUND:

This Ordinance updates Chapter 10 of the City Code which adopted the Occupational Tax requirements as follows:

- Reassigns certain duties previously assigned to the City Clerk to the City Administrator or his/her designee which properly reflects the reassignment to the Taxes/Licensing Clerk in the Planning Department to facilitate a “one stop shop” for the business community.
- Provides that the Occupational Tax is due by April 15 of each year. Further, if the tax is not paid by July 1 (previously December 1) the City Council may take action to have water and sewer service disconnected to the location.

### RECOMMENDATION:

It is recommended that the City Council enact the attached Ordinance.

### ATTACHMENT (S):

Ordinance No: BR2022-18

APPROVED:



Mayor



City Administrator



FIRST READING \_\_\_\_\_

SECOND READING \_\_\_\_\_

PASSED \_\_\_\_\_

**AN ORDINANCE NO. BR2022-18**

**AN ORDINANCE TO AMEND CHAPTER 10 (“BUSINESS REGULATIONS”), ARTICLE II (“OCCUPATION TAXES”) OF THE CODE OF THE CITY OF BLUE RIDGE, GEORGIA TO REASSIGN CERTAIN DUTIES TO THE CITY ADMINISTRATOR OR HIS/HER DESIGNEE; TO CHANGE CERTAIN DEADLINES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council of the City of Blue Ridge, Georgia, previously adopted Ordinance No. BR2020-25, which called for the payment of an occupation tax for any business, trade, profession or occupation within the City for the year 2021 and succeeding years; and

**WHEREAS**, Ordinance No. BR2020-25 is now codified in Chapter 10 (“Business Regulations”), Article II (“Occupation Taxes”) of the Code of the City of Blue Ridge, Georgia (“Code”); and

**WHEREAS**, City staff has recommended certain changes to Chapter 10 (“Business Regulations”), Article II (“Occupation Taxes”) of the Code to reassign certain duties to the City Administrator or his/her designee and to change certain deadlines; and

**WHEREAS**, the City Council finds it in the public interest to adopt the changes recommended by City staff.

**NOW, THEREFORE, BE IT ORDAINED, AND IT IS HEREBY ORDAINED** by the authority of the City Charter and general law, that Chapter 10 (“Business Regulations”), Article II (“Occupation Taxes”) of the Code of the City of Blue Ridge, Georgia, is hereby amended to read as follows:

**SECTION 1.**

**AMENDMENT TO CHAPTER 10 (“BUSINESS REGULATIONS”), ARTICLE II (“OCCUPATION TAX”)**

Chapter 10 (“Business Regulations”), Article II (“Occupation Taxes”) is hereby amended to read as follows:

## ARTICLE II. OCCUPATION TAXES

### **Sec. 10-49. Occupation tax required for business dealings within the city.**

For the year 2021 and succeeding years thereafter, each person engaged in any business, trade, profession or occupation in the city, whether with a location in the city, or in the case of an out-of-state business with no location in the state exerting substantial efforts within the state pursuant to O.C.G.A. § 48-13-7, shall pay an occupation tax for said business, trade, profession or occupation; which tax and any applicable certificate, except for practitioners of professions (including the legal profession, which does not have to display the certificate) and occupations, shall be displayed in a conspicuous place in the place of business, if the taxpayer has a permanent business location in the city. If the taxpayer has no permanent business location in the city, such business tax certificate shall be shown to any police officer of the city upon his or their request.

(Ord. No. BR2020-25, § 110.25, 11-30-2020)

### **Sec. 10-50. Construction of terms; definitions.**

- (a) Wherever the term "City of Blue Ridge" is used herein, such term shall be construed to mean "Blue Ridge, Georgia"; wherever the term "city" is used herein, it shall be construed to mean "Blue Ridge, Georgia."
- (b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Business* means any person, corporation, partnership, or other legal entity which exerts substantial efforts within the city, engages in, causes to be engaged in, and/or represents or holds out to the public to be engaged in any occupation or activity with the object of gain or benefit, either directly or indirectly.

*Business location or office* means and includes any structure or vehicle where a business, profession, or occupation is conducted, but shall not include a temporary or construction work site, which serves a single customer or project, or a vehicle used for sales or delivery by a business or practitioner of a profession or occupation, which has a location or office. A temporary work site which serves multiple customers is included in this definition. The renter's or lessee's location which is the site of personal property which is rented or leased from another does not constitute a location or office for the personal property's owner, lessor, or the agent of the owner or lessor. The site of the real property which is rented or leased to another does not constitute a location or office for the real property's owner, lessor, or the agent of the owner or the lessor, in addition to showing the property to prospective lessees or tenants and performing maintenance or repair of the property, otherwise conducts the business of renting or leasing the real property at such site or otherwise conducts any other business, profession, or occupation at such site.

*Dominant line* means the type of business within a multiple line business that the greatest amount of income is derived from.

*Employee.*

- (1) Except as otherwise provided in subsection (2) of this definition, "employee" means an individual whose work is performed under the direction and supervision of the employer and whose employer withholds FICA, federal income tax, or state income tax from such individual's compensation or whose employer issues to such individual for purposes of documenting compensation a form IRS W-2 but not a form IRS 1099.
- (2) An individual who performs work under the direction and supervision of one business or practitioner in accordance with the terms of a contract or agreement with another business which recruits such individual as an employee of the business or practitioner which issues to such individual for purposes of documenting compensation a form IRS W-2.

*Engaged in business* means doing or performing of any act or selling any goods or services, or soliciting business, or offering any goods or services for sale primarily in an attempt to make a profit, including selling or performing services of the character of a wholesaler or retailer, or being involved in any of the functions performed as a manufacturer, or renting real or personal property; all of the foregoing performed either as an owner, operator or agent of any business, trade, profession, or occupation within the city.

*Manufacturing* means a person who, either directly or by contracting with others for the necessary labor or mechanical services, manufactures for sale or commercial use any articles, substances or commodities, including, but not limited to, the following: materials upon which commercial activities have been applied, by hand or machinery, so that as a result thereof a new substance of trade or commerce is produced; the production or fabrication of special or custom-made articles; the making, fabrication, processing, refining, mixing, slaughtering, packing, aging, curing, preserving, canning, preparing and freezing of fresh foods, fruits, vegetables and meats.

*Nonprofit organization* means an organization which complies with U.S. Internal Revenue Code 501(a).

*Occupation tax* means a tax levied for revenue raising purposes on persons, partnerships, corporations or other entities for engaging in an occupation, profession or business.

*Person* wherever used in this chapter shall be held to include sole proprietors, corporations, partnerships or any other form of business organization.

*Practitioner of profession or occupation* is one who by state law requires state licensure regulating such profession or occupation. The term "practitioner of profession or occupation" shall not include a practitioner who is an employee of a business, if the business pays an occupation tax.

*Regulatory fees* means payments, whether designated as license fees, permit fees, or by another name, which are required by a local government as an exercise of its police power and as a part of or as an aid to regulation of an occupation, profession, or business. The amount of the regulatory fee shall approximate the reasonable cost of the actual regulatory activity performed by the city. A regulatory fee may not include an administrative fee or registration fee. The city is not authorized to require any administrative fee, registration fee, or fee by any other name in connection with a regulatory fee, except an occupation tax, as defined in O.C.G.A. § 48-13-5. Regulatory fees do not include development impact fees as defined by O.C.G.A. § 36-71-2(8) or other costs or conditions of zoning or land development.

*Retailer* means a person who sells to consumers or any other person for any purpose, other than for resale, any tangible personal property.

*Services* means the accommodating or performance of a duty or work by a person utilizing time or talents for direct or indirect remuneration.

*Wholesaler* means a person who sells to jobbers or to persons, other than consumers, any tangible personal property.

(Ord. No. BR2020-25, § 110.26, 11-30-2020)

### **Sec. 10-51. Occupation tax levied; restrictions.**

- (a) As allowed by O.C.G.A. § 48-13-10(a)(4) an occupation tax shall be levied upon those businesses and practitioners of professions and occupations with one or more locations or offices within the corporate limits of the city and upon the applicable out-of-state businesses with no location or office in the state, pursuant to O.C.G.A. § 48-13-7, based upon the following criteria:
- (1) Number of full-time equivalent employees of the business or practitioner determined as follows:
    - a. By adding the total number of hours worked during the preceding calendar year by all employees and dividing that total by 2,080 (40 hours per week times 52 weeks), and rounding the result to the nearest whole. (0.5 or greater would be rounded up; less than 0.5 would be rounded down.)
    - b. Employees whose total number of hours worked are not available (such as salaried employees) shall be calculated at a rate of 40 hours per week.
    - c. In businesses where it can be shown that calculation by this method would be impractical, an alternate method may be used which would provide an accurate count of full-time equivalent employees.
    - d. An employee whose hours total more than 2,080 during a year, may be counted as having worked 2,080 hours.
    - e. Any alternate method is subject to the approval of the city council.
  - (2) For the purpose of calculating full-time equivalent employees, all employees, including owners, who actually perform work at the business shall be included.
- (b) (1) The city shall not require the payment of more than one occupational tax for each location that a business or practitioner shall have.
- (2) The city shall not require an occupation tax on those employees that were taxed by occupation tax in other localities or states, provided that those businesses were taxed in full compliance with O.C.G.A. §§ 48-13-7 and 48-13-14. Upon request by the City Administrator or his/her designee~~any city official, including, but not limited to, personnel of the city clerk's office, finance department, and building inspection department~~, the operator of a business shall be required to provide proof that the business was taxed pursuant to O.C.G.A. §§ 48-13-7 and 48-13-14.

(3) An occupation tax shall not be levied in any other manner except as described in this section.

(c) Occupation tax schedule.

(1) The occupation tax levied shall be based upon the following tax table:

Tax Table

<i>Number of Employees</i>	<i>Tax Amount</i>
1—50	\$250.00
51 and above	\$500.00

(2) In addition to the tax from the above tax table, there shall be assessed an administrative fee in an amount as established from time to time by the mayor and city council and set out in the city fee schedule for each business/occupation tax account.

(Ord. No. BR2020-25, § 110.27, 11-30-2020)

**Sec. 10-52. Paying occupation tax of business with no location in the state.**

For out-of-state businesses with no location in the State of Georgia, the assessment of an occupation tax is hereby imposed on those businesses and practitioners of professions with no location or office in the state if the business' largest dollar volume of business in the state is in the city and the business or practitioner:

- (1) Has one or more employees or agents who exert substantial efforts within the jurisdiction of the city for the purpose of soliciting business or serving customers or clients; or
- (2) Owns personal or real property which generates income, and which is located within the jurisdiction of the city.

(Ord. No. BR2020-25, § 110.28, 11-30-2020)

**Sec. 10-53. Dominant line of business to be identified on business registration.**

The business registration of each business operated in the city shall identify the dominant line of business that the business conducts. Except for practitioners of professions and occupations, no business shall conduct any line of business without first having that line of business registered with the [City Administrator or his/her designee city clerk](#) and that line of business being noted by the [City Administrator or his/her designee city clerk](#) upon the occupation tax certificate form which is to be displayed by the business owner.

(Ord. No. BR2020-25, § 110.29, 11-30-2020)

**Sec. 10-54. Number of businesses considered operating in city.**

Where a person conducts business at more than one store or place, each store or place shall be considered a separate business for the purpose of occupation tax.

(Ord. No. BR2020-25, § 110.30, 11-30-2020)

**Sec. 10-55. Professionals as classified in O.C.G.A. § 48-13-9(c)(1) through (18).**

Practitioners of professions as described in O.C.G.A. § 48-13-9(c)(1) through (18) shall have as their entire occupation tax for the year 2021 and subsequent years: The occupation tax based on number of employees.

(Ord. No. BR2020-25, § 110.31, 11-30-2020)

**Sec. 10-56. Practitioners exclusively practicing for the government.**

Any practitioner whose office is maintained by and who is employed in practice exclusively by the United States, the state, a municipality or county of the state, instrumentalities of the United States, the state or a municipality or county of the state, shall not be required to obtain a license or pay an occupation tax for that practice.

(Ord. No. BR2020-25, § 110.32, 11-30-2020)

**Sec. 10-57. Purpose and scope of tax.**

The tax levied herein is for revenue purposes only and is not for regulatory purposes.

(Ord. No. BR2020-25, § 110.33, 11-30-2020)

**Sec. 10-58. When tax due and payable; effect of transacting business when tax delinquent.**

- (a) Each such business or occupation tax shall be for the calendar year 2021 and succeeding calendar years thereafter unless otherwise specifically provided. Said registration and occupation tax shall be payable January 1 of each year and shall be delinquent if not paid by January 2 of each year and shall be subject to penalties for delinquency as prescribed in this chapter. In the event that any person commences business on any date after January 1 in any year, the tax shall be due and payable thirty days following commencement of the business.
- (b) The tax certificate herein provided for shall be issued by the City Administrator or his/her designee ~~city clerk or his designee~~. If any person, firm, or corporation whose duty it is to obtain a registration shall, after said registration or occupation tax become delinquent, transacts, or offer to transact, business in the city such person shall, in addition to remedies provided herein be punished as provided in this chapter.
- (c) In addition to the above remedies, the City Administrator or his/her designee ~~city clerk~~ through the city attorney may proceed to collect delinquent business or occupation tax in the same manner as provided by law for tax executions.

- (d) If a practitioner of law commences business in the city on or after July 1 in any year, the occupation tax for the remaining portion of the year shall be 50 percent of the tax imposed for the entire year and shall be due and payable on January 1 for the previous calendar year.

(Ord. No. BR2020-25, § 110.34, 11-30-2020)

**Sec. 10-59. Allocation of employees of businesses with multiple intra or interstate locations.**

For those businesses who have multiple locations inside and outside of the city where the number of employees can be allocated to each location, the number of employees used to determine the occupational tax assessed will be those employees attributed to each city location. In the case where the number of employees attributed locally cannot be determined in those businesses with multiple locations, the total number of employees will be divided by the total number of locations in the city and elsewhere and allotted to those locations. Upon request, the business or practitioner with a location or office situated in more than one jurisdiction shall provide to the city the following:

- (1) Information necessary to allocate the number of employees of the business or practitioner; and
- (2) Information relating to the allocation of the business' or practitioner's number of employees by other local governments.

(Ord. No. BR2020-25, § 110.35, 11-30-2020)

**Sec. 10-60. Exemption on grounds that business is operated for a charitable purpose.**

No business on which a business registration or occupation tax is levied by this chapter shall be exempt from said registration or tax on the ground that such business is operated for a charitable purpose, unless 80 percent or more of the entire proceeds from said business are devoted to such purpose.

(Ord. No. BR2020-25, § 110.36, 11-30-2020)

**Sec. 10-61. Evidence of state registration required if applicable.**

Each person who is licensed under O.C.G.A. title 43 of the state license examining boards shall provide evidence of proper and current state licensure before the city registration may be issued.

(Ord. No. BR2020-25, § 110.37, 11-30-2020)

**Sec. 10-62. Evidence of qualification required if applicable.**

- (a) Any business required to obtain health permits, bonds, certificate of qualification, certificates of competency or any other regulatory matter shall first, before the issuance of a city business registration, show evidence of such qualification.
- (b) Any business required to submit an annual application for continuance of that business shall do so before the registration is issued.

(Ord. No. BR2020-25, § 110.38, 11-30-2020)

**Sec. 10-63. Liability of officers and agents; registration required; failure to obtain.**

- (a) All persons subject to the occupation taxes provided in this chapter shall be required to take out the necessary registration and obtain the necessary tax certificate for said business prescribed in this chapter, and in default thereof, the officer or agent soliciting for or representing such persons shall be subject to the same penalty as other persons who fail to obtain a certificate. Every person commencing business in the city after January 1 of each year shall obtain the registration and obtain the tax certificate herein provided for before commencing the same; and any person transacting or offering to transact in the city any kind of business, trade, profession or occupation without first having so obtained said registration shall be subject to penalties provided herein and upon conviction, be punished as provided in this chapter. If any person, firm, or corporation whose duty it is to obtain a registration and an occupation tax certificate shall fail to pay such tax in a timely fashion, such offender shall be subject to penalties provided in O.C.G.A. § 48-13-21.
- (b) It shall be unlawful for the owner, proprietor, manager, executive officer or employee of any business, coming within the provisions of this chapter, to make a false registration for such business, or to give or file, or direct the giving or filing, of any false information with respect to the occupation tax due under the provisions of this chapter or upon which any occupation tax due under the provisions of this chapter is based.

(Ord. No. BR2020-25, § 110.39, 11-30-2020)

**Sec. 10-64. When registration and tax due and payable; effect of transacting business when tax delinquent.**

- (a) Each such registration shall be for the calendar year 2021 and each succeeding calendar year thereafter unless otherwise specifically provided. There is hereby imposed a penalty upon each business which fails to apply for and obtain an appropriate business registration and pay all tax and fees as provided herein by January 1 of each year on March 2 of each year thereafter. The penalty for failure to comply with this section shall be assessed in the amount of ten percent of the occupational tax determined to be due and owing under the provisions of this chapter for the first 30 days or fraction thereof of delinquency. Additionally, any delinquent tax due shall begin to accrue interest on January 2 of each year at the rate of 1.5 percent of the occupation tax due for each delinquent month or fraction thereof of delinquency. Said penalties shall be in addition to all other civil penalties, herein provided; and may be collected by the remedies herein provided for collection of the occupation tax, and shall have the same lien and priority as the occupation tax to which the penalty is applied.
- (b) The registration certificate herein provided for shall be issued by the ~~city clerk~~ City Administrator or his/her designee, and if any person, firm or corporation whose duty it is to obtain a registration shall, after said occupation tax becomes delinquent, transact or offer to transact, in the city, any of the kind of business or trade without having first obtained said registration, such offender shall be subject to the penalties provided herein.



(Ord. No. BR2020-25, § 110.40, 11-30-2020)

**Sec. 10-65. Penalty for chapter violation.**

In addition to the other remedies available to the city for the collection of special taxes, occupation taxes, and license regulatory fees due the city from persons subject to the tax fee who fail or refuse to pay the tax or fee, the ~~city clerk~~ City Administrator or his/her designee through the city attorney shall issue executions against the delinquent taxpayers for any or all of the following: the amount of the taxes or fees due when the taxes or fees become due and any penalty or interest imposed by this chapter. In addition, the municipal court may impose a civil fine for failure to pay the occupation tax by April 15 of each year. Such a civil fine shall not exceed \$500.00 and may be enforced by the contempt power of the municipal court.

(Ord. No. BR2020-25, § 110.41, 11-30-2020)

**Sec. 10-66. ~~City clerk~~ City Administrator or his/her designee as business inspector.**

The ~~city clerk~~ City Administrator or his/her designee and the duly designated officers and inspectors of the city shall be classified as business inspectors with full subpoena and arresting powers in conjunction with any violation pertaining to the business tax for 2020 and succeeding years thereafter. The ~~clerk~~ City Administrator or his/her designee shall administer and enforce the provisions of this chapter for the levy, assessment and collection and penalties imposed herein. In carrying out its responsibilities hereunder, the ~~clerk~~ City Administrator or his/her designee shall have the following duties:

- (1) To prepare and provide the necessary forms for registration of a business, and for the submission of required information as may be necessary to properly administer and enforce the provisions of this chapter;
- (2) To issue to each person an occupation tax certificate within a reasonable time after the payment of the occupation tax assessed and levied in this chapter; provided, however, where under other ordinances of the city, permits, certifications, and compliance with the enumerated conditions are required for the operation of the business, the ~~clerk~~ City Administrator or his/her designee shall not issue said certificate until the applicant exhibits to the ~~clerk~~ City Administrator or his/her designee such obtained permits, certifications and compliances;
- (3) To audit periodically, and when deemed necessary by the ~~clerk~~ City Administrator or his/her designee, the books and records of the businesses subject to the provisions of this chapter, and to require the submission of such additional information as may be necessary in order to correctly determine the amount of the occupation tax due and to ensure the collection of same; and
- (4) The ~~clerk~~ City Administrator or his/her designee shall have the power and authority to make and publish reasonable rules and regulations not inconsistent with this chapter or other laws of the city and the state or the constitution of the state for the administration and enforcement of the provisions of this chapter and the collection of the occupation tax and fees hereunder.

(Ord. No. BR2020-25, § 110.42, 11-30-2020)

**Sec. 10-67. Businesses not covered by this chapter.**

- (a) The following businesses are not covered by the provisions of this chapter but may be assessed an occupation tax or other type of tax or fee pursuant to the provisions of other general laws of the state or by act of local law.
- (1) Those businesses regulated by the state public service commission.
  - (2) Those electrical service businesses organized under O.C.G.A. title 46, chapter 3.
  - (3) Any farm operation for the production from or on the land of agricultural products, but not including agribusiness.
  - (4) Cooperative marketing associations governed by O.C.G.A. § 2-10-105.
  - (5) Insurance companies governed by O.C.G.A. § 33-8-8.
  - (6) Motor common carriers governed by O.C.G.A. § 46-7-15.
  - (7) Those businesses governed by O.C.G.A. § 48-5-355.
  - (8) Agricultural products and livestock raised in the state governed by O.C.G.A. § 48-5-356.
  - (9) Disabled veterans and blind persons with proof of exemption under O.C.G.A. § 43-12-1.
  - (10) Depository financial institutions governed by O.C.G.A. § 48-6-93.
  - (11) Facilities operated by a charitable trust governed by O.C.G.A. § 48-13-55.
  - (12) Any state or local authority or nonprofit organization.
  - (13) Any person engaging in casual or isolated activity and commercial transactions, where such involve personal assets and are not an occupation for the individual.
    - a. In regard to yard/garage sales, this exemption shall apply to persons or nonprofit organizations conducting such sales at a private residence or at a commercial location with an occupancy permit and with permission of the property owner, not exceeding four events per year.
    - b. In regard to the rental of personally owned residences, this exemption shall apply to persons renting a maximum of five residences within the state.
- (b) The city may require any business claiming not to be covered by the provisions of this chapter to provide specific and detailed evidence showing such non-coverage.
- (Ord. No. BR2020-25, § 110.43, 11-30-2020)

**Sec. 10-68. Occupation tax inapplicable where prohibited by law or provided for pursuant to other existing law.**

This occupation tax is not levied upon any part of a business where such levy is prohibited or exempted by the laws of the state or of the United States.

(Ord. No. BR2020-25, § 110.44, 11-30-2020)

**Sec. 10-69. Occupation taxes levied on business to be transacted during calendar year; filing of returns showing number of employees during preceding calendar year.**

- (a) All occupation taxes levied by this chapter are levied on number of employees during the calendar year. However, for convenience of both the city and the taxpayer, those businesses subject to the occupation tax levied in sections 10-51 through 10-55, shall, on or before the times hereinafter set forth, file with the City Administrator or his/her designee ~~city clerk~~ the returns hereinafter specifically provided for, showing the number of full-time equivalent employees of that business during the preceding calendar year.
- (b) The owner, proprietor, manager or secretary officer of the business subject to said occupation tax for the current calendar year shall, at the end of the preceding year, and on or before April 15 of the current calendar year, file with the City Administrator or his/her designee ~~city clerk~~, on a form furnished by the ~~city clerk~~ City Administrator or his/her designee, a signed return setting forth the number of full-time equivalent employees of such business for the preceding calendar year. The return calendar year 2005 shall include the number of full-time equivalent employees for calendar year 2004.
- (c) Where a business subject to the occupation tax for the calendar year has been conducted for only a part of the preceding year, the number of full-time equivalent employees for such part shall be set forth in said return. Said return shall also show a figure putting the full-time equivalent employees for such part of a year on an annual basis, which figure shall bear the same ratio to the number of employees for such part year as the full year bears to such part. Said figure shall be used as the estimate of the number of full-time equivalent employees of the business for the current calendar year.
- (d) If any person fails to make a return, the City Administrator or his/her designee ~~city clerk~~ may make an estimate of the number of full-time equivalent employees of the business. The estimate shall be made for the period or periods in respect to which the person failed to make the return and shall be based upon any information which is or may come into the possession of the ~~clerk~~ City Administrator or his/her designee.
  - (1) The ~~clerk, or designee~~ City Administrator or his/her designee shall give to the operator written notice of his determination. The notice may be served personally or by mail; if by mail, such service shall be addressed to the operator at his address as it appears in the records of the ~~clerk~~ City Administrator or his/her designee. Service by mail is complete when delivered by certified mail with a receipt signed by the addressee.
  - (2) The amount of the determination shall bear interest and a penalty as required in this chapter.

(Ord. No. BR2020-25, § 110.45, 11-30-2020)

**Sec. 10-70. Plan for economic development; prorated tax for persons 65 years of age or older conducting business from their homes with under ten thousand dollars annual gross income.**

- (a) The city recognizes and encourages the fact that individuals within the city who have reached the age of 65 wish to remain involved in the economy of the area without pursuing

a full-time business or occupation. This involvement contributes to the economic development of the city, and as a means of encouraging this, the following plan for economic development shall apply:

- (b) Any person 65 years of age or older conducting business from his home with under \$10,000.00 annual gross income may conduct such business by paying one-half of the otherwise required business tax. Proof of qualification for this status must be provided to the ~~city clerk~~ [City Administrator or his/her designee](#).

(Ord. No. BR2020-25, § 110.46, 11-30-2020)

#### **Sec. 10-71. Payment of occupation tax by newly established businesses.**

- (a) In the case of a business subject to occupation tax for a calendar year, which was not conducted for any period of time in the corporate limits of the city in the preceding year, the owner, proprietor, manager or executive officer of the business liable for occupation tax shall estimate the number of full-time equivalent employees from commencing date to the end of the calendar year and such tax shall be paid as provided in section 59. The estimate shall be, at a minimum, the number of full-time equivalent employees which will be employed when the business begins operation.
- (b) Businesses beginning operation after July 1 of any calendar year shall pay a prorated business tax of 50 percent of the tax which would be due on an annual basis. The administrative fee shall not be prorated.

(Ord. No. BR2020-25, § 110.47, 11-30-2020)

#### **Sec. 10-72. More than one place of business.**

Where a business is operated at more than one place, the number of employees of each location will be entered on a separate occupation tax return on a form to be furnished by the city.

(Ord. No. BR2020-25, § 110.48, 11-30-2020)

#### **Sec. 10-73. Issuance of executions against delinquent taxpayers.**

- (a) In addition to other remedies available under other ordinances of the city or under state statute for collection of occupational taxes and associated administrative fees from delinquent taxpayers, the ~~city clerk~~ [City Administrator or his/her designee](#) may issue executions against delinquent taxpayers for the amount of such unpaid occupational taxes and administrative fees due as of the day following the last day for payment, plus penalty and interest thereon as provided herein and as authorized by O.C.G.A. § 48-13-21.
- (b) The right of the city to prosecute criminally delinquent taxpayers violating this subchapter by failing to pay occupational taxes or by refusing to register voluntarily for such taxes shall be in addition to, and unaffected by, the remedy of issuing executions against delinquent taxpayers as authorized in subsection (a) of this section.
- (c) After the last day for payment of any occupational tax owed to the city, and receipt and posting of the license certificate issued by the city, any duly certified law enforcement

officer of the police department of the city, including, but not limited to, the police chief, the assistant police chief, and any other officer of the police department, may issue a citation to the person, managing agent, or professional, operating any business, occupation, or profession within the incorporated boundaries of the city for not having paid the occupational taxes imposed by this Code or the posting of the license certificate, or both.

- (d) Any citation issued to any person, managing agent, or professional of any business, occupation or profession, for operating without paying occupational taxes or posting the license certificate, or both, shall specify a date and time for appearance before the municipal court of the city, in order for said court to determine whether said person, managing agent or professional has been operating without the payment of occupational taxes or the posting of the license certificate, or both, and if found to be in violation of the occupational tax provisions of this Code by the failure to pay occupational taxes or the posting of the license certificate, or both, then the municipal judge, in the judge's discretion, may impose a civil fine for failure to pay the occupational tax (including the administrative fees) or the posting of the license certificate, or both, not to exceed \$500.00, and said civil fine may be enforced by the contempt power of the municipal court of the city. The city recognizes and acknowledges that only the Georgia Supreme Court has the power and authority to regulate the practice of law within the state, and no provision of this section shall be deemed to impose criminal penalties for the practice of law without an occupational tax license issued by the city or the failure to pay occupational taxes, or both. However, while legal professionals may be allowed to practice their occupations, failure to pay the occupational taxes imposed by this Code shall still subject them to interest, penalties, and any civil fine for failure to pay the taxes.

(Ord. No. BR2020-25, § 110.49, 11-30-2020)

#### **Sec. 10-74. Returns confidential.**

Except in the case of judicial proceedings or other proceedings necessary to collect the occupation tax hereby levied, it shall be unlawful for any officer, employee, agent or clerk of the city or any other person to divulge or make known in any manner any information provided for the purpose of determining the amount of occupation tax required under this chapter. Such information shall be confidential and open only to the officials, employees, agents or clerks of the city using said returns for the purpose of this occupation tax levy and the collection of the tax. Independent auditors or bookkeepers employed by the city shall be classed as "agents of the city." Nothing herein shall be construed to prohibit the publication by the city officials of statistics, so classified as to prevent the identification of particular reports or returns and items thereof, or information such as name, location, ownership and line of business with no association made to number of employees or amount of tax paid, or the inspection of the records by duly qualified employees of the tax departments of the State of Georgia or of the United States, and other local governments. Information provided by a business or practitioner may be disclosed to the governing authority of another local government for tax purposes.

(Ord. No. BR2020-25, § 110.50, 11-30-2020)

### **Sec. 10-75. Inspection of books and records.**

In any case, the ~~city clerk~~City Administrator, through his or her officers, agents, employees or representatives, may inspect the books of the business for which the returns are made. The ~~city clerk~~City Administrator or his/her designees shall have the right to inspect the books or records for the business of which the return was made in the city, and upon demand of the ~~city clerk~~City Administrator or his/her designees such books or records shall be submitted for inspection by a representative of the city within 30 days. Failure of submission of such books or records within 30 days shall be grounds for revocation of the tax certificate currently existing to do business in the city. In the case of practitioners of professions and occupations, the city shall be sensitive to the issues of client or customer confidentiality. In such cases, the practitioner may redact information claimed to be privileged before disclosing books or records of financial transactions. If such practitioner alleges that redaction provides inadequate protection to the confidences of its clients or customers, such practitioner may petition the county Superior Court for an in-camera inspection, prior to examination by the ~~city clerk~~City Administrator or his/her designee. Adequate records shall be kept in the city for examination by the ~~city clerk~~City Administrator or his/her designees at his/her discretion. If, after examination of the books or records, it is determined that a deficiency occurs as a result of underreporting, a penalty shall be imposed as set forth herein.

(Ord. No. BR2020-25, § 110.51, 11-30-2020)

### **Sec. 10-76. Tax certificate to be revoked for failure to pay tax, file returns, permit inspection of books.**

Except for a person whose qualifications to practice law are determined by the general laws of the state, the failure of any business to pay said occupation tax or any part thereof before it becomes delinquent or upon failure to permit inspection of its books as above provided, any business tax certificate granted by the city under this chapter permitting the owner of said business to do business in the city for the current year shall be, ipso facto, revoked. No new business tax certificate shall be granted by the city for the operation of a business for which any part of the occupation tax herein provided for is at that time unpaid, or to a person who has failed to submit adequate records as requested by the ~~city clerk~~City Administrator or his/her designee in accordance with provisions set forth herein. In the case of practitioners of law, if any such person, firm, or corporation whose duty it is to obtain a registration and an occupation tax certificate shall fail to pay such tax in a timely fashion, such offender shall be subject to the penalties provided herein.

(Ord. No. BR2020-25, § 110.52, 11-30-2020)

### **Sec. 10-77. Effect of failure to comply with chapter provisions; continuing in business after tax certificate revocation.**

Any persons, their manager, agent or employee, who does business in the city after the certificate for said business has been revoked as above; any person, their manager, agent or employee, who is hereby required to make returns showing the amount of full-time equivalent employees and who fail to make said returns within the time and in the manner herein provided,

or refuse to amend such returns so as to set forth the correct information, or who shall make false returns, and except for practitioners of professions and occupations electing to pay a flat fee in lieu of a per employee tax, any person, their manager, agent or employee who refuses to permit an inspection of books in their charge when the officers, agents, employees or representatives of the city request such inspection, during business hours, for the purpose of determining the accuracy of the returns herein provided for, shall be subject to penalties provided in this chapter.

(Ord. No. BR2020-25, § 110.53, 11-30-2020)

#### **Sec. 10-78. Execution for delinquent occupation tax.**

In addition to the other remedies herein provided for the collection of the occupation tax herein levied, the ~~city clerk~~ [City Administrator or his/her designee](#), upon any tax or installment of said tax becoming delinquent and remaining unpaid, shall issue execution for the correct amount of said tax against the person liable for said tax, which execution shall bear interest at the rate of 1.5 percent per month from the date when such tax or installment becomes delinquent, and the lien shall cover the property of the person liable for said tax, all as provided by the ordinances and Charter of the city and state law. The lien of said occupation tax shall become fixed on and date from the time when such tax or any installment thereof becomes delinquent. The execution shall be levied by the ~~city clerk~~ [City Administrator or his/her designee](#) upon the property of the person liable for said tax, and sufficient property shall be advertised and sold to pay the amount of said execution, with interest and costs. All other proceedings in relation thereto shall be had as is provided by the ordinances and the Charter of the city and state law and the defendant in said execution shall have rights of defense, by affidavit of illegality and otherwise, which are provided by the Charter of the city and state law in regard to tax executions. When a nulla bona entry has been entered by property authority upon an execution issued by the ~~city clerk~~ [City Administrator or his/her designee](#) against any person defaulting on the occupation tax the taxpayer against whom the entry was made shall not be allowed or entitled to have or collect any fees or charges whatsoever for services rendered after the entry of the nulla bona. If, at any time after the entry of nulla bona has been made, the taxpayer against whom the execution issues pays the tax in full to other with all interest, penalties and costs accrued on the tax, the taxpayer may collect any fees and charges due the person as though the person had never defaulted in the payment of the taxes.

(Ord. No. BR2020-25, § 110.54, 11-30-2020)

#### **Sec. 10-79. Amendment, repeal of provision.**

This chapter shall be subject to amendment or repeal, in whole or in part, at any time and no such amendment or repeal shall be construed to deny the right of the council to assess and collect any of the taxes or other charges prescribed. Said amendment may increase or lower the amounts and tax rates of any occupation and may change the classification thereof. The payment of any occupation tax provided for shall not be construed as prohibiting the levy or collection by the city of additional occupation taxes upon the same person, property or business.

(Ord. No. BR2020-25, § 110.55, 11-30-2020)

**Sec. 10-80. Applications of provisions to prior ordinance.**

This chapter does not repeal or affect the force of any part of any ordinance heretofore passed where taxes levied under such prior ordinance have not been paid in full. So much and such parts of ordinances heretofore and hereinafter passed as provided for the issuing and enforcing of execution for any tax or assessment required by such ordinances, or that imposed fines or penalties for the nonpayment of such tax, or for failure to pay regulatory fees provided for in said ordinances, or failure to comply with any other provisions hereof, shall continue and remain in force until such tax, regulatory fee or assessment shall be fully paid.

(Ord. No. BR2020-25, § 110.56, 11-30-2020)

**Sec. 10-81. Enforcement of provision.**

It is hereby made the duty of the ~~city clerk~~ City Administrator or his/her designee and the police department to see that the provisions of this chapter relating to occupation taxes are observed; and to summon all violators of the same to appear before the municipal court. It is hereby made the further duty of the ~~city clerk~~ City Administrator or his/her designee, the chief of police, their designees and assistants, to inspect all certificates issued by the city, as often as in their judgment it may seem necessary to determine whether the certificate held is the proper one for the business sought to be transacted thereunder.

(Ord. No. BR2020-25, § 110.57, 11-30-2020)

**Sec. 10-82. Provisions to remain in full force and effect until changed by council.**

This chapter shall remain in full force and effect until changed by amendment adopted by the council. All provisions hereto relating to any form of tax herein levied shall remain in full force and effect until such taxes have been paid in full.

(Ord. No. BR2020-25, § 110.58, 11-30-2020)

**Sec. 10-83. Requirement of public hearing.**

In any year when revenue from occupation taxes is greater than the preceding year, the city shall hold a public hearing as a part of the process for determining how to use the additional revenue.

(Ord. No. BR2020-25, § 110.59, 11-30-2020)

**Sec. 10-84. Option to establish exemption or reduction in occupation tax.**

The city may by subsequent ordinance or resolution provide for an exemption or reduction in occupation tax to one or more types of businesses or practitioners of occupations or professions as part of a plan for economic development or attracting or encouraging selected types of businesses or practitioners of selected occupations or professions. Such exemptions or reductions in occupation tax shall not be arbitrary or capricious.

(Ord. No. BR2020-25, § 110.60, 11-30-2020)



**Sec. 10-85. Conflicts between specific and general provisions.**

Where there is an apparent conflict in this chapter between specific and general provisions, it is the intention hereof that the specific shall control.

(Ord. No. BR2020-25, § 110.61, 11-30-2020)

**Sec. 10-86. Additional remedy.**

- (a) As an additional remedy ~~as to~~for the non-payment of any occupational taxes, penalties, interest, assessments, or other charges, assessed to a taxpayer or citizen pursuant to the occupational tax ordinance of the city, and as designated and referenced within this chapter, when the person or entity owing said funds to the city is a water customer or sewer customer, or both, the ~~eCity council, the city mayor, the city clerk, the public works director~~ Administrator, the city attorney or other properly designated agent for the city may, in addition to all other remedies provided by the ordinances of the city of such non-payment, ~~and~~ request that service be withheld until such time as the water customer or sewer customer, or both, is no longer delinquent in the payment of occupational taxes, interest, penalties, assessments and other charges owed to the city. The city council specifically finds that should a person or entity owe delinquent occupational taxes, interest, and penalties on ~~December~~July 1 of any year to the city, and be a utility customer of the city, and therefore be in violation of the city's ordinances, rules and regulations, that any properly designated agent for the city may disconnect and terminate water service, or sewer service, or both, until such time as said customer is no longer in violation of the ordinances, rules, and regulations of the city, and has paid all delinquent occupational taxes, interest, and penalties. All usual and standard fees, expenses, and charges, such as the disconnection charge and the reconnection fee, must also be paid by said customer, in order to again receive service from the city, as well as the customer complying with the ordinances, rules, and regulations of the city by payment of the owed amounts.
- (b) Prior to disconnection, the ~~city clerk~~ City Administrator or his/her designee shall mail a notice of the pending disconnection via regular mail to the address provided by the taxpayer no later than ten days before any disconnection. In the event no address was provided, the notice shall be mailed or hand delivered to the physical location of the business.

(Ord. No. BR2020-25, § 110.62, 11-30-2020)

**Sec. 10-87. Occupation tax certificate not transferable.**

An occupation tax certificate and/or regulatory fee certificate shall not be transferable and a transfer of ownership shall be considered in the same light as the termination of such business and the establishment of a new business. Therefore, a new certificate shall be required for each new owner of the business.

(Ord. No. BR2020-25, § 110.63, 11-30-2020)

**Sec. 10-88. Duty to keep information current.**

Any person required by this chapter to [register](#) his or her business shall notify the [clerk City Administrator or his/her designee](#) in writing within 30 days of the following changes:

- (1) Any change of address of the business, in which case the same occupation tax certificate shall be valid at the new location.
- (2) Any change of ownership, in which case the transfer shall be treated as the termination of one business and the establishment of a new business for the purposes of this chapter.
- (3) The termination of any business.

(Ord. No. BR2020-25, § 110.64, 11-30-2020)

**Sec. 10-89. Compliance with other ordinances and laws.**

- (a) All businesses are required to comply with the provisions of all ordinances of the city and other laws and the issuance of an occupation tax receipt to any business pursuant to this chapter shall not authorize that business to engage in or carry on business or to perform any other activity in violation of state or federal law or regulations and other ordinances of the city nor shall it relieve that business from obtaining any certificate or permit required by the provision of other laws or ordinances.
- (b) No certificate shall be issued or renewed until any delinquent property taxes and other debts to the city have been paid.

(Ord. No. BR2020-25, § 110.65, 11-30-2020)

**Sec. 10-90. Practitioners of professions and occupations.**

It being the intention of the mayor and council that no portion of this taxation scheme shall be construed to be, or have the practical effect of, unauthorized regulation of practitioners of professions and occupations and if any provision hereof shall be construed by a court of competent jurisdiction to be an unlawful regulation of such profession, then such provision shall be considered rescinded by the mayor and council as if such provision had not been adopted, and in such case, the remaining provisions of this chapter shall be applied to such practitioner.

(Ord. No. BR2020-25, § 110.66, 11-30-2020)

**Sec. 10-91. No increased revenue from the enactment of new regulations regarding occupational taxes.**

The city council notes that the new regulations regarding occupational taxes are revenue neutral, and that the occupational taxes have not increased by the passage of this ordinance. To the extent revenue does increase, a public hearing shall be held before final adoption of this chapter.

(Ord. No. BR2020-25, § 3, 11-30-2020)

**Secs. 10-92—10-110. Reserved.**

**SECTION 2. SEVERABILITY.**

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this ordinance 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 ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Blue Ridge to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

**SECTION 3. REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT.**

All parts of prior ordinances, in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict; but it is hereby provided, that any ordinance, or any provision of any ordinance, or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof, and shall be legally construed to be in favor of upholding this ordinance on behalf of the City of Blue Ridge, Georgia.

**SECTION 4. EFFECTIVE DATE.**

The effective date of this ordinance shall be upon its passage by the City Council.

**SO ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

MAYOR AND CITY COUNCIL OF BLUE RIDGE

\_\_\_\_\_  
Mayor, City of Blue Ridge

\_\_\_\_\_  
Clerk, City of Blue Ridge

## City Council Meeting Agenda Submittal

**MEETING DATE:** 5/17/2022

**AGENDA NO:** 6a

**AGENDA ITEM:**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BLUE RIDGE, STATE OF GEORGIA, TO AMEND RESOLUTION NO. BR 2018-12-11, BY WHICH THE CITY OF BLUE RIDGE CREATED THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF BLUE RIDGE, GEORGIA ("DDA"), TO RESTATE AND CLARIFY THE POWERS AND DUTIES CONFERRED UPON THE DDA

**BACKGROUND:**

As discussed in the Visioning Session Workshop held on April 7, 2022 and the Workshop Meeting of May 2, 2022 with the Downtown Development Authority, the attached Resolution was prepared which restates and clarifies the powers and duties of the Downtown Development Authority.

**RECOMMENDATION:**

It is recommended that the City Council adopt the attached Resolution.

**ATTACHMENT (S):**

Resolution No: BR2022-1~~8~~<sup>6</sup>

**APPROVED:**



**Mayor**



**City Administrator**

**RESOLUTION NO. BR2022-16**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BLUE RIDGE, STATE OF GEORGIA, TO AMEND RESOLUTION NO. BR 2018-12-11, BY WHICH THE CITY OF BLUE RIDGE CREATED THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF BLUE RIDGE, GEORGIA (“DDA”), TO RESTATE AND CLARIFY THE POWERS AND DUTIES CONFERRED UPON THE DDA**

**WHEREAS**, by virtue of Resolution No. BR 2018-12-11, the City Council of the City of Blue Ridge, Georgia, created the Downtown Development Authority of the City of Blue Ridge, Georgia (“DDA”) pursuant to O.C.G.A. § 36-42-1 *et seq.*; and

**WHEREAS**, Section 8 of Resolution No. BR 2018-12-11 confers certain powers and duties on the DDA; and

**WHEREAS**, the Mayor and City Council wish to amend Resolution No. BR 2018-12-11 to restate and clarify the powers and duties conferred upon the DDA.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and City Council of Blue Ridge do hereby amend Resolution No. BR 2018-12-11 as follows:

...

**Powers and Duties**

**8.**

Subject to the terms and conditions set forth in this Resolution, the DDA shall have all of the powers necessary or convenient to carry out and effectuate the purposes of O.C.G.A. § 36-42-1 *et seq.* and without limiting the generality of the foregoing, the power: (1) To bring and defend actions; (2) To adopt and amend a corporate seal; (3) With the advance approval of the City Council of the City of Blue Ridge, Georgia. To make and execute contracts, agreements, and other instruments necessary or convenient to exercise the powers of the authority or to further the public purpose for which the authority is created, including, but not limited to, contracts for construction of projects, leases of projects, contracts for sale of projects, agreements for loans to finance projects, contracts with respect to the use of projects, and agreements to join or cooperate with an urban residential finance authority, created by the City of Blue Ridge within

the DDA Area is located pursuant to the provisions of applicable provisions of Georgia law, in the exercise, either jointly or otherwise, of any or all of its powers for the purpose of financing, including the issuance of revenue bonds, notes, or other obligations of the DDA, planning, undertaking, owning, constructing, operating, or contracting with respect to any projects located within the DDA Area, for projects under subparagraph (B) of paragraph (6) of Code Section 36-42-3, within the territorial boundaries of the City of Blue Ridge, Georgia; (4) [With the advance approval of the City Council of the City of Blue Ridge, Georgia.](#) ~~To~~ acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and personal property of every kind and character, or any interest therein, in furtherance of the public purpose of the DDA; (5) [With the advance approval of the City Council of the City of Blue Ridge, Georgia.](#) ~~To~~ finance (by loan, grant, lease, or otherwise), refinance, construct, erect, assemble, purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend, improve, install, sell, equip, expand, add to, operate, or manage projects and to pay the cost of any project from the proceeds of revenue bonds, notes, or other obligations of the authority or any other funds of the authority, or from any contributions or loans by persons, corporations, partnerships (whether limited or general), or other entities, all of which the DDA is authorized to receive, accept, and use; (6) [With the advance approval of the City Council of the City of Blue Ridge, Georgia.](#) ~~To~~ borrow money to further or carry out its public purpose and to execute revenue bonds, notes, other obligations, leases, trust indentures, trust agreements, agreements for the sale of its revenue bonds, notes, or other obligations, loan agreements, mortgages, deeds to secure debt, trust deeds, security agreements, assignments, and such other agreements or instruments as may be necessary or desirable, in the judgment of the DDA, to evidence and to provide security for such borrowing; (7) [With the advance approval of the City Council of the City of Blue Ridge,](#)

Georgia, ¶to issue revenue bonds, notes, or other obligations of the DDA and use the proceeds thereof for the purpose of paying, or loaning the proceeds thereof to pay, all or any part of the cost of any project and otherwise to further or carry out the public purpose of the DDA and to pay all costs of the DDA incidental to, or necessary and appropriate to, furthering or carrying out such purpose; (8) With the advance approval of the City Council of the City of Blue Ridge, Georgia, to make application directly or indirectly to any federal, state, county, or municipal government or agency or to any other source, whether public or private, for loans, grants, guarantees, or other financial assistance in furtherance of the DDA's public purpose and to accept and use the same upon such terms and conditions as are prescribed by such federal, state, county, or municipal government or agency or other source; (9) With the advance approval of the City Council of the City of Blue Ridge, Georgia, ¶to enter into agreements with the federal government or any agency thereof to use the facilities or services of the federal government or any agency thereof in order to further or carry out the public purposes of the DDA; (10) With the advance approval of the City Council of the City of Blue Ridge, Georgia, ¶to contract for any period, not exceeding 50 years, with the State of Georgia, state institutions, or any municipal corporation or county of this state for the use by the authority of any facilities or services of the state or any such state institution, municipal corporation, or county, or for the use by any state institution or any municipal corporation or county of any facilities or services of the DDA, provided that such contracts shall deal with such activities and transactions as the DDA and any such political subdivision with which the DDA contracts are authorized by law to undertake; (11) With the advance approval of the City Council of the City of Blue Ridge, Georgia, ¶to extend credit or make loans to any person, corporation, partnership (whether limited or general), or other entity for the costs of any project or any part of the costs of any project, which credit or

loans may be evidenced or secured by loan agreements, notes, mortgages, deeds to secure debt, trust deeds, security agreements, assignments, or such other instruments, or by rentals, revenues, fees, or charges, upon such terms and conditions as the DDA shall determine to be reasonable in connection with such extension of credit or loans, including provision for the establishment and maintenance of reserve funds; and, in the exercise of powers granted by this chapter in connection with any project, the DDA shall have the right and power to require the inclusion in any such loan agreement, note, mortgage, deed to secure debt, trust deed, security agreement, assignment, or other instrument of such provisions or requirements for guaranty of any obligations, insurance, construction, use, operation, maintenance, and financing of a project, and such other terms and conditions, as the DDA may deem necessary or desirable; (12) As security for repayment of any revenue bonds, notes, or other obligations of the authority, to pledge, mortgage, convey, assign, hypothecate, or otherwise encumber any property of the authority (including, but not limited to, real property, fixtures, personal property, and revenues or other funds) and to execute any lease, trust indenture, trust agreement, agreement for the sale of the DDA's revenue bonds, notes, or other obligations, loan agreement, mortgage, deed to secure debt, trust deed, security agreement, assignment, or other agreement or instrument as may be necessary or desirable, in the judgment of the authority, to secure any such revenue bonds, notes, or other obligations, which instruments or agreements may provide for foreclosure or forced sale of any property of the authority upon default in any obligation of the DDA, either in payment of principal, premium, if any, or interest or in the performance of any term or condition contained in any such agreement or instrument. The State of Georgia, on behalf of itself and each county, municipal corporation, political subdivision, or taxing district therein, waives any right it or such county, municipal corporation, political subdivision, or taxing district may have to prevent the



forced sale or foreclosure of any property of the DDA upon such default and agrees that any agreement or instrument encumbering such property may be foreclosed in accordance with law and the terms thereof, (13) To receive and use the proceeds of any tax levied by a the City of Blue Ridge to pay the costs of any project or for any other purpose for which the DDA may use its own funds. provided, subject to the following limitations: a) expenditures less than \$500 or training costs shall be approved by the City Administrator however, that b) any expenditure such proceeds that exceeds \$5,000.00 shall require the advance approval of the City Council of the City of Blue Ridge, Georgia; (14) To receive and administer gifts, grants, and devises of money and property of any kind and to administer trusts; (15) With the advance approval of the City Council of the City of Blue Ridge, Georgia, Tto use any real property, personal property, or fixtures or any interest therein or to rent or lease such property to or from others or make contracts with respect to the use thereof, or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or grant options for any such property in any manner as it deems to the best advantage of the DDA and the public purpose thereof; (16) With the advance approval of the City Council of the City of Blue Ridge, Georgia, Tto acquire, accept, or retain equitable interests, security interests, or other interests in any real property, personal property, or fixtures by loan agreement, note, mortgage, deed to secure debt, trust deed, security agreement, assignment, pledge, conveyance, contract, lien, loan agreement, or other consensual transfer in order to secure the repayment of any moneys loaned or credit extended by the DDA; (17) With the advance approval of the City Council of the City of Blue Ridge, Georgia, Tto appoint, select, and employ engineers, surveyors, architects, urban or city planners, fiscal agents, attorneys, and others and to fix their compensation and pay their expenses; (18) To encourage and promote the improvement and revitalization of the DDA Area and, with the advance approval of the City

Council of the City of Blue Ridge, Georgia. to make, contract for, or otherwise cause to be made long-range plans or proposals for the DDA Area in cooperation with the City of Blue Ridge, Georgia; (19) Except as otherwise limited herein. ~~To~~ exercise any power granted by the laws of this state to public or private corporations which is not in conflict with the public purpose of the DDA; (20) Except as otherwise limited herein. ~~To~~ do all things necessary or convenient to carry out the powers conferred by O.C.G.A. § 36-42-1 et seq.; (21) To serve as an urban redevelopment agency pursuant to Georgia law; (22) With the advance approval of the City Council of the City of Blue Ridge, Georgia. ~~To~~ contract with a municipal corporation to carry out supplemental services in a city business improvement district established pursuant to O.C.G.A. § 36-43-1 et seq.; and (24) To serve as a redevelopment agency pursuant to O.C.G.A. § 36-44-1 et seq. See O.C.G.A. § 36-42-8.

...

ADOPTED this 17<sup>th</sup> day of May, 2022.

MAYOR AND CITY COUNCIL OF BLUE RIDGE

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Mayor, City of Blue Ridge

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Clerk, City of Blue Ridge

## City Council Meeting Agenda Submittal

**MEETING DATE:** 5/17/2022

**AGENDA NO:** 6b

**AGENDA ITEM:**

Motion to approve a non-budgeted expenditure of \$12,400 for a Kubota ZD1011-3-54 Riding Mower with Nelson Tractor Company, Inc.

**BACKGROUND:**

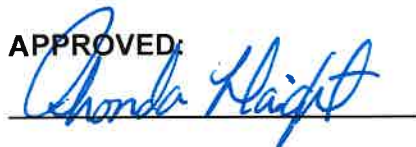
This equipment is necessary to maintain the Downtown Park, City Hall and various City owned parcels. This replaces the equipment transferred to the County as part of the Park Lease Agreement. The Nelson Tractor company provided the lowest attached quote. The suggested list price is \$16,495. Funding will be provided from unexpended funds in the Parks Department's budget.

**RECOMMENDATION:**

It is recommended that the City Council adopt the Motion to approve.

**ATTACHMENT (S):**

**APPROVED:**

A handwritten signature in blue ink, appearing to read "Chonda Haight", written over a horizontal line.

**Mayor**

A handwritten signature in blue ink, consisting of stylized initials, written over a horizontal line.

**City Administrator**

# NELSON

TRACTOR COMPANY, INC.

May 5, 2022

Equipment Quote for:

City of Blue Ridge  
480 West 1<sup>st</sup> Street  
Blue Ridge, GA 30513

---

Kubota ZD1011-3-54

-Mulch Kit  
-Plastic Canopy

**Total Price: \$12,400.00**

Thank you,

Greg Nichols  
greg@nelsontractorco.com

706-745-2148  
P.O. Box 1999  
2934 W. Hwy 515  
Blairsville, GA 30514



[www.nelsontractorco.com](http://www.nelsontractorco.com)

678-454-2900  
292 Interstate South Drive  
Jasper, GA 30143

EXPERIENCE THE *Difference*

# MASON TRACTOR CO.

Phone: (706) 632-3777  
 Toll Free: (888) 627-6671  
 Fax: (706) 632-3799  
 Cell:

1050 Appalachian Highway  
 P.O. Box 458  
 Blue Ridge, GA 30513

www.MasonTractor.com

Date: 5-4-22  
 Salesman: Terry Cochran

<b>NAME:</b> City of Blue Ridge Park		<b>NOTES:</b> Served Full of fuel Delivered Keys Manuale  Thank you
<b>ADDRESS:</b>		
<b>PHONE:</b> Joe Patterson		
<b>CELL:</b> 706-633-3946		

SALES #	DESCRIPTION	SERIAL #	STOCK #	PRICE
N	2D1011-3-54 with Mulch Kit Canopy and Discharge Controller			14927.6
<b>SALES TOTAL:</b>				

TRADE-IN DESCRIPTION	SERIAL #	STOCK #	PRICE

<b>SETTLEMENT FINANCE:</b>	
<b>USAGE:</b>	<b>TRADE-IN TOTAL:</b> \$
<b>SALES TAX:</b>	<b>TRADE DIFFERENCE:</b> \$
<b>INSURANCE:</b>	<b>SALES TAX:</b> \$
<b>TERMS: DOC FEE:</b>	<b>TOTAL:</b> \$ 14927.64

<b>PROGRAM:</b>	<b>STD RATE:</b>	<b>LOW APR:</b>	<b>OTHER:</b>
<b>CUSTOMER:</b>	<b>SALESMAN:</b>		

## -- Standard Features --

## -- Custom Options --



ZD1000 Series

ZD1011-3-54

\*\*\* EQUIPMENT IN STANDARD MACHINE \*\*\*

**DIESEL ENGINE**

3 Cylinder, Model # D782  
19.3 Gross HP @ 3200 rpm  
47.5 cu. in. Displacement  
12v 430 Amp Hr. Battery  
14 Amps Charging Output

**SAFETY EQUIPMENT**

Electric Key Shut Off  
Control Lever Safety Switch  
Parking Brake Safety Switch  
Foldable ROPS  
Seat Safety Switch

**TRANSMISSION**

Hydrostatic Drive  
(2) HST w/Gear Reduction  
Brake - Wet Multi Disks  
Forward Speeds 0 - 9 mph  
Reverse Speeds 0 - 5 mph

**DIMENSIONS**

Height 74.4"  
Length 87.8"  
Width Overall 67.3"  
Wheelbase 54.3"

**STEERING / MOTION CONTROL**

(2) Hand Levers, Adjustable  
Hydraulically Damped,  
Adjustable

**OPERATING FEATURES**

Zero Turn Radius  
Dual Element Air Filter  
Adj. Front Axle: Rigid/Oscillating  
Deluxe Suspension Seat w/  
Kubota Exclusive Design  
Hands-free Hydraulic Deck Lift  
Hands-free Parking Brake  
Cup Holder

**POWER TAKE OFF**

Hydraulic Independent PTO  
Shaft Drive Mower Deck  
Wet Disk Clutch

**MOWER**

6" Deep, Pro Deck w/ACS  
1-5" Cut Height, Adjustable  
1/4" Increments  
Flexible Discharge Cover  
3 Blades  
ZD1011-54, 8 Gauge, 54" Cut

**FLUID CAPACITY**

Fuel Tank 5.8 gal  
Engine Coolant w/ Recovery  
Tank 3.11 qts  
Crankcase w/ Filter 3.7 qts  
Transmission Case and Axle  
Gear 7.9 qts

+ Manufacturer Estimate

**TIRES AND WHEELS**

Front 13 x 5.0 - 6  
Rear 24 x 9.5-14 Turf, Low Profile

ZD1011-3-54 Base Price: \$15,299.00

(1) OPERATOR CONTROLLED DISCHARGE CHUTE FOR 54 INCH DECK \$299.00  
ZD6154-OPERATOR CONTROLLED DISCHARGE CHUTE FOR 54 INCH DECK

(1) MULCHING KIT FOR 54" PRO MOWER DECK \$339.00  
ZG3156-MULCHING KIT FOR 54" PRO MOWER DECK

(1) DELUXE FIBERGLASS CANOPY KIT \$359.00  
E1123-DELUXE FIBERGLASS CANOPY KIT

(1) MOUNTING BRACKET KIT FOR DELUXE CANOPY KIT \$199.00  
E1124-MOUNTING BRACKET KIT FOR DELUXE CANOPY KIT

Suggested List Price w/ Options: **\$16,495.00****Available Manufacturer Rebates:**

Cash Customer Instant Rebate Up To: (\$300.00)

**\*Taxes, shipping & handling, surcharges, assembly charges, destination, freight and/or delivery charges are not included.**

This MSRP configuration program is for informational purposes only. Price on this sales quote is an estimate and is subject to being increased. Final pricing and applicable programs will be established at delivery. In all instances, the user of this program must consult with an authorized Kubota Dealer for complete purchase, warranty and safety information. Special pricing and promotions may be available on certain models. See your Kubota Dealer for details and individual Dealer product pricing. All prices are shown in U.S. Dollars. Quotes are for products sold in the United States only.

## City Council Meeting Agenda Submittal

**MEETING DATE:** 5/17/2022

**AGENDA NO:** 6c

**AGENDA ITEM:**

Motion to approve a non-budgeted expenditure of \$3,557 for the replacement of Police issued handguns for police officers.

**BACKGROUND:**

The Police Department has recommended that the due to shortage of .40 caliber ammunition that it would be cost effective to replace the current Police issued handguns to .9mm. The price includes trading in the .40 caliber handguns.

**RECOMMENDATION:**

It is recommended that the City Council adopt the attached Resolution.

**ATTACHMENT (S):**

GT Distributors of Georgia Invoice

**APPROVED:**

A handwritten signature in blue ink, appearing to read "Rhonda Hight", written over a horizontal line.

**Mayor**

A handwritten signature in blue ink, consisting of stylized initials, written over a horizontal line.

**City Administrator**



GT Distributors of Georgia  
 P.O. Box 458  
 Rossville GA 30741  
 (706) 866-2764 Ext. 0000

Quote	QTE0032462
Date	4/26/2022
Page:	1

**Bill To:**

Blue Ridge City of (GA)  
 3101 East First Street  
 Blue Ridge GA 30513

**Ship To:**

Blue Ridge City of - GA  
 396 Church Street  
 Blue Ridge GA 30513

Purchase Order No.	Customer ID	Salesperson ID	Shipping Method	Payment Terms	Req Ship Date	Master No.
G19	000886	04		NET 30	0/0/0000	2,573,820

Quantity	Item Number	Description	UOM	Unit Price	Ext. Price
14	GLOCK-PA195S302AB	Glock 19 Gen 5 FS 9mm Amglo Bold 5.5LB	EA	\$428.50	\$5,999.00
2	GLOCK-PA195S202MO	Glock 19 Gen5 MOS w FS 9mm FXDSGHT 3 P	EA	\$429.00	\$858.00
12	UG-GLOCK23G4	Used Gun Glock 23 Gen 4 .40 Pistol	EA	(\$275.00)	(\$3,300.00)
1	NOTES:	Notes	EA	\$0.00	\$0.00
1	NOTES:	Notes Trade assumes box and 3 magazines. *Subtract \$5.00 for missing gun box *Subtract \$18.00 for missing magazines	EA	\$0.00	\$0.00
1	NOTES:	Notes All guns must be fully functional to receive full trade value.	EA	\$0.00	\$0.00
1	NOTES:	Notes The agency is responsible for packaging and all freight charges on trades to G T Distributors.	EA	\$0.00	\$0.00

**QUOTE IS GOOD FOR 30 DAYS. IN ORDER TO RECEIVE QUOTED PRICE PLEASE PRESENT A COPY OF QUOTE AT POINT OF SALE IN STORES OR REFERENCE QUOTE NUMBER ON PO OR REQUISITION**

Subtotal	\$3,557.00
Misc	\$0.00
Tax	\$0.00
Freight	\$0.00
<b>Total</b>	<b>\$3,557.00</b>

Thank you for choosing G T Distributors!  
 Jeff Moore



## Amy Mintz

---

**From:** Eric Soroka  
**Sent:** Wednesday, May 11, 2022 8:56 PM  
**To:** Amy Mintz  
**Subject:** FW: Blue Ridge Revitalization Plan  
**Attachments:** City of Blue Ridge - Community Revitalization Plan 4.21.22.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

We need to add this matter under item 7 on the Agenda. "Motion to adopt Community Revitalization Plan document". Need to include the email and the attached PDF. Thanks.



*Eric M. Soroka*  
City Administrator  
City of Blue Ridge  
480 West First Street  
Blue Ridge, Ga 30513  
[www.cityofblueridgega.gov](http://www.cityofblueridgega.gov)  
706-632-2091

**From:** Philip Searles <philip@bjsfoundation.org>  
**Sent:** Wednesday, May 11, 2022 8:48 PM  
**To:** Rhonda Haight <rhaight@cityofblueridgega.gov>; Jack Taylor <jtaylor@cityofblueridgega.gov>; Christy Kay <ckay@cityofblueridgega.gov>; Bill Bivins <bbivins@cityofblueridgega.gov>; Angie Arp <aarp@cityofblueridgega.gov>; Bill Whaley <bwhaley@cityofblueridgega.gov>  
**Cc:** Eric Soroka <esoroka@cityofblueridgega.gov>; Marshall Aiken <maiken@bjsfoundation.org>  
**Subject:** Blue Ridge Revitalization Plan

Good evening Mayor and Council,

I would like to ask that the Council vote on the Blue Ridge Revitalization Plan on the May 17<sup>th</sup> council meeting. I believe everyone is aware we held a public meeting on February 10<sup>th</sup> of this year hosted by KB Advisory asking for public input for this plan. I also understand that the Council has been provided a copy of the plan we are asking for (I've attached it here for reference).

I also wanted to talk with you about why we are asking for this plan, what it does and also what it does not do. To start on what it does, this plan will assist our efforts to create workforce housing in Blue Ridge by allowing our team to try to get additional points on our application. The DCA has identified a few areas for points that this plan will help achieve our goal. To begin, the plan itself is considered for points under Section VIII of the Qualified Allocation Plan aptly titled, Revitalization/Redevelopment Plans. We will be asking for three (3) points in the category as we are neither asking for financial assistance from the City, nor are we in a Qualified Census Tract. Furthermore, we are working with Fannin County Family Connections to try to get another three (3) points under another section, XI Community Transformation. Nothing is needed from the City for these points, and the main benefactor from a Community Transformation Plan will be the residents of Blue Ridge. I can provide any information regarding this section to anyone if needed. The only way we can attempt to get the Community Transformation points is by claiming the Revitalization Points.

What the Revitalization Plan is not though is that it does not encumber the City in any way. It does not require any funding from the City for any purpose. It does not provide a long-term plan for the City for any future land use or use of funds. It in no way will change the City other than it allows the citizens of Blue Ridge an opportunity to speak directly to council about their concerns and shows that council has heard from its citizens.

This plan can be a part of a larger plan for the City if council so wishes but is under no obligation to do so, it can be used as a starting point for further discussion with our residents. It has identified concerns our residents share and I hope Council will approve this plan on the 17<sup>th</sup>.

Thank you for your consideration,

Philip E. Searles  
President



Beverly J. Searles Foundation

[www.bjsfoundation.org](http://www.bjsfoundation.org)

678-467-6861 - Cell

Please visit and join our Facebook page:

[www.facebook.com/BeverlyJSearlesFoundation](https://www.facebook.com/BeverlyJSearlesFoundation)

**From:** Philip Searles <[philip@bjsfoundation.org](mailto:philip@bjsfoundation.org)>

**Sent:** Wednesday, May 4, 2022 11:18 PM

**To:** 'Rhonda Haight' <[rhaight@cityofblueridgega.gov](mailto:rhaight@cityofblueridgega.gov)>; 'jtaylor@cityofblueridgega.gov' <[jtaylor@cityofblueridgega.gov](mailto:jtaylor@cityofblueridgega.gov)>; 'ckay@cityofblueridgega.gov' <[ckay@cityofblueridgega.gov](mailto:ckay@cityofblueridgega.gov)>; 'bbivins@cityofblueridgega.gov' <[bbivins@cityofblueridgega.gov](mailto:bbivins@cityofblueridgega.gov)>; 'aarp@cityofblueridgega.gov' <[aarp@cityofblueridgega.gov](mailto:aarp@cityofblueridgega.gov)>; 'bwhaley@cityofblueridgega.gov' <[bwhaley@cityofblueridgega.gov](mailto:bwhaley@cityofblueridgega.gov)>

**Cc:** 'Eric Soroka' <[esoroka@cityofblueridgega.gov](mailto:esoroka@cityofblueridgega.gov)>; Marshall Aiken <[maiken@bjsfoundation.org](mailto:maiken@bjsfoundation.org)>

**Subject:** Boardtown Rezoning

Good evening Mayor and Council,

I would like to start by expressing our gratitude to the city staff and especially your new administrator. While going through not only the process of rezoning our site we've been working on removing the floodplain on our site as well as working with the water department to secure sewer capacity. The staff at Blue Ridge have been amazing to work with and I wanted you all to know that we appreciate their dedication. We also welcome both the staff and P&Z's recommendations to approve our zoning request.

As you are aware we are in the process of rezoning our 9 acres in the City to help create essential workforce housing. The community in Blue Ridge has been overwhelmingly in support for our proposed 84 units so much so that two of the best local design companies have offered to work pro bono on both the design and landscape architecture for our community. It will be 100% a Blue Ridge community.

I wanted to make myself and Marshall available for any questions any councilmember might have. Please feel free to either call or email either of us, we'd be glad to meet in Blue Ridge anytime to talk. I also wanted to point out some information I came across today that I found enlightening. From 1999 to 2017 to average income in Fannin County rose 21% or 1.17%/year; from 2017 to 2022 incomes rose 36% or 7.29%/year. We are all aware of the massive increases in home values in Blue Ridge and the utter lack of anything affordable for workers in our stores and restaurants, but I personally was shocked to see such a massive change happening almost overnight.

I've also attached our exterior design concepts from Studio Trimble which we will be incorporating in our development.

Thank you,

Philip E. Searles  
President



Beverly J. Searles Foundation

[www.bjsfoundation.org](http://www.bjsfoundation.org)

678-467-6861 - Cell

*Please visit and join our Facebook page:*

[www.facebook.com/BeverlyJSearlesFoundation](https://www.facebook.com/BeverlyJSearlesFoundation)

# CITY OF BLUE RIDGE COMMUNITY REVITALIZATION PLAN



*Photo Credit: Rush Photography*

April 2022

Prepared for:

Prepared by:



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## EXECUTIVE SUMMARY

Nestled at the base of the Toccoa River Valley and surrounded by the Blue Ridge Mountains sits the City of Blue Ridge, Georgia. What originally was founded in 1886 as a point of transfer spurred by the railroad extension cutting through the middle of the city, the modern growth and economic makeup of the community is dependent on tourism and the supporting industries of hospitality, food and beverage, and real estate. To a large extent, the issues affecting the City of Blue Ridge are externalities that have come from its success. In addition to the burgeoning tourism industry, the community has become very popular among retirees and second homeowners.

The high demand for real estate combined with the constrained growth boundaries of a total city area of 2.4 square miles and natural barriers of mountainous terrain, supply is constrained and has resulted in upward pressure on the cost of housing. This in turn has created issues that are affecting the quality of life and economic success that caused the high demand. Workforce development and employment increasingly harder to fill positions due to the high cost of living and transportation costs of employees living outside of the area. The tourism industry has also led to challenges with transportation infrastructure and traffic, affecting the quality of life of both tourists and residents who live in the community full-time. Lastly, the City of Blue Ridge's economic development may be hindered by the lack of age diversity for new small business owners and professionals to create jobs and grow businesses in the community over the next generation.

A Community Revitalization Plan (CRP) is a comprehensive plan that details specific efforts to implement in a community that will result in the improvement of the economic conditions and the quality of life in that area. Improving quality of life includes measures that increase access to employment, living wage jobs, healthcare, supportive services, community amenities, transportation, quality and affordable housing stock.

To evaluate a community and the issues affecting it, a quantitative analysis of the socioeconomic data is informed and complimented by qualitative feedback from local stakeholder interviews and community engagement. The consultant team first did a comprehensive assessment of Blue Ridge's economy, workforce, transportation, housing, infrastructure, and community resources utilizing data sources and interviews. Wherever possible, these statistics were also compared to both Fannin County and the State of Georgia for reference.

On February 10<sup>th</sup>, 2022, we held a community meeting that presented the background research findings and obtained feedback from residents and public stakeholders. This was attended by approximately 30 people and the lively discussion proved to be very fruitful in identifying the local perspective of issues affecting the community. The combination of this technical data research and qualitative feedback from the community meeting has informed the goals, strategies, and implementation measures of this CRP. This process resulted in identifying five major goals of the community, listed below. The Goals and Strategies section of this plan outlines measures that will help strengthen the City of Blue Ridge's quality of life, economic sustainability, and resiliency as it moves forward.

**Goal One: Infrastructure**

**Goal Two: Economy & Workforce**

**Goal Three: Natural Resources**

**Goal Four: Workforce Housing**

**Goal Five: Placemaking**

## BACKGROUND AND PURPOSE

### PREVIOUS STUDIES

The background, goals, and recommendations of this Community Revitalization Plan start from and build on earlier planning efforts by the City of Blue Ridge and Fannin County. In particular, the Fannin County Joint Comprehensive Plan was completed in October of 2017. This plan was meant to guide growth for the 10 year period of 2018-2028 and was created with extensive input and involvement from City of Blue Ridge residents and public stakeholders.

This comprehensive plan was a joint planning effort between the 3 cities of Fannin County: Blue Ridge, McCaysville, and Morganton. The plan included vision statements, goals, and working plans created by each of the city residents and their planning staff to improve the quality of life in their jurisdictions. For reference, the Vision Statement and Goals of the City of Blue Ridge in the Fannin County Joint Comprehensive Plan are included below:

#### **Blue Ridge Vision Statement**

*“Blue Ridge will provide excellent lodging, dining, shopping, arts, and cultural experiences for visitors in the heart of Fannin County, the premier vacation destination in the North Georgia mountains. For visitors and residents alike, safety, good health, and friendliness are vital to our small-town way of life. We consider a diverse economy important to long-term economic prosperity, and seek to promote industries and business that fit well with our size and terrain. We will protect the natural resources that draw people to this area, such as stable soil, clean water and fresh air, to the benefit of all. The government of Blue Ridge will run efficiently, using fiscal responsibility in providing services to its residents. We will continue to plan for the future and cooperate with the county and other government agencies to improve the quality of life in our city.”*

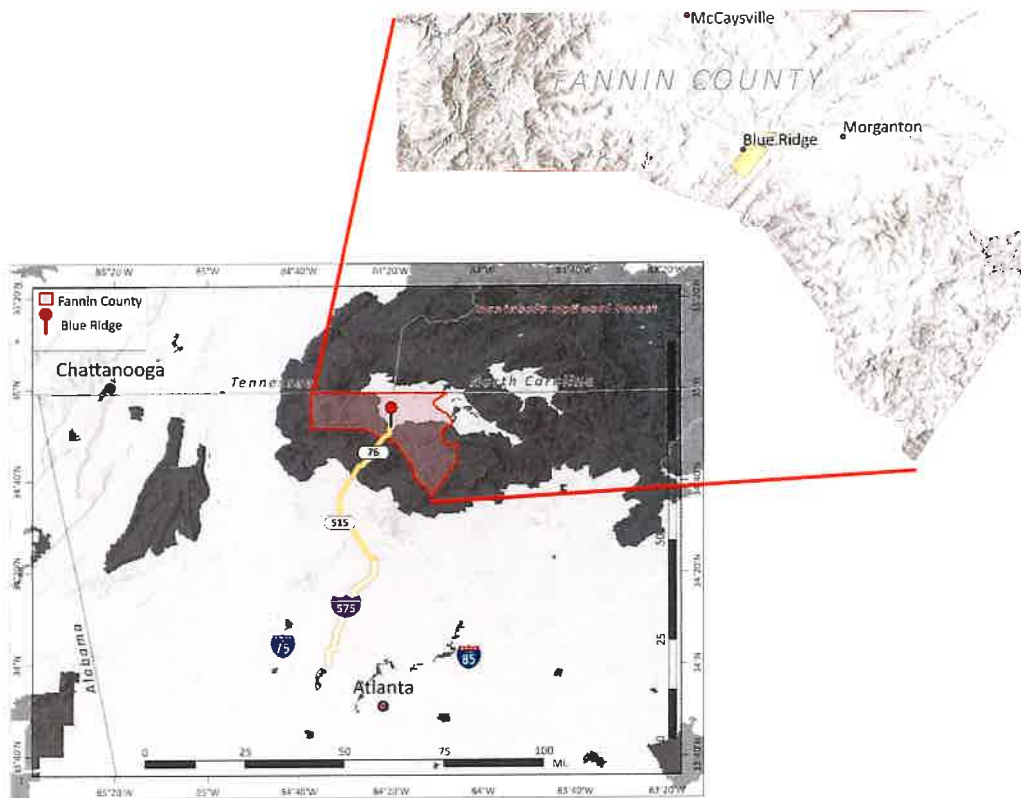
#### **Blue Ridge Goals**

1. *“We will ensure that visitors to Blue Ridge are welcome and find lodging, food and recreation in a relaxed, small-town atmosphere that highlights our natural wonders and mountain culture.*
2. *We will encourage the development and expansion of businesses and industries that provide quality employment and enhance our small town character.*
3. *As a state designated Art Town, Blue Ridge will continue to preserve and support the artistic and cultural development of our community.*
4. *We will develop policies that maintain downtown Blue Ridge as the focal point of the community.*
5. *We will work to promote an adequate range of safe, affordable, and resource-efficient housing and lodging in Blue Ridge so that the members of our workforce can live in the community in which they work and visitors will have a range of accommodations from which choose.*
6. *We will carefully plan the expansion of infrastructure to enhance residential, commercial, and industrial development.*
7. *We depend on the Toccoa River for our water supply and recreate on Lake Blue Ridge. We will develop policies that protect water quality in the Toccoa River, its tributaries, and Lake Blue Ridge.*
8. *We will support our public school system and other institutions that provide job skills in our community, and encourage opportunities for residents to further their education and training.”*

## EXISTING CONDITIONS

### STUDY AREA

The City of Blue Ridge, Georgia is the Study Area. The Study Area is the defined boundary that this Community Revitalization Plan focuses on for evaluation and recommendations. Fannin County, Georgia serves as the primary market area for comparison purposes to the local region and the State of Georgia is compared for relativity to the state averages. Fannin County shares a border with Tennessee and North Carolina. It is in the Blue Ridge Mountains and borders the Nantahala Forest. On average, a one-way drive from Blue Ridge to Atlanta via Highway 76/515 and I-575 takes one and a half hours to complete.

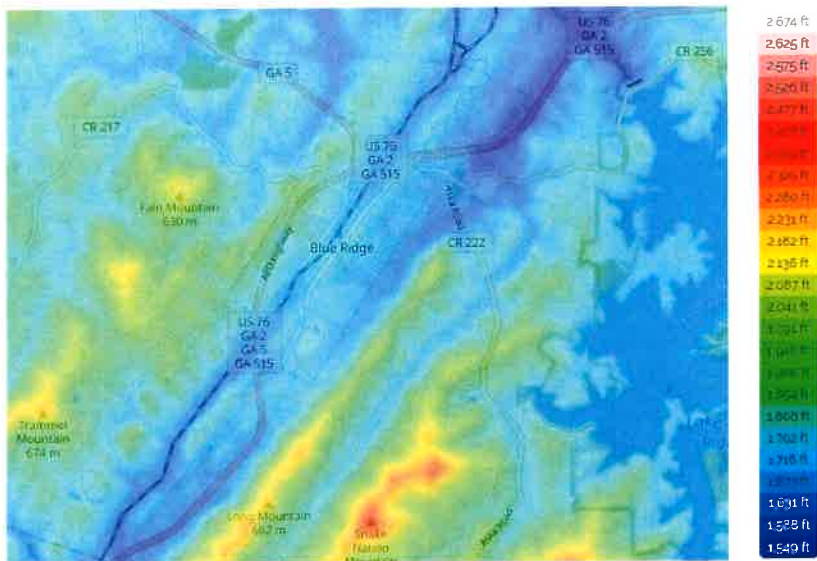


Study Area of Blue Ridge and Primary Market Area of Fannin County



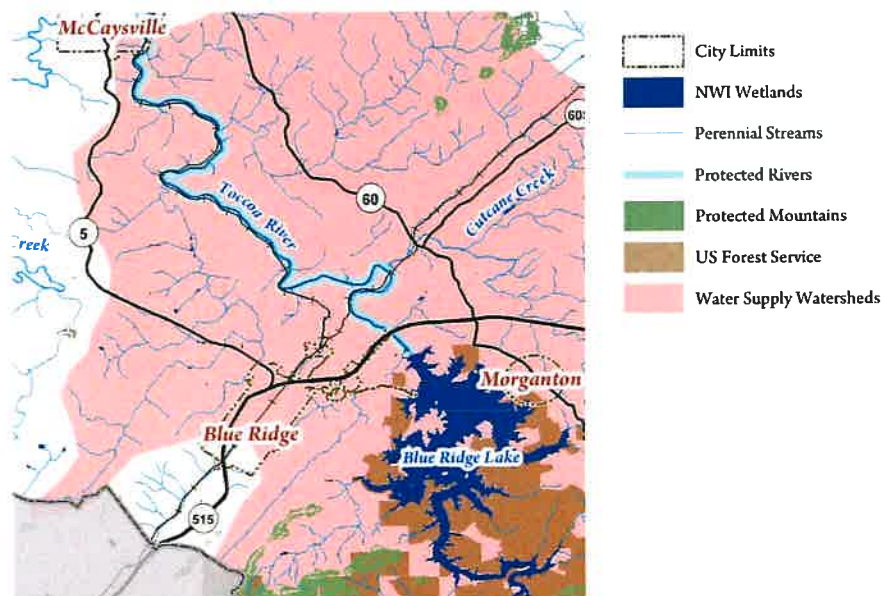
## GEOGRAPHY & ENVIRONMENT

The mountain terrain surrounding Blue Ridge that forged its creation also constrains its growth. Mountain terrain is steep and costly to build on. Where the slope reaches 25% it also has Mountain Protection Area status. Surrounding streams and lakes create additional natural barriers. Similar to other supply-constrained markets, the lack of available product combined with new demand from population and job growth causes home values to rise.



Source: Leaflet, [www.topographic-map.com](http://www.topographic-map.com)

Most of the land area in Blue Ridge is also within a Water Supply Watershed. These areas flow to the Toccoa River, where both Blue Ridge and nearby McCaysville get their water supply. This large water supply watershed doesn't have a reservoir and is already on the Georgia EPD's list of impaired waterways for not meeting the criteria for clean water. These areas are limited in impervious surfaces % of land area and distance to streams.



Source: Fannin County Joint Comprehensive Plan, October 2017

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## COMMUNITY RESOURCES

As the centrally located county seat of Fannin County in a vibrant area surrounded by development constraints, there are multiple community resources concentrated within a relatively small geographic area, including healthcare, education, and public recreation facilities.



Blue Ridge Community Resources

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## TRANSPORTATION INFRASTRUCTURE

Blue Ridge was founded in 1886 when the railroad was extended to the area. Similar to the mountain ridgelines and valleys in between, the original rail line cut through these valleys and served as a throughfare and stopping point for industry and travel. The local street network flowed from the rail outward in a traditional grid pattern of its time. The limited north-south connections through Blue Ridge create a bottleneck of tourism traffic on the weekends. This affects quality of life for residents of Blue Ridge and adds another barrier to finding employees to work at the restaurant, retail and tourism-related businesses during the peak days and times they are needed.



Blue Ridge Transportation Network

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## UTILITIES INFRASTRUCTURE

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### WATER AND SEWER SYSTEMS

The City of Blue Ridge's water and sewer system include a combination of new and old infrastructure. The new infrastructure has room for more physical capacity. However, the older distribution lines are causing a significant amount of water loss in the system and have the potential to limit the growth and economic development of Blue Ridge. The City's water treatment plant was built in 2014-2016 and is operating at approximately 77% of its permit capacity, but the physical plant capacity is at around 50%. The sewer treatment plant was built in 1998 and is experiencing maintenance issues due to its age. The city has treatment and distribution system upgrades underway and planned over the long term to improve efficiency.

---

### DISTRIBUTION & WATER LOSS

The distribution system is a mix of old and new lines, with some lines dating back to the 1950's. There is a significant amount of distribution line failures caused by a variety of factors, including:

- Age
- Improper installation
- Materials (Blue Ridge has updated their development standards as of 2019 requiring quality materials and design for any new installations)
- Ground shifting
- Roots in sewer lines
- Wipes, trash, and debris flushed in toilets that stop up lines

These water line failures result in "unaccounted for water loss" (UAW) in the system. Water loss is the difference between the amount of actual use on the system and the amount of use trackable to permitted uses. As of 2021, Blue Ridge was experiencing approximately 35% unaccounted for water loss. This is down 5% from 2020 and continuing to make progress, but there is more work to be done to improve operational efficiency. By comparison, the national average UAW loss factor is approximately 16% (Source: Water Loss and Water Loss Control for Public Water Systems. EPA, July 2013).

Blue Ridge is addressing the water loss with a multi-tiered approach, including 17 zone meters for leak monitoring, contracting with 3rd party leak detection, new installation standards, and continual replacement of service lines.

---

### PLANNED PROJECTS

The City of Blue Ridge has \$11.2 mil in planned water and sewer distribution projects over the next 10 years. \$3.7 million is an estimated cost of the City's portion of a Georgia Department of Transportation relocation of Hwy 5. Blue Ridge was also recently approved for \$5 million in Georgia Environmental Finance Authority funding to rehab the existing plant. The project is currently approved and in design phase (Source: City of Blue Ridge)

## LAND USE & ZONING

Typically in growth-constrained markets like Blue Ridge, the central business district will be designated to receive high density development as its walkable core. However, the Blue Ridge CBD is also its historic downtown with contextually sensitive development requirements and restrictions.

As of 2017, the largest future land use categories in Blue Ridge are Single Family Residential (42.8%), Commercial (28%), and Public/Institutional (11.6%). Multifamily residential future land use is disproportionately low, comprising only 1.2% of Blue Ridge's total land area (18 acres out of 1,487 acres).

The low-density zoning of a large majority of Blue Ridge's already constrained supply of developable land compounds the supply constraint of new product. This in turn creates a scarcity market that results in strong upward pressure on pricing and affordability.

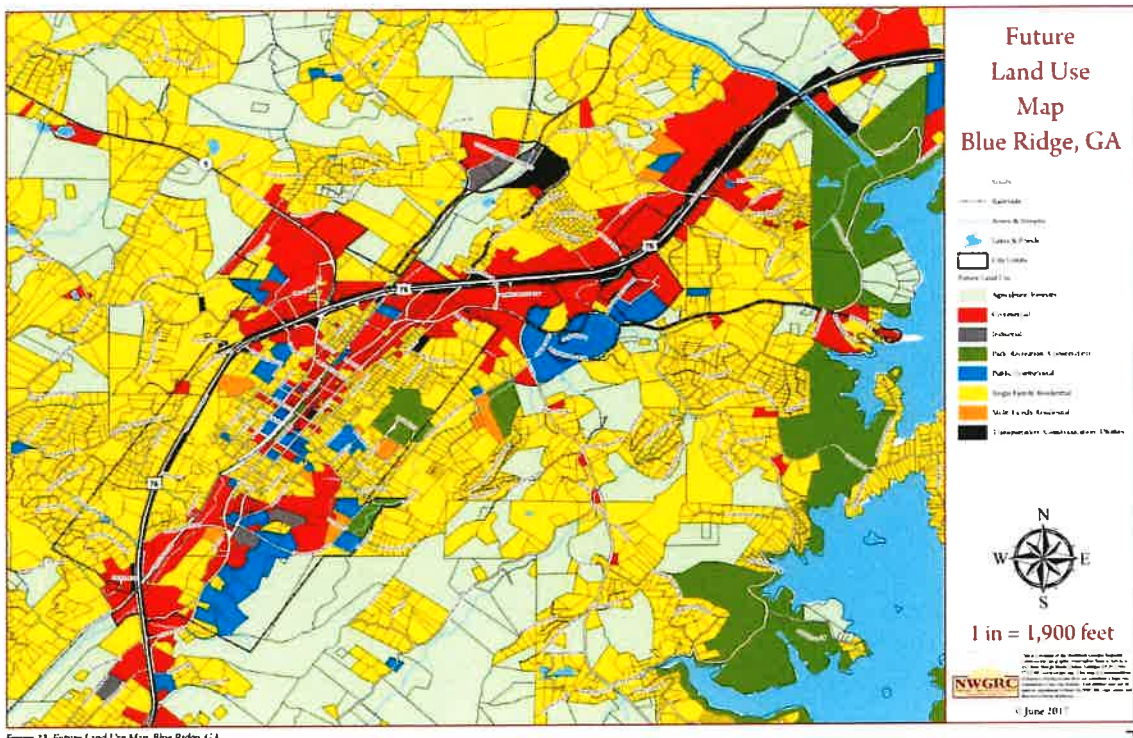
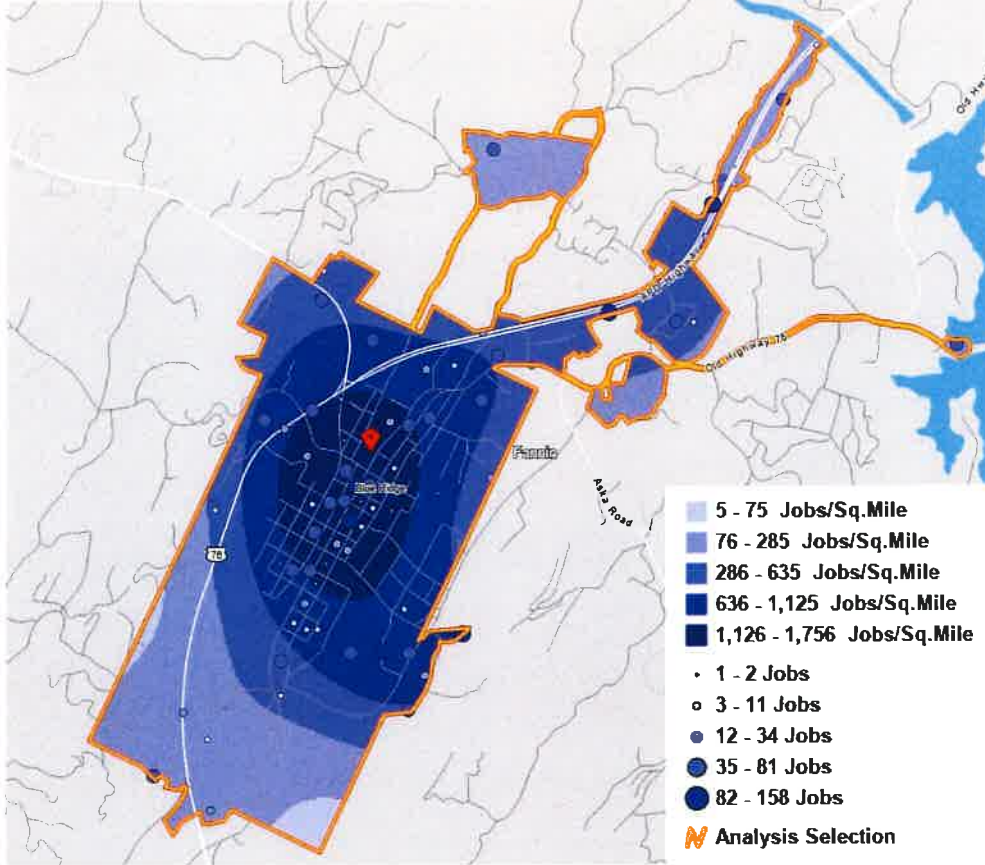


Figure 23. Future Land Use Map, Blue Ridge, GA.

Source: Fannin County Joint Comprehensive Plan, October 2017

## EMPLOYMENT

Downtown Blue Ridge is the economic core of the community, with lower-intensity rings of job creators emanating from there. The unemployment rate in Blue Ridge is 5.7%, which is on par with the State of Georgia's rate of 5.7%.

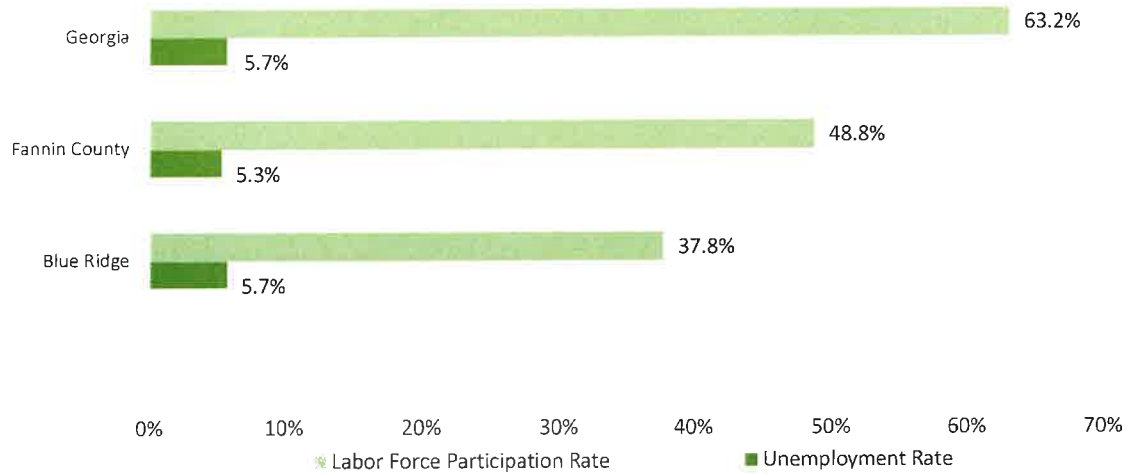


Source: Census.gov

The high concentration of retirees in Blue Ridge likely determines the City's low Labor Force Participation Rate. The Bureau of Labor Statistics calculates this rate by dividing the number of residents 16 years or older who are employed/actively seeking employment by the total number of non-institutionalized residents. Only half of Blue Ridge households claim earnings annually.

Compared proportionally to Georgia, twice as many Blue Ridge households claim Social Security / Retirement income. Food Stamp and Supplemental Nutrition Assistance Program (SNAP) benefits are used by about one in five households in Blue Ridge, but by about one in ten households in Fannin County overall. This indicates a higher than average amount of income inequality and a hollowing out of the middle class.

## Labor Force Participation & Unemployment



Source: Census.gov

## Sources of Income

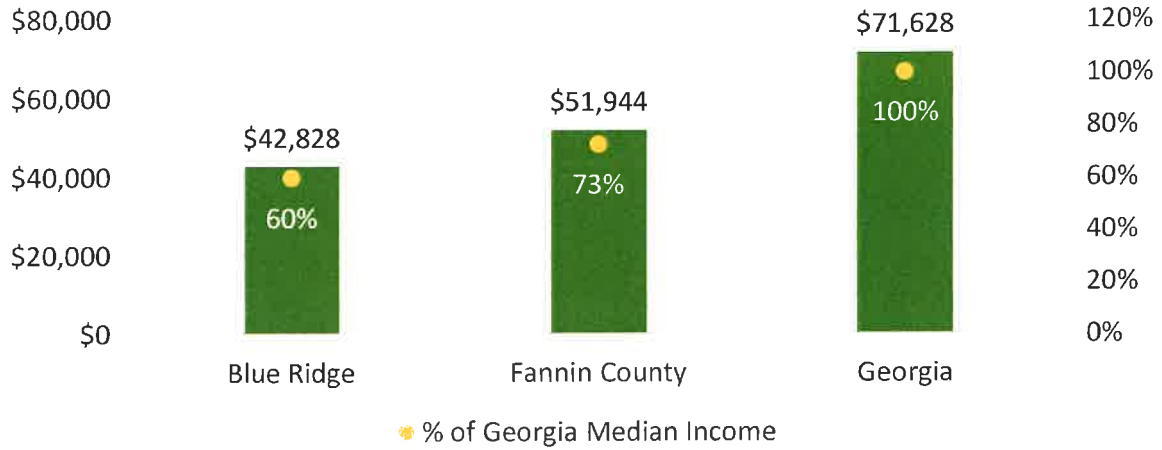
Percent of households with:	Blue Ridge	Fannin County	Georgia
Earnings	50%	61%	79%
Social Security Income	59%	53%	29%
Retirement Income	38%	32%	18%
Supplemental Security Income	3%	6%	5%
Cash Public Assistance Income	1%	1%	2%
Food Stamps/SNAP, Last 12 Months	21%	9%	13%

Source: Census.gov

The median household income in Blue Ridge is significantly lower than the state and county. As of 2021, the median income was \$42,828 – 40% lower than the median for the state of Georgia.

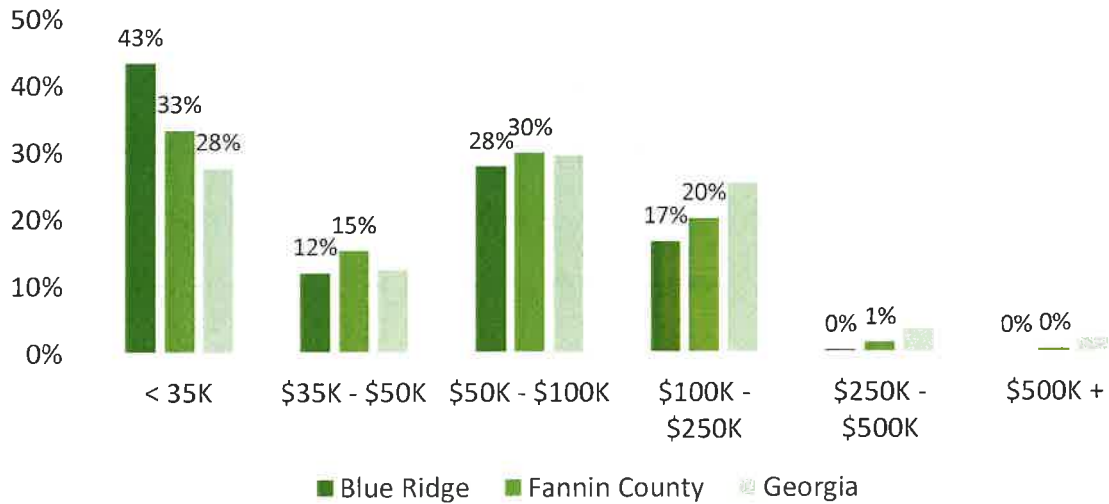
This can be largely attributed to the percentage of households earning below \$35,000. This category comprised 43% of Blue Ridge households, compared to 28% in the state of Georgia.

### Median Household Income, 2021



Source: Census.gov

### Median Household Income Distribution, 2021



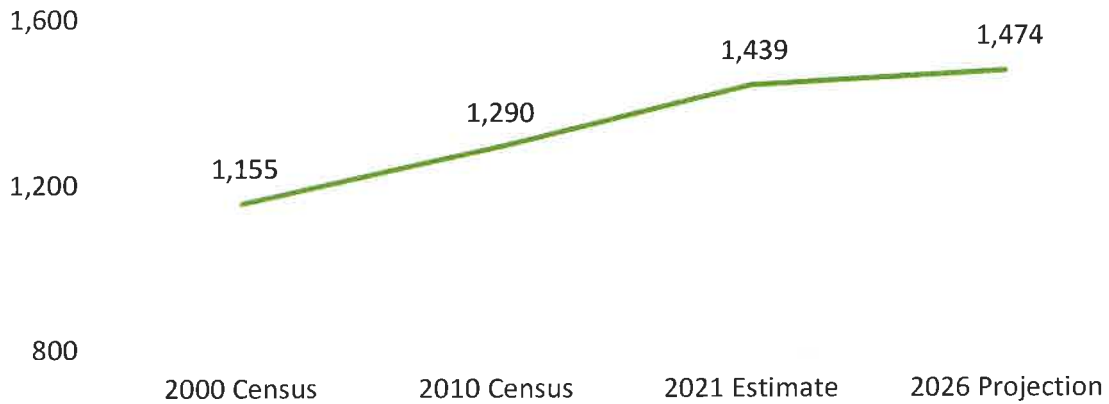
Source: Census.gov

## POPULATION

Blue Ridge has grown approximately 24.5% over the past 20 years, from 1,155 residents in 2000 to 1,439 residents estimated in 2021. This represents an average annual growth rate of 1.2%.

This growth is expected to moderate slightly over the years ahead, with the US Census Bureau projecting population to increase only 0.4% annually each of the next five years, reaching 1,474 residents in 2026.

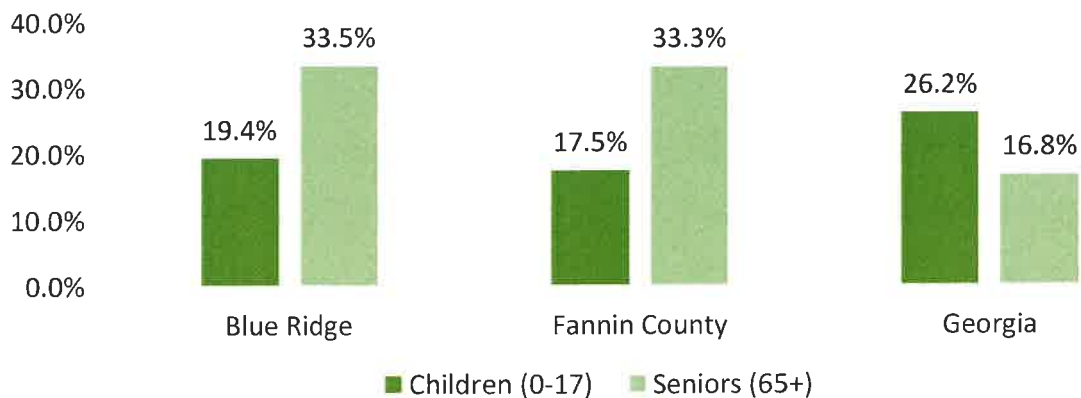
### Blue Ridge Population, 2000-2026



Source: Census.gov

Blue Ridge has a significantly higher population of seniors and retirees, 33.5% of the population compared to 16.8% for the state of Georgia. Conversely, the area also has a significantly lower amount of households with children. Children aged 0-17 make up 19.4% of the Blue Ridge population, compared to 26.2% for Georgia.

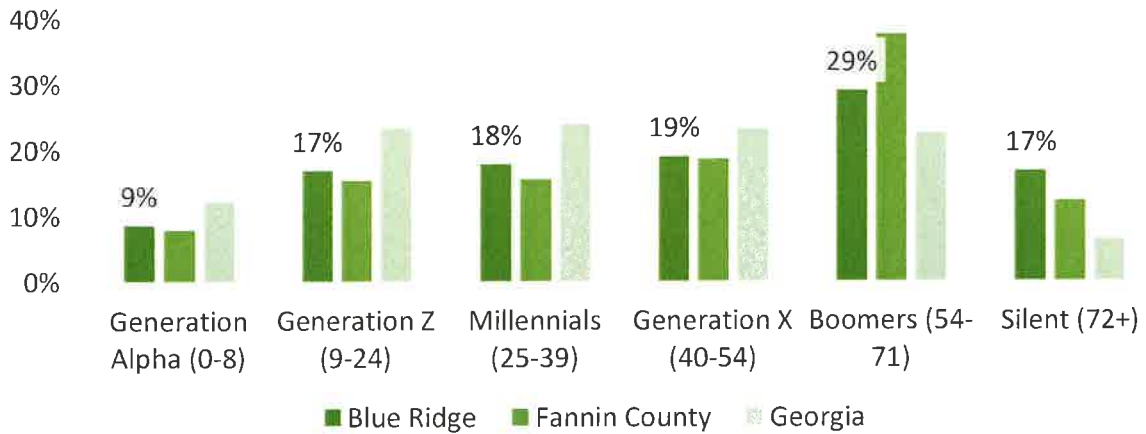
### Population Breakdown: Children & Seniors



Source: Census.gov



## Population Breakdown: Generational Cohorts

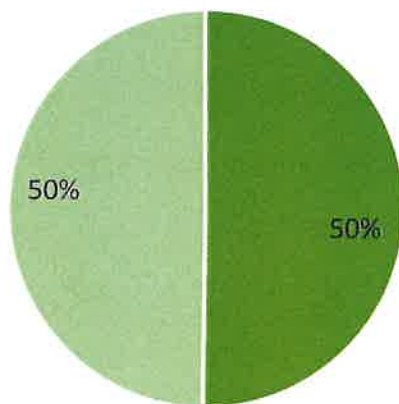


Source: Census.gov

## HOUSING

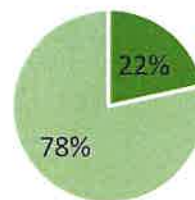
Blue Ridge has a much higher percentage of renter-occupied units of 50%, compared to only 22% for Fannin County and 34% for Georgia. A significant portion of these rentals are comprised of vacation rentals and AirBnB investment properties. With a captive tourism market in Blue Ridge, owners may find it more profitable to make their property a short-term rental rather than lease to a long-term tenant or sell the property to a homebuyer seeking a smaller starter home.

### Blue Ridge

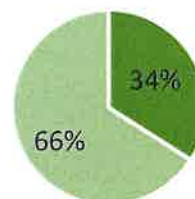


■ Renter-Occupied Units  
■ Owner-Occupied Units

### Fannin County



### Georgia



Source: Census.gov

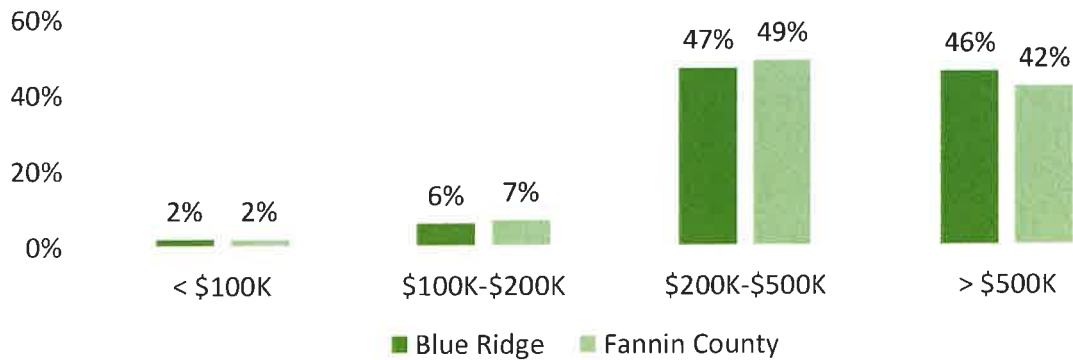
Blue Ridge home values are increasingly out of reach for a large percentage of the local population. The median home value of \$475,000 as of October 2021 is unaffordable for the vast majority of Blue Ridge’s workforce. The area’s natural growth boundaries, limited supply of developable land, and environmental protections keep new supply constrained, which then puts upward pressure on values.

### Median Home Value, 2021



Source: Multiple Listing Service (MLS)

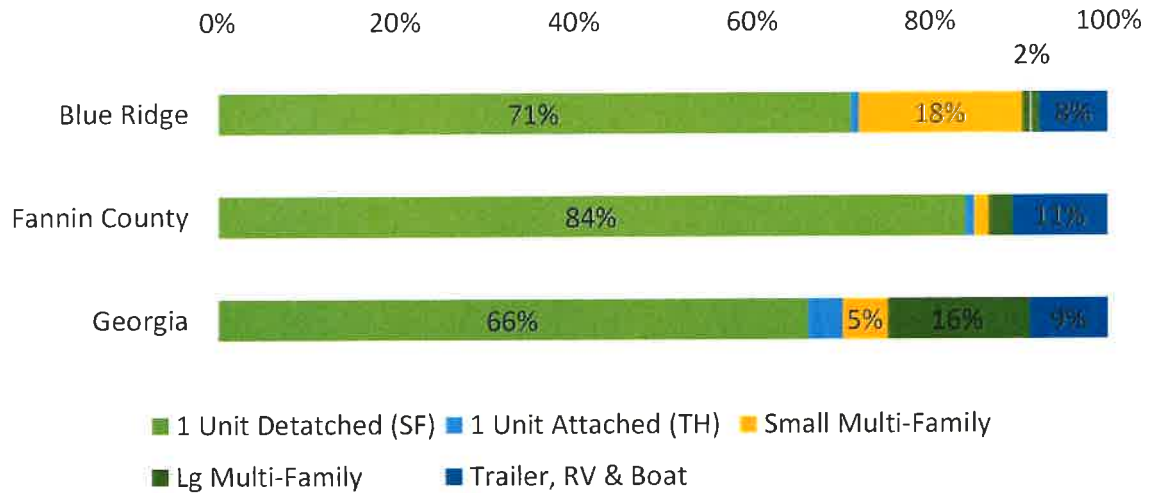
### Distribution of Home Values



Source: Multiple Listing Service (MLS)

Blue Ridge housing is predominantly comprised of single-family homes, with 71% just slightly higher than the state of Georgia’s 66% single family. There is virtually no large multifamily housing in Blue Ridge, comprising just 2% compared to 16% in Georgia. However, there is a significantly higher amount of small multifamily housing, with this type making up 18% of Blue Ridge housing supply, compared to only 5% in Georgia.

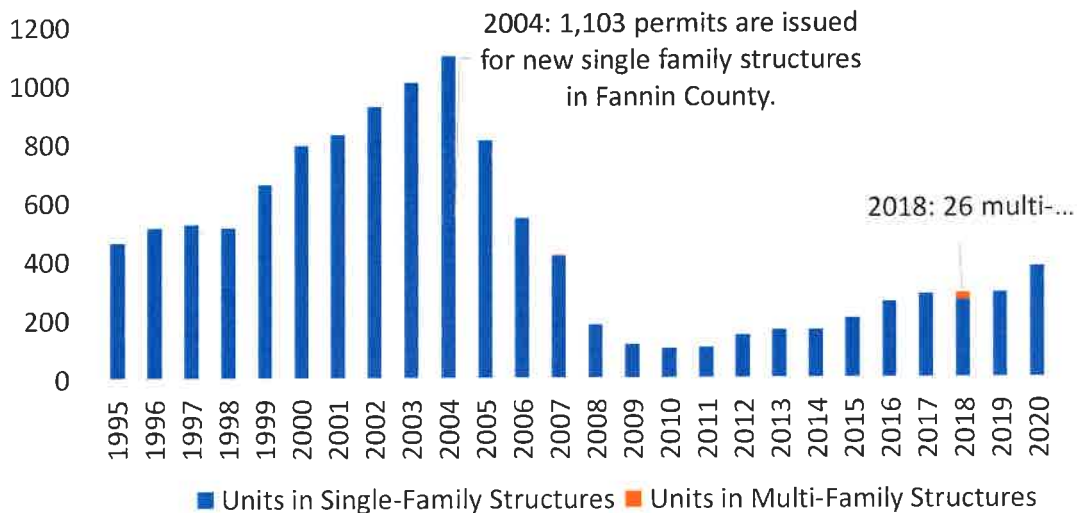
## Housing Type Distribution



Source: Census.gov

There has been virtually no multifamily built in Blue Ridge and Fannin County over the past 25 years. Only 26 multifamily units were permitted in Fannin County in 2018. The local area experienced a single-family development boom and bust before and after the Great Recession but has returned to steady development activity, with an uptick during the pandemic year of 2020. This recent activity may indicate development activity going forward, as post-Covid preferences seek more space and natural environments outside of city centers.

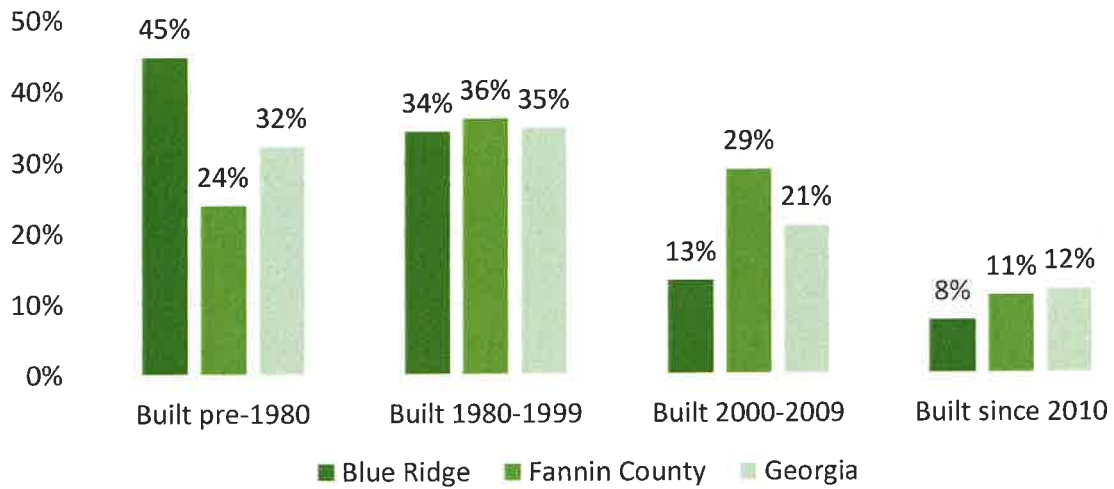
## Fannin County Building Permits Issued



Source: Census.gov

A relatively higher proportion of Blue Ridge homes were built prior to 1980, with this cohort comprising 45% of the building stock, compared to 24% in Fannin County and 32% in Georgia. This older housing stock is usually more susceptible to demolition for new larger homes, further decreasing the supply of starter homes and the diversity of housing stock for a well-balanced market.

### Housing Units by Year Built



Source: Census.gov

## BLUE RIDGE SWOT ANALYSIS

Through analyzing the quantitative data and gathering feedback from interviews with local stakeholders in the community, there are several themes that start to jump out at the data. To help summarize the most relevant issues affecting the City of Blue Ridge, an analysis of the strengths, weaknesses, opportunities, and threats (SWOT) was performed, as summarized below. This was also presented to the community for their feedback.

### STRENGTHS

- Strong tourism industry
- Strong single family for-sale and rental markets
- Natural resources and diversity of terrain, including rivers, lakes, mountains, and the Appalachian Trail
- Concentrated amount of community resources and institutions
- Strong tax base with high property values
- Growing consensus around common issues that affect the community

### WEAKNESSES

- High cost of living for homeownership
- Challenging terrain and natural barriers to growth
- Local workforce shortage and high transportation costs for commuters
- Aging housing stock
- Sewer infiltration issues need to be addressed
- City land area is small and few places to allocate growth
- Lack of economic diversification

### OPPORTUNITIES

- Missing-middle, gentle density, workforce housing
- Opportunities for infill or redevelopment of aging buildings
- Multi-use trail plan and improvements that protect and leverage natural resources
- Business incubator/education
- Downtown improvements and placemaking
- Streetscape and pedestrian improvements
- Local government becomes more stable

### THREATS

- Increasing labor costs for local businesses due to employees' inability to afford local housing
- Negative externalities of poverty impacting the tourism industry
- Loss of affordable & workforce housing
- Impact on the environment and natural resources through unsustainable development
- Business closures due to labor shortages

## COMMUNITY VISION & PRIORITIES

As noted earlier in the report, this plan starts from a place of identifying previous background planning around goals, priorities, and strategies the community has done in the past. Then a detailed quantitative and qualitative analysis of the community is completed that identifies strengths, weaknesses, opportunities and threats, relative to the surrounding area and state of Georgia at large. This background assessment is then brought back to the community for their feedback to revisit their past goals and confirm priorities.

### Blue Ridge Vision Statement, Fannin County Joint Comprehensive Plan, 2017

*“Blue Ridge will provide excellent lodging, dining, shopping, arts, and cultural experiences for visitors in the heart of Fannin County, the premier vacation destination in the North Georgia mountains. For visitors and residents alike, safety, good health, and friendliness are vital to our small-town way of life. We consider a diverse economy important to long-term economic prosperity, and seek to promote industries and business that fit well with our size and terrain. We will protect the natural resources that draw people to this area, such as stable soil, clean water and fresh air, to the benefit of all. The government of Blue Ridge will run efficiently, using fiscal responsibility in providing services to its residents. We will continue to plan for the future and cooperate with the county and other government agencies to improve the quality of life in our city.”*

### **Blue Ridge Stated Goals, Fannin County Joint Comprehensive Plan, 2017**

- 1. We will ensure that visitors to Blue Ridge are welcome and find lodging, food and recreation in a relaxed, small-town atmosphere that highlights our natural wonders and mountain culture.*
- 2. We will encourage the development and expansion of businesses and industries that provide quality employment and enhance our small-town character.*
- 3. As a state designated Art Town, Blue Ridge will continue to preserve and support the artistic and cultural development of our community.*
- 4. We will develop policies that maintain downtown Blue Ridge as the focal point of the community.*
- 5. We will work to promote an adequate range of safe, affordable, and resource-efficient housing and lodging in Blue Ridge so that the members of our workforce can live in the community in which they work, and visitors will have a range of accommodations from which choose.*
- 6. We will carefully plan the expansion of infrastructure to enhance residential, commercial, and industrial development.*
- 7. We depend on the Toccoa River for our water supply and recreate on Lake Blue Ridge. We will develop policies that protect water quality in the Toccoa River, its tributaries, and Lake Blue Ridge.*
- 8. We will support our public school system and other institutions that provide job skills in our community and encourage opportunities for residents to further their education and training.*

In addition to referencing previous goals and priorities, a public meeting was held at City Hall on February 10<sup>th</sup>, 2022 from 6-8 pm. Approximately 30 residents and public stakeholders were in attendance and there was a very productive discussion of the issues affecting their everyday lives as well as their businesses and neighbors.



Blue Ridge Revitalization Plan Community Meeting, February 10<sup>th</sup>, 2022, City Hall.

During the public feedback session, the consultant team took notes in real time on the projector screen for the community to see their input was being documented. Some residents who didn't speak during the meeting submitted written notes with their comments afterwards. This information was very helpful in identifying the issues that are most concerning to residents and potential solutions or strategies for how to address them. The notes from this community feedback session are included on the following page and the major themes include the following:

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#### MAJOR THEMES FROM COMMUNITY FEEDBACK

- Workforce housing is a critical issue affecting multiple interconnected stakeholders and businesses
- Local economy needs diversification beyond service industry jobs and real estate
- Placemaking and cultural development of the central business district
- Short-term rentals have a big impact on housing supply and affordability
- Address sewer infiltration issues
- Natural resources should be protected and enhanced as a local asset

### **Blue Ridge Community Meeting – Live Feedback Notes – February 10, 2022**

- *[threats] Tourism will suffer from labor force shortages. Lack of affordable housing. Hard to find workers so some businesses won't be able to survive.*
- *Focus shouldn't solely be on city limits, need the county involved as well. Affordable housing doesn't exist so much in city limits*
- *Affordable housing is hard to find all over Fannin County.*
- *Overall cost of living is high. Families are leaving – town won't have workers in the future.*
- *Is there a pushback against workforce housing? There is a perception issue.*
  - *Workforce vs. affordable housing. Many workers currently have to commute in due to lack of workforce housing. Businesses struggle to find workers as a result. Housing = workforce = grow economy.*
- *We all say we need workforce housing, but not next to me, "Just not here."*
- *Increased impact fees? Potentially a lever the local govt. can pull.*
- *Important to cultivate unique cultural experiences downtown will draw younger residents to the town.*
- *[weakness] Sewer capacity is limited.*
- *Remove the moratorium on tiny homes.*
- *Raise focus – housing is just a sliver of revitalization, but with large influence. Housing, infrastructure, and business/employment opportunities work in concentric circles*
- *The town won't grow unless workers want to work. And workers have to want to live here.*
- *[weakness] small workforce*
- *How do we expand retail in the city, given the constraints and infrastructure?*
- *Is annexation a possible answer?*
- *Potential brick n mortar business is walking away fearing low worker turnout*
- *No homeless shelter in the town*
- *1,789 permitted vacation rentals*
- *Need to examine the real impacts of short-term rentals and tourism on the town.*
- *The culture of downtown Blue Ridge / Fannin County is stagnating... "What do we do here?" Shopping downtown Blue Ridge is #1, but after that there isn't much else to do there.*
- *Downtown parking is a problem, but for some reason the parking deck isn't utilized.*
- *There is a jobs program for high school students, currently. Workforce training can be improved. Georgia College should be served and leveraged.*
- *Lacking downtown amenities (parks and public spaces)*
- *Low wages = no room for class growth. Low number of quality paying jobs, no benefits. Don't have a middle class workforce.*
- *People make more money with short-term rentals vs. long-term, so no one wants to lease their house*
- *Nowhere to work besides real estate, healthcare, hospitality*





### **Goal 1: Infrastructure**

Infrastructure is a critical component of economic development and Blue Ridge is beginning to push the boundaries of their capacity for growth due to limitations in infrastructure, namely sewer capacity and transportation. Blue Ridge has a goal to preserve, manage, and reinvest in its local infrastructure.



### **Goal 2: Economy & Workforce Development**

The local economy of Blue Ridge has primarily relied on tourism, hospitality, and real estate sectors. Economic development efforts in Blue Ridge must support these industries while creating living wage jobs in other sectors to diversify the economy and workforce.



### **Goal 3: Natural Resources**

The City of Blue Ridge's economy is inextricably linked to its abundant natural resources. Many of these are sensitive and/or protected areas such as the watershed and mountain terrain habitats. These natural resources can be leverage and enhanced for public recreational use; real estate development growth in Blue Ridge must be carefully balanced with best practices of environmental sustainability.



### **Goal 4: Workforce Housing**

The limited supply of developable land, high demand from tourism and second homes, and short-term rental market drives up the cost of housing beyond reach of the moderate-income workforce. This in turn exacerbates the labor shortage for local businesses. Blue Ridge can help incentivize the development of quality workforce housing through policies and programs.



### **Goal 5: Placemaking**

Similar to Goal #2, placemaking is an economic development strategy aimed at diversifying the workforce and attracting more middle-income businesses and residents who value the perception and experiential environment. Placemaking improves the quality of life for existing residents, new workers and the tourism industry.



**GOAL**

Preserve, manage, and reinvest in local infrastructure that will improve the quality of life and economic development in Blue Ridge.



A shuttle service is a relatively lower cost of entry solution for providing alternative means of transportation. This could be funded through some form of transportation fees for tourists that are creating issues with traffic and affordable housing. Image Source: Emory University



Infrastructure improvements, including sewer and utilities, will be an ongoing, long-term priority for the City of Blue Ridge. Image Source: Nicholas Institute for Environmental Policy Solutions

**STRATEGY**

Invest in infrastructure upgrades that directly address the issues facing Blue Ridge today, including public utilities and transportation infrastructure.

**IMPLEMENTATION MEASURES**

- Public transportation improvements such as a bus or rail shuttle during peak shift change hours for the service industry could alleviate traffic congestion and incentivize commuting workers to take nights and weekend peak jobs that Blue Ridge businesses are struggling to fill.
- Blue Ridge wasn't originally built with the infrastructure to manage the tourist destination it has become today. In addition to the sewer capacity that Blue Ridge recently upgraded, the city could continue to invest and pass SPLOST funding for infrastructure upgrades to improve the livability of local residents and visitors, including streetscape and pedestrian improvements
- Develop an ongoing 5-year capital improvement program to address infrastructure needs.



**GOAL**

Support existing primary industries while helping to create living wage jobs in other sectors that diversify the economy and workforce.



Workforce development programs that partner with local education institutions can leverage the grassroots potential of the local workforce seeking to change careers, start businesses, or grow their existing companies. Image Source: U.S. Department of Energy



In addition to grassroots economic development, Blue Ridge could market and incentivize companies in sectors that would diversify the local economy to relocate. The businesses would in turn need the assurance of a readily available workforce. Image Source: Select Georgia

**STRATEGY**

Promote and protect the primary local industries of tourism, real estate and healthcare while also working to diversify the local economic base beyond reliance on these industries.

**IMPLEMENTATION MEASURES**

- Create a startup incubator in collaboration with local education and economic development partners that trains, supports, and funds local startups to grow in the community in sectors that need more development.
- Identify existing small local businesses that could benefit from business coaching, training, and networking in order to take their business to the next level and create more homegrown jobs.
- Partner with local education partners to provide workforce development training to service industry employees seeking to change careers and local youth getting ready to embark on new careers.

## ENVIRONMENTAL RESOURCES



### GOAL

Leverage and enhance natural resources for public use and balance real estate development with best practices of environmental sustainability.



### SUSTAINABLE GREEN BUILDING

Sustainable Green Building practices include both the efficiency and environmental impact of the building use as well as the site design's stormwater practices that can affect local waterways.



Blue Ridge could continue to invest in and enhance its natural resources for public recreational use to benefit both local residents and promote tourism to the existing clientele who seek to enjoy Blue Ridge's natural environment. Image Source: Atlantatrails.com

### STRATEGY

Incentivize and regulate the construction of new buildings and the modernization of existing buildings to include sustainable building practices. Require stormwater management practices that reduce the impact of development on local waterways. Leverage the abundance of natural resources by adding public trails and parks for conservation and public benefit.

### IMPLEMENTATION MEASURES

- Modify the local zoning code to include sustainable building practices modeled after an existing certification program such as Earthcraft or LEED.
- Incentivize private developers to include greenspace and increase building and site performance through new zoning classifications or permit expediting.
- Identify initiatives that have synergy between natural resources, tourism and job creation through the installation, maintenance and operation of recreational amenities.

## WORKFORCE HOUSING

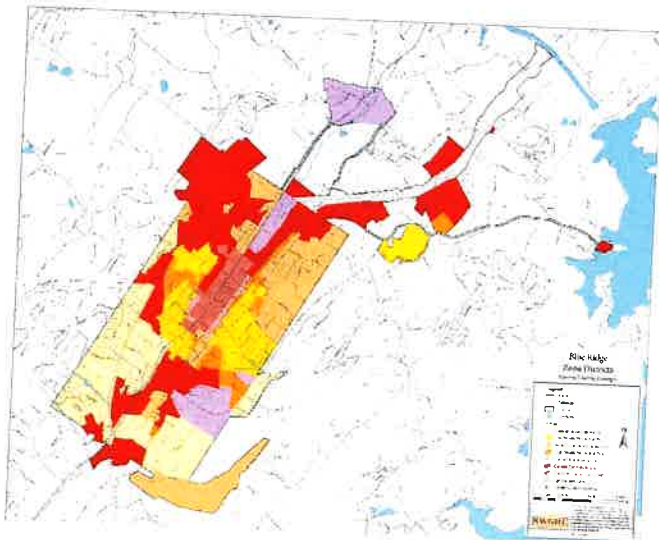


### GOAL

Incentivize the development of quality workforce housing through proactive policies and programs.



Historic towns such as Blue Ridge traditionally built a range of housing types, including small multifamily buildings, single family homes, and everything in between. Blue Ridge could allow these “missing middle” housing types to be built where appropriate. Image Source: [www.missingmiddlehousing.org](http://www.missingmiddlehousing.org)



Affordable housing is heavily dependent on public funding sources that require a minimum number of units. Blue Ridge could help incentivize the private market to increase the supply of workforce housing by augmenting the existing commercial and central business districts. Image Source: Fannin County Joint Comprehensive Plan, 2017.

### STRATEGY

The City of Blue Ridge could work to improve the supply of quality workforce housing within appropriate areas. This housing could add “missing middle” product types that increase gentle density between the product types of single-family homes and large apartment buildings, to fit within the historic urban fabric of Blue Ridge.

### IMPLEMENTATION MEASURES

- Allow multifamily by-right in areas already zoned for commercial development and within the central business district.
- Create new zoning classifications for private developments that provide a percentage of their units as affordable or workforce housing.
- Include gentle density housing products such as duplexes, triplexes, quadruplexes and small apartment buildings to transitional areas at the edges of the commercial zoned districts.

## PLACEMAKING



### SUMMARY & OBJECTIVE

Enhance the quality of life for existing residents, workforce, and tourism by creating cultural and recreational public places.



“Placemaking” is a term that describes the intentional creation of activated public spaces in high traffic nodes that promote leisure, community, culture, and recreation. Image Source: City of Atlanta Placemaking Program Guide



Public spaces can be multifunctional to suit a variety of potential uses, including music events, farmers markets, public art and community holiday celebrations. These places benefit residents and the local businesses reliant on the experiential tourist experience of Blue Ridge. Image Source: Project for Public Spaces

### STRATEGY

The City of Blue Ridge, in collaboration with economic development agencies and local developers, could actively invest in the creation of activated public places, including parks, plazas and squares. These areas should be surrounded by local businesses in high traffic locations to encourage cultural exchanges and communal activities, including markets, live music, festivals, and other events.

### IMPLEMENTATION MEASURES

- Leverage and repurpose underutilized buildings and/or land to create authentic, unique, engaging places.
- Create a short list of prioritized capital projects each year that help implement this strategy, including parks, plazas, public art, improved street design, and hosting events.
- Incentivize private developers to add public space to their projects through new zoning classifications and permit expediting.
- Partner with local businesses and organizations to organize “pop-up” events in public spaces to begin making an immediate impact on this goal and identify areas of untapped potential.



## Proclamation

53<sup>rd</sup> ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK  
May 1- May 7, 2022

*Whereas, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and*

*Whereas, The Office of the Professional Municipal Clerk is the oldest among public servants, and*

*Whereas, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies, and agencies of government at other levels, and*

*Whereas, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.*

*Whereas, The Professional Municipal Clerk serves as the information center on functions of local government and community.*

*Whereas, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations,*

*Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.*

*Now, Therefore, I, Rhonda Haight, Mayor of the City of Blue Ridge, do recognize the week of May 1 through May 7, 2022, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerk, Amy Mintz and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.*

Dated this 1<sup>st</sup> day of May, 2022

Attest: Rhonda Haight  
Mayor