

Due to the COVID-19 pandemic, the March 1 Mayor and Commission session was remote. The meeting could be viewed live at www.accgov.com/videos, on YouTube at www.youtube.com/accgov, on Facebook at www.facebook.com/accgov, and on ACTV Cable Channel 180 or the live ACTV stream at www.accgov.com/actlive

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, March 1, 2022
6:00 p.m.
City Hall/WebEx

The Unified Government of Athens-Clarke County, Georgia met this date in regular monthly session. Present: Mayor Girtz; Commissioners Davenport, Parker, Link, Wright, Denson, Houle, Edwards, Myers, Thornton, and Hamby. No one was absent. Commissioner Davenport came in at 6:04 p.m. Commissioner Denson came in at 6:06 p.m.

A motion was made by Commissioner Link, seconded by Commissioner Myers, to approve Minutes of meetings of Tuesday, February 1; Monday, February 7; and Tuesday, February 15, 2022. The motion passed with nine YES votes. Commissioner Denson was absent.

Written communications

There were none.

A motion was made by Commissioner Myers, seconded by Commissioner Houle, to amend the agenda to place items 15 American Rescue Plan and 16 salary of the commission to the front of old business following the consent agenda. The motion passed with eight YES votes. Commissioner Davenport voted NO and Commissioner Denson was absent.

FROM MAYOR GIRTZ:

1. Announced the following appointment to the Public Safety Civilian Oversight Board.
Cassie Evans – replacing Edward Robinson – three-year term
2. Announced the following appointments to the Mall Area Tax Allocation District (TAD) Advisory Group.
Vincent Jolly
Rick Dunn
Denise Ricks
Michael Seibert
Jennifer Zwirn
3. Announced the following appointment to the Newton Bridge Area Tax Allocation District (TAD) Advisory Group.
Tracy Davenport

Consent agenda

Items under this section were discussed at prior public meetings and were presented for consideration as a single item. Only one vote was taken.

Public input

There was none.

A motion was made by Commissioner Wright, seconded by Commissioner Parker, to consent to action on the following five items. The motion passed by unanimous vote.

1. APPROVE: Neighborhood Organization with associated boundaries for registration in the Neighborhood Notification Initiative: Inner East Athens Neighbors as identified in Attachment #1 of agenda report dated January 26, 2022.

2. APPROVE: An exception to Policy/Procedure Statement WS-011: Water and/or Sanitary Sewer Services, to allow public water service to be provided to 1770 Milledge Avenue Extension, Athens, Georgia; subject to the property owners' payment of the appropriate fees as identified under Facts and Issues No. 6 for the property as per agenda report dated January 26, 2022.

3. APPROVE: Developer Installation of a traffic signal at the intersection of SR 10/US 78 (Atlanta Highway) at Blanchard Plaza Driveway as per Attachment #1 of agenda report dated January 21, 2022 and Traffic Engineering to assume annual maintenance and power costs pursuant to standard GDOT signal maintenance agreement; and authorize the Mayor to sign Georgia Department of Transportation (GDOT) traffic signal operational permit as shown in Attachment #2.

4. APPROVE: A lease extension with New Cingular Wireless PCS, an agent for AT&T, for the continued operation of a cellular communications site on the radio communications tower at 3035 Lexington Road as per Attachment #1 of agenda report dated January 20, 2022; and authorize the Mayor and appropriate staff to execute all necessary documents.

5. APPROVE with reference to SPLOST 2020 Project 11, Sub-Project #2 Electric Vehicle Purchase as per agenda report dated January 26, 2022:
 - a) A purchase order with Family Ford, Inc. for \$338,034 for seven Ford F150 lightning battery electric pickup trucks as part of SP#2;
 - b) A purchase order with Family Ford, Inc. for \$242,952 for five Ford E-Transit battery electric vans also as part of SP#2; and,
 - c) Authorization for the Mayor and appropriate staff to execute all related documents.

Old and new business – Discussion

Public input

The following public input was received.

1. Brett Thurmond – representing petitioner – supported rezoning on Sorensen Way
2. Russ Watson – supported salary increase for the commission
3. Jason Pratt – supported salary increase for the commission
4. Shane Blackwell – supported American Rescue Plan

A motion was made by Commissioner Parker, seconded by Commissioner Myers, to approve the Commission-Defined Option presented by Commissioners Myers, Houle, Parker and Denson, items 1-8, which includes attachments 3 through 9 as outlined therein, with the following amendment: "Allocate, from the \$7 million Youth Development and Violence Prevention program area, \$500,000 to summer 2022 community non-profit programming for youth, and direct the Manager to return to the Commission with a model to support already-established programs for summer 2022 with said funding as soon as possible."

The Athens-Clarke County Mayor and Commission:

1. Approve the proposed American Rescue Plan Act (ARPA) Funding process and timeline, including the naming of initial advisory groups for desired program areas, as illustrated in Attachment #4 (ARPA Process Maps and Timeline) and Attachment #8 (General Directives and Program Area Descriptions);
2. Authorize allocation of ARPA funds for specific uses and designated program areas as detailed in Attachment #8 (General Directives and Category Descriptions) and Attachment #6 (CDO Pro Forma Modifications);
3. Authorize staff to work with identified Advisory Groups as outlined in Attachment #8 (General Directives and Category Descriptions) and Attachment #4 (ARPA Process Maps and Timeline);
4. Direct the Manager to modify Attachment #4 (ARPA Process Maps and Timeline) as applicable to be in accordance with Attachment #8 (General Directives and Category Descriptions), and as applicable in the future, given that the process will evolve based on the continued input of the Mayor and Commission, ACCUG staff, advisory groups, and the public in general;
5. Direct staff to utilize the Equity Impact Assessment Tool (Attachment #3) for use throughout the ARPA process to identify a diverse array of community partners for the advisory groups, to identify existing inequities in Athens-Clarke County and ACCUG, to identify proposals and their impact, to prioritize funding, and to sustain community and organizational growth and engagement, with an emphasis on qualified census tracts and/or low income neighborhoods and households;
6. Adopt the associated budget ordinance to allocate \$39,863,484 of remaining ARPA funding (Attachment #7 - Budget Ordinance Revised);
7. Authorize two additional full time positions for the administration of the ARPA program (Attachment #5 - Overview of Administrative Costs and Attachment #9 - ARPA Office Administrative Budget); and
8. Authorize the Mayor and appropriate staff to execute the necessary documentation related to this approval.

A substitute motion was made by Commissioner Thornton, seconded by Commissioner Wright, to

1. Approve the proposed American Rescue Plan Act (ARPA) Funding process as outlined in the agenda item, including naming of initial advisory groups for desired program areas;
2. Authorize the naming of Northeast Georgia Black Chamber of Commerce as the advisory group for business and workforce development to deliver general directives described in Attachment #5 (General Directives on ARPA Programs);
3. Authorize allocations of ARPA funds for specific use and designated program areas as detailed in Attachment #7 to be released within the next 60 days;
4. Authorize a fixed flat fee of \$10,000.00 for each RFP released to procure a consultant to develop a strategic plan for Affordable Housing and Homelessness. Since administrative fees can go as high as 15% of program allocation, it is imperative that the cost to develop the plan does not significantly impact the amount allocated to implement a plan since the Mayor currently has a Inclusionary Development Charge;
5. Authorize allocations of ARPA funds for specific uses and designated programs areas as detailed in Attachment #5 (General Directives and Category Descriptions) and indicated in the draft ARPA pro forma (Attachment #1), with **additional modifications** to the ARPA pro forma as illustrated in the Commission Defined Option Attachment #7;
6. Identify process and qualification used for the selection of the Advisory Committees (those organization identified to oversee funding buckets);
7. Include and implement items #3-8 from the CDO authored by Commissioners Myers, Houle, Parker, and Denson.

Commissioner Thornton withdrew the above substitute motion and made another substitute motion to table this item for 30 days.

The substitute motion failed by roll call vote with Commissioners Wright, Thornton, and Hamby voting YES; and Commissioners Davenport, Parker, Link, Denson, Houle, Edwards, and Myers voting NO. (3 YES; 7 NO)

The original motion passed by roll call vote with Commissioners Parker, Link, Denson, Houle, Edwards, and Myers voting YES and Commissioners Davenport, Wright, Thornton, and Hamby voting NO. (6 YES; 4 NO). The following ordinance (#22-03-22) which was presented title only was declared adopted.

AN ORDINANCE TO AMEND THE FY2022 OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FROM THE AMERICAN RESCUE PLAN (ARP) CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS FOR DESIGNATED PROGRAMS AND USES; AND FOR OTHER PURPOSES.

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the American Rescue Plan (ARP) Coronavirus State and Local Fiscal Recovery Funds Special Revenue Fund Operating Budget to provide funding for designated programs and uses.

Said Operating & Capital budget is hereby amended as follows:

American Rescue Plan – CSLFRF Special Revenue Fund:

REVENUES:

Increase:

Federal Grants:

American Rescue Plan-CSLFRF	\$39,863,484
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EXPENDITURES

Increase:

Various Departments & Offices:

1) Revenue Replacement/Budget Balancing	\$3,400,000
2) Youth Development and Violence Prevention	\$7,000,000
3) Affordable Housing	\$11,000,000
4) Homelessness	\$5,000,000
5) Business Development and Workforce Support	\$4,000,000
6) Behavioral Health	\$4,000,000
7) Contingency/Future Needs (TBD)	\$4,555,082
8) Administration	<u>\$908,402</u>

Total	\$39,863,484
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SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner Myers, seconded by Commissioner Denson, to adopt an ordinance to provide for an increase in the salary of the commission.

Following discussion a motion was made by Commissioner Link, seconded by Commissioner Parker, to call the question. The motion was withdrawn.

The original motion passed by roll call vote with Commissioners Parker, Link, Denson, Houle, Edwards, and Myers voting YES; and Commissioners Davenport, Wright, Thornton and Hamby voting NO. (6 YES; 4 NO). The following ordinance #22-03-23) which was presented by title only was declared adopted.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA TO PROVIDE FOR AN INCREASE IN THE SALARY OF THE COMMISSION; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Section 2-103 (c) of the Charter of the Unified Government of Athens-Clarke County, Georgia, the salary or expenses of commissioners may be changed by ordinance; and

WHEREAS, pursuant to Section 2-103 (a) of the Charter of the Unified Government of Athens-Clarke County, Georgia, commissioners currently receive a base salary of \$15,000.00; and

WHEREAS, pursuant to O.C.G.A. Section 36-5-27, commissioners are entitled to a supplement of \$100.00 per month or \$1,200.00 per year as an incentive for those commissioners who complete the certification training offered by the Carl Vinson Institute of Government; and

WHEREAS, pursuant to O.C.G.A. Section 36-5-28, commissioners are entitled to receive those cost of living or general performance-based increases given to certain state employees, which results in a starting salary of \$19,133.14 for commissioners exclusive of the training supplement noted above; and

WHEREAS, pursuant to O.C.G.A. Section 36-5-29, commissioners are also entitled to receive longevity increases upon completion of each term; and

WHEREAS, the base salary of commissioners was last evaluated and adjusted in 2001; and

WHEREAS, the Commission of Athens-Clarke County, Georgia, has determined that an adjustment in the base salary for each commissioner is in the best interest of the citizens of Athens-Clarke County; and

WHEREAS, an increase in compensation for commissioners will help to attract highly qualified individuals to engage in public service; and

WHEREAS, the average wage for commissioners in the Georgia Department of Community Affairs 2021 County Wage and Salary Survey for counties of a similar population is \$28,693.00; and

WHEREAS, pursuant to Section 2-103 (c) (1) of the Charter of the Unified Government of Athens-Clarke County, Georgia, the Commission directed that notice of its intent to take action to increase the compensation of the members of the Commission be published in the legal organ of Athens-Clarke County once a week for three consecutive weeks immediately preceding the meeting at which this Ordinance shall be considered and adopted; and

WHEREAS, pursuant to Section 2-103 (c) (2) of the Charter of the Unified Government of Athens-Clarke County, Georgia, this increase in compensation for the commissioners will not be effective until the third day of January 2023 following the next general election held subsequent to the adoption of this Ordinance; and

WHEREAS, pursuant to Section 2-103 (c) (3) of the Charter of the Unified Government of Athens-Clarke County, Georgia, this Ordinance may not be considered or acted upon during the period between the date when candidates for election to the commission may first qualify as candidates and the date when members of the commission take office following their election;

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

Section 1.

There shall be added to the Code of Athens-Clarke County, Georgia, a new Section 1-18-5, which shall be entitled "Salary of the Commission, Effective January 3, 2023" and shall read as follows:

"Sec. 1-18-5. – Salary of the Commission, Effective January 3, 2023.

- (a) *Effective January 3, 2023, the base salary of each commissioner shall be increased to \$28,693.00 per year payable in equal monthly installments, which amount shall be inclusive of those amounts authorized by O.C.G.A. Section 36-5-28 prior to the effective date of this section for cost of living or general performance based increases for members of county governing authorities. For purposes of this subsection, the term "authorized" shall mean and refer to the date of enactment of the law authorizing the cost of living or general performance based increase received by state employees.*
- (b) *The commissioners' base salary compensation shall be adjusted based upon those amounts authorized by O.C.G.A. Section 36-5-27 for training incentives and O.C.G.A. Section 36-5-29 for longevity increases.*
- (c) *The commissioners' base salary compensation shall be adjusted based upon those amounts authorized by O.C.G.A. Section 36-5-28 after the effective date of this section for*

cost of living or general performance based increases for members of county governing authorities. For purposes of this subsection, the term “authorized” shall mean and refer to the date of enactment of the law authorizing the cost of living or general performance based increase received by state employees.

- (d) *The salaries and compensation of commissioners, as determined in accordance with the terms of this section, shall not reset at the commencement of a new term regardless of whether an incumbent or new member is taking office. If a new member takes office, any longevity and/or training incentives of the prior member shall not be included in the new member’s compensation.”*

Section 2.

The preamble of this Ordinance and the “Whereas” clauses shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3.

- (a) It is hereby declared to be the intention of the Commission of Athens-Clarke County, Georgia that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Commission to be fully valid, enforceable, and constitutional.
- (b) It is hereby declared to be the intention of the Commission of Athens-Clarke County, Georgia that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance.
- (c) It is hereby further declared to be the intention of the Commission that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- (d) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Commission of Athens-Clarke County, Georgia that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4.

All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

Section 5.

In the event scrivener’s errors shall be discovered in this Ordinance after the adoption hereof, the Commission hereby authorizes and directs that each such scrivener’s error shall be corrected in all multiple counterparts of this Ordinance.

Section 6.

This Ordinance shall become effective upon its approval by the Mayor or upon its adoption into law by the Commission without the Mayor’s approval, provided that it is approved by the Mayor or adopted into law without the Mayor’s approval prior to the period between the date when candidates for election to the commission may first qualify as candidates and the date when members of the commission take office following their election.

Mayor Girtz exited the meeting and Mayor Pro tem Myers presided for the remainder of this agenda.

A motion was made by Commissioner Davenport, seconded by Commissioner Wright, to adopt the following ordinance (#22-03-24) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO AMENDING A PLANNED DEVELOPMENT FOR TWO PARCELS OF LAND COMPRISING APPROXIMATELY 2.853 ACRES LOCATED AT 300 SORENSON RIDGE & 181 WARREN WAY IN THE RS-8 (PD) (SINGLE-FAMILY RESIDENTIAL, PLANNED DEVELOPMENT) DISTRICT; AND FOR OTHER PURPOSES.

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. The map constituting the component part of the Zoning Ordinance of Athens-Clarke County, Georgia, by virtue of and in compliance with Section 9-3-3 and Section 9-3-6 thereof, is hereby amended by modifying a planned development for two parcels of land comprising approximately 2.853 acres located at 300 Sorenson Ridge and 181 Warren Way in the RS-8 (PD) (Single-Family Residential, Planned Development) District. Said affected parcels of land being more fully described in that certain site plan entitled "Recombination Plat for: Sapphire Properties LP 300 Sorenson Ridge & 181 Warren Way," said site plan dated June 11, 2021, designated in the lower right-hand corner as file no. "38005-J9M," prepared by Traditions Surveying LLC, and being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia. The two parcels comprising the subject 2.853-acre tract of land are also known as parcel numbers 184 014 and 184B8 D023A on the Athens-Clarke County tax maps, being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia.

The original planned development amended by this ordinance is described in that certain ordinance entitled "AN ORDINANCE TO AMEND A CODE OF ORDINANCES FOR ATHENS-CLARKE COUNTY, GEORGIA, WITH RESPECT TO AMENDING THE CURRENTLY EXISTING RS-10 (PD) (SINGLE-FAMILY RESIDENTIAL, PLANNED DEVELOPMENT) ON LAND LOCATED ON BARNETT SHOALS ROAD, AT ITS INTERSECTION WITH EAST WHITEHALL ROAD AND FOR OTHER PURPOSES," which was adopted by the Commission on December 8, 1992 (hereinafter the "December 1992 Ordinance").

SECTION 2. The binding written report associated with this ordinance and incorporated herein by reference is entitled "Amendment to Existing Planned Development Report" consists of ten pages in total, dated December 2, 2021, and is stamped "Binding 1-12-22." Included in the binding application report are the binding amended master site plans associated with this ordinance and incorporated herein by reference, which consist of two sheets in total, with each sheet being numbered and titled in the lower-right hand corner as listed below.

Sheet No.	Title	Date
38005-J9M	Recombination plat for Sapphire Properties LP	06/11/21
37974-J6K	Site plan 300 Sorenson Ridge	06/03/21

Said binding written report, including the binding site plan, is on file and available for public inspection in e office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia (hereinafter the "Addendum").

SECTION 3. The conditions of zoning associated with this ordinance are as follows:

1. The stormwater management detention pond, included in this amendment and currently platted as 181 Warren Way, shall remain on its own parcel as currently platted and shown.

SECTION 4. Except as specifically modified or amended herein, the December 1992 Ordinance is saved from repeal and shall remain in full force and effect.

SECTION 5. Except as described in Section 4 above, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner Wright, seconded by Commissioner Thornton, to approve the Athens-Clarke County Police Department (ACCPD) School Resource Officer (SRO) program contract as per Attachment #1 of agenda report dated January 26, 2022 with the Clarke County School District for the 2022-2023 academic year; and authorize the Mayor and appropriate staff to execute the contract and all related documents. The motion passed by roll call vote with Commissioners Davenport, Parker, Link, Wright, Denson, Edwards, Thornton, and Hamby voting YES; and Commissioner Houle voting NO. (8 YES; 1 NO)

A motion was made by Commissioner Denson, seconded by Commissioner Hamby, to

- a) Authorize staff to negotiate a Guaranteed Maximum Price (GMP) for construction of the Costa Building Renovation Project with Sheridan Construction for a not-to-exceed amount of \$5,290,000 as per agenda report dated January 26, 2022;
- b) Adopt the following ordinance (#22-03-25) which was presented by title only reallocating a total of \$1,758,031 from the SPLOST 2011 Projects #00, 01, 03, 10, & 17 to the SPLOST 2011 – Project 32 Costa Building Renovation for identified budget shortfall and contingency; and,
- c) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE SPECIAL PURPOSE LOCAL OPTION SALES TAX 2011 PROGRAM BUDGET SO AS TO PROVIDE ADDITIONAL FUNDING FOR PROJECT #32 COSTA BUILDING RENOVATION; AND FOR OTHER PURPOSES.

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the SPLOST 2011 Capital Projects Fund to provide additional funding for the SPLOST 2011 Project #32 Costa Building Renovation. Said Operating and Capital budget is hereby amended as follows:

SPLOST 2011 Capital Projects Fund:

REVENUES:

INCREASE

Interest Earnings	\$957,437
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EXPENDITURES:

DECREASE:

Project #00 – Program Management	(\$500,000)
Project #01 – Jail Expansion	(\$12,580)
Project #03 – Fire Prot Services & Safety Equip	(\$109,390)
Project #10 – Cooperative Extension	(\$102,668)
Project #17 – Dudley Park Improvements	(\$75,956)
Total	(\$800,594)

INCREASE: Project #32 – Costa Building Renovation	\$1,758,031
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SECTION 2. All ordinances of parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner Hamby, seconded by Commissioner Houle, with reference to SPLOST 2011 – Project 20 Government Facilities Fire Protection,: award the construction services contract for the addition of fire sprinkler systems for the Old Fire Hall #2 and the Church-Brumby House to F.H. Paschen for an amount not to exceed \$413,533 as per agenda report revised February 23, 2022; and authorize the Mayor and appropriate staff to execute all related documents. The motion passed by unanimous vote.

A motion was made by Commissioner Denson, seconded by Commissioner Link, to adopt the Athens-Clarke County Strategic Plan Goals Strategies and Initiatives FY 23-25 as per agenda report dated January 26, 2022. The motion passed with eight YES votes. Commissioner Wright was absent.

A motion was made by Commissioner Houle, seconded by Commissioner Link, to adopt the following ordinance (#22-03-26) which was presented by title only as recommended by the Legislative Review Committee report dated February 4, 2022. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA, WITH RESPECT TO **SPECIAL EVENTS**; AND FOR OTHER PURPOSES.

The Commission of Athens-Clarke County, Georgia, hereby ordains as follows:

SECTION 1. Section 6-5-12 of the Code of Athens-Clarke County, Georgia, entitled "*Sale of beer and wine*," is hereby deleted in its entirety with the following new section inserted in lieu thereof:

"Sec. 6-5-12. - Sale of beer and wine.

- (a) *Purpose.* The purpose of this ordinance is to establish the framework for how beer and wine can be incorporated into special events.
- (b) *Authorized Areas:* Where an event results in the closure of at least one city block, beer and wine may be dispensed and consumed within the delineated boundaries of a permitted special event subject to the conditions of this Section.
- (c) *Application Process*
- (1) The dispensing or consumption of beer and wine shall not be permitted at any special event in which the producer has failed to file for a permit at least 60 days prior to the date of the event, as noted in Section 6-5-3(b).
 - (2) The application for a special event at which beer and wine is permitted shall include, in addition to the map identifying the outermost boundaries of the event, a map no smaller than 8½ × 11 inches in size, clearly identifying the area(s), including all public streets and sidewalks within and adjacent to the area(s), where the consumption of beer and wine is proposed. However, no areas designated for the consumption of beer and wine shall encroach within the designated public circulation areas described in Section 6-5-2(d).
 - (3) The application for a permit for a special event at which beer and wine is permitted shall include a description of the area(s), including the size and the number of seats proposed for such area(s), if utilized. The application also shall contain a description of the method and structures that will be used to secure and separate such area(s) from other public areas.
- (d) *Fees:* The fee for a permit to dispense and/or consume beer and wine at a special event shall be the greater of the fees this Section or those listed in the annual fee schedule as adopted by the Mayor and Commission. Fees shall be payable to Athens-Clarke County, and shall be paid in addition to and remitted at the same time as any other fees provided for in Section 6-5-9.
- (1) \$150 150 Person Beer Garden (up to 2,000 ft²)
 - (2) \$300 300 Person Beer Garden (up to 4,000 ft²)
 - (3) \$600 Festival Zone (1-4 contiguous blocks)
- (e) *General Requirements*
- (1) Whenever any event will include the dispensing and/or consumption of beer and wine, the producer of such event, at least 45 days prior to the event, shall meet with appropriate staff members of the Athens-Clarke County government as designated by the Manager in accordance with Section 6-5-5 in order to review the plans, conditions, and restrictions pertaining to the event. Prior to the issuance of a permit for the event, the producer shall sign a statement of understanding and agreement to the terms and conditions imposed on the event. Such statement shall become a part of the conditions of the permit for the event.
 - (2) The dispensing of beer and wine at any special event shall be restricted to: (1) a holder of an alcoholic beverage caterer license issued by Athens-Clarke County, (2) a holder of a temporary alcoholic beverage permit issued to a bona-fide non-profit, tax-exempt civic organization by Athens-Clarke County, or (3) a holder of a separate home-brew special event permit issued by Athens-Clarke County, or (4) a holder of an alcoholic beverage license for a business distributing alcohol from their establishment for consumption within a festival zone. The name of such licensee(s) or permittee(s) and the current assigned number, as such appears on the license or permit, shall be required as a part of the application for a special event permit.
 - (3) The producer of the special event shall provide, at his/her own expense, at least one security officer, approved by the Chief of Police, or their designee, at each entry/exit point for areas approved for the consumption of beer and wine. The Chief of Police or their designee may require additional security officers as needed to provide for the safety and security of the event.
 - (4) The event producer shall verify that participants who wish to consume beer or wine in the designated areas at the event are at least 21 years of age.
 - (5) Every area where beer and wine is consumed shall be conspicuously posted at all times at each point of entrance/exit with signs stating the following: "The possession of alcoholic beverages beyond this point is prohibited." The letters of such signs shall not be less than three inches in height and one-half inch in width and shall be in black letters on a contrasting light background.

The event shall provide staff or volunteers at each entry/exit point in order to help educate event patrons as to where the festival zone begins and ends.

- (6) Patrons may not leave beer gardens or festival zones with open containers.
 - (7) Permit holders shall provide food service within areas designated for alcohol consumption.
 - (8) All food vendors shall apply for and receive a solid waste permit pursuant to the requirements of this Chapter before dispensing beverages at a special event.
 - (9) Containers for beer and wine shall be reusable, compostable, or recyclable, and shall not exceed 24 ounces. Pursuant to Section 3-12-23, open glass containers of any kind are strictly prohibited.
 - (10) It shall be unlawful for patrons of any area(s) of a special event in which beer and wine is permitted to bring into or take outside the designated area(s) any alcoholic beverage or to furnish any alcoholic beverage to any person outside the designated area where beer and wine is permitted. Provided, however, that participants in and sponsors of home-brew special events may transport malt beverages to designated areas within a home-brew special event in accordance with applicable law.
 - (11) Notwithstanding the provisions of this Section, any person dispensing and/or consuming beer and wine in accordance with this Section shall comply with all other laws and ordinances pertaining to the sale, possession and consumption of alcoholic beverages.
- (f) *Beer Gardens:* A special event meeting the requirements of this ordinance may be permitted for the use of beer gardens as detailed in this Section.
- (1) Within each city block that is closed for a special event where the event does not utilize a festival zone, the event may have:
 - (a) One beer garden, limited to no more than 300 persons and not exceeding an area greater than 4,000 square feet; or,
 - (b) Up to two beer gardens, with each area limited to no more than 150 persons and not exceeding an area greater than 2,000 square feet.
 - (2) A beer garden within a special event where beer and wine is permitted shall be securely enclosed on all sides by a fence, barricade, building, or other similar such structure approved by the Chief of Police, or their designee, so as to completely separate that area from the areas in which alcoholic beverages are not permitted. Every beer garden permitted under this Section should be rectangular in shape with one of the longer sides of such beer garden abutting a street curb.
- (g) *Festival Zones:* A special event meeting the requirements of this ordinance, that closes at least one city block may have a festival zone as outlined in this Section.
- (1) Permitting: There are significant challenges to coordinating communication with businesses and event patrons as it relates to a festival zone. This communication is exclusively the responsibility of the event producer, though staff may develop template documents for event producers to consider. Prior to the issuance of a special events permit that utilizes a festival zone, the producer of a special event shall provide:
 - (a) Evidence of their engagement with businesses adjacent and proximate to proposed festival zones as it relates to what is and is not permitted as a part of the festival zone. This shall apply to businesses located within a festival zone and to all businesses located within one block of a festival zone. Such evidence may include, but is not limited to, signature sheet from business managers, evidence of an attempt to contact by mail, or other similar verifiable information.
 - (b) A draft copy of the educational materials that will be shared with event patrons at the locations where festival zone wrist bands are issued.
 - (c) Draft copies of proposed educational signage along with maps indicating where the signage will be utilized in relation to areas where wrist bands or alcohol are issued.
 - (2) Location: the location(s) of any festival zones shall be determined during the administrative review of the special event application, conducted pursuant to Section 6-5-5, after the event applicant, Central Services staff, and Athens-Clarke County Police Department staff have had an opportunity to review the proposed locations, develop a potential site plan, identify the costs associated with establishing said festival zones, and such location(s) shall only be deemed to have been approved after receiving written approval by both Central Services and Athens-Clarke County Police Department staff who have been authorized by their respective department directors to grant such approval.
 - (3) Parades, marches, or other mobile special events may not depart a festival zone. However, these events may start outside of a festival zone and conclude within a festival zone.
 - (4) Boundaries and Access

- (a) Festival zone boundaries generally run from one intersection, either north/south or east/west, to the adjacent intersection.
- (b) Fencing, barricades, buildings, or other similar structures must be used to define the entry and exit points into the festival zone.
- (c) ADA compliant access shall be provided throughout and across the festival zone, and to all businesses that abut the festival zone, as outlined in Section 6-5-2(d).
- (d) The festival zone shall be designed in such a way that emergency access can be provided as needed.
- (e) A festival zone may be no larger than four consecutive blocks where each of the blocks are touching, although said blocks may not be in a straight line and the roadways between each block may or may not actually be closed to through traffic.

(5) Management

- (a) The event producer shall provide participants with wrist bands to identify persons who have presented proof of attaining the age of 21 years and who are authorized to purchase or hold in their possession beer and wine within the festival zone, both within and outside of licensed alcoholic beverage establishments; however, displaying such a uniquely identifiable wrist band does not relieve alcoholic beverage establishments of responsibility for determining if a person has attained the age of 21 years before dispensing alcohol to that person.
 - (b) Each patron will be limited to one approved container for consumption within the festival zone.
 - (c) Businesses that have an entry point included within the festival zone may sell beer and wine to patrons who possess wrist bands for consumption within the premises of their business and the adjacent festival zone so long as the business is licensed to serve alcohol.
 - (d) Beer and wine purchased within a licensed business having an entry point within the festival zone that knowingly and intentionally allows patrons to exit its premises with either an alcoholic beverage containing liquor, or beer and wine purchased from its establishment and not wearing an approved wrist band, shall be in violation of this Section.
 - (e) In addition to the requirement described in Section 6-5-12(e)(3), a festival zone will generally be required to provide at least one security officer per entry/exit point and at least one additional officer for support within the zone, as well as any additional officers as recommended the Chief of Police or their designee.
 - (f) Only one special event may be permitted at a time per sponsor/person; festival zones will not be permitted on days when another special event is already permitted in the area and on UGA home football game days.
 - (g) Unless otherwise permitted by state law, drinking alcohol in parked or moving motor vehicles is prohibited.
- (h) *Violations:* In addition to the penalties outlined in Section 6-5-26, any special event and/or affiliated permit holder convicted of an ordinance violation from this Section within a seven year rolling period shall be subject to the following suspensions as it relates to special events.
- (1) 1st Violation – 13 month suspension of the permittee’s and event’s ability to incorporate the use of alcohol into a special event.
 - (2) 2nd Violation – 25 month suspension of the permittee’s and event’s ability to incorporate the use of alcohol into a special event.
 - (3) 3rd and Subsequent Violation(s) – 60 month suspension of the permittee’s and the event’s ability to incorporate the use of alcohol into a special event.”

SECTION 2. Chapter 6-5, entitled “*Special Events*,” of the Code of Athens-Clarke County, Georgia, is hereby amended by inserting a new Section 6-5-27 entitled “*Appeals*,” as follows:

“Sec. 6-5-27. – Appeals

An appeal to the Administrative Hearing Officer from a decision of the Manager, or designee, may be made within ten days of the date of notice of the decision. The decision by the Administrative Hearing Officer shall be final.”

SECTION 3: If any section, subsection, subdivision, sentence, clause, phrase or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this ordinance shall be and remain in full force and effect.

SECTION 4: The Clerk of Commission, in consultation with the County Attorney, shall have the power to correct scrivener's errors.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner Wright, seconded by Commissioner Parker, to approve the termination of the existing purchase option agreement between Allen Properties, Inc. and the Unified Government of Athens-Clarke County as shown in Attachment #1 of agenda report dated February 7, 2022, and authorize the Mayor and appropriate staff to sign and execute any documents relevant to the termination of this agreement.

A substitute motion was made by Commissioner Link, seconded by Commissioner Houle, to indefinitely postpone consideration of this request.

The substitute motion was withdrawn.

The original motion passed by roll call vote with Commissioners Davenport, Parker, Wright, Denson, Houle, Edwards, Thornton and Hamby voting YES; and Commissioner Link voting NO. (8 YES; 1 NO)

A motion was made by Commissioner Hamby, seconded by Commissioner Thornton, to HOLD North Downtown Athens Development Project Intergovernmental Agreement with regard to Payment in Lieu of Taxes with the Athens Housing Authority. The motion passed by unanimous vote.

The text amendment for voluntary Inclusionary zoning was HELD. A public hearing is tentatively scheduled for Tuesday, April 5, 2022.

New business – Consider under suspension of Rules

A motion was made by Commissioner Houle, seconded by Commissioner Parker, to suspend Rules of Commission for consideration of one item of new business. The motion passed by unanimous vote.

A motion was made by Commissioner Houle, seconded by Commissioner Denson, to adopt the following ordinance ((#22-03-27) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE FOR THE TWENTY-SEVENTH DECLARATION OF A LOCAL STATE OF EMERGENCY RELATED TO COVID-19; AND FOR OTHER PURPOSES.

WHEREAS, like much of the world the United States, the State of Georgia, and the Unified Government of Athens-Clarke County, Georgia, ("ACCGov") are currently responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2" and the disease it causes named "coronavirus disease 2019" (abbreviated "COVID-19"); and

WHEREAS, COVID-19 is officially a global pandemic according to the WHO; and

WHEREAS, COVID-19 can spread from person to person, and can result in no symptoms, minor symptoms, or serious illness causing permanent organ damage and death; and

WHEREAS, individuals age 65 or over or living with certain medical conditions identified by the CDC (members of Vulnerable Populations) and members of other populations identified by the CDC ("Other Populations at Risk") are at risk of severe and lasting harm to health or death from COVID-19; and

WHEREAS, COVID-19 also has been reported to cause severe and permanent damage to some children; and

WHEREAS, the CDC has noted that COVID-19 spreads very easily and sustainably when an infected person (who may not exhibit symptoms at all, or only minor symptoms) talks, sneezes, or coughs in close proximity with others (within six feet); and

WHEREAS, on March 16, 2020, the Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia adopted an Ordinance for the Declaration of Local State of Emergency related to COVID-19;

WHEREAS, on March 19, 2020, pursuant to their authority under the Athens-Clarke County Emergency Management Ordinance, the Athens-Clarke County Mayor and Commission adopted a Second Declaration of Local Emergency activating certain emergency powers in order to allow Athens-Clarke County to quickly respond to the COVID-19 pandemic and renewed that declaration on April 21, 2020, June 2, 2020, July 7, 2020, July 30, 2020, August 18, 2020, September 15, 2020, October 6, 2020, November 4, 2020, December 1, 2020, January 6, 2021, February 2, 2021, March 2, 2021, April 6, 2021, May 4, 2021, June 1, 2021, June 15, 2021, July 20, 2021, August 3, 2021, September 7, 2021, October 5, 2021, November 2, 2021, December 7, 2021, January 4, 2022, and again on February 1, 2022; and

WHEREAS, the COVID-19 Delta and Omicron variants have created a new surge in cases in Georgia and Athens-Clarke County; and

WHEREAS, the CDC indicates that a person's risk of exposure to COVID-19 infection is directly related to the risk of exposure to infectious persons, which is largely determined by the extent of COVID-19 circulation in the surrounding community; and

WHEREAS, CDC recommends using new COVID-19 cases per 100,000 persons in the last seven (7) days as one of its metrics for assessing the level of community transmission; and

WHEREAS, as of Thursday, February 24, 2022, the CDC reports that the prevalence of confirmed cases in Athens-Clarke County of COVID-19 is 72.47 cases per 100,000 persons in the past seven (7) days;

WHEREAS, based upon this metric, Athens-Clarke County is currently experiencing a "substantial" level of community transmission"—i.e., greater than 50 but less than 99.99 new cases per 100,000 persons in the past seven (7) days—"high" being the highest level possible at 100 new cases or more); and

WHEREAS, according to the Georgia Department of Public Health COVID-19 update on Wednesday, February 23, 2022, (the "GDPH Update") Georgia now has 1,907,207 confirmed cases of COVID-19, including 25,998 confirmed cases in Athens-Clarke County; and

WHEREAS, according to the GDPH Update, 29,441 individuals in Georgia have died and 107,107 have been hospitalized after contracting COVID-19; and

WHEREAS, Georgia is has recently experienced a significant surge in COVID-19 cases due primarily to the Omicron variant, having recorded on January 7, 2022 its highest single-day total of new COVID-19 cases since the pandemic began; and

WHEREAS, the Center for Disease Control ("CDC") has issued guidance on the emerging and rapidly evolving situation of the COVID-19 pandemic, including how to protect oneself from this illness; and

WHEREAS, social distancing is recommended by the CDC to prevent the continued spreading of this illness in the community; and

WHEREAS, the CDC also advises that the use of masks or cloth face coverings will slow the spread of COVID-19; and

WHEREAS, on April 2, 2020, Governor Kemp signed an Executive Order to Ensure a Safe and Healthy Georgia (Governor's Executive Order 04.02.20.01) to address the COVID-19 pandemic by implementing temporary actions necessary and appropriate to protect the health, safety, and welfare of Georgia's residents and visitors; and

WHEREAS, subsequently, Governor Kemp issued a series of Executive Orders which amended and revised the temporary action necessary and appropriate to protect the health, safety, and welfare of Georgia's residents and visitors, the last such Executive Order expiring on July 1, 2021; and

WHEREAS, nevertheless, because of the continuing negative impacts of the COVID-19 pandemic on the State's economy, supply chain, and healthcare infrastructure, on June 30, 2021, Governor Kemp issued an Executive Order declaring there to be a State of Emergency in the State of Georgia and ordering that all resources of the State of Georgia shall be made available to assist in activities designed to address this emergency and aid recovery and response efforts; and

WHEREAS, on February 18, 2022, Joseph Biden, President of the United States, issued notice stating that the national emergency declared on March 13, 2020 and later extended on February 24, 2021, concerning the COVID-19 pandemic is to continue in effect beyond March 1, 2022; and

WHEREAS, on July 19, 2021, Xavier Becerra, Secretary of the United States Department of Health and Human Services, renewed his determination (and that of former Secretary Alex M. Azar II) that a public health emergency exists and has existed since January 27, 2020, such prior renewals having been executed upon April 21, 2020, July 23, 2020, October 2, 2020, January 7, 2021, April 15, 2021, July 19, 2021, October 15, 2021, January 14, 2022; and

WHEREAS, pursuant to the authority of O.C.G.A. § 38-3-28, local governments are specifically empowered to enact such orders, rules, and regulations as may be necessary for emergency management purposes and to supplement the carrying out of Articles 1 through 3 of the Emergency Management chapter of the Official Code of Georgia, but such orders, rules, and regulations shall not be inconsistent with any orders, rules, and regulations promulgated by the Governor or by any state agency exercising a power delegated to it by him; and

WHEREAS, this emergency order is authorized by O.C.G.A. §§ 38-3-4 and 38-3-28, which authorize the Mayor and Commission to use emergency powers in O.C.G.A. §§ 38-3-1 through 38-3-64; and

WHEREAS, pursuant to O.C.G.A. § 38-3-6, during an emergency, O.C.G.A. §§ 38-3-1 through 38-3-64 are supposed to be liberally construed to effectuate their purposes; and

WHEREAS, on July 27, 2021, the CDC issued new guidance pursuant to which it recommends that to maximize protection from the Delta SARS-CoV-2 variant and to prevent possibly spreading it to others, persons, including those who are fully vaccinated, should wear a mask indoors in public if they are in an area of substantial or high transmission; and

WHEREAS, the CDC issued guidance (most recently updated on January 21, 2022) continuing to recommend mask wearing in public indoor spaces regardless of vaccination status in areas of substantial or high community transmission to maximize protection from the Omicron SARS-CoV-2 variant; and

WHEREAS, requiring the use of masks is a targeted response that can combat the threat to public health using the least restrictive means, and if people follow this requirement, more extreme measures may be avoided; and

WHEREAS, pursuant to Section 1-104 (d) of the Charter of the Unified Government of Athens-Clarke County, Georgia, the Mayor and Commission have the right, duty, power, privilege and authority to exercise and enjoy all other powers,

duties, functions, rights, privileges, and immunities necessary and proper to promote or protect the safety, health, peace, security and general welfare of said government and its inhabitants and to exercise all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully enumerated herein and to do and perform all of the acts pertaining to its property, affairs and local government which are necessary or proper in the legitimate exercise of its corporate powers and governmental duties and functions; and

WHEREAS, pursuant to Sub-Sections (36) and (39) of Section 8-114 of the Charter of the Unified Government of Athens-Clarke County, Georgia, the Mayor and Commission have the following additional powers:

(17) Health: To prescribe and enforce health and sanitation standards; and

(36) Emergencies: To provide for the determination, proclamation and combatting of emergencies; and

(39) General health, safety, and welfare: To define, regulate and prohibit any act, practice, conduct or use which is detrimental to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the unified government; and

WHEREAS, the United States Supreme Court has previously held that “[u]pon the principle of self-defense, of paramount necessity, a community has the right to protect itself against an epidemic of disease which threatens the safety of its members; and

WHEREAS, pursuant to this declaration, the Mayor and Commission of Athens-Clarke County, Georgia have determined that it is necessary to continue the previous provisions of its Nineteenth Declaration and to additionally provide that persons within the jurisdiction of the Unified Government of Athens-Clarke County, Georgia, shall wear a mask over the nose and mouth indoors in public as described herein; and

WHEREAS, the following actions related to outdoor restaurant seating areas, outdoor retail areas, and the indoor mask mandate are necessary and appropriate to balance the public’s interest in being free from undue restrictions with the compelling public interest of providing for the health, safety, and welfare of residents of Athens-Clarke County and the surrounding communities, particularly those individuals who are members of Vulnerable Populations or Other Populations at Risk; and

WHEREAS, in the judgment of the Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia, with advice from other subject matter experts, there exist emergency conditions as a result of COVID-19 within the geographical boundaries of the Unified Government as described in Section 1-102 of the Charter requiring extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the citizens of Athens-Clarke County and the surrounding communities;

NOW, THEREFORE, the Commission of Athens-Clarke County, Georgia hereby ordains and declares that a local state of emergency continues to exist within the territorial limits of the Unified Government of Athens-Clarke County, Georgia, and shall continue until the conditions requiring this declaration are abated.

NOW, THEREFORE, because of the local state emergency ordained and declared above, the Commission of Athens-Clarke County, Georgia hereby ordains and orders the following:

SECTION 1.

Outdoor Restaurant Seating Areas

Any provisions of the Alcoholic Beverages Ordinance which prohibit any person from having in his or her possession any alcoholic beverages in any open container be temporarily suspended as it applies to patrons or employees of any restaurant possessing a Class D (retail liquor by the drink), D1 (retail liquor by the drink, low volume restaurant), E (retail beer by drink), or F (retail wine by the drink) license who are transporting, serving, or consuming alcoholic beverages in an approved outdoor seating area within 100 feet of the outer wall of licensed premises or who are transporting alcoholic beverages across public streets, sidewalks or rights-of-way for the purpose of serving or consuming said beverages in an approved outdoor seating area as described herein.

SECTION 2.

Outdoor Retail Areas

Any provisions of the Alcoholic Beverages Ordinance which prohibit any person from having in his or her possession any alcoholic beverages in any open container be temporarily suspended as it applies to patrons or employees of any licensee possessing a Class D (retail liquor by the drink), D1 (retail liquor by the drink, low volume restaurant), E (retail beer by drink), or F (retail wine by the drink) license who is participating in the Outdoor Retail Area Program pursuant to policy number MGR-008D entitled “A Policy to Extend the Outdoor Retail Areas Pilot Program for the Remainder of 2020,” and who are transporting, serving, or consuming alcoholic beverages in the Outdoor Retail Area as approved by the Athens-Clarke County Central Services Department or who are transporting alcoholic beverages across public streets, sidewalks or rights-of-way for the purpose of serving or consuming said beverages in said Outdoor Retail Area.

SECTION 3.

Indoor Mask Mandate

(a) The provisions of Section 3 of this Ordinance shall only be enforced when the prevalence in Athens-Clarke County of confirmed cases of COVID-19 over the previous seven (7) days is equal to or greater than one hundred (100) cases per one hundred thousand (100,000) people according to the Centers for Disease Control, or when the Georgia Department of Public Health reports a vaccination rate of more than 80% of the Athens-Clarke County population.

(b) For purposes of this Ordinance, the following terms are hereby defined as follows:

(1) *Entity* means any private business, establishment, corporation, non-profit corporation, or organization, including the curtilage thereof.

(2) *Facial covering or mask* means a device to cover the nose and mouth of a person and impedes the spread of saliva, respiratory droplets, or other fluids during speaking, coughing, sneezing or other intentional or involuntary action. Medical grade masks are not required; coverings may be fashioned as advised by the CDC and from other suitable fabrics. The mask must cover the mouth and nose of the wearer.

(3) *Polling place* means the room provided in each precinct for voting at a primary or election.

(4) *Public place* means any place other than a personal vehicle, residential property, or an entity including the curtilage thereof.

(c) Except as otherwise provided in this Ordinance all persons in an entity or a public place shall wear a facial covering or mask over the mouth and nose at all times when indoors.

(d) Facial coverings or masks are not required in the following circumstances:

(1) In personal vehicles or upon residential property;

(2) When a person is alone in enclosed spaces or only with other household members;

(3) When the individual has a bona fide religious objection to wearing a facial covering or mask;

(4) While drinking or eating;

(5) When a licensed healthcare provider has determined that wearing a facial covering or mask causes or aggravates a health condition for the individual or when such person has a bona fide medical reason for not wearing a facial covering or mask;

(6) When wearing a facial covering or mask would prevent the receipt of personal services or performing work in the course of employment;

(7) When complying with the directions of a law enforcement officer or for the purposes of verifying a person's identity, such as when purchasing alcohol, tobacco, or prescription drugs or when engaging in a financial transaction;

(8) Children under the age of ten (10) years;

(9) When the individual is having difficulty donning or removing a face mask or face covering without assistance;

(10) At any polling place and no individual shall be denied ingress or egress to or from a polling place for failure to wear a facial covering or mask; and

(e) (1) Every entity subject to this Ordinance which does not consent to enforcement of this Ordinance upon its property shall post a clearly legible sign in one inch Arial font at all public entrances of such entity stating the following: "This location does not consent to enforcement of any local face covering requirement upon this property."

(2) If an entity does not post the signage described in subparagraph (1) of this paragraph it shall be conclusively presumed to have consented to enforcement of this Ordinance on its property and failures by individuals to wear facial coverings or masks as required by this ordinance shall be determined to be violations and enforced as contemplated in paragraph (f).

(f) Violations of this Section 3 may be enforced by a notice of ordinance violation issued by any police officer, code enforcement officer, or other authorized law enforcement official, as provided below:

(1) A person who fails to comply with paragraph (c) of Section 3 of this Ordinance shall be first given a warning and an opportunity to put on a facial covering or mask, leave the entity, or comply with one of the exceptions in paragraph (d) of Section 3.

(2) If the person violating this Ordinance refuses or fails to comply with this Ordinance after being given a warning pursuant to subparagraph (1) of this paragraph then such person may be subject to a civil penalty of not more than \$25.00 on the first offense and not more than \$50.00 on the second and any subsequent offenses.

(3) A notice of violation may be served by delivery into the hands of the suspected violator or by other reasonable process for serving notice of ordinance violations used by Athens-Clarke County.

(4) Violations of this ordinance shall not be enforced against any entity and shall not be taken against any owner, director, officer, or agent of an entity for the failure of their customers to comply with this ordinance.

(5) Notwithstanding the foregoing, every effort shall be made to bring an individual into voluntary compliance with the terms of this Ordinance prior to issuance of any notice of violation, including providing complimentary masks, explaining the importance of wearing facial coverings during this pandemic, and issuing verbal and written warnings.

(g) In all locations where facial coverings or masks are not required to be worn pursuant to this Ordinance, they are strongly encouraged to be worn.

SECTION 4.

The Mayor and Commission adopt and make the findings discussed in the "Whereas" paragraphs the factual findings of the Mayor and Commission.

SECTION 5.

This Ordinance shall become effective at 8:00 a.m. on the next day following the Mayor's approval and will continue to be in effect until 11:59 p.m. on Wednesday, April 6, 2022, or until it otherwise extended, rescinded, superseded, or amended by an ordinance of the Commission.

SECTION 6.

Should any provision, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, paragraphs, sentences, or words of this Ordinance as hereby issued shall remain in full force and effect. All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

SECTION 7.

The Clerk of Commission, in consultation with the County Attorney, shall have the power to correct scrivener's errors.

SECTION 8.

Copies of this Ordinance shall be: (1) promptly posted at Athens-Clarke County City Hall, 301 College Avenue, Athens, Georgia; (2) promptly posted on the www.accgov.com website; and (3) provided to any member of the public requesting a copy of this Order.

Public input on items other than those listed on this agenda

The following public input was received.

1. Patrick Armour – concerned about homeless not being allowed to camp on private church property.

FROM MAYOR PRO TEM MYERS:

1. A proclamation will be issued to Wayfair recognizing participation in the Adopt Athens Program.
2. Applications are being accepted for the Citizens Police Academy which will begin April 5.

FROM MANAGER WILLIAMS:

1. Received for information was acceptance of a United States Secret Service/Cyber Fraud Task Force and Digital Evidence Forensics Lab grant in the amount of \$3,000, along with the accompanying budget amendment.
2. Received for information was acceptance of an ACCG Civic Affairs Foundation Grant in the amount of \$2,107.60.
3. Stated this is the 20th year of live TV from City Hall. Kudos were given to the Public Information Office.

Commissioners expressed appreciation and well wishes to Chief of Police Cleveland Spruill upon his retirement.

Commissioners expressed support for Ukraine.

FROM COMMISSIONER DENSON:

1. Volunteers are sought for the upcoming Juneteenth celebration.

FROM COMMISSIONER HAMBY:

1. Expressed appreciation to Assistant Manager Josh Edwards, Landscape Administrator Jeanne Connell, Central Services Assistant Director Gavin Hassemer, and Traffic Engineer Tim Griffeth for recent assistance with community issues.

A motion was made by Commissioner Hamby, seconded by Commissioner Wright, to adjourn. The motion passed by unanimous vote

The meeting adjourned at 8:51 p.m.

Clerk of Commission