

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, March 7, 2023
6:00 p.m.
City Hall

The Unified Government of Athens-Clarke County, Georgia met this date in regular monthly session. Present: Mayor Girtz; Commissioners Davenport, Taylor, Wright, Fisher, Houle, Culpepper, Myers, Thornton, and Hamby. No one was absent.

A motion was made by Commissioner Thornton, seconded by Commissioner Houle, to approve Minutes of voting meetings of Tuesday, February 7; minutes from work sessions on Tuesday, February 14; Thursday, February 16; minutes from agenda setting session on Tuesday, February 21; minutes from other non-voting meetings on Wednesday, February 22; and Thursday, February 23 with minor amendments. The motion passed by unanimous vote.

Written communications

There were none.

Introduction

Manager Blaine Williams introduced Remy Epps, Ph.D., the newly appointed Inclusion Officer, to the Mayor and Commission.

Recognition

Mayor Girtz recognized the Leisure Services Department for awards received from the Georgia Recreation and Park Association (GRPA) at the state conference last November.

Leisure Services Trail Ambassadors received the GRPA Volunteer Award, which recognizes volunteers whose efforts have had lasting effect on recreation and leisure services programs. Launched in 2018, Trail Ambassadors bike, hike, or run on 50 miles of trails and assist patrons by providing current information, directions, and first aid when needed. They also pick up litter, report hazards, trail conditions, and vandalism. Trails and Open Space staff member Lawson Moore and Trail Ambassadors Aaron Horton and Drew Johnson were recognized.

The Leisure Services Department was further honored by GRPA with the Marketing and Visibility Award for a Multi-Event publication for the Leisure Services Annual Report for Fiscal Year 2021. Director Kent Kilpatrick and former Leisure Services Graphic Design Intern Nick Williams were recognized.

Old business - Consent

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 Myers, seconded by Commissioner Thornton, to consent to action on the following six items. The motion passed by unanimous vote.

1. ADOPT: The following ordinance (#23-03-09) which was presented by title only amending the special events ordinance as recommended by the Legislative Review Committee report dated February 4, 2022.

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 entitled "Sale of beer and/or wine" of the Code of Athens-Clarke County, Georgia, is hereby deleted in its entirety and the following new section is inserted in lieu thereof:

"Sec. 6-5-12. – Sale of beer and/or 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 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 are applied per event, made 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 of 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 their own expense, at least one police officer for security, 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 police 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.
 12. The event coordinator, or designee, shall be responsible for and take reasonable corrective steps related to adjusting signage, educating patrons, or other measures in a situation where that patrons are violating provisions of this section during a special event.
- (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 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.
6. Safety:
 - (a) In addition to the requirement described in 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.
 - (b) 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.
 - (c) 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 6-5-26, the Manager's Office retains the authority to deny incorporation of the use of alcohol into any special event and/or for any affiliated permit holder charged with an ordinance violation from this Section within a seven year rolling period, except that any charged violations that are dismissed or that result in an acquittal shall not be held against the special event or any affiliated permit holder following said dismissal or acquittal. Suspensions, as they relate to special events, will be assessed on the following schedule:
 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. 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 herewith are hereby repealed.

SECTION 3. This Ordinance shall become effective immediately upon its approval by the Mayor or its adoption into law without such approval.

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

2. a) APPROVE: The purchase of a Ramer Knuckle Boom Loader from Sansom Equipment Company at a cost of \$235,838 as per agenda report dated January 23, 2023;
 - b) Authorize use of up to an additional \$23,584 for price increase contingency;
 - c) Declare the current 2006 Ford F750 Knuckle Boom Loader (#3050524) as surplus;
 - d) Declare the 2001 Sterling M7500 Knuckle Boom Load (#3050526) as surplus;
 - e) Declare the 1995 John Deere 624G (#2832606) as surplus;
 - f) Declare the 2010 John Deere 5101E (#3344712) as surplus; and
 - g) Authorize the Mayor and appropriate staff to execute all related documents.
3. a) APPROVE: The purchase of an additional (second) truck and trailers set for the Community Rehabilitation Litter Crew Program as per agenda report dated January 24, 2023; and
 - b) Authorize the Mayor and appropriate staff to execute all related documents.
4. a) APPROVE: The FY23 Water Line Upgrade Preliminary Construction Plans as per agenda report dated January 31, 2023; and
 - b) Authorize staff to complete the Final Construction Plans, obtain easements, and solicit bids for construction.
5. a) APPROVE: The Preliminary Plans for the Broadband Connectivity Enhancement (SPLOST 2020, Project 22) as generally shown in Attachment #1 and described in Facts & Issues #9 of agenda report dated January 31, 2023;
 - b) Authorize staff to advance the Preliminary Plans for the Broadband Connectivity Enhancement (SPLOST 2020, Project 22) as generally shown Attachment #1 and described in Facts & Issues #9 into the Business Planning Phase of the Broadband Connectivity Enhancement Project;
 - c) Authorize staff to market the Broadband Connectivity Enhancement (SPLOST 2020, Project 22) as generally shown Attachment #1 and described in Facts & Issues #9 to third party Broadband Providers to provide partnership opportunities; and
 - d) Authorize the Mayor and appropriate staff to execute all related documents.
6. a) APPROVE: The Preliminary Plans for the Broadband Connectivity Enhancement (SPLOST 2020, Project 22) as generally shown in Attachment #1 and described in Facts & Issues #9 of agenda report dated January 31, 2023;
 - b) Authorize staff to advance the Preliminary Plans for the Broadband Connectivity Enhancement (SPLOST 2020, Project 22) as generally shown Attachment #1 and described in Facts & Issues #9 into the Business Planning Phase of the Broadband Connectivity Enhancement Project;
 - c) Authorize staff to market the Broadband Connectivity Enhancement (SPLOST 2020, Project 22) as generally shown Attachment #1 and described in Facts & Issues #9 to third party Broadband Providers to provide partnership opportunities; and
 - d) Authorize the Mayor and appropriate staff to execute all related documents.

A public hearing was held on the request of Chris Church, Freedom from Bondage, Inc., for special use in RM-1* (Mixed Density Residential with conditions) on .77 acres known as 189, 191, and 193 Highland Park Drive. Proposed use is halfway houses. Type I District 8

Planning Commission recommendation: Approval (6-1)

Public input on zoning related items

The following resident input was received in support of the request of Chris Church, Freedom from Bondage, Inc.:

1. Chris Church, representing petitioner
2. Allie Davis
3. Shane Sims
4. Chanda Santana
5. Soraya Lattimore
6. Kathryn Garrick
7. Jessica Neal
8. Holly Bray
9. Maggie Rocco
10. Valencia Landry
11. Edmond Patterson
12. Rachael Proctor
13. Rebecca Lightsey
14. Lisa Howard
15. Laura McCoy
16. Megan Smith-Williams
17. Travis Hill
18. Brooke Harris
19. Ken Burdette
20. Paige Cauley
21. Nicole Cavanagh
22. Ariella Robertson
23. Amy Swafford
24. Cathy Tate
25. Cindy Gailey

A motion was made by Commissioner Myers, seconded by Commissioner Davenport, to adopt the following ordinance (23-03-11) which was presented by title only in the commissioner-defined option. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA, WITH RESPECT TO SPECIAL USE APPROVAL IN THE RM-1* (MIXED DENSITY RESIDENTIAL ZONING WITH CONDITIONS) DISTRICT ON THE APPROXIMATE 0.77-ACRE PARCEL OF LAND LOCATED AT 189, 191 & 193 HIGHLAND PARK DRIVE; AND FOR OTHER PURPOSES.

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

SECTION 1. The map constituting the current RM-1* (Mixed Density Residential Zoning with Conditions) district in which one parcels of land totaling approximately 0.77-acre located at 189, 191 & 193 Highland Park Drive, Athens, Georgia, is hereby amended to provide for Special Use approval to permit three halfway houses to operate on three separate parcels to be established, as shown on Attachment A hereto. The subject parcel is more fully described as follows:

All the approximate 0.77-acre parcel of land as described by that certain site plan entitled "Survey For Freedom From Bondage Inc. 189 Highland Park Dr." dated August 21, 2021, last revised July 7, 2022, prepared by Straight Line Surveying Inc., stamped "Binding 8-9-22," and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

Said approximate 0.77-acre parcel of land at 189, 191 & 193 Highland Park Drive, Athens, Georgia is designated as tax parcel number 241A1 A012D on the Athens-Clarke County tax map, being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia. The date of this amendment shall be duly noted in the minutes of the Commission meeting.

SECTION 2. The binding site plan associated with this ordinance and incorporated herein by reference consists of one sheet in total, with each sheet being numbered and titled in the lower-right hand corner and stamped "Binding 8/9/22." The respective number, title, and date of each sheet is listed below.

Sheet No.:	Title:	Date:
Job No. 18024-siteplan-189	Survey for Freedom From Bondage Inc. 189 Highland Park Dr.	8/21/21, last revised 7/2/22

The binding site plan associated with this ordinance is on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia.

The binding written report associated with this ordinance and incorporated herein by reference consists of two pages, being entitled "To Whom It May Concern" dated April, 2022, stamped "Binding 8/9/22," prepared by Chris Church, Director of Freedom from Bondage, Inc., and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

SECTION 3. The following condition of zoning is associated with this ordinance:

- (1) Freedom from Bondage will re-establish understory plantings along the back property line.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Old/new business – Discussion

Public input

1. Michael Songster – supported mall redevelopment and community benefits agreement
2. David Bradley, President of Athens Chamber of Commerce - supported mall redevelopment and community benefits agreement
3. Mary P. Bagby – opposed community benefits agreement
4. Stephen Wright – supported community benefits agreement
5. Mara Zuniga – opposed community benefits agreement
6. Broderick Flanigan – supported community benefits agreement
7. Jamie Mays – supported community benefits agreement and mall redevelopment
8. Joey Carter – supported community benefits agreement
9. Lisa Walker – opposed HOME-ARP funding going to new services instead of to the homeless
10. Daniel Duncan – supported mall redevelopment
11. Linda Stephens – supported community benefits agreement

A motion was made by Commissioner Houle, seconded by Commissioner Thornton to:

- a) Authorize funding up to \$100,000 for prorated cost of implementation pay adjustments for fourth quarter FY23 implementing Mercer recommendations to change rank structure and market align Sheriff's Office Deputy and Corporal entry level pay, as per agenda report dated March 2, 2023;
- b) Adopt the following ordinance (23-03-10) which was presented by title only; and
- c) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE FY2023 OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE ADDITIONAL FUNDING IN THE SHERIFF'S OFFICE FOR PRORATED COST OF PAY ADJUSTMENTS FOR FOURTH QUARTER FY23 IMPLEMENTING MERCER SURVEY STUDY RECOMMENDATIONS TO CHANGE RANK STRUCTURE AND MARKET ALIGN DEPUTY AND CORPORAL ENTRY LEVEL PAY; 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 General Fund Operating Budget for the prorated cost of pay adjustments for fourth quarter FY23 implementing Mercer survey study recommendations to change rank structure and market align Deputy and Corporal entry level pay in the Sheriff's Office.

Said Operating & Capital budget is hereby amended as follows:

General Fund:

EXPENDITURES

Decrease:

- Other General Administration
- Operating Contingency up to \$100,000

Increase:

- Sheriff's Office

Personal Services Expense up to \$100,000

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

- a) Approve the proposed Community Benefits Agreement for the project located at 3700 Atlanta Hwy., within the Mall Area Tax Allocation District (TAD), as denoted in Attachment #12 of the agenda report dated March 1, 2023;
- b) Approve the amended Intergovernmental Agreement related to the Mall TAD between the Unified Government of Athens-Clarke County and the Clarke County School District, as denoted in Attachment #10 of the agenda report dated March 1, 2023; and
- c) Authorize the Mayor and other appropriate staff to execute related documentation.

The motion passed by unanimous vote.

A motion was made by Commissioner Houle, seconded by Commissioner Thornton, to adopt the following ordinance (23-03-12) 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 THE OFFICIAL FUTURE LAND USE MAP OF ATHENS-CLARKE COUNTY BY CHANGING THE DESIGNATION OF 74.8 ACRES OF LAND LOCATED AT 3700, 3706, 3708, 3710 ATLANTA HIGHWAY FROM "EMPLOYMENT CENTER & GENERAL BUSINESS" TO "GENERAL BUSINESS"; AND FOR OTHER PURPOSES.

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

SECTION 1. The Official Land Use Map referred to in the Zoning Ordinance of Athens-Clarke County, Georgia, as specifically identified in Section 9-3-3(A)(2) thereof, is hereby amended by changing the future land use designation on 74.8 acres of land located at 3700, 3706, 3708, 3710, County tax parcel numbers 073 016, 073 016F, 073 016J, 073 016K, 073 016S, and 073 016T, from "Employment Center & General Business" to "General Business," as more fully shown on Exhibit A, attached hereto and incorporated herein by reference.

The date of this amendment to the Official Land Use Map of Athens-Clarke County as shown by Exhibit A shall be duly noted in the minutes of the Commission meeting. The Official Land Use Map and Exhibit A hereto are available for inspection in said Clerk's Office, 301 College Avenue, Athens, Georgia.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner Hamby, seconded by Commissioner Houle, to adopt the following ordinance (23-03-11) which was presented by title only in the commissioner defined option. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO REZONING SIX PARCELS OF LAND COMPRISING 74.8 ACRES LOCATED AT 3700, 3706, 3708, 3710 ATLANTA HIGHWAY FROM C-G, (COMMERCIAL-GENERAL) TO C-G (PD) (COMMERCIAL GENERAL, PLANNED DEVELOPMENT); 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 changing the zoning of six parcels of land comprising 74.8 acres located at 3700, 3706, 3708 and 3710 Atlanta Highway from C-G (Commercial-General) to C-G (PD) (Commercial-General, Planned Development) as shown on Attachment A hereto. Said affected parcels of land being more fully described in the master plan entitled "Georgia Square Mall Redevelopment", said site plan having an initial issue date of October 28, 2022, and being last revised November 3, 2022, prepared by W&A Engineering, and being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia.

The parcels comprising the subject 74.8 acre tract of land are also known as parcel numbers 073 016, 073 016F, 073 016J, 073 016K, 073 016S, and 073 016T 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 W. Dougherty Street, Athens, Georgia. The date of this amendment to the Official Zoning Map of Athens-Clarke County as shown by Attachment A shall be noted on said Official Zoning Map in the Clerk of Commission's Office at 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

SECTION 2. The binding master site plan associated with this ordinance and incorporated herein by reference consists of four sheets in total, with each sheet being titled and numbered in the lower right hand corner and stamped "Binding 1-11-23". The respective title, sheet number and date of each sheet is listed below:

Sheet Title	Sheet Number	Date
Master Plan (overall)	PD-102	11/3/2022
Master Plan (north)	PD-103	11/3/2022
Master Plan (south)	PD-104	11/3/2022
Tree Management Plan	L201	10/28/2022

The binding written report associated with this ordinance consists of nine type written pages in total entitled "Master Planned Development Application Report" dated December 12, 2022, as well as 31 pages of the document described as "Georgia Square Mall Redevelopment Concept Plan" with cover page dated 10/19/2022 and stamped "Binding 1-11-2023". Said report is on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia.

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

- (1) The applicant must amend the plan to correct the following code compliance issues:
 - a. The applicant does not show that the apartments are complying with the 450' minimum square footage requirement of Section 9-15-15.
 - b. The townhomes do not use enough design features to comply with Section 9-25-8(B)1.
 - c. The townhomes do not have enough side fenestration to comply with Section 9-25-8(B)4.
 - d. No children's play area was designed as required in Section 9-25-8(C)7.c.
 - e. The plan does not comply with the plaza coverage and design requirements of Section 9-25-8(F)2.
 - f. The site plan does not match the elevations shown for the mixed-use buildings nor the senior housing. The façade offsets shown on the elevations are not shown in the site plan, and the building shapes on the site plan are not reflected in the elevations. The elevations on some of the buildings do not match from one cardinal direction view to the next.
 - g. Applicant showed retaining walls but did not specify which ones would be greater than four feet high.
- (2) The applicant shall request a waiver for exceeding the 3-acre block maximum of Section 9-25-8(C)3.
- (3) The architecture can be amended administratively with Staff review and approval.
- (4) Public dedication of the north/south street running along the western edge of the property between Marilyn Farmer Way and Atlanta Hwy and at least one of the east/west streets connecting Huntington Rd with this north/south street can be considered without amending the planned development.
- (5) The applicant must provide a publicly accessible bike and pedestrian connection between the center green and the parallel street running between Building 4 and the townhomes.
- (6) Building 3 shall be modified to provide direct pedestrian connection from the building to the street by removing the parking strip.
- (7) Phase 2, as shown, on the Redevelopment Concept Plan, dated 10-19-22, shall be approved with the density proposed in this application, but should be afforded an opportunity to be redesigned to reduce building scale and incorporate a wider variety of "Missing Middle" housing types with Staff approval.
- (8) Greens (including the dual purpose stormwater greens) shall be designed to incorporate public art and other programmed design elements to encourage pedestrian use of these spaces.
- (9) The submittal shall be amended to comply with the following Public Works requirements:
 - a. The proposed location of the Huntington Rd roundabout creates a potential hazard due to the location of the existing ATM driveway in the northbound Huntington Rd exit lane, very close to the circle itself. Either the roundabout or the driveway needs to be shifted to achieve more separation or perhaps bring the driveway directly in to the roundabout.

- b. The binding plan needs to note that the Marilyn Farmer Way roundabout and the Huntington Road roundabout pavements will meet ACC paving standards for a major collector.
 - c. Include a TIA including the intersection of Atlanta Highway at Cleveland Road. The TIA must include remedies for any drop in LOS of the affected intersections.
- (10) The affordable housing component of the Planned Development shall be amended to reflect that ten (10) percent of the multi-family units shall be Affordable Housing Units reserved for Income Eligible Residents earning in the aggregate no more than sixty percent (60%) of AMI. The published income limits will be adjusted by household size. The income limits will be adjusted annually according to the HUD published limits. To that end, no fewer than the number of multifamily units in the Project set forth in the table below shall be Affordable Housing Units, pursuant to the terms and conditions of a Land Use Restriction Agreement (i.e., the “LURA”) in substantially the form attached hereto as “Attachment 1” and incorporated herein by reference. Capitalized terms used but not defined in this Schedule but which are defined in the LURA shall have the same meaning herein as therein. Each Phase of the Project shall have no few than the number of Affordable Housing Units allocated to it in in the table below. The table is as follows:

PHASES	AFFORDABLE HOUSING UNITS ALLOCATED TO PHASE
PHASE 1	446
PHASE 2	300
PHASE 3	240
PRO FORMA TOTAL MULTIFAMILY UNITS IN THE PROJECT	986
TOTAL AFFORDABLE UNITS	99 (10%)

Each such Affordable Unit in a Phase will be made available for a period of time not less than twenty (20) years following the date on which the last multifamily building of a Phase receives a permanent certificate of occupancy (each, an “Affordable Housing Compliance Period”), to Income Eligible Residents as defined in the LURA. Such requirements shall be referred to with respect to each Phase as the “Affordable Housing Requirements.” The LURA shall be recorded in the Athens-Clarke County land records in customary fashion upon the submission of the initial Requisition and shall be recorded only against the applicable parcel on which such units are constructed.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner Houle, seconded by Commissioner Fisher, to:

- a) Accept the proposed HOME-ARP Allocation Plan, as per Attachment #3 in the agenda report dated January 31, 2023, and authorize its submission to the U.S. Department of Housing and Urban Development for approval; and
- b) Authorize the Mayor and all appropriate ACCGov staff to execute related documents.

The motion passed 8 – 1 with Commissioner Thornton opposed.

A motion was made by Commissioner Hamby, seconded by Commissioner Houle, to:

- a) Approve the Athens Cultural Affairs Commission (ACAC) recommended Public Art Locations #1 and #2, as generally shown in Attachment #1, in the agenda report dated February 28, 2023, as part of the SPLOST 2020 – Project 19, Bishop Park Improvements;
- b) Approve the Proposed Project Concept, for SPLOST 2011 – Project 21, Public Art Program, to supplement the Bishop Park Public Art Budget to provide for two pieces of gateway art, funded by additional budget of \$15,000 from SPLOST 2011 – Project 21, Public Art Program as part of the SPLOST 2020 Project 19;
- c) Approve the ACAC recommended Art Type for both the Art Locations #1 & #2 as three-dimensional gateway art; and
- d) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

A motion was made by Commissioner Houle, seconded by Commissioner Myers, to:

- a) Approve the recommendations of the Athens Cultural Affairs Commission (ACAC) for the selection of the artist Steven Gutierrez to provide the public art type and style as shown on Attachment #1 for Public Art Location #1 as part of the TSPLOST 2018 Project 06 – Firefly Trail Project;
- b) Approve the recommendations of the ACAC for the selection of the artists Jim Benedict & Lily Kuonen to provide the public art type and style as shown on Attachment #2 for Public Art Location #2 as part of the TSPLOST 2018 Project 06 – Firefly Trail Project; and
- c) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

A motion was made by Commissioner Thornton, seconded by Commissioner Fisher, to HOLD consideration of 1125 Newton Bridge Rd – Approval of Public Pump Station & Force Main pending the review of the associated zoning item. The motion passed by unanimous vote.

A motion was made by Commissioner Wright, seconded by Commissioner Hamby, to:

- a) Approve contract services through KCI Technologies to provide a comprehensive pavement inventory and condition assessment with multiyear maintenance report and software training compatible with the ACCGov Geographical Information System (GIS) and Cityworks System for a cost not to exceed \$332,900; and
- b) Authorize the Mayor and appropriate staff to execute the necessary documentation.

The motion passed by unanimous vote.

A motion was made by Commissioner Houle, seconded by Commissioner Fisher, to adopt the following resolution. The motion passed by unanimous vote.

A RESOLUTION PLEDGING TO PRACTICE AND PROMOTE CIVILITY IN ATHENS-CLARKE COUNTY

WHEREAS, the Athens-Clarke County Commission is a governing body that recognizes that robust debate and the right to self-expression, as protected by the First Amendment to the United States Constitution, are fundamental rights and essential components of democratic self-governance; and

WHEREAS, the Athens-Clarke County Commission further recognizes that the public exchange of diverse ideas and viewpoints is necessary to the health of the community and the quality of governance in the Municipality; and

WHEREAS, the members of Athens-Clarke County Commission, as elected representatives of the community and stewards of the public trust, recognize their special role in modeling open, free and vigorous debate while maintaining the highest standards of civility, honesty and mutual respect; and

WHEREAS, Athens-Clarke County Commission meetings are open to the public and thus how elected officials execute their legal duties is on public display; and

WHEREAS, civility by elected officials in the execution of their legislative duties and responsibilities fosters respect, kindness and thoughtfulness between elected officials, avoiding personal ill will which results in actions being directed to issues made in the best interests of residents; and

WHEREAS, civility between elected officials presents an opportunity to set a positive example of conduct and promotes thoughtful debate and discussion of legislative issues, resulting in better public policy and a more informed electorate while also encouraging civil behavior between residents; and

WHEREAS, civility between elected officials is possible if each member of the elected body remembers that they represent not only themselves, but the constituents of their district and county; and

WHEREAS, models of civil engagement were highlighted in a January 27, 2023 Mayor and Commission retreat with a set of behaviors to follow and a set of behaviors to avoid [see attached exhibit #1]

WHEREAS, a civility pledge will be read at the start of Mayor and Commission meetings [see attached exhibit #2]; and

WHEREAS, in order to publicly declare its commitment to civil discourse and to express its concern for the common good and well-being of all of its residents, the Athens-Clarke County Commission has determined to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION ONE

The Athens-Clarke County Commission pledges to practice and promote civility within the governing body as a means of conducting legislative duties and responsibilities.

SECTION TWO

The elected officials of the Athens-Clarke County enact this civility pledge to build a stronger and more prosperous community by advocating for civil engagement, respecting others and their viewpoints, and finding solutions for the betterment of Athens-Clarke County.

SECTION THREE

This pledge strives to ensure that all communication be open, honest, and transparent as this is vital for cultivating trust and relationships.

SECTION FOUR

This pledge strives to show courtesy by treating all colleagues, staff and members of the public in a professional and respectful manner whether in-person, online or in written communication, especially when we disagree.

SECTION FIVE

This pledge strives to ensure mutual respect to achieve municipal goals, recognizing that patience, tolerance and civility are imperative to success and demonstrates the Commission's commitment to respect different opinions, by inviting and considering different perspectives, allowing space for ideas to be expressed, debated, opposed, and clarified in a constructive manner.

SECTION SIX

This pledge demonstrates our commitment against violence and incivility in all their forms whenever and wherever they occur in all our meetings and interactions.

SECTION SEVEN

The Athens-Clarke County Commission expects members of the public to be civil in its discussion of matters under consideration by and before the Commission, with elected officials, staff, and each other.

A motion was made by Commissioner Thornton, seconded by Commissioner Hamby, to approve the revision to the Naming and Renaming of Public Facilities, Parks, Natural Areas, and Amenities Policy, as per Attachment #1 of the agenda report dated February 16, 2023. The motion passed by unanimous vote.

A motion was made by Commissioner Myers, seconded by Commissioner Hamby, to:

- a) Authorize the Transportation and Public Works Department (T&PW) to submit a Reconnecting Communities Action Plan Grant Application in the amount of \$1,000,000 to fund a Transportation Plan as shown on Notice of Funding Opportunity, as per Attachment #1 of the agenda report dated February 23, 2023; and
- b) Authorize the Mayor and appropriate staff to execute the necessary documentation.

The motion passed by unanimous vote.

New business – Consider under suspension of Rules

A motion was made by Commissioner Davenport, seconded by Commissioner Hamby, to suspend Rules of Commission for consideration of items of new business. The motion passed by unanimous vote.

A motion was made by Commissioner Hamby, seconded by Commissioner Davenport, to:

- a) Approve Preliminary Plans for Athena Drive Emergency Culvert Rehabilitation Project, as per Attachment #1 of agenda report dated March 1, 2023;
- b) Ratify a Change Order to the existing total Unit Price Construction Services Contract in the amount of \$98,072 to Vortex Services, LLC, a pipe lining system contractor and member of Houston-Galveston Area Council (HGAC), a Cooperative Purchasing Program, to perform rehabilitation on Athena Drive Culvert over East Fort Trail Creek; and
- c) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

A motion was made by Commissioner Hamby, seconded by Commissioner Fisher to:

- a) Approve Preliminary Engineering Plans for the Charlie Bolton Road Emergency Culvert Replacement Project, as shown in Attachment #1 of the agenda report dated March 1, 2023;
- b) Ratify the award of a Total Unit Price Construction Services Contract under emergency authorization for Charlie Bolton Road Emergency Culvert Replacement to Georgia Development Partners, LLC for an itemized cost not to exceed \$774,212.66 (including an extra Work Contingency Allowance in the amount of \$70,000);
- c) Approve a Request for Consideration for GDOT Assistance, and if awarded, accept funding for the Charlie Bolton Road Emergency Culvert Replacement in an amount not to exceed \$774,212.66;
- d) Approve a Request for Consideration for GDOT Assistance, and if awarded, accept funding for the Voyles Road Emergency Culvert Replacement in an amount not to exceed \$208,640.86; and
- e) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

A motion was made by Commissioner Hamby, seconded by Commissioner Houle, to adopt the following resolution. The motion passed by unanimous vote.

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA:

WHEREAS, a vacancy in the office of the Judge of the Municipal Court of Athens-Clarke County occurred on March 1, 2023; and

WHEREAS, a vacancy in the office of Administrative Hearing Officer occurred on March 1, 2023; and

WHEREAS, pursuant to § 1-4-17 (f) of the Code of Athens-Clarke County, Georgia, “[i]n the event of any vacancy in the office of a municipal court judge for any cause... one or more judges to fill the vacancy shall be nominated by the Mayor and confirmed or rejected by the Commission” to serve “for a term as set by resolution of the Mayor and Commission” and such appointment “may be either full-time or part-time”; and

WHEREAS, pursuant to § 1-4-17 (f) of the Code of Athens-Clarke County, Georgia, Mayor Kelly Girtz has nominated State Court Judge Ryan S. Hope to serve as part-time Judge of the Municipal Court of Athens-Clarke County from March 8, 2023, through April 16, 2023; and

WHEREAS, pursuant to § 1-5-1 (6) of the Code of Athens-Clarke County, Georgia, “[i]n the event of any vacancy in the office of administrative hearing officer for any cause... one or more persons to fill the vacancy shall be nominated by the mayor and confirmed or rejected by the commission” to serve “for a term as set by resolution of the mayor and commission;” and

WHEREAS, pursuant to § 1-5-1 (6) of the Code of Athens-Clarke County, Georgia, Mayor Kelly Girtz has nominated State Court Judge Ryan S. Hope to serve as part-time Administrative Hearing Officer from March 8, 2023, through April 16, 2023; and

WHEREAS, the Mayor and Commission of Athens-Clarke County, Georgia, desire to appoint said nominee pursuant to the office of Judge of the Municipal Court of Athens-Clarke County, Georgia, for such term; and

WHEREAS, the Mayor and Commission of Athens-Clarke County, Georgia, desire to appoint said nominee pursuant to the office of Administrative Hearing Officer of Athens-Clarke County, Georgia, for such term.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Commission of Athens-Clarke County, Georgia:

Section 1. Ryan S. Hope, a member in good standing of the State Bar of Georgia, is hereby confirmed and appointed as part-time Judge of the Municipal Court of Athens-Clarke County, Georgia, to serve for a term beginning on March 8, 2023, and concluding on April 16, 2023, at midnight.

Section 2. The Judge so appointed shall have the authority under § 1-4-18 of the Code of Athens-Clarke County, Georgia, to appoint standby associate judges as they deem necessary.

Section 3. Ryan S. Hope, a member in good standing of the State Bar of Georgia, is hereby confirmed and appointed as part-time Administrative Hearing Officer, to serve for a term beginning on March 8, 2023, and concluding on April 16, 2023, at midnight.

Section 4. The Administrative Hearing Officer so appointed shall have the authority under § 1-5-1 (5) of the Code of Athens-Clarke County, Georgia, to appoint hearing officers pro hac vice as they deem necessary.

Section 5. Ryan S. Hope has agreed that he shall be compensated for his services as Judge and Administrative Hearing Officer solely through his salary as a State Court Judge.

Public input on items other than those listed on this agenda

1. Karen Dunn – expressed support for Barber Street project and concern that it was held or tabled
2. Christine Buice- supported emergency shelter for unsheltered population
3. R.A. Hill – expressed concern with behavior of observed ACCPD officers when speaking with black residents and that ACCPD leadership had not returned his call
4. Liz Solomon, Bike Athens – expressed support for Barber Street project cycle track
5. Hamlin Jackson – expressed support for Barber Street bike corridor

FROM MAYOR GIRTZ:

1. Announced names for the TSPLOST 2023 Oversight Committee, including:
 - Bob Bonsall
 - Jermal Chambers
 - Jen Calabria
 - Andrea Jolliffe
 - Frank Platt
 - Allen Jones
 - Daun Fest
 - Darryl McManus
 - Jeremy Field

FROM ATTORNEY DRAKE:

1. Promoted Austin Jackson to Senior Assistant Attorney and is working on interviewing candidates for Attorney I and Attorney II positions.

FROM COMMISSIONER FISHER:

1. Stated that he is in the process of trying to coordinate some dates and location for a follow-up to the town hall pertaining to gang activity.

FROM COMMISSIONER TAYLOR:

1. Expressed gratitude to Freedom for Bondage for their public comments.
2. Shared that she did not intend to upset Commissioner Houle earlier in the meeting and that she would remember to be patient in the future.

FROM COMMISSIONER DAVENPORT:

1. Recognized Women's History month.

FROM COMMISSIONER THORNTON:

1. Stated the tentative date for the Fair Housing conference is April 14 and will update as it is confirmed.

FROM COMMISSIONER MYERS:

1. Shared that she will be dancing in Dancing with the Stars with a brand new partner and asked people to come see her on March 18.

FROM COMMISSIONER CULPEPPER:

1. Echoed email sent out by Commissioner Thornton earlier and the remarks from Commissioner Fisher and explained the gang violence is something that needs to be addressed immediately.

FROM COMMISSIONER HOULE:

1. Appreciated the comments on Barber Street and expressed hope that, once the District 2 commission seat is filled, they will be able to bring that forward for consideration.
2. Appreciated the concerns raised about the need for emergency shelter and noted the hazard mitigation plan is in progress.
3. Shared that they have heard similar concerns in the past about ACCPD and reiterated the request with tasking the Public Safety Civilian Oversight Board with regularly reviewing a random sampling of body cam footage.
4. Thanked Sade Watkins, Neighborhood Leader, for helping with the Stonehenge cleanup on February 26. The next district cleanup will be March 26 in collaboration with Christine Buice at the corner of Tallassee and Lavender Roads.
5. Expressed gratitude for everyone who was able to attend the District 6 Town Hall, especially Transportation & Public Works staff who worked overtime to prepare presentations and engage with residents.
6. Highlighted important correspondence from Judge Norris and noted that they hoped to be able to take swift action on it.

A motion was made by Commissioner Houle, seconded by Commissioner Thornton, to adjourn. The motion passed by unanimous vote.

The meeting adjourned at 9:14 p.m.

Clerk of Commission