

Unified Government of Athens-Clarke County, Georgia  
Mayor and Commission  
Tuesday, May 3, 2022  
6:00 p.m.  
City Hall

The Unified Government of Athens-Clarke County, Georgia met this date in a special called session. Present: Mayor Girtz; Commissioners Davenport, Link, Wright, Denson, Houle, Edwards, Myers, Thornton, and Hamby. Absent: Commissioner Parker.

A motion was made by Commissioner Myers, seconded by Commissioner Thornton, to approve Minutes of Tuesday, April 5 and Tuesday April 12; 2022, and April non-voting meetings. The motion passed by unanimous vote.

#### Written communications

There were none.

#### Recognition

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

A volunteer group and three employees were honored. Trail Team Six is a group of hardworking crew of volunteers. Jess Bryson, Leo Bullwinkle, Jack Bush, Jonathan Fouasse, Jeff Sibert, and Bob Thomson were recognized.

“Trail Team Six” received three GRPA awards for their commitment to the Department’s trails. This dedicated group received two awards on the state level including Volunteer Award and the Maintenance Network Volunteer of the Year, as well as the GRPA District 7 Volunteer Award, which covers Northeast Georgia.

Additionally, Leisure Services Department staff work was recognized with three awards.

Department Director Kent Kilpatrick was honored with the GRPA District 7 Roy Hammond Leadership Award which recognizes professionals for cumulative, exemplary service to the state, profession, and district. This is the highest honor the District can bestow on a member.

Aquatics and Adult Athletics Program Specialist Emily Mann received the state “Athletics/Aquatics Network Distinguished Professional” award; and Maintenance Supervisor Jim Ferguson received GRPA District 7 “Facilities and Ground Professional” award.

The Leisure Services Department was further honored by GRPA with another statewide award. *For the ninth time in 19 years*, the Leisure Services Department earned the prestigious Georgia Recreation and Park Association’s state “Agency of the Year” Award for populations of 80,000 -150,000. The award recognizes the agency that has made a significant contribution to recreation, park, or leisure services on a local level, and is based on outstanding programs and accomplishments over the past year. This recognition is particularly significant because it is voted on by Recreation professionals.

#### 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.

#### Citizen input

There was none.

A motion was made by Commissioner Edwards, seconded by Commissioner Link, to consent to action on the following 11 items. The motion passed by unanimous vote.

1. ADOPT: The following ordinance (22-05-37) which was presented by title only as per agenda report dated April 11, 2022.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO PARKING RESTRICTIONS ON DUDLEY DRIVE; AND FOR OTHER PURPOSES.

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

SECTION 1. Pursuant to Section 3-3-50(a)(1)e of the Code of Athens-Clarke County, Georgia, parking is hereby prohibited on the east side of Dudley Drive from its intersection with Fortson Drive and extending along the northern side of said street a distance of 600 feet to its intersection with 160 Dudley Drive, as further shown on Attachment 1 incorporated herein by reference:

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

2. a) APPROVE the submission of a FY22 Congressionally Directed Spending (CDS) application by the Athens-Clarke County Police Department (ACCPD) to hire an investigator to specialize in crimes committed against the elderly, LGBTQ+ community, and other persons as may require enhanced investigative expertise for a total project cost of \$75,000 as per agenda report dated March 29, 2022;
- b) ACCEPT the allocated funds, if awarded;
- c) ADOPT the following ordinance (#22-05-38) which was presented by title only;
- d) AUTHORIZE the Mayor and appropriate staff to execute all documents associated with the allocated funds

AN ORDINANCE TO AMEND THE FY2022 OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM CONGRESSIONALLY DIRECTED SPENDING FOR EXPENSES RELATED TO ONE INVESTIGATOR POSITION DIRECTLY SUPPORTING EFFORTS TO SPECIALIZE IN CRIMES COMMITTED AGAINST THE ELDERLY, LGBTQ+ COMMUNITY, AND OTHER PERSONS AS MAY REQUIRE ENHANCED INVESTIGATIVE EXPERTISE; 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 Grants Special Revenue Fund to provide grant funding, if awarded, from Congressionally Directed Spending(CDS) for expenses related to one Investigator position directly supporting efforts to investigate crimes of violence against the elderly, LGBTQ+ community, and other persons as may require enhanced investigative expertise. Said Operating budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:

Federal Grants up to \$75,000

EXPENDITURES:

Increase:

Police Department:

Personal Services up to \$75,000

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

3. a) APPROVE the submission of a FY22 Congressionally Directed Spending (CDS) application by the Athens-Clarke County Police Department (ACCPD) to acquire up to 36 completely electric vehicles (e.g., Ford Lightning, or similar), at a unit cost of \$60,000. In addition, to acquire 20 dual-charging Level II stations at \$8,000 per unit, for a total project acquisition cost of \$2,320,000 as per agenda report dated March 29, 2022;
- b) ACCEPT the allocated funds, if awarded;
- c) ADOPT the following ordinance (#22-05-39) which was presented by title only;
- d) AUTHORIZE the Mayor and appropriate staff to execute all documents associated with the allocated funds.

AN ORDINANCE TO AMEND THE FY2022 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM CONGRESSIONALLY DIRECTED SPENDING FOR THE PURCHASE OF ALL-ELECTRIC VEHICLES AND CHARGING STATIONS AND RELATED EQUIPMENT; 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 Grants Special Revenue Fund to provide grant funding and authorization, if awarded, from Congressionally Directed Spending (CDS) for the purchase of all-electric vehicles, charging stations, and related equipment. Said Operating and Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:  
Federal Grants \$2,320,000

Expenditures:

Increase:  
Police Department:  
Capital Expenses \$2,320,000

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

4. a) AUTHORIZE an appropriation in the amount of \$1,000,110 for the Georgia Department of Transportation (GDOT) Lexington Road Improvements Project as per agenda report revised April 27, 2022;
- b) AUTHORIZE an expenditure in the amount of \$833,425 from the Water & Sewer Enterprise Fund to relocate/replace existing water and sewer mains;
- c) ADOPT the following ordinance (#22-05-40) reallocating a total of \$1,000,000 from Public Utilities Capital Funds - Wastewater Collection System Improvements - to the GDOT projects capital line and the following resolution;
- d) APPROVE the Standard Utility/Contract Item Agreement (Attachment #1), relative to the relocation of the water and sewer mains; and
- e) AUTHORIZE the Mayor and appropriate staff to execute all related documents.

AN ORDINANCE TO AMEND THE FY2022 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FOR THE PUBLIC UTILITIES DEPARTMENT FOR GDOT PROJECTS (GDOTPI#122600- SR10 LOOP/ATHENS PERIMETER AT SR10/US 78/LEXINGTON RD); 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 FY2022 Water and Sewer Fund Budget for the purpose of transferring from Waste Water Collection to GDOT Designated Projects at the SR10 Loop (GDOT PI#122600 – SR 10 Loop/Athens Perimeter at SR10/US 78/Lexington Rd). Said Operating and Capital budget is hereby amended as follows:

Water & Sewer Enterprise Fund:

Expenditures:

Increase:  
Public Utilities – Capital  
GDOT Projects \$1,000,000

Expenditures:

Decrease:  
Public Utilities - Capital  
Waste Water Collection Improvements (\$1,000,000)

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

## RESOLUTION

BE IT RESOLVED by the Mayor and Board of Commissioners of the Unified Government of Athens-Clarke County and It is hereby resolved that the forgoing attached agreement relative to project STP00-0014-01(070), P.I. No, 122600 - widen State Route 10/US 78/Lexington Highway from four-lane divided roadway to a six-lane divided roadway in Clarke County and that Mr. Kelly Girtz as Mayor and Jean Spratlin, as Clerk, be and they are, thereby authorized and directed to execute the same for and in behalf of said Mayor and Board of Commissioners of the Unified Government of Athens-Clarke County.

5. APPROVE: Exercise the option to extend the lease with the Board of Regents for the University System of Georgia for land at 2350 Barnett Shoals Road for Fire Station #7 for an additional 25 years as per agenda report dated March 31, 2022; and authorize the Mayor and appropriate staff to execute all necessary documents.
  
6. a) APPROVE Athens Cultural Affairs Commission (ACAC) recommended locations and types for public art on the Classic Center Arena as shown on Attachment #1 of agenda report dated March 31, 2022;  
b) APPROVE the ACAC's recommended budget for public art as part of the SPLOST 2020, Project 03 – Classic Center Arena in the amount of \$320,846; and  
c) AUTHORIZE the Mayor and appropriate staff to execute all related documents.
  
7. a) APPROVE Project concept for Sub-Project #2 (FY23 Annual Work Program of Facility Equipment/Systems Replacement projects, including primary and alternative initiatives for SPLOST 2020; Project #27 as per agenda report dated March 23, 2022;  
b) AUTHORIZE staff to advance the project concept for Sub-Project #2 directly to the bid and award phase; and,  
c) AUTHORIZE the Mayor and appropriate staff to execute all related documents.
  
8. APPROVE appointment of Rushton, LLC as independent financial auditoras required by Section 7-411(a) of the Unified Government of Athens-Clarke County Charter for FY22 – FY24 with contract extension options for FY25 and FY26 for \$405,375 (Unified Government) and \$40,000 (Classic Center) as per agenda report dated March 31, 2022; and authorize the Mayor and appropriate staff to execute all documents associated with the contract.
  
9. a) AUTHORIZE an appropriation in the amount of \$654,665 for the water utility software conversion – professional services as per agenda report dated March 30, 2022;  
b) APPROVE award a professional services contract to the apparent low bidder, Berry Dunn McNeil & Parker, LLC, in the amount of \$595,150;  
c) AUTHORIZE staff to approve project change orders that do not collectively exceed the overall appropriation of \$654,665; and  
d) AUTHORIZE the Mayor and appropriate staff to execute all related contract documents.
  
10. APPROVE a) AXON Master Services and Purchasing Agreement for up to five years for on-officer cameras, CEDs and associated services for the Clarke County Sheriff's Office as per agenda report revised April 29, 2022;

b) APPROVE purchase of on-officer cameras, conducted electrical devices (CEDs), and associated services within the AXON Master Services and Purchasing Agreement; and

c) AUTHORIZE Mayor and appropriate staff to execute all documents associated with the AXON Master Services and Purchasing Agreement.

11. HOLD: Project schematics and binding agreement for the expansion of the Athens Neighborhood Health Center as requested by the center.

A public hearing was held on FY23 Community Development Block Grant (CDBG) Annual Action Plan.

Citizen input

The following citizen input was received.

1. Fred Smith – supported recommendations.

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

- a) Approve the proposed FY23 Annual Action Plan for submission to HUD as shown in Attachment #1 of agenda report dated March 31, 2022;
- b) Authorize acceptance of the associated HUD Grant awards;
- c) Authorize FY22 carry-forward sub-recipient balances and allocation of any additional awarded funds; and
- d) Authorize the Mayor and appropriate ACCGOV staff to execute all related contracts and documents.

The motion passed by unanimous vote.

**Athens-Clarke County  
Housing & Community Development Department  
July 1, 2022-June 30, 2023 Annual Action Plan  
HUD Community Development Block Grant and HOME Programs**

**CDBG and HOME Funding:**

Community Development Block Grant (CDBG): \$1,378,300  
Reprogrammed CDBG Funds: \$50,000  
HOME Investment Partnership Program: \$637,399

**FY23 July 1, 2022 – June 30, 2023 CDBG funded Housing and Community Development Activities:**

**Affordable Housing Objectives**

1. Athens Area Habitat for Humanity .....	\$155,000
2. Athens Housing Authority.....	\$150,000
3. Athens Land Trust .....	\$190,000
4. Historic Athens (formerly Athens-Clarke Heritage Foundation).....	\$115,395
5. Voluntary Demolition Activities.....	\$50,000
<b>Total Affordable Housing.....</b>	<b>\$660,395</b>

**Microenterprise, Economic Development, and Neighborhood Revitalization Objectives**

6. Athens Land Trust.....	\$60,000
7. East Athens Development Corporation.....	\$30,000
8. East Athens Development Corporation.....	\$100,000
9. East Athens Development Corporation.....	\$33,000
10. Goodwill of North Georgia.....	\$62,500
<b>Total Economic Development and Neighborhood Revitalization.....</b>	<b>\$285,500</b>

**Public Services Objectives—Subject to the 15% Cap**

11. Acceptance Recovery Center.....	\$18,000
12. Advantage Behavioral Health Systems.....	\$17,000
13. Athens Community Council on Aging.....	\$18,000
14. Athens Land Trust.....	\$20,000
15. Athens Nurses Clinic.....	\$18,000

16. Chess and Community Conference.....	\$20,000
17. Divas Who Win.....	\$20,000
18. Family Promise of Athens.....	\$20,000
19. Georgia Conflict Center.....	\$20,000
20. Sparrow's Nest.....	\$15,745
21. The Ark UMOG.....	\$20,000
<b>Total Public Services.....</b>	<b>\$206,745</b>

**Administration and Planning**

22. HCD Planning and Administration..... (20% Cap)	\$275,660
<b>Total CDBG Administration.....</b>	<b>\$275,660</b>

**HOME Funds Available for FY23 (July 1, 2022 – June 30, 2023)**

1. Housing and Community Development Affordable housing construction.....	\$574,025
2. Administration HCD administration of HOME program (10% cap) .....	\$63,734
<b>Total FY23 HOME funds.....</b>	<b>\$637,699</b>

Old and new business – Discussion

Citizen input

The following citizen input was received.

1. David Webber - supported climate change resolution.
2. Fred Smith – supported youth development programming.

A motion was made by Commissioner Davenport, seconded by Commissioner Wright, to HOLD until Tuesday, June 7, 2022: Ordinance formalizing the Solid Waste Advisory Commission. The motion passed by unanimous vote.

A motion was made by Commissioner Link, seconded by Commissioner Thornton, reference CY22 pavement maintenance program project – bid award.

- a) Reject two (2) received bids from a) Pittman Construction and b) ER Snell & CW Mathews for the Calendar Year 2022 Pavement Management Program (CY22 PMP); and
- b) Authorize staff to re-advertise and solicit bids on the revised CY22 PMP as per agenda report revised April 21, 2022; and.
- c) Authorize the Mayor and appropriate staff to execute all related documents.

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

- a) Reject two (2) received bids from a) Pittman Construction and b) ER Snell & CW Mathews for the Calendar Year 2022 Pavement Management Program (CY22 PMP); and
- b) Authorize the Mayor and appropriate staff to execute all related documents.

The substitute motion passed by unanimous vote.

A motion was made by Commissioner Link, seconded by Commissioner Myers, to approve expansion of Youth Development Programming funding recommendations as per Attachment #1 of agenda report dated April 10, 2022. The motion passed by unanimous vote.

- a) Contract award for Boys and Girls Club in the amount of \$135,254;
- b) Contract award for Timothy Baptist Church for Camp Timothy in the amount of \$33,159;
- c) Contract award for Chess and Community, YOUTH Partnership in the amount of \$179,059;
- d) Contract award for College Factory in the amount of \$52,925;
- e) Contract award for East Athens Development Corporation in the amount of \$69,603;
- f) Contract award for First AME Church in the amount of \$30,000; and
- g) Authorize Mayor and ACCGov staff to execute all related contracts and documents.

A motion was made by Commissioner Thornton, seconded by Commissioner Link, to

- a) Approve the Athens Justice and Memory Project: Linnentown 'Walk of Recognition' concept design for public art type, location, and style as recommended per agenda report dated April 10, 2022;
- b) Authorize staff to release Request for Proposal (RFP) to execute a design firm/artist to conceptualize, design, manufacture, and install three (3) interpretive, historical signs modeled after the Auburn Avenue Historic and Cultural Information Project; and
- c) Approve art location and authorize the Mayor and appropriate staff to execute all related documents and contracts associated with ROW public art location and type.

The motion passed by unanimous vote.

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

#### RESOLUTION

WHEREAS, Climate change threatens the health and welfare of the Athens-Clarke County community and people around the world; and

WHEREAS, climate warming can exacerbate climate and weather disasters including floods, fires, and extreme storms, and such disasters have cost the U.S. nearly \$750 billion since 2017, according to the National Oceanic and Atmospheric Administration; and

WHEREAS, inaction on curbing climate pollution could cost the US \$14.5 trillion over the next fifty years, according to the Deloitte Economics Institute; and

WHEREAS, immediate and widespread action is required to heed scientists' warnings and avoid the worst impacts of the climate crisis by keeping global temperature rise below 1.5 degrees; and

WHEREAS, limiting global temperature rise to 1.5 degrees requires reducing global climate emissions to net-zero by mid-century and in the interim, achieving 45% reductions below 2010 levels by 2030 according to the Intergovernmental Panel on Climate Change; and

WHEREAS, leaders bear a responsibility to preserve a livable world, safe climate, and thriving economy for the people of today and future generations; and

WHEREAS, our local government strives to be responsible stewards of the environment; and

WHEREAS, local government actions alone are not enough to meet the emissions reductions required to hold warming to 1.5 degrees, but rather such emissions reductions require action at the local, state, and federal level; and

WHEREAS, the United States, as part of its commitment to the Paris Accord, has committed to the world to achieve net-zero climate emissions by 2050; and

WHEREAS, the Biden administration has committed to cutting U.S. emissions by 50-52% by 2030, in line with the 2050 goals above; and

WHEREAS, a foundation to meet those goals is achieving 80% carbon-free electricity by 2030 nationally, accompanied by rapid adoption of zero emissions vehicles; and

WHEREAS, rapid transition to clean and renewable energy and clean transportation is feasible and beneficial by reducing pollution, improving health outcomes, reducing household bills, creating jobs, and fostering energy independence; and

WHEREAS, Congressional and administrative policies aimed at hastening the energy transition can support and expand local efforts; and

WHEREAS, the United States is a leading voice in the world, and action here will spur action by other governments; and

WHEREAS, every day climate action is delayed means denying the benefits of clean energy to Americans; and

WHEREAS, ACCUG is committed to achieving a just and equitable transition to 100% Clean and Renewable Energy for ACCUG by 2035 and the community as a whole by 2050.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the Unified Government of Athens-Clarke County, Georgia (the Commission)

SECTION 1. The Commission hereby calls on the United States Congress to address climate change in 2022 by passing federal legislation that meets the scale of the crisis, investing \$550 billion in the clean energy transition, helping save American families money while growing the clean energy economy, and cultivating justice through the Justice 40 commitment to allocate 40% of investments to disadvantaged communities.

SECTION 2: The Commission hereby calls on the Biden administration to take strong actions through existing authority that protect Americans' health and the environment.

SECTION 3: Upon adoption, the Mayor is hereby respectfully requested and directed to forward a true and correct copy of this Resolution to Athens-Clarke County's Congressional delegation and the White House.

A motion was made by Commissioner Thornton, seconded by Commissioner Link, as per agenda report revised April 28, 2022, to

- a) Approve the proposed Payment in Lieu of Taxes (PILOT) Agreement (in substantially the same for as Attachment #1 hereto) with the Athens Housing Authority for Phase 1 of the North Downtown Athens Project;
- b) Approve IGA #5 (in substantially the same form as Attachment #2 hereto) Related to Approvals Necessary for Implementation of Phase 1 of the North Downtown Athens Development Project, which provides for the following:
  - i) Approves and authorizes execution of the proposed Ground Lease (Exhibit A to Attachment #2) between the Athens Housing Authority and the North Downtown Athens Phase 1, LP, for Phase 1 of the North Downtown Athens (NDA) Project, which Phase 1 Ground Lease provides the following:
    - Base rental in the amount of not less than \$600,000 as established by a written appraisal report prepared by Novogradac, paid in one lump sum upon execution of the Ground Lease agreement, as provided in Section 2.2 of the Phase 1 Ground Lease;
    - Designates the Phase 1 Ground Lease as a Private Enterprise Agreement in accordance with OCGA Section 8-3-3(13.1) and deems all 120 units of Phase 1 as being occupied or reserved for occupancy for persons of low income in accordance with OCGA Section 8-3-8;
    - Provides authority for an ad valorem tax exemption for all 120 units in Phase 1 which are subject to the private enterprise agreement in the same manner as all other property owned by the Athens Housing Authority pursuant to OCGA Section 8-3-8; and



- Provides the authority for the Unified Government and the Authority to enter into a Payment in Lieu of Taxes (PILOT) Agreement for all 120 units in Phase 1 to require certain payments by the Developer for governmental services provided to the NDA Project.

The Ground Lease also specifies that the Authority and the Unified Government agree that the base rental proceeds in the amount of \$600,000 shall be distributed back into the Affordable Housing Project budget.

ii) Approves an Amendment to IGA #4 to designate all 120 units in Phase 1 as affordable housing, subject to the following affordability restrictions:

- Forty (40) Units shall be leased and operated in accordance with the HAP Requirements;
- Forty (40) Units shall be leased and operated under and subject to the Low-Income Housing Tax Credit program with such affordability restriction as set forth in Section 42 of the Internal Revenue Code and all supporting regulations, and as further set forth in that certain Land Use Restrictive Covenants for Low Income Housing Tax Credits by and between the Tenant and the Georgia Housing and Finance Authority; and
- Forty (40) Units shall only be rented to tenants have a household income no greater than one hundred fifteen percent (115%) of the Area Median Income.

iii) Approves that allocated reimbursements of SPLOST proceeds shall not be required for Phase 1 on the following basis:

- Pursuant to O.C.G.A. § 8-3-8, the property of a housing authority is deemed to be public property used for essential public and governmental purposes and not for purposes of private or corporate benefit or income;
- As all 120 units of affordable housing in Phase 1 will be occupied by “persons of low income” as defined in O.C.G.A. § 8-3-3 (13), Phase 1 will constitute a “housing project” as per O.C.G.A. § 8-3-3 (10)(A)(ii);
- O.C.G.A. § 8-3-8 further provides that the portion of any “housing project” that is subject to a private enterprise agreement consisting of eligible units that are occupied or reserved for occupancy by persons of low income is also declared to be public property used for essential public and governmental purposes and not for purposes of private benefit or income;
- Georgia law provides that SPLOST proceeds may be spent on public property used for essential public and governmental purposes; and
- Accordingly, as all 120 units in Phase 1 of the NDA development constitute public property used for essential public and governmental purposes and not for purposes of private or corporate benefit or income, then allocated reimbursements of SPLOST Proceeds shall not be required for Phase 1 of the NDA project.

c) Authorize the Mayor, Manager, and appropriate staff to execute all necessary project-related documents, including but not limited to the PILOT Agreement, IGA #5, and the Ground Lease.

The motion passed by unanimous vote.

#### New business – Consider under suspension of Rules

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

A motion was made by Commissioner Link, seconded by Commissioner Thornton, to adopt the following ordinance (#22-05-41) which was presented by title only. The motion passed by unanimous vote.

#### **AN ORDINANCE FOR THE TWENTY-NINTH 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, February 1, 2022, March 1, 2022, and again on April 5, 2022; and

**WHEREAS**, the COVID-19 Omicron BA.2 variant and its progeny (e.g., BA.2.12.1), which are even more transmissible than earlier variants, are on the rise globally and in the United States, particularly New York; and

**WHEREAS**, the New York Times reported on April 15, 2022, that twenty states, including the entire Northeast, have seen their daily cases rise by at least 30 percent in the past two weeks, likely due to the latest subvariants of COVID-19, with concerns that at-home testing obscures the data and that true case increases may be far higher; 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 Wednesday, April 27, 2022, the CDC reports that the prevalence of confirmed cases in Athens-Clarke County of COVID-19 is 9.35 cases per 100,000 persons in the past seven (7) days;

**WHEREAS**, based upon this metric, Athens-Clarke County is currently experiencing a "moderate" level of community transmission while being ranked at a Low COVID-19 Community Level; and

**WHEREAS**, according to the Georgia Department of Public Health COVID-19 update on Monday, April 20, 2022, (the "GDPH Update") Georgia now has 1,945,962 confirmed cases of COVID-19, including 26,240 confirmed cases in Athens-Clarke County; and

**WHEREAS**, according to the GDPH Update, 31,486 individuals in Georgia have died and 111,672 have been hospitalized after contracting COVID-19; and

**WHEREAS**, Georgia earlier 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 White House released a statement on March 3, 2022, indicating that (1) COVID-19 "continues to pose a risk to the American people and our health care system," (2) that we must "be prepared for possible future variants," and (3) that terminating the national emergency at this time would "unnecessarily and abruptly curtail the ability... to respond to the COVID-19 pandemic;"

**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 subsequently renewed that declaration on July 22, 2021, August 19, 2021, September 20, 2021, October 21, 2021, November 19, 2021, December 17, 2021, January 18, 2022, February 18, 2022, and March 21, 2022; and

**WHEREAS**, on April 14, 2022, Governor Kemp signed an Executive Order declaring a State of Emergency for Supply Chain Disruptions to address the continuing economic harms caused by the COVID-19 pandemic; 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 both February 24, 2021 and February 18, 2022) 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 April 12, 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. §§ 383-1 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 February 25, 2022) continuing to recommend mask wearing in public indoor spaces regardless of vaccination status in areas with a high community level (and in a medium community level when around those who are at high risk for severe disease) to maximize protection from COVID-19; 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 Twenty-Seventh 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, 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 AthensClarke 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, June 8, 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.

A motion was made by Commissioner Link, seconded by Commissioner Edwards, to approve the following appointments. The motion passed by unanimous vote.

Airport Authority	Jeffrey Benjamin Four-year term expiring 06-30-2026
Classic Center Authority	Jennifer Messer Four-year term expiring 06-30-2026
Hearings Board	Christopher Joiner Partial term expiring 06-30-2025

Historic Preservation Commission

Lindsey Roper  
Three-year term expiring 06-30-2025

Ellen Walker (reappointment)  
Three-year term expiring 06-30-2025

Planning Commission

Sarah Gehring  
Five-year term expiring 06-30-27

Kristen Morales (reappointment)  
Five-year term expiring 06-30-27

Public hearing and deliberation on recommendations from the Athens-Clarke County Planning Commission

A public hearing was held on request of Steve L. Cummings, Owner Athens Christian School, Inc. for rezoning from special use in RS-15 (Single-Family Residential) and C-R (Commercial-Rural) to C-G (Commercial-General) on 60.89 acres known as 1270 US Highway 29 North. Proposed use is institutional. Type II

Planning Commission recommendation: Approve w/condition – unanimous

Citizen input

The following citizen input was received.

1. Steve Cummings, petitioner – supported.

A motion was made by Commissioner Thornton, seconded by Commissioner Edwards, to adopt the following ordinance (#22-05-42) 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 REZONING APPROXIMATELY 60.89 ACRES LOCATED AT 1270 US HIGHWAY 29 NORTH FROM SPECIAL USE IN RS-15 (SINGLE-FAMILY RESIDENTIAL) AND C-R (COMMERCIAL RURAL) TO C-G (COMMERCIAL GENERAL); 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 Sections 9-3-3 and 9-3-6 thereof, is hereby amended by changing the zoning of one parcel of land totaling approximately 60.89 acres located at 1270 US Highway 29 North Athens, Georgia, from Special Use in RS-15 (Single-Family Residential) and C-R (Commercial Rural) to C-G (Commercial General) as shown on Attachment A hereto.

The parcel, totaling 60.89 acres, is more particularly described in that certain document entitled "Boundary Survey" dated January 27, 2022, prepared by DuSouth, stamped "Non-binding" 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 affected property is also known as Tax Parcel No. 213 001 C 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 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 office of the Clerk of Commission, 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

SECTION 2. The conditions of zoning associated with this ordinance are as follows:

- (1) The subject property shall be restricted to school use only.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A public hearing was held on request of Mark Campbell, Owner Prime Commercial Group, LLC for amendment to C-G (PD) (Commercial-General, Planned Development) on 0.78 acres known as 2100 Barnett Shoals Road. Proposed use is reconstruction of restaurant and drive-through. Type II

Planning Commission recommendation: Approve w/conditions – unanimous

Citizen input

There was none.

A motion was made by Commissioner Myers, seconded by Commissioner Edwards, to adopt the following ordinance (#22-05-43) 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 COMPRISING APPROXIMATELY 0.78 ACRE AND LOCATED AT 2100 BARNETT SHOALS ROAD IN THE 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 modifying a planned development for a parcel of land comprising approximately 0.78 acre, located at 2100 Barnett Shoals Road, Athens, Georgia in the C-G (PD) (Commercial-General, Planned Development) District. Said affected parcel is more fully described in that certain site plan entitled “Zaxby’s Site Plan,” said site plan having a date of March 4, 2022, prepared by Carter Engineering Consultants, 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 original planned development amended by this ordinance is described in that certain ordinance entitled “An Ordinance to Amend the Code of Athens-Clarke County, Georgia with respect to rezoning the approximate 0.78-acre tract of land located at 2100 Barnet Shoals Road from C-G (Commercial General) to C-G (PD) (Commercial General, Planned Development)” which was adopted by the Commission on November 5, 2013 (hereinafter the “November 2013 Ordinance”).

The subject parcel comprising approximately 0.78 acre is also known as parcel number 182B 007Q 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 date of this amendment to the Official Zoning Map of Athens-Clarke County shall be noted on said Official Zoning Map in the office of the Clerk of Commission 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 three sheets in total, with each sheet being titled and numbered in the lower right hand corner and stamped “Binding 4-12-22”. The respective title, sheet number and date of each sheet is listed below:

Sheet Title	Sheet number	Date
Site Plan	4	03/04/22
Front & Rear Exterior Elevations	A105	
Drive Thru & Right Exterior Elevations	A106	

The binding written report associated with this ordinance consists of three pages in total, is entitled “Application Report Zaxby’s Restaurants,” and is stamped “Binding 4-12-22”. 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 condition of zoning associated with this ordinance are as follows:

- (1) Should an additional cross-access easement be proposed with the adjacent shopping center to the west, such improvement plans shall be eligible for Staff-only review and approval.

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

Citizen input on items other than those other on this agenda.

There was none.

FROM MAYOR GIRTZ:

1. Announced appointment of Commissioner Davenport as Commission representative to the Public Safety Civilian Oversight Board.
2. Announced proposed FY23 budget is available online and hearings are upcoming.
3. Entered into the record: Proclamations will be issued recognizing participation in the Adopt Athens Program.

<u>Adopting Organization</u>	<u>Location</u>
100% Winterville	1.0 mile in the Winterville Five Points area
New Covenant	Newton Bridge Road between Vincent Drive and Highway 441

FROM MANAGER WILLIAMS:

1. Reported acceptance of grant funding and budget amendment - Judicial Council of Georgia Juvenile Data Exchange (JDEX) Integration Reimbursement in the amount of \$16,450.
2. Received for information was a report of contract awards in excess of \$10,000 for month of March 2022.

FROM COMMISSIONER DAVENPORT:

1. Announced Winterville Marigold festival will be May 14.
2. Announced TSPLOST referendum will be on May 24 ballot.

FROM COMMISSIONER LINK:

1. Supported Neighborhood Traffic Management Program and road safety.

FROM COMMISSIONER WRIGHT:

1. Expressed appreciation for staff work in preparation of employee picnic.

FROM COMMISSIONER DENSON:

1. Announced GIO office has an online program that will provide all voting district information.
2. Announced a District 5 town hall meeting May 18 at Normal Bar.

FROM COMMISSIONER HOULE:

1. Announced meeting on proposed Classic Road development May 4, 5:30 - 6:30 p.m. at Fire Station #2.
2. Announced Planning Commission will consider request reference 1010 Oglethorpe Avenue May 5 at 6:00 p.m.
3. Announced Westwood Hills/Riverbottom block party May 21 on Austin Drive.

FROM COMMISSIONER EDWARDS:

1. Expressed appreciation to Traffic Engineer Tim Griffeth for assistance with an issue on Henderson Avenue.
2. State he is pleased to see additional police presence in downtown.
3. Supported traffic calming programs.

4. Stated Legislative Review Committee is working on several innovative items.

FROM COMMISSIONER MYERS:

1. Expressed condolences to family of Brynarius Smith, a recent victim of violence.
2. Expressed appreciation to Police Department as they work to curb violence.
3. Stated Site Selection Committee work is under way.
- 4, Announced District 8 townhall May 16, 6:30 p.m. at Fire Station #7.

FROM COMMISSIONER THORNTON:

1. Expressed appreciation to all who made the recent housing conference successful.

FROM COMMISSIONER HAMBY:

1. Expressed appreciation to Traffic Engineer Tim Griffeth for assistance with a parking problem on Dudley Drive.

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

The meeting adjourned at 7:30 p.m.

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Clerk of Commission