

Due to the COVID-19 pandemic, the June 2 Mayor and Commission session was remote. The meeting could be viewed live at [www.accgov.com/videos](http://www.accgov.com/videos), on YouTube at [www.youtube.com/accgov](http://www.youtube.com/accgov), on Facebook at [www.facebook.com/accgov](http://www.facebook.com/accgov), and on ACTV Cable Channel 180 or the live ACTV stream at [www.accgov.com/actvlive](http://www.accgov.com/actvlive)

Unified Government of Athens-Clarke County, Georgia  
Mayor and Commission  
Tuesday, June 2, 2020  
6:00 p.m.  
City Hall/WebEx

The Unified Government of Athens-Clarke County, Georgia met this date in regular monthly session. Present: Mayor Girtz; Commissioners Davenport, Parker, Link, Wright, Denson, NeSmith, Edwards, Herod, Thornton, and Hamby. No one was absent.

A motion was made by Commissioner Link, seconded by Commissioner NeSmith, to approve Minutes of meetings of Tuesday, May 5; Tuesday, May 19; Thursday, May 21; and Thursday, May 28, 2020. The motion passed by unanimous vote.

#### Written communications

Entered into the record was notice of acceptance of a street known as Talley Crossing.

Public hearing #2 was conducted on the proposed FY21 budget as required by the Taxpayer Bill of Rights passed by the Georgia General assembly in 1999.

#### Citizen input

The following citizens spoke in favor of a mill rate rollback.

1. John Elliott
2. Gordon Rhoden
3. John Marsh

A public hearing was held for general comments on the proposed FY21 budget.

#### Citizen input

The following citizen input was received.

1. Paula Loniak – overlap in certain services.
2. Sam Rafal – supported option four for emergency medical response.
3. Bob Gadd - supported option four for emergency medical response.

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

A public hearing was held on request of Brett Nave/Studio BNA for Excel Industries request for rezoning from C-D (WE) (Commercial-Downtown, West End Downtown Design Area) to C-D (WE) (PD) (Commercial-Downtown, West End Downtown Design Area, Planned Development) on 1.91 acres known as 230 North Finley Street. Proposed use is mixed-use with multi-family residential. Type II

Planning Commission recommendation: Approve with conditions (unanimous)

#### Citizen input

The following citizen input was received.

1. Brett Nave, petitioner – supported.

A motion was made by Commissioner Link, seconded by Commissioner NeSmith, to adopt the following ordinance (#20-06-26) 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 A PARCEL OF LAND COMPRISING APPROXIMATELY 1.91 ACRES LOCATED AT 230 NORTH FINLEY STREET FROM C-D (WE) (COMMERCIAL-DOWNTOWN, WEST END DOWNTOWN DESIGN AREA) TO C-D (WE) (PD) (COMMERCIAL-DOWNTOWN, WEST END DOWNTOWN DESIGN AREA, 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 a parcel of land located at 230 North Finley Street, Athens, Georgia from C-D (WE) (Commercial-Downtown, West End Design Area) to C-D (WE) (PD) (Commercial-Downtown, West End Design Area, Planned Development), as shown on Attachment A hereto. Said affected parcel of land is more fully described in that certain document entitled “Existing Conditions,” most recently dated May 12, 2020, prepared by Smith Planning Group, designated in the lower right-hand corner as Sheet No. PD-1, 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 parcel containing the subject planned development is also known as Tax Parcel No. 171A1 R002 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, and comprises approximately 1.91 acres. 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 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 sixteen sheets in total, with each sheet being numbered and titled in the lower right-hand corner. The respective number, title, and date of each sheet is below.

| Sheet No.: | Title:                       | Date (last revised): |
|------------|------------------------------|----------------------|
| CVR        | Cover                        | Feb. 28, 2020        |
| A0.00      | Conceptual Views             | Feb. 28, 2020        |
| A1.00      | Keyplans                     | May 12, 2020         |
| A1.01      | Finley Street Café Level     | May 12, 2020         |
| A1.02      | Residential Level 1          | May 12, 2020         |
| A1.10      | Enlarged Retail Plans        | Feb. 28, 2020        |
| A2.01      | Enlarged Building Elevations | May 12, 2020         |
| A2.02      | Enlarged Building Elevations | May 12, 2020         |
| A2.03      | Enlarged Building Elevations | May 12, 2020         |
| A2.04      | Enlarged Building Elevations | May 12, 2020         |
| A2.05      | Enlarged Building Elevations | Feb. 28, 2020        |
| A3.01      | Overall Building Sections    | Feb. 28, 2020        |
| A3.02      | Overall Building Sections    | Feb. 28, 2020        |
| PD-1       | Existing Conditions          | May 12, 2020         |
| PD-2       | Master PD Site Plan          | May 12, 2020         |
| PD-3       | Master PD Details            | May 12, 2020         |

Each page of this binding master site plan is stamped “Binding 5-13-20,” and the entire document is on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia.

The binding written report associated with this ordinance and incorporated by reference herein consists of twenty-six pages in total, is entitled “Master PD Submittal,” originally dated February 28, 2020, and stamped “Binding 5-13-20.” Said binding report is on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia.

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

1. Prior to the issuance of a certificate of occupancy, the applicant shall convey to the Unified Government of Athens-Clarke County a sufficient amount of right-of-way on the northern side of Reese Street to accommodate the required sidewalks.

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

A public hearing was held on request of Unified Government of Athens-Clarke County for Athens Midtown Preservation LP to rezone from RM-2 (Mixed Density Residential) to C-D (DS) (Commercial-Downtown, Dougherty Street Downtown Design Area) on 11.96 acres known as 105 and 155 Hickman Drive. Proposal is for a mixed-use development. This will require an amendment to the Future Development Map from Mixed Density Residential to Downtown. Type I

Planning Commission recommendation:

Future Development Map: Approve (unanimous)  
Rezoning: Approve (unanimous)

#### Citizen input

There was no citizen input.

A motion was made by Commissioner Thornton, seconded by Commissioner Wright, to adopt the following ordinance (#20-06-27) 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 DEVELOPMENT MAP OF ATHENS-CLARKE COUNTY BY CHANGING THE DESIGNATION OF TWO PARCELS OF LAND COMPRISING APPROXIMATELY 11.96 ACRES IN TOTAL LOCATED AT 105 AND 155 HICKMAN DRIVE FROM MIXED DENSITY RESIDENTIAL TO DOWNTOWN; AND FOR OTHER PURPOSES.**

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

SECTION 1. The Official Future Development 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 development map designation of two parcels of land comprising approximately 11.96 acres located at 105 Hickman Drive and 155 Hickman Drive, also respectively known as Tax Parcel No. 163C5 B001 and Tax Parcel No. 163C5 C001 on the Official Tax Map of Athens-Clarke County, Georgia, from Mixed Density Residential to Downtown as shown on Exhibit A, which is attached hereto and incorporated herein by reference.

The date of this amendment to the Official Future Development Map of Athens-Clarke County as shown by Exhibit A shall be duly noted in the minutes of the Commission meeting. The Official Future Development Map and Exhibit A hereto are available for inspection in the office of the Clerk of Commission, 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 Thornton, seconded by Commissioner NeSmith, to adopt the following ordinance (#20-06-28) 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 TWO PARCELS OF LAND COMPRISING APPROXIMATELY 11.96 ACRES IN TOTAL LOCATED AT 105 HICKMAN DRIVE AND 155 HICKMAN DRIVE FROM RM-2 (MIXED DENSITY RESIDENTIAL) TO C-D (DS) (COMMERCIAL-DOWNTOWN, DOUGHERTY STREET DESIGN AREA); 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 two parcels of land comprising approximately 11.96 acres in total located at 105 Hickman Drive and 155 Hickman Drive from RM-2 (Mixed Density Residential) to C-D (DS) (Commercial-Downtown, Dougherty Street Design Area).

Said parcels are referenced and more particularly described within a certain limited warranty deed recorded on February 12, 2020 with the Clerk of the Superior Court of Athens-Clarke County in Deed Book 4945, pages 1 through 9, and within a certain quit claim deed recorded on February 12, 2020 with the Clerk of the Superior Court of Athens-Clarke County in Deed Book 4944, pages 544-548. Said parcels are also known as Tax Parcel Nos. 163C5 B001 (105 Hickman Drive) and 163C5 C001 (155 Hickman Drive) 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. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A public hearing was held on proposed abandonment of the old road bed of the realigned Morton Road and its associated excess right of way at US 78.

#### Citizen input

There was no citizen input.

A motion was made by Commissioner Davenport, seconded by Commissioner Wright, to

- a) Authorize the closing, vacating, and abandonment of the old road bed of the realigned Morton Road and its associated excess right of way at US 78, as shown in Attachment #1 of agenda report dated April 29, 2020;
- b) Approve the disposal of the old road bed of the realigned Morton Road and its associated excess right of way at US 78, as outlined within the attached Resolution (Attachment #1) and in compliance with Sections 32-7-4 and 36-9-3 of the Georgia Code, or as otherwise authorized by applicable law for such disposition; and
- c) Adopt the following resolution and direct staff to record the Resolution in the official Mayor and Commission meeting minutes.

The motion passed by unanimous vote.

#### RESOLUTION AUTHORIZING THE CLOSING, VACATING, AND ABANDONMENT OF THE OLD ALIGNMENT OF MORTON ROAD AND ITS ASSOCIATED EXCESS RIGHT OF WAY

WHEREAS, the Mayor and Commission of Athens-Clarke County, Georgia, after notice and public hearing on June 2nd, 2020, have determined that the old alignment of Morton Road and its associated excess right of way, as more fully shown on the plat attached hereto as Exhibit A and incorporated herein by reference has ceased to be used by the public to the extent that no substantial public purpose is served thereby and therefore should be formally closed, vacated, and abandoned; and

WHEREAS, Athens-Clarke County has complied with all requirements of state law and the Charter of the Unified Government of Athens-Clarke County concerning the abandonment of roads that are part of the county road system; and

WHEREAS, Athens-Clarke County has determined that the abandoned said road shall be disposed of pursuant to the requirements of O.C.G.A. Sections 32-7-2 and 32-7-4;

NOW THEREFORE, The Commission of Athens-Clarke County, Georgia hereby resolves as follows:

1. The old alignment of Morton Road and its associated excess right of way as described herein above and more fully shown on the attached plat is hereby closed, vacated and abandoned. Hereafter, said old alignment of Morton Road and its associated excess right of way shall no longer be a part of the county road system, and the rights of the public in and to this road as a public road shall cease; and
2. The Mayor and the Clerk of Commission may execute a quitclaim deed conveying said old alignment of Morton Road and its associated excess right of way to the abutting property owners.

#### 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.

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

1. ADOPT: The following ordinance (#20-06-29) which was presented by title only for the second amendment to the Board of Elections FY20 budget as per agenda report dated May 1, 2020.

**AN ORDINANCE TO AMEND THE FY2020 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FOR ADDITIONAL EXPENSES RELATED TO IMPLEMENTATION OF THE NEW VOTING SYSTEM AMID THE COVID-19 PANDEMIC IN THE BOARD OF ELECTIONS DEPARTMENT; 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 to provide funding for additional expenses related to the implementation of the new voting system amid the COVID-19 pandemic in the Board of Elections Department and related expenses. Said Operating and Capital budget is hereby amended as follows:

**General Fund:**

EXPENDITURES:

Decrease:

|                              |          |
|------------------------------|----------|
| Other General Administration |          |
| General Fund Contingency     | \$73,587 |

Increase:

|                               |                 |
|-------------------------------|-----------------|
| Board of Elections Department |                 |
| Personal Services             | \$41,800        |
| Operating Expense             | <u>\$31,787</u> |

|       |          |
|-------|----------|
| Total | \$73,587 |
|-------|----------|

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

2. ADOPT: The following resolution extending moratorium on acceptance of applications for certain demolition permits on certain parcels of land within the area described as the Downtown Athens National Register Historic District.

**SECOND AMENDMENT TO RESOLUTION ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR CERTAIN DEMOLITION PERMITS ON CERTAIN PARCELS OF LAND WITHIN THE AREA DESCRIBED AS THE DOWNTOWN ATHENS NATIONAL REGISTER HISTORIC DISTRICT**

**Whereas**, on January 18, 2019, the Commission of Athens-Clarke County, Georgia adopted that certain resolution entitled "RESOLUTION ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR CERTAIN DEMOLITION PERMITS ON CERTAIN PARCELS OF LAND WITHIN THE AREA DESCRIBED AS THE DOWNTOWN ATHENS NATIONAL REGISTER HISTORIC DISTRICT," which shall hereinafter be referred to as the "Downtown Athens Resolution"; and

**Whereas**, the Downtown Athens Resolution imposed a moratorium on the acceptance of new applications for demolition permits proposing complete demolition of any structure within an area defined as the "Moratorium Area" in said resolution; and

**Whereas**, the Downtown Athens Resolution imposed said moratorium until January 31, 2020; and

**Whereas**, the Commission believed it appropriate to receive additional input from members of the public, the staff of the Unified Government of Athens-Clarke County, Georgia, and affected parties regarding a potential new, locally-designated historic district within the Moratorium Area; and

**Whereas**, in order to receive additional input as described above, on December 3, 2019, the Commission extended the moratorium period until June 30, 2020;

**Whereas**, Athens-Clarke County, Georgia has experienced an event of critical significance as a result of the Coronavirus (COVID-19) disease ("COVID-19"); and

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

**Whereas**, on March 13, 2020, President Donald Trump has declared a national emergency for the United States of America in response to COVID-19; and

**Whereas**, the Governor of the State of Georgia declared a State Public Health Emergency on March 14, 2020, to wit, Executive Order No. 03.14.20.01; and

**Whereas**, because of the global pandemic it has been impossible to receive the additional input from the public which the Commission deemed appropriate; and

**Whereas**, the Commission believes it appropriate, in light of the ongoing global pandemic, to extend the moratorium period in order to provide additional time to receive input from the public regarding a potential new, locally-designated historic district within the Moratorium Area; and

Now, therefore, the Commission of Athens-Clarke County, Georgia hereby resolves as follows:

1. The Commission hereby amends Paragraph 2 of the Downtown Athens Resolution by deleting the first sentence thereof and replacing it with the following:

The Commission further declares and establishes through November 3, 2020, a moratorium on the acceptance of new applications for demolition permits proposing complete demolition of any structure within the Moratorium Area as shown on the Proposed Downtown Moratorium Map.

2. Except as amended herein, all terms and conditions of the Downtown Athens Resolution shall remain in full force and effect.

3. APPROVE: and authorize staff to commit FY19 and FY20 HOME funds in the amount of \$580,000 for use by the Athens Land Trust for the development of affordable housing as shown in Attachment #1 of agenda report dated April 28, 2020; and authorize the Mayor and staff to execute all related contracts and documents.

4. APPROVE: The installation of a new traffic signal located on East Campus Road at Hooper Street as per Attachment #1 of agenda report dated April 29, 2020 with ownership by Athens-Clarke County.

5. APPROVE: A deductive change order in the amount of \$408,032.50 for the Hillside Street, Oakridge Avenue and Booker Street Water Line Upgrades as per agenda report dated April 29, 2020; and authorize the Mayor and appropriate staff to execute all related documents.

6. APPROVE: Government Operations Committee report: Development of a consistent leasing policy for ACCGov properties.

a) Amended leasing policy CSD-00005 as per Attachment #1 of report dated April 27, 2020;

b) That the Mayor and Commission hold FY20 and FY21 lease renewals at \$1/year—while staff notify ACCGov lessees of the new policy—with the intent of renewing most non-profit leases (except for the select few with long term agreements) beginning in FY22. Because many leases are set to expire in July – October of this year, the Mayor and Commission should act to grant \$1/year lease extensions through June 30, 2021 for Athens Tutorial (Attachment #2), the Clarke County Health Department (Attachment #3), the East Athens Development Corporation (Attachment #4), the Hancock Community Development Corporation (Attachment #5), and the Neighborhood Health Center (Attachment #6).

7. APPROVE: FY21 Water line upgrade preliminary construction plans as per Attachments to agenda report dated April 29, 2020; and authorize staff to complete the final construction plans and solicit bids for construction.
8. APPROVE: Audit Committee's recommendation to accept the Updated Audit Process as depicted in Attachments C and D of agenda report dated April 9, 2020.

#### Old business - Discussion

A motion was made by Commissioner Davenport, seconded by Commissioner Denson, to adopt the following ordinance (#20-06-30) which was presented by title only. The motion passed by unanimous vote. This the second and final reading.

AN ORDINANCE UNDER THE HOME RULE POWERS GRANTED TO ATHENS-CLARKE COUNTY TO AMEND THE CHARTER OF THE UNIFIED GOVERNMENT OF ATHENSCLARKE COUNTY, GEORGIA WITH RESPECT TO THE POLICE POWER OF ATHENSCLARKE COUNTY, GEORGIA, AND FOR OTHER PURPOSES.

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

SECTION 1. The Charter of the Unified Government of Athens-Clarke County is hereby amended by striking Sub-Section (15) of Section 8-114, which Sub-Section is entitled "Police power," in its entirety, and substituting the following new Sub-Section (15) in lieu thereof:

*"(15) Police power: To exercise the police power for the public safety and wellbeing of the citizens of the unified government; without limitation, the unified government is authorized to make contributions out of funds appropriated therefor to eligible organizations for purely charitable purposes as defined by O.C.G.A. Sec. 36-1-19.1(d) to be used for payment of costs related to the relief of indigent, impoverished or distressed citizens of the unified government in order to promote the public safety and well-being of the citizens of the unified government by thereby preventing the spread of disease; promoting the welfare of its citizens, including particularly children and families; and mitigating the burdens of government arising from indigency, sickness and illnesses among the citizens of the unified government;"*

SECTION 2. All ordinances or local laws and parts of ordinances or local laws in conflict with this Ordinance are hereby repealed.

SECTION 3. In the event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The Unified Government of Athens-Clarke County, Georgia hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

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

- a) Approve the selection of Avocette as the most responsive proposal for the development and implementation of a new platform to manage Planning, Permitting, Inspection, Code Enforcement, and Payment/Billing management activities as per agenda report dated April 29, 2020;
- b) Authorize Manager and appropriate staff to negotiate the contract amount and annual maintenance fees in an amount not to exceed \$500,000; 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 NeSmith, seconded by Commissioner Link, to adopt the following ordinance (#20-06-31) which was presented by title only amending the water and sewer rates as per agenda report dated May 1, 2020; and to rescind the April 1, 2008 Water Conservation Rate Structure Methodology (Attachment #2 of agenda report). The motion passed by unanimous vote.

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

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

SECTION 1. Section 5-3-77 of the Code of Athens-Clarke County, Georgia, entitled “*Water rates*” is hereby deleted in its entirety and the following new section inserted in lieu thereof:

**“Sec. 5-3-77. – Water rates**

(a) *Single-family residential rates.* Single-family residential accounts with a ¾-inch or smaller water meter shall pay a monthly customer service fee in accordance with subsection (f) herein and a tiered rate for water that passes through the meter in accordance with subsection (b) herein.

(b) *Tiered rates for ¾-inch single-family residential accounts.*

- (1) The tier one rate shall be \$5.73 per 1,000 gallons.
  - a. The allocation of usage billed at tier one shall be the greater of 100 gallons per day or recent historical annual average usage for the same account holder, whichever is greater. The historical average calculation shall exclude apparent leaks.
  - b. New accounts shall be allocated 100 gallons per day for tier one rates or 50 gallons per day per occupant based upon a legally binding affidavit for the number of occupants, whichever is greater. The maximum allocation for new accounts shall be 200 gallons per day. Affidavits shall not be accepted for established accounts, but an account holder with more than twelve-months of usage at the same account location may request an adjusted tier one allocation.
  - c. If more than one residence is served by the ¾-inch meter that account will be classified as multifamily.
- (2) The tier two rates shall be \$7.16 per 1,000 gallons. The usage billed at tier two shall be between 100% and 150% of the tier one allocation.
- (3) The tier three rate shall be \$8.60 per 1,000 gallons. The usage billed at tier three shall be between 150% and 200% of the tier one allocation.
- (4) The tier four rate shall be \$14.32 per 1,000 gallons. All usage above 200% of the tier one allocation shall be billed at the tier four rate, unless adjusted for leaks in accordance with Section 5-3-13.

(c) *Rates for all other accounts.* All commercial, industrial, institutional, multifamily and residential accounts with meters larger than ¾-inch, with the exception of irrigation-only and recycled water accounts, shall pay a monthly customer service fee in accordance with subsection (f) herein and a uniform rate for potable water of \$5.73 per 1,000 gallons.

(d) *Rates for irrigation-only accounts.* Single-family consumers of portable water with two meters, one of which is irrigation-only, shall pay the tiered rates for the sum of water that passes through both the irrigation-only meter and the residential meter when the combined usage through domestic and irrigation meters exceeds the annual average. All other irrigation-only accounts shall pay for all water used at the tier 4 rate.

(e) *Rate for recycled water.* Recycled water accounts shall pay a monthly customer service fee in accordance with subsection (f) herein and a uniform rate of \$2.87 per 1,000 gallons for water that passes through the recycled water meter.

(f) *Monthly customer service fee and meter replacement fee.* The monthly customer service fee to each account shall be \$4.40. The monthly meter replacement charge, as determined by the size of the water meter, shall be as follows:

| <u>Meter Size</u> | <u>Meter Replacement Charge</u> |
|-------------------|---------------------------------|
| 5/8 or ¾ inch     | \$0.39                          |
| 1 inch            | 0.86                            |
| 1 ½ inch          | 2.72                            |
| 2 inch            | 20.12                           |
| 3 inch            | 28.70                           |
| 4 inch            | 37.74                           |
| 6 inch            | 97.91                           |
| 8 inch            | 129.60                          |



There shall be no additional monthly service fee for residential customers with an outdoor water use meter.

(g) *Re-establishing service.* A charge of not less than \$10.00 plus any other expense will be made to re-establish service after water is cut off for nonpayment of an account or other violation, unless temporarily suspended by resolution of the Mayor and Commission.

SECTION 2. Section 5-3-80 of the Code of Athens-Clarke County, Georgia, entitled “Sewer rates” is hereby deleted in its entirety with the following new section inserted in lieu thereof:

**“Sec. 5-3-80. – Sewer rates**

(a) *Rates for wastewater discharged.* Rates to be charged for wastewater discharged by customers of the Athens-Clarke County sewer system shall be as follows:

Monthly customer service fee .....\$4.40  
Uniform rate per 1,000 gallons.....\$6.76”

SECTION 3. Section 5-3-83 of the Code of Athens-Clarke County, Georgia, entitled “Reinstatement of sewer service” is hereby deleted in entirety and reserved for future use, so that said new section is:

**“Sec. 5-3-83. – Reserved.”**

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

A motion was made by Commissioner Wright, seconded by Commissioner Parker, to

- a) Approve preliminary plans for TSPLOST 2018, Project 05 - Oconee Rivers Greenway Project – Sub-Project #7 for the Oak/Oconee Street Bridge Underpass as generally shown on Attachment #1 of agenda report revised May 18, 2020;
- b) Authorize staff to advance the proposed preliminary plans for TSPLOST 2018 Project 05 - Oconee Rivers Greenway Project – Sub-Project #7 for the Oak/Oconee Street Bridge Underpass to the bid and award phase;
- c) Authorize staff to enter into agreements, as necessary, with Georgia Department of Transportation to support construction of TSPLOST 2018, Project 05 - Oconee Rivers Greenway Project – Sub-Project #7 for the Oak/Oconee Street Bridge Underpass; 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 Davenport, seconded by Commissioner Link, to approve a connection to the Unified Government of Athens-Clarke County sanitary sewer system by means of a private pump station and force main to provide wastewater service to property located at 4395 Lexington Road as per agenda report dated April 29, 2020. The motion passed by unanimous vote.

A motion was made by Commissioner Link, seconded by Commissioner Edwards, to accept the Audit Committee’s report entitled *Audit of the Athens-Clarke County Water Business Office – 2020* as per agenda report dated April 21, 2020. The motion passed by unanimous vote.

**CONTINUED IN BOOK #16**

# CONTINUED FROM BOOK #15

June 2, 2020

A motion was made by Commissioner Link, seconded by Commissioner NeSmith, to adopt the following resolution as per Attachment #1 of agenda report revised May 13, 2020 accepting the Athens Downtown Master Plan 2030 with amendments related to the implementation of the Bethel Village Redevelopment (North Downtown Athens Development Project) as per Attachment #2. The motion passed by unanimous vote.

## RESOLUTION OF THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA APPROVING THE ACCEPTANCE OF THE ATHENS DOWNTOWN MASTER PLAN 2030 WITH AMENDMENTS RELATED TO IMPLEMENTATION OF THE NORTH ATHENS DOWNTOWN DEVELOPMENT PROJECT; AND FOR OTHER LAWFUL PURPOSES.

**WHEREAS**, the Athens Downtown Master Plan 2030 is a comprehensive blueprint for building on the existing assets of downtown Athens to create a walkable, sustainable, and vibrant city center by 2030; and

**WHEREAS**, John F. (Jack) Crowley, (PhD, FAICP, FASLA), a planner developer and transportation expert offered to coordinate the development of the Athens Downtown Master Plan in conjunction with his Graduate Planning and Design Studios at the University of Georgia; and

**WHEREAS**, on July 17, 2012, the Athens Downtown Development Authority approved a proposal to contract Dr. Jack Crowley and a team of UGA College of Environmental Design graduate students to create a Master Plan for Downtown Athens; and

**WHEREAS**, to assist Dr. Crowley, the Unified Government agreed to support graduate assistantships to aid in the Master Plan's development; and

**WHEREAS**, the 2030 "horizon year" was selected for the Downtown Athens Master Plan as it was long enough to allow for consideration of diverse developments over evolving markets and short enough to be reasonably specific in what downtown development might look like; and

**WHEREAS**, the Downtown Athens Master Plan emerged from a series of community charrettes starting in 2012, led by Dr. Crowley, which consisted of the following:

|                   |  |
|-------------------|--|
| November 14, 2012 | Pulaski Heights Neighborhood Meeting                     |
| November 19, 2012 | Bloomfield – Friends of Five Points Neighborhood Meeting |
| November 27, 2012 | Town Hall: First Public Hearing                          |
| April 25, 2013    | Town Hall Meeting: Second Public Hearing; and            |

**WHEREAS**, on April 15, 2014, the ADDA voted to recommend that the Mayor and Commission of Athens-Clarke County, Georgia adopt the Athens Downtown Master Plan 2030 (the "Master Plan"); and

**WHEREAS**, on February 3, 2015, Mayor Nancy Denson appointed the Downtown Master Plan Implementation Committee; and

**WHEREAS**, the Master Plan provides for a project consisting of redevelopment of a low density residential development known consist of the renovation or redevelopment of the approximately 12-acre site with 190 apartment units known as Bethel Midtown Village or Bethel Church Homes ("Bethel Village"), located in the "Downtown North End" Master Plan District between College Avenue and the Council for Aging Complex.; and

**WHEREAS**, the Master Plan further provides for the Mayor and Commission of the Unified Government to appropriate future Special Purpose Local Option Sales Tax funding for purposes of helping to implement projects set forth in the Master Plan; and

**WHEREAS**, in accordance with the foregoing provisions of the Master Plan, the Unified Government's SPLOST 2020 ("SPLOST 2020") was voted on and approved in the referendum conducted on November

5, 2019 (the “Referendum”) and included a budgeted amount of \$44,500,000 for Project No. 02, the Athens-Clarke County Affordable Housing Project (the “Affordable Housing Project”); and

**WHEREAS**, this Affordable Housing Project will provide funding support for a range of affordable, public, or workforce housing sub-project options in Athens-Clarke County, including, but not limited to, multi-family and single-family developments or redevelopments, which may include associated commercial and retail components of mixed-use developments, which options may include, but not be limited to, ownership of affordable housing, construction of public infrastructure (for example, public roads, public sidewalks, waterlines, sewer lines and storm water facilities) to support such housing options, and partnerships with affordable housing providers and investors, public and private, for development and redevelopment of affordable housing, including mixed-income, mixed-use developments or redevelopments that may include affordable or public multi-family rental units and homeownership opportunities; and

**WHEREAS**, in support of the Master Plan’s provisions related to the redevelopment of Bethel Village, the Unified Government intends to use approximately \$39,000,000 from the SPLOST Affordable Housing Project budget (the “2020 SPLOST Proceeds,” which may include advance bond funding) to support and implement the North Athens Downtown Development Project which will consist of the renovation or redevelopment Bethel Village, as part of a mixed-use development and that may include adjacent tracts (including approximately six acres of adjacent property owned by Athens Housing Authority) and uses; and

**WHEREAS**, Bethel Village currently contains aged and underperforming housing and is in need of renovation, redevelopment or revitalization in order to provide a safe, healthy and sustainable environment for affordable housing; and

**WHEREAS**, consistent with the Master Plan for the Downtown North End District, it is the intention of the Unified Government and the Authority that the North Athens Project introduce a mixture of housing types, land uses and density in the “Downtown North End” Master Plan District while connecting streets and infrastructure, which would foster a wider and more optimal range of redevelopment options in the North Athens area; and

**WHEREAS**, the Mayor and Commission desire to approve the acceptance of the Master Plan with amendments related to implementation of the Bethel Village Redevelopment project; and

**WHEREAS**, a copy of the Master Plan as amended is on file with the Athens-Clarke County Clerk of Commission and is incorporated herein by reference; and

**WHEREAS**, the Mayor and Commission have determined that the actions described in this Resolution and the Master Plan are necessary in the interest of the public health, safety, and welfare of the residents of Athens-Clarke County;

**NOW, THEREFORE, BE IT RESOLVED**, that:

Section 1. The Mayor and Commission do hereby approve the acceptance of the Athens Downtown Master Plan 2030 with amendments related to providing for the implementation of the North Athens Downtown Development Project.

Section 2. The Mayor and Commission hereby declare that the foregoing preamble and whereas provisions set forth hereinabove constitute, and shall be considered to be, substantive provisions of this Resolution and are hereby incorporated by reference into this provision.

Section 3. In the event scrivener’s errors shall be discovered in this resolution or in the exhibit(s) hereto after the adoption hereof, the Mayor and Commission hereby authorizes and directs that each such scrivener’s error shall be corrected in all multiple counterparts of this resolution.

Section 4. The Mayor and Commission grants the Mayor, Manager, Clerk of Commission, and County Attorney the authority to take any and all further actions necessary to carry out the intents and purposes of this resolution.

Section 5. This resolution shall become effective immediately upon its approval by the Mayor and Commission.

A motion was made by Commissioner Link, seconded by Commissioner Thornton, to approve an intergovernmental contract with the Athens Housing Authority (AHA) to convey SPLOST 2020 funds for AHA to acquire Bethel Midtown Village as part of the North Downtown Athens Development Project as per Attachment 1 of agenda report dated May 13, 2020. The motion passed by unanimous vote.

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

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

A motion was made by Commissioner Wright, seconded by Commissioner Thornton, to adopt the following ordinance (#20-06-32) as recommended by the Legislative Review Committee and which was presented by title only. The motion passed by unanimous vote.

### **CHAPTER 4 5. - LOUD OR UNRULY GATHERINGS IN RESIDENTIAL NEIGHBORHOODS.**

#### **Sec. 4-5-1. - Definitions.**

*Residential Neighborhood* refers to any land use zone designated as residential, including Residential Multifamily (RM) and Residential Single Family (RS) zones.

*Loud or Unruly Conduct*, as used in this section, includes any of the following conduct if in violation of any provision of this Code or State law:

- (1) Any noise in violation of Sec. 3-5-24 of this Code;
- (2) Obstruction of a street or public right-of-way, including a sidewalk;
- (3) Public intoxication or drinking in public;
- (3) The service of alcoholic beverages to minors;
- (4) Possession and/or consumption of alcohol by minors;
- (6) Assault, battery, fights, domestic violence or other disturbances of the peace;
- (7) The sale or service of alcoholic beverages without a required State license;
- (8) Vandalism or destruction of property;
- (9) Litter;
- (10) Urinating or defecating in public;
- (11) Trespassing; or Indecent Exposure visible from neighboring residences or the streets adjoining the property at which the gathering is taking place.

*Loud or Unruly Gathering* means a gathering of persons at any Residence within a Residential Neighborhood or a property adjoining a Residential Neighborhood where Loud or Unruly Conduct occurs at the Residence or within 500 feet of the Residence, and which threatens or interferes with the public health, safety or welfare, or the comfortable enjoyment of life and property.

*Minor* means any person under 21 years of age.

*Owner* means any person who owns the Residence where a Loud or Unruly Gathering occurs.

*Person* or "Entity" means an individual or any firm, association, organization, partnership, trust, business, corporation, company or legal entity.

*Residence* means any "residential building" includes any dwelling, garage, carport, walkway, yard, patio, deck, or other structure or area on the lot on which the residential building is located.

*Responsible Party* means:

- (1) Any person or entity who rents, leases or otherwise is in charge of the Residence where a Loud or Unruly Gathering occurs; or
- (2) Any person or entity who organizes or sponsors a Loud or Unruly Gathering at a Residence.

*Enforcement officer* as used in this chapter shall mean any Athens-Clarke County police officer or any employee of the Unified Government authorized by the manager or the manager's designee.

**Sec.4-5-2 - Loud or Unruly Gatherings Prohibited.**

Loud or Unruly Gatherings are prohibited and shall constitute a public nuisance subjecting the Owner and/or Responsible Party to fines and/or penalties under this chapter. Athens-Clarke County may abate a Loud or Unruly Gathering by all available means, including, but not limited to, an order of an enforcement officer requiring persons at the Loud or Unruly Gathering to leave the Residence, the issuance of a Citation, and/or the arrest of any person committing a violation of any provisions of the Athens-Clarke County Code subject to arrest under Section 1-1-5 of said code, or any other applicable State or local law.\

**Sec. 4-5-3. - Posting of Notice Regarding a Loud or Unruly Gathering.**

An enforcement officer responding to a Loud or Unruly Gathering shall post or attach, on the front entrance of the Residence at which the Loud or Unruly Gathering occurs a notice which meets the following requirements:

The notice shall be a minimum of 8 ½" by 11" in size, have black letters on contrasting background, white or colored paper and be made of durable laminated or weather resistant material.

The notice shall state, at a minimum:

- (1) The name and agency of the Enforcement Officer who responded to the Loud or Unruly Gathering;
- (2) The address of the Residence and the date of the Loud or Unruly Gathering, along with a description of the Loud or Unruly conduct observed;
- (3) That Loud or Unruly Gatherings may result in the imposition of fines and/or penalties against any Responsible Party and/or Owner; and
- (4) It is unlawful to alter, tamper with or deface the notice, or remove it prior to 30 days from the date of the posting.

**Sec. 4-5-4 - Removal of Posted Notice Prohibited.**

- (1) It shall be unlawful for any person to alter, tamper with or deface a posted notice described in section 4-5-3, or remove it prior to 30 days from the date of the posting.
- (2) If a posted notice is altered, tampered with, defaced, or removed prior to 30 days from the date of posting, the notice shall be replaced and a new 30-day posting period shall commence on the date of replacement.

**Sec. 4-5-5 - Notice to Owner.**

A copy of the notice posted pursuant to **Sec.4-5-3** shall be served on the Owner by personal service or by depositing in the mail for delivery by the United States Postal Service, in a sealed envelope, postage prepaid, addressed to the Owner shown on Athens-Clarke County's most recent property tax digest.

**Sec. 4-5-6 - Citation Issued to Owner Absent During the Loud or Unruly Gathering.**

An Owner not present during the Loud or Unruly Gathering may be issued a Citation for any violation of **Sec.4-5-2** after personal service of the notice in **Sec. 4-5-3** or, if the notice is only mailed, ten (10) calendar days after the mailing of the notice to the Owner pursuant to **Sec. 4-5-5**.

**Sec. 4-5-7 - Citation.**

An Enforcement Officer may issue a Citation to the Owner and/or Responsible Party for any violation of this chapter.

**Sec. 4-5-8 - Penalties.**

A violation of this chapter shall be punished as provided in section 1-1-5 of this Code.

**Sec. 4-5-9 - Severability.**

If any provision of this section is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this section which can be

implemented without the invalidated provisions, and to this end, the provisions of this section are declared to be severable.

A motion was made by Commissioner NeSmith, seconded by Commissioner Davenport, to adopt the following ordinance (#20-06-33) which was presented by title only. The motion passed by unanimous vote.

**AN ORDINANCE FOR THE FOURTH DELARATION OF A LOCAL STATE OF EMERGENCY RELATED TO COVID-19; AND FOR OTHER PURPOSES.**

WHEREAS, Athens-Clarke County, Georgia has experienced an event of critical significance as a result of the Coronavirus (COVID-19) disease ("COVID-19"); and

WHEREAS, the Centers for Disease Control and Prevention, (the "CDC") indicates that COVID-19 is a new and contagious respiratory disease caused by a novel (new) coronavirus that was first detected in China and which has now been detected in more than 100 locations around the world, including in the United States; and

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

WHEREAS, on March 13, 2020, President Donald Trump has declared a national emergency for the United States of America in response to COVID-19; and

WHEREAS, on March 14, 2020 Governor Brian Kemp declared a Public Health State of Emergency in Georgia, and renewed his declaration on April 8, 2020, April 30, 2020 and again on May 28, 2020 so that it will remain in effect at least through July 12, 2020; and

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 so that it will remain in effect until 11:59 p.m. on June 2, 2020; and

WHEREAS, the Mayor and Commission has determined that this Ordinance does not in any way conflict, vary, or differ from any Executive Orders heretofore entered related to the Governor's Declaration of a Public Health State Emergency; and

WHEREAS, according to the Georgia Department of Public Health COVID-19 update at noon on May 28, 2020, Georgia now has 45,070 confirmed cases of COVID-19, including 266 confirmed cases in Athens-Clarke County; and

WHEREAS, according to the Georgia Department of Public Health COVID-19 update, 1,962 individuals in Georgia have died and 7,767 have been hospitalized after contracting COVID-19; and

WHEREAS, the Centers for Disease Control ("CDC") indicates that there is evidence of widespread community transmission in Georgia; and

WHEREAS, the CDC and public health officials expect that additional cases of COVID-19 will be identified in the coming days; and

WHEREAS, the Mayor and Commission of Athens-Clarke County, Georgia have determined that it is necessary to continue its Declaration of a Local State of Emergency; and

WHEREAS, in the judgment of the Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia, as of the date of this Ordinance, there exist emergency circumstances 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; 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 O.C.G.A. Sec. 38-3-28, the Mayor and Commission are authorized to make, amend, and rescind orders, rules, and regulations as necessary for emergency purposes and to supplement carrying out the emergency management laws; and

WHEREAS, pursuant to O.C.G.A. Sec. 38-3-51, the Governor's declared public health emergency authorizes the Mayor and Commission to use emergency powers in O.C.G.A. Sections 38-3-1 through 38-3-64; and

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

NOW, THEREFORE, the Mayor and Commission of Athens-Clarke County, Georgia hereby ordains that it is hereby declared 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

THEREFORE, IT IS ORDERED:

That the Athens-Clarke County Office of Emergency Management shall continue with its activation of the Emergency Operations Plan and that the following sections of the Athens-Clarke County Code shall continue to be implemented:

- a. Section 3-4-5 Additional Emergency Powers
- b. Section 3-4-9. Authority to Waive Procedures and Fee Structures

IT IS FURTHER ORDERED, that any provisions of the Alcoholic Beverages Ordinance prohibiting an establishment licensed to sell beer or wine on premises from selling unopened bottles, cans, or growlers of beer and wine for take-out consumption off premises shall be temporarily suspended for the duration of this local declaration. It is the intent of this order that any establishment licensed to sell beer and/or wine shall be authorized to sell unopened bottles or cans and sealed growlers of such beverages for take-out consumption off premises through the duration of the declared Local Emergency, including any extension thereof. All other provisions of the Alcoholic Beverages Ordinance not in conflict with this order shall remain in full force and effect.

IT IS FURTHER ORDERED, that the April 1, 2020 deadline for payment of Occupation Tax and regulatory fees be extended to August 11, 2020. Any provisions of Athens-Clarke County's Occupation Tax in conflict in with the extension granted herein are hereby temporarily suspended. All other provisions of the Occupation Tax Ordinance remain in full force and effect.

This Order shall become effective at 12:01 a.m. on June 3, 2020 and will continue to be in effect until 11:59 p.m. on Tuesday, August 11, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Mayor and Commission.

Copies of this Order shall promptly be: (1) made available at City Hall for the Unified Government of Athens-Clarke County, Georgia; (2) posted on the Unified Government's website; and (3) provided to any member of the public requesting a copy of this Order.

Adoption of the FY21 operating and capital budgets; establishment of 2020 property tax rates; approval of schedule of fees and charges for FY21 was held.

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

**RESOLUTION URGING ALL EMPLOYEES, BUSINESSES, RESIDENTS AND VISITORS IN ATHENS-CLARKE COUNTY TO WEAR A FACE COVERING; AND FOR OTHER PURPOSES.**

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

WHEREAS, on March 11, 2020 the World Health Organization declared the COVID-19 outbreak a global pandemic; and

WHEREAS, on March 13, 2020 the President of the United States announced a national emergency in response to the COVID-19 pandemic, which included two emergency declarations: one under the National Emergencies Act and one under the Stafford Disaster Relief and Emergency Assistance Act; and

WHEREAS, on March 14, 2020 Governor Brian Kemp declared a Public Health State of Emergency in Georgia, and renewed his declaration on April 8, 2020, April 30, 2020 and again on May 28, 2020 so that it will remain in effect at least through July 12, 2020; 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 and renewed that declaration on March 19, 2020 and again on April 21, 2020;

WHEREAS, the CDC has issued guidance on the emerging and rapidly evolving situation of the COVID-19 pandemic, including how to protect oneself from illness; and

WHEREAS, the CDC has determined that COVID-19 is spread primarily between people who are in close proximity to one another, and can be transmitted through respiratory droplets produced when an infected person coughs, sneezes or talks; and recommends social distancing to prevent the continued spread of the virus; and

WHEREAS, on April 3, 2020, the CDC recommended using face coverings or other non-surgical protective face masks to help prevent the continued spreading of the virus in local communities; and

WHEREAS, to mitigate the spread of COVID-19, a number of states and cities throughout the United States, have mandated or are highly recommending enforcing new guidelines for wearing face masks or other face coverings when in public; and

WHEREAS, based on the recommendations of the CDC, the Unified Government of Athens-Clarke County wants to ensure we are implementing all measures to protect the safety and health of all citizens and businesses to slow the spread of COVID-19; and

WHEREAS, the CDC expects that additional cases of COVID-19 will be identified in the coming weeks, including more cases in the United States and the State of Georgia, and that person-to-person spread is likely to continue; and

WHEREAS, local emergency hospital personnel have reported to the Mayor and Commission that they are treating patients with symptoms consistent with COVID-19 and that there is shortage of personal protective equipment which threatens the health, safety, and welfare of the general public and medical personnel;

WHEREAS, medical professionals have advised that if COVID-19 spreads in Athens-Clarke County at a rate comparable to other affected areas, the pandemic may overwhelm the resources and capacity of county governments and public health agencies that provide essential services to contain and mitigate the spread of contagious diseases, such as COVID-19; an outbreak may become too large in scope to be handled by the normal county and municipal operating services in some parts of this State; and

WHEREAS, on April 13, 2020, Governor Brian Kemp suspended OCGA 16-11-38 eliminating state misdemeanor charges for those wearing "a mask, hood, or device by which any portion of the face is so hidden, concealed, or covered as to conceal the identity of the wearer and is upon any public way or public property."

WHEREAS, on April 20, 2020, Governor Brian Kemp ordered that most businesses may resume in-person operations starting Friday, April 24, 2020; and

WHEREAS, Governor Brian Kemp's April 20, 2020 order also extended mandatory shelter-in-place for certain at-risk groups through June 12, 2020. These groups include: people 65 years of age or older, people living in assisted living or nursing homes, people with chronic lung disease, people with moderate to severe asthma, people with severe heart disease, people who are immunocompromised, people with



class III or severe obesity, people with diabetes, liver disease, or chronic kidney disease undergoing dialysis;

WHEREAS, on April 23, 2020 Governor Brian Kemp ordered that all residents and visitors of the State of Georgia are strongly encouraged to wear face coverings as practicable while outside their homes or places of residence except when eating, drinking, or exercising outdoors; and

WHEREAS, on April 20, 2020, the City of Atlanta passed a Resolution urging all employees, businesses, residents, and visitors to wear a face mask while working, patronizing grocery stores, restaurants, or other essential businesses.

WHEREAS, on April 21, 2020, the Athens-Clarke County Mayor & Commission passed a Resolution Encouraging Continued Shelter-in-Place in Athens-Clarke County stating: "Persons should wear a mask or face-covering when in public to prevent or hinder the transmission of the Coronavirus;" and

WHEREAS, on May 1, 2020, the Office of the Governor of the State of Georgia issued a press release stating: "Governor Brian P. Kemp, Dr. Kathleen Toomey, and the Georgia Department of Public Health (DPH) urge all Georgians to continue to follow safe daily habits to reduce our risk of exposure to COVID-19 and keep the virus from spreading; and

WHEREAS, wearing a face covering in public settings, practicing social distancing, and washing your hands frequently are all measures which help slow the spread of the virus and help people who may be infected and not know it from transmitting it to others; and

WHEREAS, on May 18, 2020, the Clarke County Board of Health unanimously passed the following recommendation: "The Clarke County Board of Health recommends that the Athens-Clarke County Mayor & Commission pass a resolution recommending that all residents and visitors wear a face covering of their mouths and noses in indoor public environments and workplaces."

WHEREAS, according to the Georgia Department of Public Health COVID-19 update at 9 a.m. on May 29, 2020, Georgia now has 45,572 confirmed cases of COVID-19, including 270 confirmed cases in Athens-Clarke County; and

WHEREAS, according to the Georgia Department of Public Health COVID-19 update, 1,972 individuals in Georgia have died and 7,838 have been hospitalized after contracting COVID-19; and

WHEREAS, Hall County, Georgia has been reported nationally as a COVID-19 hotspot, reporting 2452 diagnosed cases and 46 deaths as of May 29, 2020. Hall County is located less than 40 miles from Athens-Clarke County and confirmed cases have been reported among ACC residents who are employed in Hall County.

WHEREAS, Athens is the employment, educational, commercial, healthcare, and recreational center of the Northeast Georgia region and draws regular daily visitors from throughout this region and beyond; and

WHEREAS, the Centers for Disease Control ("CDC") continues to study the spread and effects of COVID-19 and has found that a significant portion of individuals with the novel coronavirus lack symptoms and those that eventually develop symptoms can transmit the virus to others before those symptoms appear, meaning that the virus can be spread between people interacting in close proximity to each other by actions such as speaking, coughing, or sneezing, even without exhibiting symptoms; and,

WHEREAS, despite the Governor's recommendation and the clause encouraging the wearing of face-coverings in the April 21, 2020 ACCUG Resolution Encouraging Continued Shelter-in-Place, the widespread use of face coverings in public places is not being currently practiced in Athens-Clarke County or anywhere in Georgia; and

WHEREAS, the Mayor and Commission of the Unified Government of Athens-Clarke County strongly urges all employees, residents, visitors, and businesses follow the practice of wearing a face covering over their nose and mouth—as recommended by the CDC, the Georgia Department of Public Health, and the Governor of Georgia—while in public retail, restaurant, service, or office establishments, as well as on public transit and in public transit facilities, while riding in a vehicle with people from outside one's household, and in highly-trafficked outdoor spaces and public right-of-ways; and

WHEREAS, to prevent or minimize injury to people resulting from this pandemic, the Mayor and Commission finds that certain actions are necessary, including but not limited to, the continued social distancing measures as well as widespread use of face-coverings by all people while entering the public realm; and

WHEREAS, Athens-Clarke County Police and other ACCUG employees in the public realm will be supplied with cloth squares and relevant literature detailing the importance of wearing face coverings among all members of the public in order to prevent the spread of COVID-19.

WHEREAS, all businesses in Athens-Clarke County will be provided with a printable electronic file of signage that can be posted at all entrances to their place of business detailing the importance of wearing face coverings among all members of the public in order to prevent the spread of COVID-19.

**NOW, THEREFORE BE IT RESOLVED THAT THE ATHENS-CLARKE COUNTY MAYOR AND COMMISSION** urge all employees, customers, patrons, residents, and visitors in Athens-Clarke County to wear a face covering over their nose and mouth while in indoor places of business, while riding in a vehicle with people from outside one's household, as well as in outdoor environments and heavily-traveled public rights-of-way where one might come in near contact with persons from outside of one's own household (such as but not limited to shopping center parking lots, strip malls, public transit stops/facilities, outdoor patios, public park pathways, and sidewalks throughout Athens-Clarke County.)

BE IT FURTHER RESOLVED, that businesses and public accommodations in Athens-Clarke County are encouraged to prominently post signage at all entrances urging patrons, clients, and visitors wear face coverings upon entering.

BE IT FURTHER RESOLVED that a face covering can include reusable bandannas, scarves, repurposed clothing, cloth masks, or single-use multi-folded paper towels firmly secured to the face with ties or rubber bands.

BE IT FURTHER RESOLVED, that one should thoroughly wash/sanitize hands before putting on a face covering, should avoid touching the front of the face covering at all times, and should wash/sanitize hands before and after removing it. Frequent hand-washing and social-distancing protocols should continue along with the wearing of face coverings indoor shared spaces.

BE IT FURTHER RESOLVED, that reusable cloth face coverings are recommended to be washed in soap and hot water on a daily basis or immediately after coming in proximity to a possibly infected individual.

BE IT FURTHER RESOLVED, that residents and visitors are encouraged not to purchase N95 or surgical masks, as these are limited resources needed for the healthcare community and first responders.

BE IT FURTHER RESOLVED, the following exceptions are recommended as additional measures for applying the recommendations urging face coverings to be worn as set forth in this resolution:

- (1) Children under six years old are not urged to wear a face mask. Accompanying parents/guardians are urged to assure these children stay properly distanced. Cloth can be draped over strollers/carriages/body-worn carriers to protect infants and small children.
- (2) Face coverings are not urged to be worn with respect to patients in examination rooms of medical or dental offices or clinics or hospitals where there is a necessity to examine or treat the mouth or nasal area, subject to the direction of the medical or dental professionals in charge of the office, clinic or hospital.
- (3) Restaurant patrons are urged to only remove face coverings while seated at a table and after an order is served. Face coverings should be put back on as soon as a meal is finished and during any interaction with servers.
- (4) Face coverings are not urged to be worn when wearing a face covering poses a greater mental or physical health, safety or security risk such as anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the cover without assistance.

BE IT FURTHER RESOLVED, that this Resolution is intended to protect the health of all residents, employees, and visitors in Athens-Clarke County while in public as well as those they interact with closely in private as one could acquire a COVID-19 infection in the public realm and then pass it on to a housemate or family member who is continuing to shelter-in-place.

BE IT FURTHER RESOLVED, that there shall be no criminal penalties related to any individual's failure to adhere to any recommendations as set forth in this resolution.

BE IT FINALLY RESOLVED, that all resolutions and parts of resolutions in conflict herewith, be and the same are hereby waived.

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

- a) Approve the submission of an application (Attachment #1) and budget detail (Attachment #2) of agenda report dated May 21, 2020 by the Athens-Clarke County Police Department (ACCPD) for the Coronavirus Emergency Supplemental Funding Program FY2020 Formula Grant;
- b) Accept the grant funds, if awarded;

- c) Adopt the following ordinance (#20-06-34) which was presented by title only; and
- d) Authorize the Mayor and appropriate staff to execute all documents associated with the grant.

The motion passed by unanimous vote.

**AN ORDINANCE TO AMEND THE FY2020 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING AND AUTHORIZATION, IF AWARDED, FROM THE CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM FY2020 FORMULA GRANT FOR EQUIPMENT AND SUPPLIES FOR THE PREVENTION, PREPARATION, AND RESPONSE TO CORONAVIRUS; 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 the Coronavirus Supplemental Funding Program FY2020 Formula Grant for equipment and supplies for the prevention, preparation, and response to coronavirus. Said Operating and Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

|  |           |
|--|-----------|
| Increase:                                      |           |
| Coronavirus Supplemental Funding Program Grant | \$145,291 |

Expenditures:

|  |           |
|--|-----------|
| Increase:                                    |           |
| Police Department – Law Enforcement Supplies | \$145,291 |

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

A motion was made by Commissioner Link, seconded by Commissioner Edwards, to appoint Mayor Kelly Girtz to the Joint Development Authority of Athens-Clarke County, Georgia and the City of Winterville. The motion passed by unanimous vote.

FROM MAYOR GIRTZ:

- 1. Instructed Attorney Drake to recommend an effective plan for removal of the Broad Street monument.

FROM MANAGER WILLIAMS:

- 1. Reported development is underway for an online portal for payments.
- 2. Reported acceptance of a \$2,107.60 grant from Association of County Commissioners Civic Affairs Grant Foundation for the Georgia County Internship Program.

Commissioners commended citizens for a peaceful weekend demonstration. Commissioners Denson and NeSmith suggested charges brought against anyone be dropped.

FROM COMMISSIONER DAVENPORT

- 1. Urged citizens to vote June 9.
- 2. Stated June 5 is the deadline for applications for various boards.

FROM COMMISSIONERS PARKER, DENSON, AND NESMITH:

1. Supported study of police services.

FROM COMMISSIONERS DENSON, EDWARDS, AND HEROD:

1. Supported removal of Broad Street monument.

A motion was made by Commissioner Hamby, seconded by Commissioner Wright, to enter into executive session for discussion of personnel matters. The motion passed by unanimous vote.

The meeting adjourned at 9:50 p.m.

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Clerk of Commission