

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, June 6, 2023
6:08 p.m.
City Hall

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

A motion was made by Commissioner Taylor, seconded by Commissioner Myers, to approve Minutes of meetings of Tuesday, May 2; Thursday, May 11; Tuesday, May 16, and other meetings of May 4; May 9; May 11; May 16; May 18; May 23; and May 26. The motion passed by unanimous vote.

Written communications

There were none.

Civility Pledge

Mayor Girtz recited the Civility Pledge.

Recognitions

Mayor Girtz stated it was his honor to share the remarkable achievements of Police Sergeant Amanda Blair, who has been named President of the Georgia Association of Women in Public Safety (GAWPS). Sergeant Blair's appointment to this prestigious position is a testament to her skill, dedication, and outstanding contributions to the field of public safety. Since GAWPS inception in 2015, Sergeant Blair's tireless efforts have not only elevated the association, but have also empowered countless women in our community and state, who aspire to make a difference in public safety. In recognition of her exceptional leadership and unwavering dedication, Sergeant Blair has also been awarded the prestigious President's Leadership Award from the Georgia Association of Women in Public Safety. This accolade serves as a testament to her exceptional abilities, her unparalleled passion, and her relentless pursuit of excellence.

Mayor Girtz recognized graduates of the 48th class of the Community Police Academy. The academy is an initiative that allows citizens to gain up-close and personal insight into the daily duties of our ACCPD. It provides an invaluable opportunity to witness firsthand the dedication, professionalism, and courage demonstrated by our men and women in uniform. Through it, we strive to build stronger community relations. The participants of our recent class, to include Commissioners Fisher, Taylor, and Wright, have shown tremendous enthusiasm and commitment throughout the program. Over the course of several weeks, participants engaged in workshops and interactive sessions, which have provided them with a better understanding of the challenges and responsibilities faced by ACCPD. We commend your dedication and willingness to invest your time and energy into learning about the great work our officers do in the community.

Public Hearing #3 on the proposed FY24 budget as required by the Taxpayer Bill of Rights passed by the Georgia General Assembly in 1999 was conducted.

The following public input was received:

1. Timi Conley – expressed gratitude for proposal of increased funding for Athens events through ADDA
2. Iva King- supported commission-defined option for budget from Commissioners Houle and Myers
3. Alice Wilman – supported funding for Center for Racial Justice and Black Futures and to maintain funding for homeless services
4. John Olive- supported commission-defined option for budget from Commissioners Houle and Myers
5. Blake Tanner – supported keeping the millage rate the same
6. Hope Iglehart – supported adequate funding for the Center for Racial Justice and Black Futures
7. Dylan Woolsey – supported decreasing the millage rate as little as possible
8. Miguel Mendez – supported the firefighter ordinance and opposed the Spanish language access ballots
9. Maria Fernandez – supported the firefighter ordinance and opposed the Spanish language access

ballots

10. Mara Zuniga- opposed the Spanish language access ballots
11. Tim Denson- supported commission-defined option for budget from Commissioners Houle and Myers
12. Joan Rhoden- supported rollback of the millage rate
13. Joseph Kellner- supported commission-defined option for budget from Commissioners Houle and Myers and the firefighter ordinance
14. Broderick Flanigan – supported funding for Center for Racial Justice and Black Futures

A motion was made by Commissioner Wright, seconded by Commissioner Link, to amend the agenda to add consideration of North Avenue Corridor RAISE grant preliminary engineering and design services contract award at the conclusion of new business. The motion passed by unanimous vote.

Public input on Consent Agenda

There was none.

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 Hamby, seconded by Commissioner Taylor, to consent to action on the following eighteen items. The motion passed by unanimous vote.

1. a) ADOPT: The following ordinance (#23-06-28) which was presented by title only for FY24 Congressionally Directed Spending (CDS) from the Office of Senator Jon Ossoff (D-GA) for Real Time Crime Center (RTCC), crime analysts, and event public safety equipment as per agenda report dated April 28, 2023;
- b) Approve: Submission of a CDS application by the Athens-Clarke County Police Department (ACCPD) to acquire Real Time Crime Center (RTCC) software and equipment, crime analysts, and public safety equipment for large events, for a total project acquisition cost of \$673,000;
- c) Accept the allocated funds, if awarded;
- d) Authorize the creation of up to two crime analyst positions, consistent with the grant award;
- e) Authorize the Mayor and appropriate staff to execute all documents associated with the allocated funds.

AN ORDINANCE TO AMEND THE FY2023 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 REAL TIME CRIME CENTER (RTCC) SOFTWARE, CRIME ANALYSTS, AND EVENT PUBLIC SAFETY 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, if awarded, from Congressionally Directed Spending (CDS) for expenses related to acquisition of Real Time Crime Center (RTCC) software, Crime Analysts, and event public safety equipment; and for other purposes.

Said Operating budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:	
Federal Grants	up to \$673,000

EXPENDITURES:

Increase:	
Police Department:	
Personal Services	up to \$181,200
Capital Expenses	up to \$491,800

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

2. a) ADOPT: The following ordinance (#23-06-29) which was presented by title only;
 - b) Approve: Submission of an application by the Athens-Clarke County Police Department (ACCPD) for the 2023 COPS Hiring Program (CHP) as per agenda report dated April 28, 2023;
 - c) Accept the grant funds if awarded;
 - d) Authorize the creation of up to 14 entry-level sworn officer positions, consistent with the grant award;
 - e) Authorize the Mayor and appropriate staff to execute all documents associated with the grant.

AN ORDINANCE TO AMEND THE FY2024 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, TO THE POLICE DEPARTMENT FROM THE U.S. DEPARTMENT OF JUSTICE – OFFICE OF COMMUNITY ORIENTED POLICING SERVICES HIRING PROGRAM GRANT; 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, to the Police Department from the U.S. Department of Justice – Office of Community Oriented Policing Services Hiring Program grant; and for other purposes.

Said Operating and Capital budget is hereby amended as follows:

General Fund:

EXPENDITURES:

Decrease:	
Other General Administration	
Operating Contingency	\$330,631
Increase:	
Transfers to Grant Special Revenue Fund	\$330,631

Grants Special Revenue Fund:

REVENUES:

Increase:	
COPS Hiring Program (CHP) Grant	\$1,750,000
Transfers from General Fund	\$330,631
	\$2,080,631

EXPENDITURES:

Increase:	
Police Department:	
Personal Services	\$2,080,631

(Note: Fulltime Authorized positions in the Police Department would increase by up to 14 sworn officers)

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

3. a) ADOPT: The following ordinance (#23-06-30) which was presented by title only.
 - b) Approve the submission of an application by the Athens-Clarke County Police Department (ACCPD) for the 2023 Community Policing Development (CPD) Microgrants Program as per agenda report dated April 28, 2023;
 - c) Accept the grant funds, if awarded;
 - d) Authorize the Mayor and appropriate staff to execute all documents associated with the grant.

AN ORDINANCE TO AMEND THE FY2024 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE COMMUNITY POLICING DEVELOPMENT MICROGRANTS PROGRAM FOR LUCAS DEVICES, AUTOMATED EXTERNAL DEFIBRILLATORS, AND RELATED COMMUNITY ENGAGEMENT AND OUTREACH; 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 the Community Policing Development Microgrants Program to acquire LUCAS Devices, Automated External Defibrillators, and assist with related Community Engagement and Outreach expenses; and for other purposes.

Said Operating and Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:	
DOJ Community Policing Development Microgrants	up to \$175,000

Expenditures:

Increase:	
Police Department:	
Capital	up to \$175,000

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

4. ADOPT: The following ordinance (#23-06-31) which was presented by title only amending the FY23 Operating Budget to provide General Fund Contingency in the amount up to \$200,000 for expenses related to costs in providing animals with medical care including medical services, animal care maintenance and medical supplies as per agenda report dated April 26, 2023.

AN ORDINANCE TO AMEND THE FY2023 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FOR EXPENSES RELATED TO COSTS IN PROVIDING ANIMALS WITH MEDICAL CARE, INCLUDING MEDICAL SERVICES AND MEDICAL SUPPLIES, AND ANIMAL CARE MAINTENANCE IN THE ANIMAL SERVICES 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 expenses related to costs in providing animals with medical care, including medical services and medical supplies, and animal care maintenance in the Animal Services Department.

Said Operating and Capital budget is hereby amended as follows:

General Fund:

EXPENDITURES:

Decrease:	
Other General Administration	
General Fund Contingency	up to \$200,000

Increase:	
Animal Services Department	
Operating Expense	up to \$200,000

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

5. APPROVE: Athens-Clarke County Police Department (ACCPD) School Resource Officer (SRO) program contract with the Clarke County School District for the 2023-2024 academic year as per agenda report dated April 27, 2023; and authorize the Mayor and appropriate staff to execute the contract and all related documents.

6. APPROVE: Preliminary construction plans for the Middle Oconee East Trunk Improvements Project - Phase 1 as per agenda report dated April 25, 2023; and authorize staff to complete the final construction plans, acquire easements and associated permits, and solicit bids for construction.

7. APPROVE: Preliminary construction plans for the Lake Meeler Subdivision Sewer Realignment Project as per agenda report dated April 25, 2023; and authorize staff to complete the final construction plans, acquire easements and associated permits, and solicit bids for construction.
8. APPROVE: Preliminary construction plans for the Merlin Drive Sewer Repair Project as per agenda report dated April 25, 2023; and authorize the completion of the final construction plans, acquire easements and associated permits, and solicit bids for construction.
9. APPROVE: Ratification of the first amendment to the lease agreement with the Athens Neighborhood Health Center as per Attachment #1 of agenda report dated May 2, 2023, pursuant to O.C.G.A 36-91-22(e); and authorize the Mayor and appropriate staff to execute all necessary documents.
10. APPROVE: Initiation of the process to abandon the excess right of way, measuring 0.64 acres, along Anderson Lane at the intersection of Athena Drive, Spring Valley Road, and Anderson Lane, as shown in Attachment #1 of agenda report dated April 24, 2023.
11. APPROVE: Board of Elections' recommendation to amend compensation for the members of the Board of Elections and Voter Registration to \$250 monthly stipend with attendance requirements and \$120 per day of conferences and training offered by the Secretary of State's Office as per agenda report dated May 2, 2023.
12. APPROVE: ARPA-funded Athens Justice & Memory Project Preservation of Affordable Housing RFP concept as per Attachment #1 of agenda report dated April 25, 2023; and authorize ACCGov staff to release a Request for Proposals and all related documents.
13. APPROVE: Award a task order in the amount of \$784,215 to the Public Utilities Department's On-call Consultant, Stantec, to develop the schedule for bringing the Rock Hill Quarry on-line as per agenda report dated April 26, 2023; and authorize the Mayor and appropriate staff to execute all related documents.
14. APPROVE: a) Proposed project concept for the SPLOST 2020 Project 28, Mental Health Recovery Facility Project, as provided on Attachment #1 and as generally shown on Attachment #2 of agenda report dated April 26, 2023;
b) Authorize the staff to advance the proposed project concept, as provided on Attachment #1 and as generally shown on Attachment #2, to the schematic design phase, based on funding availability for SPLOST 2020 Project 28, Mental Health Recovery Facility Project;
c) Approve the ACC Safety and Justice Committee recommendation, Attachment #3, to designate \$4,000,000 of ARPA funds, allocated for behavioral health, to support Advantage Behavioral Health Service's Mental Health Recovery Residence Facility as part of the SPLOST 2020 Project 28, Mental Health Recovery Facility Project; and,
d) Authorize the Mayor and appropriate staff to execute all related documents.
15. APPROVE: Project concept and the purchase of ballistics gear using currently available SPLOST 2020 Project 05, Fire Department Equipment Sub-project #4 funds as per agenda report dated May 10, 2023; and approve the procurement of ballistics gear utilizing nationwide contract pricing provided through OMNIA Contract #159498, offered by Mallory Safety and Supply, LLC.
16. APPROVE: SPLOST 2020 Project 03, Classic Center Arena change order #1 to the Classic Center Arena Commissioning Authority, The Farnsworth Group, in the amount of \$49,266 as per agenda

report dated May 10, 2023; and authorize the Mayor and appropriate staff to execute all related documents.

17. APPROVE: A change order in the amount of \$274,786.85 to the CY22 PMP unit price contract to reconcile added quantities associated with pavement rehabilitation and maintenance work items completed on the original roadway list and subsequent change orders already approved by Mayor and Commission as per agenda report dated May 8, 2023; and authorize the Mayor and appropriate staff to execute all related documents.
18. APPROVE: Selection of Environmental Systems Research Institute, Inc. (ESRI) as supplier of choice for Enterprise geospatial software as per agenda report dated May 4, 2023; approve a three year agreement, the total value of which is not to exceed \$270,000; and authorize the Mayor and appropriate staff to execute all related documents.

APPOINTMENTS

Mayor Girtz made the following nominations for Charter officers and Municipal Court Judge and Administrative Hearing Officer.

Manager Blaine Williams

County Attorney Judd Drake

Internal Auditor Gavin Hassemer

Municipal Court Judge Marcy Jolles

Administrative Hearing Officer Marcy Jolles

The term of the Municipal Court Judge/Administrative Hearing Officer shall begin effective June 26, 2023. The term of the Charter Officers shall begin as of July 1, 2023.

Mayor Girtz requested approval of these nominations and authorization for him to execute renewals of the employment agreements for the Manager and County Attorney and new employment agreements for the Internal Auditor and Municipal Court Judge and Administrative Hearing Officer, subject to each Officer being required to sign an employment agreement to confirm acceptance of their appointment.

He also nominated Bill Berryman to serve as the Personnel Hearing Officer for the Unified Government and requested approval of this nomination.

A motion was made by Commissioner Davenport, seconded by Commissioner Houle, to approve all Mayor-recommended appointments and adopt the following ordinance (#23-06-32) 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 TERM OF OFFICE OF THE MUNICIPAL COURT JUDGE; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 1-4-17, entitled "Judge – Generally," paragraph (c) of the Code of Athens-Clarke County is hereby amended by deleting said paragraph in its entirety and substituting the following in lieu thereof:

"(c) Except as provided herein, the judge shall be nominated by the Mayor and confirmed or rejected by the Commission on or before the first voting meeting in June of the year the term expires with the appointment to be effective July 1 of said year. Beginning on July 1, 2009, all terms shall be for two (2) years, except as provided below:

(i) The term of the judge due to expire on June 30, 2017, shall expire on January 31, 2017, at midnight. The next succeeding term shall begin on February 1, 2017, and shall extend through June 30, 2019. The judge for the term beginning February 1, 2017, shall be nominated by the Mayor and confirmed or rejected by the Commission at a special called meeting of the Mayor and Commission on January 17, 2017.

- (ii) The term of the judge due to expire on June 30, 2023, shall expire on June 25, 2023, at midnight. The next succeeding term shall begin on June 26, 2023, and shall extend through June 30, 2025. The judge for the term beginning June 26, 2023, shall be nominated by the Mayor and confirmed or rejected by the Commission at a regular meeting of the Mayor and Commission on June 6, 2023.
- (iii) Thereafter, all terms shall be for two years, such two-year terms resuming with the term beginning on July 1, 2025."

SECTION 2. Section 1-4-17, entitled "Judge – Generally," is hereby amended by adding a new paragraph (g) thereto as follows:

"(g) The salary of the judge shall be as set by the Mayor and Commission."

SECTION 3. Should any provision, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, paragraphs, sentences, or words of this Ordinance as hereby issued shall remain in full force and effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

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

20. A public hearing was conducted on the request of David W. Matheny/Armentrout Matheny, Thurmond P.C. for Red & Black Publishing Company for amendment to a C-G(PD) (Commercial-General, Planned Development) on 0.62 acres known as 540 Baxter Street. Proposed use is a fraternity, Type II

Planning Commission recommendation: Denial (4-3)

The following public input was received.

1. Bret Thurmond, representative of owner – requested approval of withdrawal of request.

A motion was made by Commissioner Wright, seconded by Commissioner Hamby, to approve the applicant's withdrawal of the rezoning request. The motion passed by unanimous vote.

21. A public hearing was conducted on the request of Michael B. Thurmond/Armentrout, Matheny, Thurmond P.C. owners Casey Savage, Bobby and Mary Savage and Timothy and Kim Savage, for an amendment to an RS-25 (PD) (Single-Family Residential-25, Planned Development) on 9.63 acres known as 4075-4079 Barnett Shoals Road. Proposed use is residential. Type II

Planning Commission recommendation: Approve w/conditions (6-1)

The following public input was received:

1. Bret Thurmond, representative of owner – supported request for rezoning
2. Kelly Savage – supported request for rezoning

A motion was made by Commissioner Davenport, seconded by Commissioner Link, to adopt the following ordinance (#23-06-33) 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 LOCATED AT 4075, 4077, AND 4079 BARNETT SHOALS ROAD IN THE RS-25 (P-D) (SINGLE-FAMILY RESIDENTIAL-25, PLANNED DEVELOPMENT) DISTRICT; AND FOR OTHER PURPOSES.

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

SECTION 1. The map constituting the component part of the Zoning Ordinance of Athens-Clarke County, Georgia, by virtue of and in compliance with Section 9-3-3 and Section 9-3-6 thereof, is hereby amended by changing the zoning of three parcels of land comprising approximately 9.63 acres, located at 4075, 4077, and 4079 Barnett Shoals Road, Athens, Georgia, and shown on Attachment A hereto. Said affected parcels are more fully described in that certain site plan entitled "23090 – Kelly Savage, 4079 Barnett Shoals Road, Athens, GA 30605," having an original issue date of April 3, 2023, being amended on May 8, 2023, prepared by Michael Bret Thurmond, registered professional engineer, designated in the lower right-hand corner as sheet number "C100," and being on file for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia.

The subject parcels comprising approximately 9.63 acres are also known as parcel numbers 251 028, 251 028A, and 251 028B 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 at 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

SECTION 2. The binding site plan associated with this ordinance and incorporated herein by reference is comprised of one sheet in total entitled "23090 – Kelly Savage, 4079 Barnett Shoals Road, Athens, GA 30605," has an original issue date of April 3, 2023 and further amendments as of May 8, 2023, is prepared by Michael Bret Thurmond, registered professional engineer, is designated in the lower right-hand corner as sheet number "C100," and is stamped "Binding 5-9-23."

The binding written report associated with this ordinance and incorporated herein by reference is entitled "Addendum to Amendment of the Planned Development (94-11-107) 4075-4079 Barnett Shoals Rd, Athens, GA 30605," consists of six type written pages in total, and is stamped "Binding 5-9-2023."

Said binding site plan and binding written report are 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 following condition of zoning is associated with this ordinance:

1. The applicant shall amend their plan to comply with the following zoning ordinance standards:
 - a. The proposed new property line between Tract 3 & 4 does not demonstrate compliance with the side setback requirements for the existing residence on Tract 3.

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

22. A public hearing was conducted on text amendments – state-mandated changes.

Public Input

There was none.

A motion was made by Commissioner Fisher, seconded by Commissioner Hamby, to adopt the following six ordinances (#23-06-34, 35, 36, 37, 38, and 39), which were presented by title only. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF ATHENS-CLARKE COUNTY, GEORGIA, WITH RESPECT TO **TYPE III SUBMITTAL REQUIREMENTS; AND FOR OTHER LAWFUL PURPOSES**

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

SECTION 1. Section 9-4-5(B)(1) of the Code of Athens-Clarke County, Georgia with respect to the timelines for application submittal for Type III applications is hereby amended by changing the number "30" to "40," so that said section now read as follows:

"B. Type III procedure.

1. Complete applications must be submitted at least 40 days prior to the next regularly scheduled planning commission meeting."

SECTION 2. This ordinance shall take effect on July 1, 2023.

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

SECTION 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. The Clerk of Commission, in consultation with the County Attorney, shall have the power to correct scrivener's errors.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF ATHENS-CLARKE COUNTY, GEORGIA, WITH RESPECT TO **TYPE IV SUBMITTAL REQUIREMENTS; AND FOR OTHER LAWFUL PURPOSES**

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

SECTION 1. Section 9-4-6(B)(1) of the Code of Athens-Clarke County, Georgia with respect to the timelines for application submittal for Type IV applications is hereby amended by changing the number "30" to "40," so that said section now read as follows:

"B. Type IV procedure.

1. Complete applications must be submitted at least 40 days prior to the next regularly scheduled planning commission meeting."

SECTION 2. This ordinance shall take effect on July 1, 2023.

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

SECTION 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. The Clerk of Commission, in consultation with the County Attorney, shall have the power to correct scrivener's errors.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF ATHENS-CLARKE COUNTY, GEORGIA, WITH RESPECT TO **APPEALS; AND FOR OTHER LAWFUL PURPOSES**

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

SECTION 1. Section 9-4-8(B)(2)(c) of the Code of Athens-Clarke County, Georgia with respect to the public notice requirements for appeals of Type IV decisions, as defined in Section 9-4-6 of the Code of Athens-Clarke County, Georgia is hereby deleted in its entirety and the following new section is inserted in lieu thereof:

"C. The appeal hearing shall be scheduled for a regular Athens-Clarke County Planning commission meeting. Notice of such meeting shall be published in a newspaper of general circulation in Athens-Clarke County at least 30 days, but not more than 45 days prior to the hearing, and shall contain the location of the property, by street address and tax map number, the date, time, place, and purpose of the appeal hearing."

SECTION 2. This ordinance shall take effect on July 1, 2023.

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

SECTION 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. The Clerk of Commission, in consultation with the County Attorney, shall have the power to correct scrivener's errors.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF ATHENS-CLARKE COUNTY, GEORGIA, WITH RESPECT TO **APPEALS**; AND FOR OTHER LAWFUL PURPOSES

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

SECTION 1. Section 9-4-8 of the Code of Athens-Clarke County, Georgia with respect to appeals of staff permit decisions and appeals of Type I, II, III and IV planning actions, as defined in this Chapter, is hereby amended by inserting a new section 9-4-8 (D) entitled "Certiorari" that shall read as follows:

"D. Certiorari

1. Authority to Approve Certiorari Documents. In order to comply with O.C.G.A. § 36-66-5.1(c), the Mayor of Athens-Clarke County, the Chair of the Planning Commission and/or the Chair of the Hearings Board, as appropriate, is authorized to issue certiorari bonds and certificates of costs upon confirmation with County staff that such approvals are appropriate.
2. Authority to Accept Service. For purposes of certiorari proceedings, the Mayor of Athens-Clarke County, the Chair of the Planning Commission and/or the Chair of the Hearings Board, as appropriate, is authorized to accept service on behalf of the Respondent."

SECTION 2. This ordinance shall take effect on July 1, 2023.

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

SECTION 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. The Clerk of Commission, in consultation with the County Attorney, shall have the power to correct scrivener's errors.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF ATHENS-CLARKE COUNTY, GEORGIA, WITH RESPECT TO **PUBLIC NOTICE**; AND FOR OTHER LAWFUL PURPOSES

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

SECTION 1. Section 9-4-9(C) entitled "Type IV public notice" of the Code of Athens-Clarke County, Georgia is hereby deleted in its entirety and the following new section is inserted in lieu thereof:

"C. Type IV public notice.

1. Notice shall be published in a newspaper of general circulation in Athens-Clarke County at least 30 days before the date on which the hearings board hearing shall be held, and shall contain the location of the property by street address, and with additional notice being mailed to the owner of the property that is the subject of the proposed action. The notice shall state the date, time, place and purpose of the hearing before the hearings board.
2. For Type IV variance requests, notice containing the same information required above shall be posted on the subject property by the planning department at least 30 days, but not more than 45 days, prior to the date of the public hearing before the Athens-Clarke County Hearings Board."

SECTION 2. This ordinance shall take effect on July 1, 2023.

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

SECTION 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. The Clerk of Commission, in consultation with the County Attorney, shall have the power to correct scrivener's errors.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF ATHENS-CLARKE COUNTY,
GEORGIA, WITH RESPECT TO **DEFINITION OF FAMILY RESTRICTIONS IN AR AND RS ZONES;**
AND FOR OTHER LAWFUL PURPOSES

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

SECTION 1. Section 9-15-18(C) entitled "Reserved" of the Code of Athens-Clarke County, Georgia is hereby deleted in its entirety and the following new section is inserted in lieu thereof:

"C. The provisions of this ordinance shall not apply to maternity supportive housing residences as defined in O.C.G.A. § 49-5-3 and registered pursuant to the requirements in O.C.G.A. § 49-5-25.

SECTION 2. This ordinance shall take effect on July 1, 2023.

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

SECTION 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. The Clerk of Commission, in consultation with the County Attorney, shall have the power to correct scrivener's errors.

Public input on Old or New Business items

1. Joan Rhoden – supported item # 26 with an amendment to the ordinance
2. Tim Chester – supported item #25 commission-defined option
3. Jon Jefferson – supported item #25
4. Dr. Cshanyse Allen – opposed to #23
5. Patricia Taylor – opposed to #23
6. Emma Johnson – opposed to #23
7. Esther Bell (or Dale) – opposed to #23
8. Mara Zuniga – opposed to #23
9. Dylan Woolsey – supported #26
10. Helene Schwartz – supported #26
11. David McCarthy – opposed to #25
12. Troy Gossard– supported #26
13. Tony Eubanks – supported #25
14. Kelley Claas- supported #26
15. Aaron Claas – supported #26
16. Brian Veysey – condition of Clarke County jail
17. Scott Long – supported #25
18. Jeff Coon – supported #24
19. Frank Pittman – supported #24
20. David Ellison – supported #23
21. Grant Whitworth – supported #23
22. Dwight Acey – supported #26 and recommended a better inclusion policy
23. Clarence Apo – supported #26
24. Dan Lorenzo- supported #25
25. Gordon Rhoden – supported #26
26. Juleigh Fouché – supported #26
27. Emily Thompson Alger, President of Professional Firefighters of Clarke County – supported #26
28. Lauren Blais – supported #25
29. Broderick Flanigan –advocated to have participation from Economic Justice Coalition #30 and #36
30. Katie Goodrum – supported #25

Old Business - Discussion

23. A motion was made by Commissioner Thornton, seconded by Commissioner Taylor, to DENY the request of Jason Wadsworth / Mill Creek Residential, Owner: SFI Land, LLC & Wollmoor Properties, LLC., for amending the future land use plan from E-I & I* (Employment-Industrial & Industrial with Conditions) to RM-1 (PD) (Mixed-Density Residential-1, Planned Development) on 65.89 acres known as 505 & 515 Olympic Drive. The motion passed by unanimous vote.

Commissioner Thornton disconnected.

A motion was made by Commissioner Taylor, seconded by Commissioner Link, to DENY request of Jason Wadsworth / Mill Creek Residential, Owner: SFI Land, LLC & Wollmoor Properties, LLC for rezoning on 65.89 acres known as 505 & 515 Olympic Drive. The motion passed 9-0, with Commissioner Thornton unavailable.

24. A motion was made by Commissioner Houle, seconded by Commissioner Myers, to adopt the following ordinance (#23-06-40), which was presented by title only. The motion passed 9-0 with Commissioner Thornton unavailable to vote (disconnected from meeting.)

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO AMENDING THE OFFICIAL FUTURE LAND USE MAP OF ATHENS-CLARKE COUNTY BY CHANGING THE DESIGNATION OF APPROXIMATELY 10.88 ACRES OF LAND LOCATED AT 286, 290, & 296 CLASSIC ROAD FROM “GENERAL BUSINESS & EMPLOYMENT CENTER” TO “MIXED DENSITY RESIDENTIAL”; AND FOR OTHER PURPOSES

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

SECTION 1. The Official Land Use Map referred to in the Zoning Ordinance of Athens-Clarke County, Georgia, as specifically identified in Section 9-3-3(A) (2) thereof, is hereby amended by changing the future land use designation on approximately 10.88 acres of land located at 286, 290, and 296 Classic Road, County tax parcel numbers 044 001, 044 001B, and 044 001C from “General Business & Employment Center” to “Mixed Density Residential,” as more fully shown on Exhibit A, attached hereto and incorporated herein by reference.

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

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

A motion was made by Commissioner Houle, seconded by Commissioner Myers, to adopt the following ordinance (#23-06-41), which was presented by title only. The motion passed 9-0 with Commissioner Thornton unavailable to vote (disconnected from meeting.)

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO REZONING THREE PARCELS OF LAND COMPRISING APPROXIMATELY 10.88 ACRES LOCATED AT 286, 290, & 296 CLASSIC ROAD FROM E-I (EMPLOYMENT-INDUSTRIAL) TO RM-2 (MIXED-DESNTY RESIDENTIAL); 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 three parcels of land comprising approximately 10.88 acres located at 286, 290, and 296 Classic Road from E-I (Employment-Industrial) to RM-2 (Mixed-Density Residential) as shown on Attachment A hereto. Said parcels are more particularly described according to that certain document entitled “Township at Jennings Mill 10.8082 AC. – 286, 290, & 296 Classic Road Clarke County, Georgia,” dated December 29, 2022, numbered in the lower right-hand corner as “01,” prepared by B. Frank Pittman, Georgia registered engineer, 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 subject parcels comprising the approximately 10.88 acres of land are also known as Tax Parcel Nos. 044 001, 044 001B & 044 001C 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 at 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

SECTION 2. The binding site plan associated with this ordinance and incorporated herein by reference consists of two sheet in total, entitled "Township at Jennings Mill 10.8082 AC. – 286, 290, & 296 Classic Road Clarke County, Georgia," dated December 29, 2022, numbered in the lower right-hand corner as "01" and "03," prepared by B. Frank Pittman, Georgia registered engineer, and stamped "Binding 4-12-2023."

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

1. Remove the binding aspect of the proposal.
2. Build or dedicate to the western property line a public road through the center with a public stub
3. Correct substandard parking spaces in double driveways (8' x 20') to a minimum of 9' wide
4. Provide adequate back-up space for Alley driveways (Code standard for a 90 degree parking space is '24).
5. A second pedestrian connection to Classic Road shall be provided along the sewer easement.
6. A sidewalk shall be provided along Classic Road that connects Jennings Mill Pkwy to the existing sidewalk on Classic Road.
7. At least 80% of residential buildings must face a public or private street (not an alley).
8. Conserved tree canopy may be reduced to 10%, but total tree canopy shall be at least 60%.
9. Where large canopy trees are deemed appropriate by the Athens-Clarke County Arborist, all planted trees shall be large canopy trees, as identified in the Athens-Clarke County tree ordinance. All planted trees, regardless of canopy size, shall be planted with a minimum three (3) inch cal. dbh.
10. Any alleys shall provide pedestrian access to public or private streets on both ends, or to adjacent parcels where no street yet exists.

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

Commissioner Thornton reconnected to the meeting at 8:49 p.m.

25. A motion was made by Commissioner Link, seconded by Commissioner Fisher, to:

a. Approve Proposed Project Concept for SPLOST 2011, Project #06 Bicycle Improvements Program, TSPLOST 2018, Project # 11, Bicycle Improvement Program, and Project # 12, Pedestrian Improvement Program, Barber Street Bicycle and Pedestrian Improvements, Sub-Project #7; as generally shown in Attachment #1, *with the following modifications:*

- i. For segment 1 from Dairy Pak to Loop 10, pursue two-way separated bike lane with 5' sidewalk and lane reallocation; (as detailed on Page 3, Attachment #2 in the Agenda Report)
- ii. For segment 3 from Oneta to Boulevard, pursue a multi-use path of 10' optimum width on the eastern side and a standard-size sidewalk on the western side. The uphill segment between the Cleveland Ave spur (across from Nantahala) and Boulevard should seek to maintain the 2-way cycle track & separate sidewalk concept with no sidewalk on the western side between Nantahala & Boulevard (**as depicted on page CL-05 of Attachment #1 in the Agenda Report**). All-way stops and crosswalks in addition to those depicted in the agenda documents should be installed at Nantahala Ave and Tracy St, incorporating pedestrian islands when feasible. Pursue appropriate buffers and traffic-calming measures such as curb extensions, planted verges, street trees, commercial driveway reductions, etc. to direct vehicular flow, preserve tree canopy & mature shrubbery, and limit impacts to private properties.
- iii. For segment 4 from Boulevard to Prince Avenue, pursue a multi-use path on the eastern side of 10' optimum width (**see Toole design concept 2A, page 36 in the Agenda Report**). Install a 4-way stop sign & crosswalks at the intersection of Barber and Barrow/Pope and pursue appropriate buffers and traffic calming measures such as curb extensions & verges, mid-block crossings with islands, street trees, commercial driveway reductions, marked parking, etc. to direct vehicular flow, preserve tree canopy & mature shrubbery, limit impacts to private properties, and retain adequate on-street parking. Historic granite curbing should be retained/reused/repurposed wherever possible along this segment of the corridor and all efforts should be made to avoid demolition of existing walls.

b. Authorize staff to advance the Proposed Project Concept layout for Barber Street Bicycle and Pedestrian Improvement SP #7, as generally shown in **Attachment #1**, to Preliminary Design Phase (*including the modifications referenced in 1a above*);

- c. Approve a Professional Services Supplement to on-call design consultant Alfred Benesch and Company in the amount of \$799,350.
- d. Approve a Preliminary Engineering (PE) Agreement with CSX Transportation, Inc. (CSXT), and other related documents as necessary to facilitate CSXT coordination and oversight of the project for an estimated cost of \$35,000; and
- e. Authorize the Mayor and appropriate staff to execute any and all other project related documents.

The motion passed by unanimous vote.

26. A motion was made by Commissioner Houle, seconded by Commissioner Taylor, to adopt an ordinance agreeing for the Unified Government of Athens-Clarke County to be covered by the Firefighter's Mediation Act so as to provide firefighters with the right to bargain collectively with the Unified Government of Athens-Clarke County, Georgia and to be represented by a labor organization in such collective bargaining as to wages, rates of pay, hours, working conditions, and all other terms and conditions of employment.

Commissioner Thornton requested a friendly amendment to amend the motion to remove the last two paragraphs of the recitals section of the ordinance. The friendly amendment was not accepted.

Commissioner Houle amended their motion to adopt an ordinance agreeing for the Unified Government of Athens-Clarke County to be covered by the Firefighter's Mediation Act so as to provide firefighters with the right to bargain collectively with the Unified Government of Athens-Clarke County, Georgia and to be represented by a labor organization in such collective bargaining as to wages, rates of pay, hours, working conditions, and all other terms and conditions of employment with revisions to last two whereas clauses. Commissioner Taylor accepted the amendment.

The motion as amended passed by roll call vote with Commissioners Davenport, Link, Taylor, Fisher, Houle, Culpepper, Myers, Thornton, and Hamby voting YES; and Commissioner Wright voting NO. (9 YES; 1 NO) and the following ordinance (#23-06-42) which was presented by title only was declared adopted.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY GEORGIA, PART II (SPECIAL AND RELATED LAWS), TITLE 3 (PUBLIC SAFETY), CHAPTER 3-7 (FIRE), TO CREATE A NEW SECTION 3-7-11 ENTITLED "FIREFIGHTER'S MEDIATION ACT"; AND FOR OTHER PURPOSES.

WHEREAS, O.C.G.A. § 25-5-1, *et seq.* ("Firefighter's Mediation Act") provides an exception for firefighters to the general prohibition against public employees engaging in collective bargaining and specifically allows them the right to bargain collectively with their respective corporate authorities, which are defined to include only municipalities, and to be represented by a labor organization or other properly recognized bargaining agent to collectively bargain for such things as wages, rates of pay, hours, working conditions, and all other terms and conditions of employment; and

WHEREAS, the Firefighter's Mediation Act provides that for ACCGov firefighters to be eligible to participate in collective bargaining, Athens-Clarke County ("ACC") must have a population of 20,000 or more, and "the governing authority of the municipality must agree by ordinance that the municipality will be so covered"; and

WHEREAS, the population of ACC is greater than 20,000; and

WHEREAS, the governing authority of ACCGov desires for ACCGov firefighters to be covered under the Firefighter's Mediation Act; and

WHEREAS, the Professional Firefighters of Athens-Clarke County Local 2795 ("Local 2795") is a formally registered chapter of the International Association of Fire Fighters and employees have been organizing as Local 2795 for approximately fifteen years; and

WHEREAS, Local 2795 desires to begin the collective bargaining process; and

WHEREAS, Local 2795 would be eligible to serve as the bargaining agent for ACCGov firefighters if it were to be selected by a majority vote of all ACCGov firefighters to act in that capacity; and

WHEREAS, allowing ACCGov firefighters to participate in collective bargaining by ordinance will benefit the health and general welfare of ACC, its citizens, and the general public; and

WHEREAS, this Ordinance will benefit the labor relations between ACCGov and ACCGov's firefighters; and

WHEREAS, ACCGov seeks to recruit and retain top-tier employees; and

WHEREAS, ACCGov has been experiencing difficulty in recruitment and retention, particularly in public safety departments, including the ACC Fire Department; and

WHEREAS, the Mayor and Commission believe in the value of fire firefighters having the right to engage in collective bargaining, both for their own benefit and for the benefit of the community at large; and

WHEREAS, the Mayor and Commission seek for the ACC community to become a thriving economic hub rooted in a worker-friendly economy, which necessarily includes ACCGov having a friendly disposition toward employee organizations and institutions such as Local 2795;

NOW, THEREFORE, the Commission of Athens-Clarke County, Georgia, hereby ordains as follows:

SECTION 1: Chapter 3-7, Fire, of Title 3, Public Safety, of the Code of Athens-Clarke County, Georgia shall be amended by inserting a new Section 3-7-11 entitled "Firefighter's Mediation Act", as follows:

"Sec. 3-7-11. Firefighters Mediation Act.

- (a) The State Firefighter's Mediation Act (O.C.G. A. § 25-5-1, *et seq.*) and all rights and privileges provided therein shall be applicable within Athens-Clarke County.
- (b) Pursuant to O.C.G.A. §§ 25-5-12 and 36-30-3, employees receiving benefits resulting from the adoption of this Section 3-7-11 do not receive them as vested rights.
- (c) Pursuant to O.C.G.A. § 25-5-12, Section 3-7-11 shall not be construed as granting ACCGov employees the authority to engage in a strike, work stoppage, or work slowdown of any kind.
- (d) The Manager, or the Manager's designee(s), shall be designated to act on behalf of ACCGov for the purposes of collective bargaining with ACCGov firefighters' selected bargaining agent pursuant to O.C.G.A. § 25-5-1, *et seq.*
- (e) To be effective, any collective bargaining agreement negotiated by the Manager and the bargaining agent selected by the firefighters must be approved by the governing authority."

SECTION 2: Should any provision, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, paragraphs, sentences, or words of this Ordinance as hereby issued shall remain in full force and effect. All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

SECTION 3: The Clerk of Commission, in consultation with the County Attorney, shall have the power to correct scrivener's errors.

SECTION 4: The Commission adopts and makes the findings discussed in the "Whereas" paragraphs the factual findings of the Commission.

SECTION 5: This Ordinance shall become effective upon its approval by the Mayor or upon its adoption into law by the Commission without the Mayor's approval.

27. A motion was made by Commissioner Myers, seconded by Commissioner Taylor, to:

- a) Accept the proposed list (Attachment 1 - Community Energy Fund (CEF) Potential Projects and Initiatives) as potential Community Energy Fund Projects as per agenda report date April 27, 2023;
- b) In accordance with Section D.3 of the CEF Policy/Procedure, Number SUST-001 (Attachment 2), allocate the CEF portion of the FY22 franchise fee revenues, approximately \$334,542, to a Special Revenue Fund in order to fund potential projects listed in CEF Potential Projects and Initiatives (Attachment 1); and
- c) Accept revisions to the Community Energy Fund Policy as indicated in SUST-001/6.2023 Update (Attachment 3).

The motion passed by unanimous vote.

28. A motion was made by Commissioner Wright, seconded by Commissioner Taylor, to reject Astra Group bid of \$7,600,000 for Bid #01124 for Bishop Park Improvement Construction Services (SPLOST 2020 Project 19 as per agenda report revised June 1, 2023; and authorize staff to develop alternative project approaches to allow the project to be constructed within the approved project budget. The motion passed by unanimous vote.

29. A motion was made by Commissioner Thornton, seconded by Commissioner Taylor, to extend the Neighborhood Leaders contract by three months, amend the goals and delivery of the contract, and discuss the contract renewal at an August work session.

Commissioner Houle requested a friendly amendment to amend the motion to extend the Neighborhood Leaders contract through the first two quarters.

Commissioner Thornton was disconnected from the meeting, and, therefore, the friendly amendment was not accepted.

Commissioner Houle made a substitute motion to extend the Neighborhood Leaders contract by five months, amend the goals and delivery of the contract, and discuss the contract renewal at an August work session. The motion was seconded by Commissioner Taylor.

The motion passed by roll call vote with Commissioners Davenport, Link, Taylor, Fisher, Houle, Culpepper, Myers, and Hamby voting yes and Commissioner Wright voting NO. Commissioner Thornton was unable to vote (disconnected from meeting). (8 YES; 1 NO)

30. A motion was made by Commissioner Davenport, seconded by Commissioner Fisher, to:

- a) Enter into a Memorandum of Understanding with the Athens Area Chamber of Commerce to hire a third-party to conduct a Workforce Development Strategic Plan as a part of the ARPA strategic planning process as per agenda report dated May 23, 2023;
- b) Adopt the following ordinance (#23-06-43) which was presented by title only;
- c) Approve the revised language for the Workforce Development and Small Business ARPA allocation (Attachment #2; and
- d) Authorize Mayor and relevant staff to execute all agreements and related documents.

Commissioner Houle requested a friendly amendment to include the Georgia Cooperative Development Center or another organization specializing in the advancement of cooperative businesses.

The amendment was accepted.

Commissioner Thornton reconnected to the meeting.

The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE FY2024 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING TO THE ATHENS AREA CHAMBER OF COMMERCE FOR A WORKFORCE DEVELOPMENT STUDY AND ANALYSIS; 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 to the Athens Area Chamber of Commerce for a workforce development study and analysis.

Said Operating and Capital budget is hereby amended as follows:

General Fund:

EXPENDITURES:

Decrease:

Other General Administration	
Operating Contingency	(\$27,000)

Increase:	
Other General Administration	
Other Expenditures	\$27,000

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

31. A motion was made by Commissioner Hamby, seconded by Commissioner Fisher, to adopt the FY24 budget ordinance as recommended by the Hamby/Culpepper/Fisher commission-defined option.

A substitute motion was made by Commissioner Houle, seconded by Commissioner Myers, to adopt the FY24 budget ordinance as recommended by the Houle/Myers commission-defined option.

The substitute motion failed by roll call vote with 5 YES (Davenport, Link, Taylor, Houle, Myers), 4 NO (Wright, Fisher, Culpepper, Hamby), and 1 abstention (Thornton).

The original motion failed by roll call vote with 4 YES (Wright, Fisher, Culpepper, Hamby) and 6 NO (Davenport, Link, Taylor, Houle, Myers, Thornton).

A motion was made by Commissioner Houle, seconded by Commissioner Link, to adopt the FY24 budget ordinance as recommended by the Houle/Myers commission-defined option.

A substitute motion was made by Commissioner Hamby, seconded by Commissioner Fisher, to adopt the FY24 budget ordinance as recommended by the Hamby/Culpepper/Fisher commission-defined option with amendments to the millage rate (.65) and restoring \$680,000 to the fund balance. The motion passed by roll call vote with Commissioners Taylor, Wright, Fisher, Culpepper, Thornton, Hamby voting YES and Commissioners Davenport, Link, Houle, and Myers voting NO. 6 YES; 4 NO

The following ordinance (#23-06-44) which was presented by title only was declared adopted.

AN ORDINANCE TO PROVIDE FOR THE RAISING OF REVENUES AND THE APPROPRIATION OF FUNDS FOR ATHENS-CLARKE COUNTY, GEORGIA, FOR THE FISCAL YEAR 2024 BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024 TO PROVIDE FOR THE OPERATIONS OF GOVERNMENT DEPARTMENTS, BOARDS, AGENCIES, ELECTED OFFICES, AND OTHER GOVERNMENTAL ACTIVITIES; TO PROVIDE FOR THE LEVEL OF PERSONNEL AUTHORIZED FOR THE VARIOUS DEPARTMENTS AND AGENCIES; TO PROVIDE FOR A CAPITAL BUDGET; TO ESTABLISH 2023 PROPERTY TAX RATES; TO ESTABLISH COMPENSATION FOR THE CHARTER OFFICERS; TO ESTABLISH RATES AND STRUCTURE OF FISCAL YEAR 2024 HEALTH INSURANCE PROGRAMS; TO ESTABLISH FEES AND CHARGES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE EFFECTIVE DATES; AND FOR OTHER PURPOSES.

THE COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Pursuant to Section 7-405 of the Charter, the sums of money as summarized in Exhibit A attached hereto and made a part of this Ordinance, shall be and are hereby adopted as the Operating Budget and the Capital Budget for Athens-Clarke County for Fiscal Year 2024 (FY24), beginning July 1, 2023 and ending June 30, 2024.

SECTION 2. The appropriation of funds for all departments and agencies shall be as provided for in Exhibit A and supporting schedules.

SECTION 3. Each of the Enterprise and Internal Service Funds shall be operated in accordance with Proprietary Fund accounting standards and procedures and shall not be governed by the Governmental Fund budgetary accounting principles; however, the budgetary estimates upon which such budgets are adopted shall be retained in memorandum form for budget control purposes and utilized in the preparation of comparative operating statements.

SECTION 4. The personnel levels provided for in the Personnel Authorization Schedule for all departments and agencies, as provided in the budget document entitled "FY2024 Annual Operating and Capital Budget: The Unified Government of Athens-Clarke County July 1, 2023–June 30, 2024" are hereby adopted as the maximum employment levels for such departments and agencies and shall not be increased without the approval of the Mayor and Commission.

SECTION 5. All financial operations shall be accounted for in accordance with Generally Accepted Accounting Principles and Standards.

SECTION 6. In accordance with the Official Code of Georgia Annotated Sections 33-8-8.1 and 33-8-8.2, the proceeds from the tax on insurance premiums, estimated to be \$10,479,000 for FY24, shall be used for the provision of services to all residents of Athens-Clarke County.

SECTION 7. In accordance with the Official Code of Georgia Annotated Section 46-5-133, 46-5-134, and 46-5-134.2; the monthly "9-1-1 charge" of \$1.50 per exchange access facility, the \$1.50 per month "wireless enhanced 9-1-1 charge", and the \$1.50 per retail transaction for the "pre-paid wireless charge" are reaffirmed for the period July 1, 2023 – June 30, 2024.

SECTION 8. The Manager is further authorized to transfer sums up to \$25,000 from the General Fund Contingency to meet unbudgeted obligations of the Government. The Manager is required to notify the Mayor and Commission of each of these transfers from Contingency at the next scheduled regular meeting under the provisions of Section 7-408 of the Charter of the Unified Government of Athens-Clarke County, Georgia.

SECTION 9. The Manager is further authorized to transfer sums within each fund's capital budget among projects and accounts up to \$100,000 to meet project obligations of the government. The Manager is required to notify the Mayor and Commission of each of these transfers at the next scheduled regular meeting under the provisions of Section 7-408 of the Charter of the Unified Government of Athens-Clarke County, Georgia.

SECTION 10. The Manager is further authorized to approve the application for grants and accept grants on behalf of the government up to \$50,000 and to amend the Operating or Capital Budget for the grants as needed. This authority is permitted if the grant meets all of the following conditions: (1) matching funds are appropriated or the grant does not require matching funds; (2) the government will not be required to otherwise commit resources or maintain any services after the end of the grant period; (3) no positions will be added with the grant; and (4) no vehicles will be added to the government's Fleet Replacement Program as a result of acceptance of the grant.

The Manager is required to notify the Mayor and Commission of approval or acceptance of each grant at the next scheduled regular meeting under the provisions of Section 7-400 of the Charter of the Unified Government of Athens-Clarke County, Georgia. The Manager and appropriate staff are authorized to execute all required documents associated with grants accepted under this provision.

SECTION 11. The budget document, entitled "FY2024 Annual Operating and Capital Budget: The Unified Government of Athens-Clarke County July 1, 2023–June 30, 2024" shall be maintained on file in the Office of the Clerk of Commission and posted on the government's website.

SECTION 12. The ad valorem tax rate for Athens-Clarke County is hereby levied for the year 2023 upon all real and personal property within the government not exempt from taxation under law as follows:

Maintenance and Operations (General Fund)	12.45 mills
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SECTION 13. Under authority of the Act creating the Downtown Athens Development Authority, 1977 Ga. Laws 3533-3538, there is hereby levied and assessed for the year 2023 on the real property in the downtown Athens area (said downtown area most recently defined in House Bill No. 590, 2017 Ga. Laws 3900-3903), a tax of one (1) mill upon the value of said real estate as fixed by the Tax Digest of Athens-Clarke County.

SECTION 14. Pursuant to Sections 4-101, 4-103, and 4-104 of the Charter of the Unified Government of Athens-Clarke County, the annual compensation of the charter officers, as provided for by ordinance and contract for FY24, shall be \$221,181 plus a \$6,000 car allowance for the Manager, shall be \$182,769 plus a \$4,800 car allowance for the Attorney and shall be \$115,471 plus a \$4,800 car allowance for the Internal Auditor.

SECTION 15. Pursuant to Official Code of Georgia Annotated Section 48-13-93(a)-(2), the proceeds of the excise tax on the rental charge for motor vehicles, projected to be \$257,000 during FY24, shall be used for promoting industry, trade, commerce, and tourism. The proceeds from this tax in FY24 shall be used to support the Athens-Clarke County Economic Development Department, with an estimated budget of \$895,100.

SECTION 16. Pursuant to Section 1-9-19 of the Code of Ordinances of the Unified Government of Athens-Clarke County, the Benefits Summary of the Health Insurance and Health Benefits Program and the premiums or contributions for employees and retirees, as applicable, shall be as follows:

(a) Pursuant to Athens-Clarke County Code Section 1-9-19(a), the government shall provide as an option to employees the plans of health insurance coverage as described in the Summary Plan Document entitled "Consumer Healthy Solutions (CHS) Plan with a Health Savings Account (HSA) Medical Benefit Booklet for the Unified Government of Athens-Clarke County," effective January 1, 2022, and prepared by Anthem for the Unified Government of Athens-Clarke County. This booklet is on file and available for public inspection in the office of the Clerk of Commission, Room 204, City Hall, 301 College Avenue, Athens, Georgia and on file and available for public inspection in the office of the Human Resources Department, 375 Satula Ave., Athens, Georgia. Any plan changes effective January 1, 2024, may result in new summary plan documents, which will be available for public inspection in the office of the Clerk of

Commission in or around January, 2024. This Section 16 shall be subject to amendment by the Commission to incorporate any such plan changes prior to the effective date of such changes.

(b) During the first open enrollment period, employees have the option to select from among the following health insurance coverage: the option described in the preceding paragraph or the plans of health insurance coverage as described in the Summary Plan Document entitled "BlueChoice Option Point of Service Open Access January 1, 2022 –Conventional Plan Benefit Booklet for the Unified Government of Athens-Clarke County," administered by Anthem, incorporated herein by reference. This booklet is on file and available for public inspection in the office of the Clerk of Commission, Room 204, City Hall, 301 College Avenue, Athens, Georgia and on file and available for public inspection in the office of the Human Resources Department, 375 Satula Ave., Athens, Georgia. Any plan changes effective January 1, 2024, may result in new summary plan documents, which will be available for public inspection in the office of the Clerk of Commission in or around January, 2024. This Section 16 shall be subject to amendment by the Commission to incorporate any such plan changes prior to the effective date of such changes.

(c) Pursuant to Athens-Clarke County Code Section 1-9-19(b), the Designated Plan for retirees not yet 65 years of age and the Designated Dependent Plan for spouses of retirees not yet 65 years of age, and eligible dependent children, shall be that plan described as the BlueChoice Point of Service (POS) Open Access Plan of health insurance coverage as further described in the Summary Plan Document entitled "BlueChoice Option Point of Service Open Access January 1, 2022 – Traditional Plan Benefit Booklet for the Unified Government of Athens-Clarke County," administered by Anthem, incorporated herein by reference. This booklet is on file and available for public inspection in the office of the Clerk of Commission, Room 204, City Hall, 301 College Avenue, Athens, Georgia and on file and available for public inspection in the office of the Human Resources Department, 375 Satula Ave., Athens, Georgia. The Plan Option for retirees and for retiree dependent coverage shall be any other health insurance coverage plans offered to employees in (a) and (b) above. Any plan changes effective January 1, 2024, may result in new summary plan documents, which will be available for public inspection in the office of the Clerk of Commission in or around January, 2024. This Section 16 shall be subject to amendment by the Commission to incorporate any such plan changes prior to the effective date of such changes.

(d) Those retirees not yet 65 years of age who are eligible for PPO shall be provided the plan of health insurance coverage as described in the Summary Plan Document entitled "Blue Choice PPO Benefit Booklet for the Unified Government of Athens-Clarke County," administered by BlueCross Blue Shield of Georgia, dated January 1, 2022, incorporated herein by reference. This booklet is on file and available for public inspection in the office of the Clerk of Commission, Room 204, City Hall, 301 College Avenue, Athens, Georgia and on file and available for public inspection in the office of the Human Resources Department, 375 Satula Ave., Athens, Georgia. Any plan changes effective January 1, 2024, may result in new summary plan documents, which will be available for public inspection in the office of the Clerk of Commission in or around January, 2024. This Section 16 shall be subject to amendment by the Commission to incorporate any such plan changes prior to the effective date of such changes.

(e) The premiums to be paid for the programs of health insurance for employees are set forth in the document entitled "The Unified Government of Athens-Clarke County 2023 Benefits Guide: Enhancing Your Total Reward as a Valuable Resource for Our Community," incorporated herein by reference and on file and available for public inspection in the office of the Clerk of Commission, Room 204, City Hall, 301 College Avenue, Athens, Georgia and on file and available for public inspection in the office of the Human Resources Department, 375 Satula Ave., Athens, Georgia. The premiums to be paid for plans effective January 1, 2024, will be set forth in the document entitled "The Unified Government of Athens-Clarke County 2024 Benefits Guide," which will be made available for public inspection in the office of the Clerk of Commission in or around January, 2024. This Section 16 shall be subject to amendment by the Commission to incorporate any such changes in premiums.

(f) The premiums to be paid for the programs of health insurance for those retirees, under age 65, subject to such insurance as described in paragraphs (c) and (d) hereof are set forth in the document entitled "The Unified Government of Athens-Clarke County Pre-65 Retiree Rate Sheet – Effective January 1, 2023 – December 31, 2023," incorporated herein by reference and on file and available for public inspection in the office of the Clerk of Commission, Room 204, City Hall, 301 College Avenue, Athens, Georgia and on file and available for public inspection in the office of the Human Resources Department, 375 Satula Ave., Athens, Georgia. The premiums to be paid for plans effective January 1, 2024, will be set forth in the document entitled "The Unified Government of Athens-Clarke County Pre-65 Retiree Rate Sheet – Effective January 1, 2024 – December 31, 2024," which will be made available for public inspection in the office of the Clerk of Commission in or around January, 2024. This Section 16 shall be subject to amendment by the Commission to incorporate any such changes in premiums.

(g) Pursuant to Athens-Clarke County Code Section 1-9-19(c) the government shall provide to retirees who are age 65 or older those health benefits as described in the "Via Benefits: Introducing Via Benefits, Prepare for Your Medicare Coverage Enrollment" and "Via Benefits Reimbursement Guide: The Unified Government of Athens-Clarke County Health Reimbursement Arrangement HRA," and incorporated herein by reference. Such documents are on file and available for public inspection in the office of the Clerk of Commission, Room 204, City Hall, 301 College Avenue, Athens, Georgia and on file

and available for public inspection in the office of the Human Resources Department, 375 Satula Ave., Athens, Georgia.

SECTION 17. Pursuant to the Code of Athens-Clarke County, Georgia, Section 2-6-2 "Schedule of Fees to be adopted annually", the Schedule of Fees and Charges as provided for in the budget document entitled "FY2024 Annual Operating and Capital Budget: The Unified Government of Athens-Clarke County July 1, 2023–June 30, 2024" are hereby adopted.

SECTION 18. The effective date of this ordinance shall be July 1, 2023.

SECTION 19. All Ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Exhibit A

GENERAL FUND

**SUMMARY FY24 ANNUAL OPERATING AND CAPITAL BUDGET
FOR THE YEAR ENDING JUNE 30, 2024
COMMISSION APPROVED**

	FY23 Approved Budget	FY24 Approved Budget	\$▲	%▲
Revenues:				
Property Taxes	82,925,250	88,501,650	5,576,400	6.7%
Sales Tax	29,900,000	33,731,000	3,831,000	12.8%
Other Taxes	24,159,000	25,458,000	1,299,000	5.4%
Licenses & Permits	916,000	916,000	0	0.0%
Intergovernmental Revenues	1,234,360	1,314,360	80,000	6.5%
Charges for Services	12,838,182	13,507,671	778,489	6.1%
Fines & Forfeitures	2,095,000	1,620,000	(475,000)	-22.7%
Other Revenues	809,792	3,868,097	2,949,305	321.0%
Other Financing Sources	4,154,638	4,861,506	706,868	17.0%
Total Revenues	\$159,032,222	\$173,778,284	\$14,746,062	9.3%
Prior Year Fund Balance - Oper.	0	4,302,225	4,302,225	--
Prior Year Fund Balance - Capital	7,400,000	8,531,000	1,131,000	15.3%
Total Revenues & Other Sources	\$166,432,222	\$186,611,509	\$20,179,287	12.1%
Expenditures:				
General Government	37,021,292	42,314,555	5,293,263	14.3%
Judicial	11,524,747	12,619,195	1,187,533	10.4%
Public Safety	63,061,459	69,264,116	6,109,572	9.7%
Public Works	17,552,325	19,452,382	1,900,057	10.8%
Cultural And Recreation	9,425,097	9,837,892	412,795	4.4%
Housing And Development	5,119,244	5,554,965	435,721	8.5%
Independent Agencies	6,564,986	6,968,316	403,330	6.1%
Debt Service	1,316,453	1,317,622	1,169	0.1%
Total Operating Expenditures	\$151,585,603	\$167,329,043	\$15,743,440	10.4%
Other Financing Uses - Oper.	1,488,136	3,349,966	1,861,830	125.1%
Total Operating Expenditures & Other Financing Uses	\$153,073,739	\$170,679,009	\$17,605,270	11.5%
Other Financing Uses - Capital	13,358,483	15,932,500	2,574,017	19.3%
Total Operating & Capital Expenditures	\$166,432,222	\$186,611,509	\$20,179,287	12.1%

ALL FUNDS

**SUMMARY FY24 ANNUAL OPERATING AND CAPITAL BUDGET
FOR THE YEAR ENDING JUNE 30, 2024
COMMISSION APPROVED**

	FY24 Operating Budget	FY24 Capital Budget	FY24 Approved Budget
Revenues:			
Property Taxes	82,321,150	7,401,500	89,722,650
Sales Tax	33,731,000		33,731,000
Other Taxes	30,658,000		30,658,000
Licenses & Permits	2,836,000		2,836,000
Intergovernmental Revenues	8,684,954		8,684,954
Charges for Services	115,040,144	15,938,343	130,978,487
Fines & Forfeitures	1,866,000		1,866,000
Other Revenues	4,900,404		4,900,404
Other Financing Sources	29,334,772	15,932,500	45,267,272
 Total Revenues	\$309,372,424	\$39,272,343	\$348,644,767
Prior Year Fund Balance	5,389,724	8,721,000	14,110,724
Use of Unrestricted Net Position	2,197,023	27,638,616	29,835,639
 Total Revenues & Other Sources	\$316,959,171	\$75,631,959	\$392,591,130
Less Interfund Transfers & Charges	(40,138,071)	(15,932,500)	(56,070,571)
 Total Revenues	\$276,821,100	\$59,699,459	\$336,520,559
 Expenditures:			
General Government	92,498,669	1,300,000	93,798,669
Judicial	13,729,090	50,000	13,779,090
Public Safety	73,235,968	1,656,500	74,892,468
Public Works	58,808,078	53,887,959	112,696,037
Cultural And Recreation	9,872,892	2,275,000	12,147,892
Housing And Development	21,059,530	530,000	21,589,530
Other Agencies	11,456,236		11,456,236
Debt Service	26,023,804		26,023,804
 Total Operating Expenditures	\$306,684,267	\$59,699,459	\$366,383,726
Other Financing Uses	8,326,472	15,932,500	24,258,972
 Total Expenditures & Other Financing Uses	\$315,010,739	\$75,631,959	\$390,642,698
Less Interfund Transfers & Charges	(40,138,071)	(15,932,500)	(56,070,571)
 Total Expenditures	\$274,872,668	\$59,699,459	\$334,572,127
 Designated for Future Capital Improv. & Debt Service Requirements	1,948,432		1,948,432
 Total Expenditures & Designations	\$276,821,100	\$59,699,459	\$336,520,559

New business – Consider under suspension of Rules

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

New Business – Discussion

32. A motion was made by Commissioner Fisher, seconded by Commissioner Taylor, to:

- a) Approve the grant award of \$2.875M of the ARPA Youth Development & Violence Prevention designated funds to the Boys & Girls Club of Athens for purposes outlined in Attachment #1 of agenda report dated May 31, 2023;
- b) Direct the Manager to develop an agreement and scope of services for these purposes, contingent on the Boys & Girls Club of Athens completing a satisfactory Risk Assessment, for Mayor and Commission (M&C) consideration on or before August 1, 2023; and
- c) Direct the Manager to develop a draft agreement with the Clarke County School District to partner in a community planning effort to further the purposes of Youth Development and Violence Prevention, such agreement to be brought to Mayor and Commission (M&C) for their consideration on or before August 1, 2023.

The motion passed by unanimous vote.

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

A RESOLUTION OF THE COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA TO APPROVE AND AUTHORIZE THE SETTLEMENT OF THE CLAIMS OF JESSE HALE AND ELIZABETH HALE RELATED TO THEIR PROPERTY LOCATED AT 585 RIVERMONT ROAD; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, on August 20, 2021, Jesse Hale and Elizabeth Hale, ("Hale"), filed an ante litem notice with the Unified Government of Athens-Clarke County, Georgia, ("A-CC"), alleging that ACC's stormwater is causing substantial flooding, sinkholes and erosion to their property located at 585 Rivermont Road; and

WHEREAS, Hale threatened a lawsuit against ACC based upon claims of inverse condemnation, continuing trespass, nuisance, injunctive relief, and attorney's fees due to the alleged insufficient stormwater infrastructure of ACC, ("Hale's Claims"); and

WHEREAS, the A-CC and Hale desire to voluntarily resolve Hale's Claims and all other disputes that may exist between them by compromise and without incurring additional attorney's fees, expenses, and costs of litigation; and

WHEREAS, without admitting liability or fault, the Commission finds it to be in the best interests of the A-CC to resolve Hale's Claims as set forth below;

NOW, THEREFORE, the Commission hereby resolves as follows:

SECTION 1

The Commission does hereby approve and authorize the payment of the sum of Ten Thousand and 00/100 Dollars (\$10,000.00) in settlement of Hale's Claims. In addition, the Commission authorizes Transportation and Public Works and Public Utilities to allocate the funds necessary to perform the needed repairs and improvements to the stormwater and wastewater systems at 585 Rivermont Road.

SECTION 2.

The Attorney for A-CC and the outside counsel retained for purposes of defending A-CC against Hale's Claims shall have authority to take all further actions necessary to carry out the intents and purposes of this Resolution and to prepare, or to cause to be prepared, any and all documents necessary to effectuate the resolution of Best's Claims as described herein.

SECTION 3.

The Mayor and/or Manager of A-CC shall have authority to take all further actions necessary to carry out the intents and purposes of this Resolution, including but not limited to, the authority to sign the Settlement Agreement necessary to effectuate the intents and purposes of this Resolution.

SECTION 4.

The Commission hereby declares 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 5.

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

SECTION 6.

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

34. A motion was made by Commissioner Hamby, seconded by Commissioner Fisher, to adopt the following ordinance (#23-06-45) which was presented by title only. The motion passed by unanimous vote.

**AN ORDNANCE AMENDING THE DATE, TIME AND PLACE OF THE JULY 2023 REGULAR
MEETING OF THE COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA; AND FOR OTHER
PURPOSES**

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

SECTION 1. Except for the first organization meetings as provided in § 2-104 of the Charter, the Mayor and Commission of Athens-Clarke County, Georgia, shall hold its regular monthly business meeting on the first Tuesday of every month at 6:00 p.m. in the Commission Chamber of City Hall, 301 College Avenue, Athens, Georgia, or at any other such locations as the Commission may, from time to time, decide, provided, however, that the Mayor and Commission of Athens-Clarke County, Georgia shall not hold a regular monthly business meeting in the month of July. When a regularly scheduled business meeting of the Mayor and Commission falls on a Tuesday which the date for any primary, election, or run-off, the Mayor and Commission of Athens-Clarke County, Georgia, shall hold its business meeting on the Wednesday immediately following such Tuesday at 6:00 p.m. in the Commission Chamber of City Hall, 301 College Avenue, Athens, Georgia, or at any other such locations as the Mayor and Commission may, from time to time, decide. The Mayor has the discretion to make a public announcement regarding the postponement of a regularly scheduled meeting based on dangerous weather conditions or other emergencies that make it necessary to postpone such regularly scheduled meeting. The rescheduling of the postponed meeting by the Mayor shall be as soon as practicable thereafter, but no later than a date within the same calendar month.

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

SECTION 3. The Clerk of Commission, in consultation with the County Attorney, shall have the power to correct scrivener's errors.

35. A motion was made by Commissioner Hamby, seconded by Commissioner Wright, to approve the following appointments as recommended by respective bodies.

Oconee Rivers Greenway Commission representative to Athens in Motion

Ed Maioriello partial term expiring 07-31-2026

Athens Cultural Affairs Commission

Marissa Chastain

Sally Kimel-Sheppard

Mark Mobley

Francis Oliver

Jessica Smith

The motion passed by unanimous vote.

36. A motion was made by Commissioner Wright, seconded by Commissioner Davenport, as per agenda report dated April 25, 2023 revised

a) (1) Approve and authorize a Claim Settlement – in the amount of \$13,675,000.00 (\$13,900,000.00 less previous payments of \$450,859, \$4,000,000, and \$500,000) and a 242-calendar-day time extension to the contract completion date (which includes 60 calendar days granted previously by Change Order Number 2) – with JE Dunn for all claims and costs (both currently known and that may be encountered on the project in the future, including but not limited to claims and costs for extended warranty periods associated with the Contract Time extension) associated with the removal, disposal,

and replacement of rock and contaminated soil, removal of contaminated groundwater, and unresolved issues related to Potential Change Items (PCIs) on the project as noted below in the in F&I #1 (the "Claim Settlement").

- (2) Approve and authorize the County Attorney and the outside counsel retained for the purpose of assisting with the settlement of this claim to take all further actions necessary to carry out the intents and purposes of the Claim Settlement and to cause to be prepared any and all documents necessary to effectuate the Claim Settlement, including, but not limited to the Change Order or Settlement Agreement.
- (3) Approve and authorize the Mayor and/or Manager to take all further actions necessary to carry out the intents and purposes of the Claim Settlement, including, but not limited to, the authority to sign any Change Order or Settlement Agreement necessary to effectuate the Claim Settlement.

b) Revise the total Project Budget, with an increase of up to \$14 million, from \$135,333,402 to \$149,685,354;

c) Authorize the Manager and the Attorney to proceed with the development of the third financing, through loan or revenue bond issuance, for a value of up to \$13,000,000 and an associated Intergovernmental Agreement with the Classic Center Authority;

d) Adopt the following ordinance (#23-06-46) which was presented by title only, Attachment #1, to reallocate, if needed, from the SPLOST 2020 Projects 26 Recovered Material Processing & Reuse Project to SPLOST 2020 Project 03 Classic Center Arena until such time as the proposed third financing has been completed; and

e) Authorize the Mayor, Manager, Attorney, and appropriate staff to execute all related documents.

The motion passed 9-1 with Commissioner Houle voting NO.

AN ORDINANCE TO AMEND THE SPECIAL PURPOSE LOCAL OPTION SALES TAX 2020 PROGRAM BUDGET SO AS TO PROVIDE, IF NEEDED, ADDITIONAL FUNDING FOR PROJECT #03 CLASSIC CENTER ARENA; AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the SPLOST 2020 program budget so as to provide, if needed, additional funding for project #03 Classic Center Arena. Said Operating and Capital budget is hereby amended as follows:

SPLOST 2020 Capital Projects Fund:

EXPENDITURES:

	DECREASE:
Project #26 – Recovered Material Processing & Reuse Facilities	up to (\$5,000,000)

INCREASE:	
Project #03 – Classic Center Arena	up to \$5,000,000

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

39. A motion was made by Commissioner Taylor, seconded by Commissioner Thornton, as per agenda report dated June 5, 2023 to

- a. Approve a designation of AECOM Technical Services, Inc. as the most qualified firm to enter negotiation for the preliminary design of the North Avenue Corridor Improvement Project;
- b. Award a Multi-Phase Master Contract to provide Preliminary Engineering & Design Services on North Avenue Corridor Improvement Project for a cost not to exceed \$3,000,000 to AECOM Technical Services, Inc.;
- c. Authorize the Mayor to execute a Memorandum of Agreement (MOA) with Federal Highway Administration (FHWA) and with the Georgia Department of Transportation (GDOT) on North Avenue Corridor Improvement Project;
- d. Authorize the Mayor to execute Frame of Work Agreement with GDOT and compensate for GOT's project management fees encumbered by GDOT consultant;

- e. Authorize the Mayor to execute a Preliminary Engineering (PE) Agreement with CSX Transportation, Inc. (CSXT), and other related documents necessary to facilitate CSXT coordination and oversight of the project with an estimated cost of \$40,000; and
- f. Authorize the Mayor and appropriate staff to execute any and all other project related document to facilitate the preliminary engineering & design phase following GDOT Plans Development Process and FHWA guidelines.

The motion passed by unanimous vote.

Public input on items other than those listed on this agenda

- 1. Dylan Woolsey – supported food program for prisoners and personnel.

FROM MAYOR GIRTZ:

- 1. Announced Mayor and Commission retreat at Amicalola Falls August 17 and 18.
- 2. Expressed appreciation for community diversity.

FROM MANAGER WILLIAMS:

- 1. Acceptance of grant funding and budget amendment
- 2. Contract awards in excess of \$10,000 for the month of April 2023

Several Commissioners expressed appreciation for recent community events: Athens Black History Bowl, PRIDE, Hot Corners, AthFest, and Juneteenth.

Commissioners Houle and Meyers requested clarification of use of abstention.

FROM COMMISSIONER DAVENPORT:

- 1. Expressed appreciation to Linda Lloyd upon her retirement.

FROM COMMISSIONERS CULPEPPER AND HAMBY:

- 1. Congratulated all who were appointed/reappointed.

FROM COMMISSIONER CULPEPPER:

- 1. Expressed appreciation to personnel who worked hard on budget preparation.

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

The meeting adjourned at 11:29 p.m.

Acting Clerk of Commission