

Unified Government of Athens-Clarke County, Georgia  
Mayor and Commission  
Special Called Session  
Tuesday, June 7, 2022  
5:04 p.m.  
City Hall

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

The purpose of the meeting was to enter into executive session for discussion of real estate acquisition and/or disposal.

A motion was made by Commissioner Wright, seconded by Commissioner Denson, to suspend Rules of Commission. The motion passed by unanimous vote.

A motion was made by Commissioner Houle, seconded by Commissioner Edwards, to enter into executive session for discussion of real estate acquisition and/or disposal. The motion passed by unanimous vote.

The meeting adjourned at 5:06 p.m.

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Clerk of Commission

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Unified Government of Athens-Clarke County, Georgia  
Mayor and Commission  
Tuesday, June 7, 2022  
6:11 p.m.  
City Hall

The Unified Government of Athens-Clarke County, Georgia met this date in regular monthly session. Present: Mayor Girtz; Commissioners Davenport, Parker, Link, Wright, Denson, Houle, Edwards, Myers, Thornton, and Hamby. No one was absent. Commissioner Link came in at 7:01 p.m.

A motion was made by Commissioner Thornton, seconded by Commissioner Houle, to approve Minutes of meetings of Tuesday, May 3; Tuesday, May 10; Thursday, May 12; Tuesday, May 17, 2022; and May non-voting meetings. The motion passed with nine YES votes.

#### Recognition

ACCGov has achieved What Works Cities Silver Certification in recognition of its exceptional use of data to guide decision-making and improve residents' lives.

What Works Cities Certification, a national Bloomberg Philanthropies initiative led by Results for America, has awarded certification to 55 U.S. cities with populations of 30,000 or more for outstanding data practices since 2017. The certification evaluates how well cities are managed by measuring the extent to which leaders incorporate data and evidence in their decision-making.

Certification was developed by a team of experts from Results for America in consultation with the What Works Cities and with support from other partners including the Government Performance Lab at the Harvard Kennedy School, the Center for Government Excellence at Johns Hopkins University, and The Behavioral Insights Team.

Athens-Clarke County was one of the 100 cities selected for the original What Works Cities cohort and has been a participant since 2017. Accepting the award tonight on behalf of the ACCGov What Works Cities team was Assistant to the Manager Sarah George, ARPA Data and Outcomes Coordinator Paige Seago, and Chief Data Officer Joseph D'Angelo.

#### Written communications

Entered into the record was notice of acceptance of additional right of way for Grove Street.

Manager Williams introduced newly hired Athens Transit Director Ryan Solchenberger who made brief comments.

#### Public hearing #3 on the proposed FY23 budget as required by the Taxpayer Bill of Rights passed by the Georgia General Assembly in 1999.

The following citizen input was received.

1. Sheila Neely Norman – opposed tax increase
2. John Q. Williams – supported pay equity for deputy sheriffs
3. Beth Morton – supported pay equity for deputy sheriffs
4. Melvin Geter – supported pay equity for deputy sheriffs
5. Phyllis Childs – supported tax millage rate reduction
6. Doug Mattocks – supported pay equity for deputy sheriffs
7. Susan Monteverde – supported tax millage rate reduction
8. Dan Henson - supported pay equity for deputy sheriffs
9. UnTwann Leverette – supported pay equity for deputy sheriffs
10. Benita Davenport – supported community youth center
11. Broderick Flanigan – supported Rolling Ridge community center

#### Citizen input on consent agenda

There was none.

#### Citizen input on old/new business items

The following citizen input was received.

1. Allen Jones – supported PRIDE resolution
2. Lauren Blaise – supported complete streets policy

A motion was made by Commissioner Wright, seconded by Commissioner Davenport, to consent to action on the following 12 items which were discussed at prior public meetings and presented for consideration as a single item. Only one vote was taken. The motion passed with nine YES votes.

1. ADOPT: The following ordinance (#22-06-45) which was presented by title only amending the Central Services Department FY22 budget by \$225,000 through the acceptance of funds from the Georgia Department of Public Health for the purpose of replacing the roof at 345 North Harris Street, where the Clarke County Health Department is a tenant as per agenda report dated April 26, 2022; and authorize the Mayor and appropriate staff to execute all related documents.

**AN ORDINANCE TO AMEND THE FY2022 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING TO THE CENTRAL SERVICES DEPARTMENT FROM THE GEORGIA DEPARTMENT OF PUBLIC HEALTH (DPH) FOR THE PURPOSE OF REPLACING THE ROOF AT 345 NORTH HARRIS STREET; 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 Capital Projects Fund to provide funding to the Central Services Department from the Georgia Department of Public Health (DPH) for the purpose of replacing the roof at 345 North Harris Street. Said Operating and Capital budget is hereby amended as follows:

**General Capital Projects Fund:**

REVENUES:

Increase:

Other Rev - Miscellaneous \$225,000

EXPENDITURES:

Increase:

Central Services Department:

Capital:

Facilities Life Cycle Maintenance Program \$225,000

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

2. ADOPT: The following ordinance (#22-06-46) which was presented by title only allocating \$95,000 of General Fund Operating Contingency to cover deficits and remaining expenses for the Board of Elections' FY22 Budget as per agenda report dated April 15, 2022.

**AN ORDINANCE TO AMEND THE FY2022 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FOR DEFICITS RELATED TO THE UNEXPECTED NOVEMBER ESPLOST ELECTION AND FOR EXPENSES ASSOCIATED WITH THE 2021-2022 REDISTRICTING PRECINCT CARD POSTAGE 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 deficits related to the unexpected November ESPLOST election and for expenses associated with the 2021-2022 redistricting precinct card postage in the Board of Elections Department.

Said Operating and Capital budget is hereby amended as follows:

**General Fund:**

EXPENDITURES:

Decrease:

Other General Administration

General Fund Contingency \$95,000

Increase:

Board of Elections Department

Operating Expense \$95,000

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

3. a) ADOPT: The following ordinance (#22-06-47) which was presented by title only reference the FY23 Operating Budget for Juvenile Court;
- b) Authorize the execution of the Intergovernmental Agreement between Oconee County and the Unified Government of Athens-Clarke County (ACCGov) for the Juvenile Court judges cost sharing as per Attachment #1 of agenda report dated April 27, 2022;

- c) Authorize moving the part-time judge position from Oconee County to Athens-Clarke County's payroll;
- d) Authorize the Mayor and appropriate staff to execute all related documents and to allocate the budget based on the intergovernmental agreement.

The Commission of Athens-Clarke County, Georgia hereby ordains as follows: AN ORDINANCE TO AMEND THE FY2023 OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE STATE AND LOCAL GRANT FUNDING FOR JUVENILE COURT JUDGES SALARIES AND BENEFITS; AND FOR OTHER PURPOSES.

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the General Fund Operating Budget to provide funding from the state and Oconee County for salary and benefits of Juvenile Court judges.

Said Operating & Capital budget is hereby amended as follows:

**General Fund:**

REVENUES:

Increase:	
State Grant funding	\$58,640
Oconee County funding	<u>\$25,360</u>
Total	\$84,000

EXPENDITURES

Increase:	
Juvenile Court:	
Salary and Benefits	\$84,000

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

- 4. a) ADOPT: The following ordinance (#22-06-48) which presented by title only amending the FY23 Annual Operating and Capital Budget for Athens Clarke County, Georgia so as to provide grant match (25%) funding in the amount of \$1,374,434 for the construction of SPLOST 2020 Project 30 Airport Capital Improvements SP #1 Runway 2-20 Pavement Rehabilitation including Safety Area Improvements at the Athens-Ben Epps Airport as per Attachment #1 of agenda report dated May 3, 2022;
- b) Approve the designation of E.R. Snell Contractor, Inc., as the apparent lowest responsive and responsible bidder and authorize staff to negotiate a unit price construction services contract with E.R. Snell Contractor, Inc., in an amount not to exceed \$4,711,876, for Base Bid of Runway 2-20 Rehabilitation and Alternate #1 of the Bid;
- c) Approve a work order to RS&H, Inc., to provide construction phase professional services and testing during construction for the runway 2-20 Pavement Rehabilitation and Safety Area Improvement Project in an amount not to exceed \$212,124 (Attachment #2);
- d) Adopt the following resolution from GDOT Aviation Programs to accept a grant contract for the Runway 2-20 Reconstruction and Safety Area Overrun Improvements at the Athens – Ben Epps Airport not to exceed \$3,606,777 in state funding, (Attachment #3); and
- e) Authorize the Mayor and appropriate staff to execute all related documents.

AN ORDINANCE TO AMEND THE FY2022 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE GEORGIA DEPARTMENT OF TRANSPORTATION (GDOT) FOR THE RUNWAY 2-20 REHABILITATION AND SAFETY AREA IMPROVEMENT PROJECT AT THE ATHENS-BEN EPPS AIRPORT; 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 Georgia Department of Transportation (GDOT) for the Runway 2-20 Rehabilitation and Safety Area Improvement Project at the Athens-Ben Epps Airport.

Said Operating and Capital Budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:

GDOT Aviation Programs Grant \$3,606,777

EXPENDITURES:

Increase:

Runway 2-20 Rehabilitation and Safety Area Improvement Project \$3,606,777

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

**RESOLUTION**

**AUTHORIZATION TO ACCEPT GEORGIA DEPARTMENT OF TRANSPORTATION (GDOT) CONTRACT ASSOCIATED WITH RUNWAY 2-20 RECONSTRUCTION AND SAFETY AREA OVERRUN IMPROVEMENTS AT THE ATHENS-BEN EPPS AIRPORT, ATHENS, GEORGIA**

**WHEREAS**, THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY desires to make improvements to the existing Athens-Ben Epps Airport by soliciting and receiving bids from ER Snell Contractor, Inc. for construction of the Runway 2-20 Reconstruction and Safety Area Overrun Improvements, and for RS&H to provide Construction Administration Phase Services for the project, and;

**WHEREAS**, THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY will receive a contract from the Georgia Department of Transportation (GDOT) contract AP022-9000-39(059) Clarke County to provide reimbursement for the costs associated with the above noted Services up to a maximum amount not to exceed of \$4,809,035.95 of which will be \$3,606,777.00 State Funds and requiring a local match of \$1,202,258.95 and;

**WHEREAS**, THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY has or will enter into separate contracts with the above-named firms for providing above noted services and;

**NOW, THEREFORE, BE IT RESOLVED THAT** THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY authorizes the Mayor, County Attorney and Staff to sign such documents that may be necessary to complete this project and accept a contract from the GDOT to include State Funds, and furthermore authorizes funding of THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY contract match from available budgeted funds.

5. a) APPROVE: Memorandum of Agreement (MOA) between Unified Government of Athens-Clarke County (ACCGov), and Ronald F. Kittle, and Terri Kittle, and Willow Mist Condominium Association, Inc. for SPLOST 2011 Project 27, Seagraves Drive as per Attachment /#1 of agenda report revised May 18, 2022;
- b) Authorize the Mayor and appropriate staff to execute the MOA, and receive a contribution in the amount of \$200,000 from Ronnie Kittle and Willow Mist Association Inc.;
- c) Adopt the following ordinance (#22-06-49) which was presented by title only;
- d) Approve preliminary construction plans for Seagraves Drive Culvert Replacement as per Attachment #3);
- e) Authorize the Mayor and appropriate staff to execute any necessary utility relocation agreements and all other project related documents; and
- f) Authorize staff to acquire rthe necessary right-of-way and easements, prepare final construction plans and subsequently enter into the bid phase for this project.

AN ORDINANCE TO AMEND THE SPECIAL PURPOSE LOCAL OPTION SALES TAX 2011 BUDGET FOR ATHENS-CLARKE COUNTY SO AS TO PROVIDE ADDITIONAL FUNDING FOR THE SPECIAL PURPOSE LOCAL OPTION SALES TAX 2011 PROJECT #27 AREAWIDE STORMWATER IMPROVEMENT PROGRAM; AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the SPLOST 2011 Capital Projects Fund to provide additional funding for the SPLOST 2011 Project #27 Areawide Stormwater Improvement Program. Said Operating and Capital budget is hereby amended as follows:

SPLOST 2011 Capital Projects Fund:

REVENUES:

INCREASE:

Donations - Capital	\$200,000
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EXPENDITURES:

INCREASE:

Project #27 Areawide Stormwater Improvement Program	\$200,000
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SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

6. a) APPROVE: a contract amendment with the Jacobs Project Management Company, in a not-to-exceed amount of \$273,398, for professional services related to Program and Project Management activities associated with the extended SPLOST 2011 Program as per Attachment #1 of agenda report dated April 28, 2022;
- b) Adopt the following ordinance (#22-06-50) to amend the SPLOST 2011 Program Budgets to reallocate up \$273,398 from the SPLOST 2011 Program Administration Budget to the nine SPLOST 2011 Project Budgets as shown on Attachment #2 and authorize the Manager to approve and report the exact budget amounts to be transferred to each of the listed projects on a periodic basis; and
- c) Authorize the Mayor and appropriate staff to execute all related documents.

AN ORDINANCE TO AMEND THE SPECIAL PURPOSE LOCAL OPTION SALES TAX 2011 PROGRAM BUDGET SO AS TO PROVIDE ADDITIONAL FUNDING FOR THE NINE SPLOST 2011 PROJECTS IDENTIFIED BELOW; AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the SPLOST 2011 Capital Projects Fund to provide additional funding for the nine SPLOST 2011 Projects identified below. Said Operating and Capital budget is hereby amended as follows:

SPLOST 2011 Capital Projects Fund:

EXPENDITURES:

DECREASE:

SPLOST 2011 Program Administration	up to (\$273,398)
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INCREASE:

Project #04 – Integrated Public Safety/Judicial Information Systems	TBD
Project #07 – Transit Vehicles and Bus Stops	TBD
Project #11 – Athens-Clarke Co. Library Improvements	TBD
Project #14 – Sandy Creek Park Renovation and Dev	TBD
Project #16 – Parks Facilities Improvements	TBD
Project #20 – Government Building Fire Protection	TBD
Project #21 – Public Art Program	TBD
Project #22 – Youth & Community Enrichment Facility Partnership	TBD
Project #32 - Costa Building Renovation	TBD

Total	up to \$273,398
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SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

7. APPROVE: One-year unit-price contracts (with up to four annual renewals) with the selected apparent low bidders for bulk chemical contracts for Public Utilities Department as per agenda report dated April 27, 2022

- ChemTrade Chemicals, LLC for Liquid Alum;
  - Carus, LLC for Blended Phosphate;
  - Pencco, Inc. for Hydrofluorosilicic Acid;
  - Brenntag Mid-South Inc. for Activated Carbon Powder;
  - Univar Solutions USA, Inc. for Bulk Industrial Salt and Sodium Hypochlorite; and
- authorize the Mayor and appropriate staff to execute all contracts and related documents.

8. APPROVE: Request to exempt the wastewater connection fees (Code of Ordinances Section 5-3-79) of \$5,800 at 874 and 876 Waddell Street based on Athens Land Trust (ALT) providing additional affordable housing resources of substantial benefit to the Athens-Clarke County community as per agenda report dated April 27, 2022; and authorize Mayor and ACCGov staff to execute all related documents.
9. APPROVE: Georgia Accountability Court Funding Program Grants – Western Judicial Circuit as per agenda report dated April 27, 2022.
- a. Authorize Superior Court to submit an application to the Criminal Justice Coordinating Council for an Accountability Court Grant in an amount of \$145,000 to continue current funding and operation of Felony Drug Court;
  - b. Authorize Superior Court to submit an application to the Criminal Justice Coordinating Council for an Accountability Court Grant in an amount of \$70,000 to continue current funding and operation of Treatment and Accountability Court;
  - c. Authorize Superior Court to submit an application to the Criminal Justice Coordinating Council for an Accountability Court Grant in an amount of \$156,000 to continue current funding and operation of Veterans Court;
  - d. Authorize State Court to submit an application to the Criminal Justice Coordinating Council for an Accountability Court Grant in an amount of \$90,000 to continue current funding and operation of DUI/Drug Court;
  - e. Authorize Juvenile Court to submit an application to the Criminal Justice Coordinating Council for an Accountability Court Grant in an amount of \$141,000 to continue current funding and operation of Family Dependency Treatment Court;
  - f. Authorize staff to accept the grant funds, if awarded; and
  - g. Authorize the Mayor, Superior Court Judges, State Court Judge, Juvenile Court Judge and appropriate staff to execute all related documents.
10. APPROVE: Brooklyn Creek Interceptor Improvements Phase 1 - Bid award as per agenda report dated April 27, 2022.
- a) Authorize an appropriation in the amount of \$24,932,675 for the Brooklyn Creek Interceptor Improvements – Phase 1;
  - b) Award a unit price construction contract to the apparent low bidder, Garney Construction, Inc., in the amount of \$23,242,075;
  - c) Award a project management/resident inspection contract in the amount of \$1,190,600 to the Public Utilities Department's On-call Consultant, Hazen and Sawyer, for the provision of professional services during construction;
  - d) Authorize staff to approve project change orders that do not collectively exceed the overall appropriation of \$24,932,675; and
  - e) Authorize the Mayor and appropriate staff to execute all related contract documents.

11. APPROVE: A Task Order to Jacobs Engineering Group, Inc., in the amount of \$284,667 to design the Sanford Stadium Sanitary Sewer Interceptor Improvements Project - Phase 1 (Phase 1 Design) as per agenda report dated April 27, 2022; and authorize the Mayor and appropriate staff to sign all documents related to the Task Order.
  
12. APPROVE: Selection of the following firms to provide design professional on-call civil engineering services for ACCGov capital improvement projects as per agenda report dated April 27, 2022; and authorize the Mayor and appropriate staff to execute any and all documents with each firm for such services.
  - Alfred Benesch & Company
  - Arcadis U.S., Inc.
  - Atlas Technical Consultants LLC
  - KCI Technologies, Inc.
  - Pond & Company
  - Prime Engineering, Inc.

Old/new business - Discussion

A motion was made by Commissioner Myers, seconded by Commissioner Houle, to accept the Athens-Clarke County iTree Eco Study Final Report as per Attachment #2-4 of agenda report dated March 30, 2022; and authorize the Mayor and appropriate staff to execute all related documents. The motion passed with nine YES votes.

A motion was made by Commissioner Davenport, seconded by Commissioner Myers, to adopt the following ordinance (#22-06-51) which was presented by title only. The motion passed with nine YES votes.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF ATHENS-CLARKE COUNTY, GEORGIA BY ADOPTING A NEW CHAPTER 1-30, "**SOLID WASTE ADVISORY COMMISSION**" IN TITLE 1 "GENERAL GOVERNMENT" AND FOR OTHER LAWFUL PURPOSES

WHEREAS, the Solid Waste Citizen Advisory Committee was originally created at the time of unification in 1991 as an ad hoc committee for the purpose of evaluating Athens-Clarke County's solid waste management needs;

WHEREAS, the Commission of Athens-Clarke County, Georgia, now wishes to formalize this ad hoc body as the new Solid Waste Advisory Commission pursuant to their authority under Section 2-105(d) of the Charter of Athens-Clarke County, Georgia, in order to address and develop solutions for significant community challenges, including, but not limited to, solid waste strategic planning, future material management infrastructure, collection services, education, and environmental/climate impacts.

NOW THEREFORE, the Mayor and Commission of Athens-Clarke County, Georgia, hereby ordains and orders that the Code of Ordinances of Athens-Clarke County shall be amended as follows:

SECTION 1

*Title 1, General Government, of the Code of Ordinances of Athens-Clarke County shall be amended by adding a new Chapter 1-30, titled "Solid Waste Advisory Commission," which chapter shall read as follows:*

**Chapter 1-30. - SOLID WASTE ADVISORY COMMISSION**

**Sec. 1-30-1. Establishment of the Solid Waste Advisory Commission.**



(a) *Establishment, membership, terms.* There shall be a Solid Waste Advisory Commission, which shall consist of eight members appointed for four-year terms of office.

(1) The Mayor shall appoint one Commissioner to serve as a member of the Solid Waste Advisory Commission, who shall also serve as the Chair.

(2) The appointment of the remaining seven citizen members shall follow the procedure laid out in the Boards, Authorities, and Commission Handbook. All citizen members shall be appointed by majority vote of the Mayor and Commission of Athens-Clarke County. Such members shall be residents of Athens-Clarke County. For the initial term of service, the Mayor and Commission shall designate four (4) citizen members to serve initial four-year terms and three (3) citizen members to serve initial two-year terms. After the initial appointment of members, all members shall be appointed to serve four-year terms. In appointing citizen members to the Solid Waste Advisory Commission, the Mayor and Commission shall seek, where possible and reasonable, to include residents from different commission districts in order to encourage representation of as many geographic regions as possible within Athens-Clarke County.

(3) There may be up to four ex officio members of the Solid Waste Advisory Commission, appointed by the manager of Athens-Clarke County, with up to one representative from each of the following:

(a) The Athens-Clarke County Solid Waste Department

(b) The University of Georgia

(c) Keep Athens-Clarke County Beautiful

(d) One member selected from the original Solid Waste Advisory Committee for continuity, history, and recognition for their extensive commitment to the original committee.

(4) Members whose terms have expired shall continue as members until their successors have been appointed by the Mayor and Commission.

(b) *Rules and regulations.* The Solid Waste Advisory Commission is hereby authorized to adopt bylaws for its own administration and to recommend policies, rules, and regulations to support the vision and mission of the Athens-Clarke County Solid Waste Department.

(c) *Responsibility generally.* The Solid Waste Advisory Commission shall be responsible for advising the Mayor and Commission and the Athens-Clarke County Solid Waste Department regarding matters assigned to them by the Mayor.

(d) *Advisory nature of commission.* The Solid Waste Advisory Commission shall be advisory in nature.

(e) *Assistance from other departments authorized.* The Athens-Clarke County Solid Waste Department and other appropriate Unified Government departments are hereby authorized to offer assistance from time to time to the Solid Waste Advisory Commission, including that a Solid Waste Department staff member shall be responsible for attending Commission meetings and preparing the minutes of the Commission.

## SECTION 2

This ordinance shall take effect immediately after passage.

## 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.

Commissioner Link joined the meeting at 7:01 p.m.

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

- a) Approve the Site Selection Committee's recommended Project Site Criteria for the Youth & Community Enrichment Facility (SPLOST 2011 Project 22), as shown on Attachment #1 of agenda report revised May 24, 2022; and,
- b) Authorize the Site Selection Committee and staff to enter Stage II of the Major Project Site Selection Process to identify potential sites and subsequently develop a Candidate Site list for the Youth & Community Enrichment Facility (SPLOST 2011 Project 22) to be presented for review and approval by the Mayor and Commission.

The motion passed by unanimous vote.

A motion was made by Commissioner Thornton, seconded by Commissioner Denson, to approve and adopt the updated Complete Streets Policy as shown in Attachment #1 of agenda report dated April 27, 2022.

Commissioner Parker offered an amendment to Section X 3. a. and b. to add "and Latino communities".

The amendment was accepted and the motion as amended passed by unanimous vote.

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

- a) Approve the contract renewal with Family Connection-Communities in Schools for the Neighborhood Leaders Program as per Attachment #1 of agenda report revised May 27, 2022;
- b) Accept the Prosperity Committee recommendation to provide the Neighborhood Leaders Program with a one-time supplement of \$79,000 for the balance of FY22 by adopting the following ordinance (#22-06-051) which was presented by title only, approve the contract amendment (Attachment #3); and,
- c) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

**AN ORDINANCE TO AMEND THE FY2022 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FOR A ONE-TIME SUPPLEMENT TO THE NEIGHBORHOOD LEADERS PROGRAM IN THE HOUSING & COMMUNITY DEVELOPMENT (HCD) 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 a one-time supplement to the Neighborhood Leaders Program in the Housing & Community Development (HCD) Department.

Said Operating and Capital budget is hereby amended as follows:

**General Fund:**

**EXPENDITURES:**

Decrease:

Other General Administration	
General Fund Contingency	\$79,000

Increase:

Housing & Community Development (HCD) Department	
Operating Expense	\$79,000

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

A motion was made by Commissioner Houle, seconded by Commissioner Edwards, to adopt the following ordinance (#22-06-52) 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 HOLIDAY **LEAVE** AND FOR OTHER PURPOSES.

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

SECTION 1. Section 1-9-7 entitled "*Leaves of absence*" of the Code of Athens-Clarke County, Georgia, subsection (b) (2), is hereby deleted in its entirety and the following (b)(2) is inserted in lieu thereof:

**"Sec. 1-9-7. – Leaves of absence.**

(b) *Holiday leave:*

(2) *Designation of official holidays.* Employees shall be granted the following holidays each year:

- a. New Year's Day.
- b. Martin Luther King Jr.'s Birthday.
- c. Earth Day.
- d. Memorial Day.
- e. Juneteenth
- f. July Fourth.
- g. Labor Day.
- h. Indigenous People's Day.
- i. Veterans Day.
- j. Thanksgiving Day and the following Friday.
- k. Christmas Eve and Christmas Day.
- l. Any other day designated as an official holiday by the commission."

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

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

- a) Approve submission of a FY22 Congressionally Direct Spending (CDS) application as per Attachment #1 of agenda report dated June 2, 2022 by the Unified Government of Athens-Clarke County (ACCGov) for \$30M for the purposes of the construction of a high quality affordable housing village, as well as construction of a non-profit food preparation and distribution facility that could also serve as the home for multiple small minority-owned small businesses – both projects to be located in East Athens;
- b) Accept the allocated funds, if awarded;
- c) Adopt the following ordinance (#22-06-53) which was presented by title only; and
- d) Authorize the Mayor and appropriate staff to execute all documents associated with the allocated funds.

Commissioner Thornton offered an amendment to add item e) to provide for ongoing public input and initiation of a public engagement process.

The amendment was accepted.

The motion as amended passed by unanimous vote.

AN ORDINANCE TO AMEND THE FY2023 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE UNITED STATES CONGRESSIONALLY DIRECTED SPENDING PROGRAM FOR AN EAST ATHENS REVITALIZATION PROGRAM; 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 United States Congressionally Directed Spending (CDS) program from the Office of Senator Raphael Warnock for an East Athens Revitalization program.

Said Operating and Capital Budget is hereby amended as follows:

**Grants Special Revenue Fund:**

REVENUES:

Increase:

US Congressional CDS program grant up to \$30,000,000

EXPENDITURES:

Increase:

East Athens Revitalization program up to \$30,000,000

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

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

- a) Accept the recommendation of the ARPA Affordable Housing Advisory Committee to advance up to \$5.27 million of designated ARPA SLRF for Affordable Housing Phase I as per agenda report dated June 1, 2022;
- b) Approve the project concept (Attachment #1) and timeline (Attachment #2) for Affordable Housing Phase I; and,
- c) Authorize the Mayor and appropriate staff to execute the necessary documentation related to this approval.

The motion passed by unanimous vote.

A motion was made by Commissioner Denson, seconded by Commissioner Myers, to adopt the FY23 budget as per agenda report revised May 31, 2022 with the following revisions.

The **Denson/Myers CDO** reduces the millage rate 0.10 mills from the Mayor Recommended Budget to a total millage rate of **13.10**. This would reduce General Fund revenues by \$16,000 (from \$159,048,222 to \$159,032,222). To keep the budget balanced, the CDO also reduces General Fund expenses by \$16,000. While reducing the millage rate and reducing revenues to balance the budget, the Denson/Myers CDO still funds: living wages for library staff & salary adjustments for ACCGOV employees, overtime needs & a wage study for the Sheriff's Department, grant-matching funds for Athens Transit, a clean tool initiative including transitioning away from gas-powered leaf blowers, departmental requests for transportation safety & traffic calming, and more. The CDO also shifts \$80,000 from the General Fund to the Hotel/Motel Fund (increasing Hotel/Motel expenses from \$4,214,720 to \$4,294,720) to provide corridor improvements and beautification. The CDO limits the use of American Rescue Plan funds to one-time expenses so that the budget remains sustainable for future years and so that American Rescue Plan funds are reserved for special needs that require the flexibility afforded by this unique Federal funding source.

A substitute motion was made by Commissioner Hamby, seconded by Commissioner Thornton, to adopt the FY23 operating and capital budget as per agenda report revised May 31, 2022 with the following revisions.

The **Thornton/Hamby CDO** reduces the millage rate 0.25 mills from the Mayor Recommended Budget to a total millage rate of **12.95**. This would reduce General Fund revenues by \$886,000 (from \$159,048,222 to \$158,162,222). To keep the budget balanced, the CDO also reduces

General Fund expenses by \$886,000. The CDO also increases Hotel/Motel expenses by \$80,000 (from \$4,214,720 to \$4,294,720) and decreases the General Capital Projects Fund by \$358,877 (from \$10,389,000 to \$10,030,123).

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

The original motion passed by roll call vote with Commissioners Davenport, Parker, Link, Denson Houle, Edwards, Myers, Thornton, and Hamby voting YES; and Commissioner Wright voting NO. (9 YES; 1 NO). The following ordinance (#22-06-54) which was presented by title only accomplishing the below listed actions was adopted.

- a. (1) Establish the Operating and Capital Budgets for the Fiscal Year beginning July 1, 2022 and ending June 30, 2023 (FY23);
- (2) Establish the 2022 property tax (millage) rate for the Unified Government of Athens-Clarke County (ACCGov) at 13.10 mills and the Athens Downtown Development Authority at 1.0 mill;
- (3) Establish the annual compensation for the Manager, Attorney and Internal Auditor as set by the Mayor and Commission for FY23;
- (4) Establish the rates and structure of the FY23 Health Insurance Program for Employees and Retirees; and
- (5) Adopt the Schedule of Fees and Charges for FY23 (Attachment #7).
- b. Authorize the Manager to transfer budget amounts from the Other General Administration Pay Adjustment and Vacancy/Overtime Adjustment Budget Accounts to Departmental Budgets to fund approved pay adjustments for employees and fund departmental budget needs related to filled vacancies and/or overtime.
- c. Authorize the balances of appropriations from the COVID-19 Resiliency Package and American Rescue Plan Act – CSLFRF programs be designated at fiscal yearend and re-appropriated in the following fiscal year until the programs are complete or they are amended by the Mayor and Commission.
- d. Approve the renewal of and authorize Mayor and appropriate staff to execute all required documents associated with the annual contract (Attachment #5) with the Georgia Public Defender Standards Council (GPDSC) to provide indigent defense services in specified courts of the Unified Government of Athens-Clarke County in the estimated amount of \$1,980,122 for FY23 (July 1, 2022 through June 30, 2023).
- e. Approve the renewal of and authorize Mayor and appropriate staff to execute all required documents associated with the annual intergovernmental agreement between the Georgia Department of Corrections and ACCGov to house state offenders (Attachment #2).
- f. Approve and authorize Mayor and appropriate staff to execute all required documents associated with a Memorandum of Understanding and annual financial agreement between the Board of Regents of the University of Georgia Cooperative Extension and ACCGov for support and provision of Cooperative Extension services in Athens-Clarke County (Attachment #3).

**AN ORDINANCE TO PROVIDE FOR THE RAISING OF REVENUES AND THE APPROPRIATION OF FUNDS FOR ATHENS-CLARKE COUNTY, GEORGIA, FOR THE FISCAL YEAR 2023 BEGINNING JULY 1, 2022 AND ENDING JUNE 30, 2023 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 2022 PROPERTY TAX RATES; TO ESTABLISH COMPENSATION FOR THE CHARTER OFFICERS; TO ESTABLISH RATES AND STRUCTURE OF FISCAL YEAR 2023 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 2023 (FY23), beginning July 1, 2022 and ending June 30, 2023.

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 "FY2023 Annual Operating and Capital Budget: The Unified Government of Athens-Clarke County July 1, 2022–June 30, 2023" 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 \$9,856,000 for FY23, 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, 2022 – June 30, 2023.

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 "FY2023 Annual Operating and Capital Budget: The Unified Government of Athens-Clarke County July 1, 2022–June 30, 2023" 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 2022 upon all real and personal property within the government not exempt from taxation under law as follows:

Maintenance and Operations (General Fund)	13.10 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 2022 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 FY23, shall be \$204,797 plus a \$6,000 car allowance for the Manager, shall be \$169,230 plus a \$4,800 car allowance for the Attorney and shall be \$0 plus a \$0 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 FY23, shall be used for promoting industry, trade, commerce, and tourism. The proceeds from this tax in FY23 shall be used to support the Athens-Clarke County Economic Development Department, with an estimated budget of \$1,335,100.

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, 2023, 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, 2023. 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, 2023, 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, 2023. 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, 2023, 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, 2023. 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, 2023, 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, 2023. 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 2022 Benefits Enrollment 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, 2023, will be set forth in the document entitled "The Unified Government of Athens-Clarke County 2023 Benefits Enrollment Guide," which will be made available for public inspection in the office of the Clerk of Commission in or around January, 2023. 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, 2022 – December 31, 2022," 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, 2023, will be 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," which will be made available for public inspection in the office of the Clerk of Commission in or around January, 2023. 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 "2022 Enrollment Guide: Enroll in Additional Medicare Coverage" 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 "FY2023 Annual Operating and Capital Budget: The Unified Government of Athens-Clarke County July 1, 2022–June 30, 2023" are hereby adopted.

SECTION 18. The effective date of this ordinance shall be July 1, 2022.

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



**GENERAL FUND**

**SUMMARY FY23 ANNUAL OPERATING AND CAPITAL BUDGET  
FOR THE YEAR ENDING JUNE 30, 2023  
COMMISSION APPROVED**

	<b>FY22 Approved Budget</b>	<b>FY23 Approved Budget</b>	<b>\$ ▲</b>	<b>% ▲</b>
<b>Revenues:</b>				
Property Taxes	73,488,850	82,925,250	9,436,400	12.8%
Sales Tax	25,900,000	29,900,000	4,000,000	15.4%
Other Taxes	22,955,000	24,159,000	1,204,000	5.2%
Licenses & Permits	865,880	916,000	50,120	5.8%
Intergovernmental Revenues	1,204,790	1,234,360	29,570	2.5%
Charges for Services	11,992,685	12,838,182	845,497	7.1%
Fines & Forfeitures	1,896,943	2,095,000	198,057	10.4%
Other Revenues	716,325	809,792	93,467	13.0%
Other Financing Sources	3,850,175	4,154,638	304,463	7.9%
<b>Total Revenues</b>	<b>\$142,870,648</b>	<b>\$159,032,222</b>	<b>\$16,161,574</b>	<b>11.3%</b>
Prior Year Fund Balance - Oper.	2,443,136	0	(2,443,136)	-100.0%
Prior Year Fund Balance - Capital	3,139,000	7,400,000	4,261,000	135.7%
<b>Total Revenues &amp; Other Sources</b>	<b>\$148,452,784</b>	<b>\$166,432,222</b>	<b>\$17,979,438</b>	<b>12.1%</b>
<b>Expenditures:</b>				
General Government	31,802,047	37,021,292	5,219,245	16.4%
Judicial	11,442,605	11,524,747	82,142	0.7%
Public Safety	61,629,362	63,061,459	1,432,097	2.3%
Public Works	16,436,332	17,552,325	1,115,993	6.8%
Cultural And Recreation	8,499,761	9,425,097	925,336	10.9%
Housing And Development	3,662,355	5,119,244	1,456,889	39.8%
Independent Agencies	5,936,922	6,564,986	628,064	10.6%
Debt Service	1,315,141	1,316,453	1,312	0.1%
<b>Total Operating Expenditures</b>	<b>\$140,724,525</b>	<b>\$151,585,603</b>	<b>\$10,861,078</b>	<b>7.7%</b>
Other Financing Uses - Oper.	2,077,259	1,488,136	(589,123)	-28.4%
<b>Total Operating Expenditures &amp; Other Financing Uses</b>	<b>\$142,801,784</b>	<b>\$153,073,739</b>	<b>\$10,271,955</b>	<b>7.2%</b>
Other Financing Uses - Capital	5,651,000	13,358,483	7,707,483	136.4%
<b>Total Operating &amp; Capital Expenditures</b>	<b>\$148,452,784</b>	<b>\$166,432,222</b>	<b>\$17,979,438</b>	<b>12.1%</b>

**ALL FUNDS**  
**SUMMARY FY23 ANNUAL OPERATING AND CAPITAL BUDGET**  
**FOR THE YEAR ENDING JUNE 30, 2023**  
**COMMISSION APPROVED**

	<b>FY23 Operating Budget</b>	<b>FY23 Capital Budget</b>	<b>FY23 Approved Budget</b>
<b>Revenues:</b>			
Property Taxes	77,965,767	5,958,483	83,924,250
Sales Tax	29,900,000		29,900,000
Other Taxes	28,323,720	35,280	28,359,000
Licenses & Permits	2,616,000		2,616,000
Intergovernmental Revenues	11,084,166		11,084,166
Charges for Services	109,440,836	14,883,272	124,324,108
Fines & Forfeitures	2,341,000		2,341,000
Other Revenues	1,845,558		1,845,558
Other Financing Sources	8,846,924	13,358,483	22,205,407
<b>Total Revenues</b>	<b>\$272,363,971</b>	<b>\$34,235,518</b>	<b>\$306,599,489</b>
Prior Year Fund Balance	1,092,412	7,622,720	8,715,132
Use of Unrestricted Net Position	2,939,540	17,379,428	20,318,968
<b>Total Revenues &amp; Other Sources</b>	<b>\$276,395,923</b>	<b>\$59,237,666</b>	<b>\$335,633,589</b>
Less Interfund Transfers & Charges	(33,849,255)	(13,358,483)	(47,207,738)
<b>Total Revenues</b>	<b>\$242,546,668</b>	<b>\$45,879,183</b>	<b>\$288,425,851</b>
<b>Expenditures:</b>			
General Government	83,769,854	1,330,000	85,099,854
Judicial	12,854,908	184,000	13,038,908
Public Safety	66,923,659	1,553,000	68,476,659
Public Works	63,369,028	39,233,183	102,602,211
Cultural And Recreation	9,460,097	3,406,000	12,866,097
Housing And Development	9,553,144	173,000	9,726,144
Independent Agencies	10,195,806		10,195,806
Debt Service	13,848,413		13,848,413
<b>Total Operating Expenditures</b>	<b>\$269,974,909</b>	<b>\$45,879,183</b>	<b>\$315,854,092</b>
Other Financing Uses	5,691,935	13,358,483	19,050,418
<b>Total Expenditures &amp; Other Financing uses</b>	<b>\$275,666,844</b>	<b>\$59,237,666</b>	<b>\$334,904,510</b>
Less Interfund Transfers & Charges	(33,849,255)	(13,358,483)	(47,207,738)
<b>Total Expenditures</b>	<b>\$241,817,589</b>	<b>\$45,879,183</b>	<b>\$287,696,772</b>
<b>Designated for Future Capital Improvements &amp; Debt Service Requirements</b>	729,079		729,079
<b>Total Expenditures &amp; Designations</b>	<b>\$242,546,668</b>	<b>\$45,879,183</b>	<b>\$288,425,851</b>

New business –Consider under suspension of Rules

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

A motion was made by Commissioner Edwards, seconded by Commissioner Wright, to adopt the following ordinance (#22-06-55) which was presented by title only as per agenda report dated

May 31, 2022 amending the FY22 Operating Budget to provide General Fund Contingency in the amount up to \$150,000 for expenses related to costs in providing animals with medical care, including medical services (\$90,000) and medical supplies (\$10,000), and animal care maintenance (\$50,000) in the Animal Services Department. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE FY2022 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 \$150,000

Increase:

Animal Services Department	
Operating Expense	up to \$150,000

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

A motion was made by Commissioner Wright, seconded by Commissioner Parker, to adopt the following resolution. The motion passed by roll call vote with Commissioners Davenport, Parker, Link, Wright, Denson, Houle, Edwards, Myers, and Hamby voting YES and Commissioner Thornton voting NO. (9 YES; 1 NO)

**RESOLUTION**

A RESOLUTION DESIGNATING THE MONTH OF JUNE AS ATHENS PRIDE MONTH

**WHEREAS**, following the Stonewall Riots of June, 1969, lesbian, gay, bisexual, transgender, and queer (“LGBTQ+”) communities and their allies in numerous cities have gathered for Pride celebrations, often in the month of June; and

**WHEREAS**, the Athens LGBTQ+ community has a rich history of demonstrated involvement in and contributions to the Athens-Clarke County community, including a cherished annual tradition of Pride celebrations; and

**WHEREAS**, this year marks the first-ever Pride Parade on June 12, 2022, followed by a community resource festival in Thomas Lay Park; and

**WHEREAS**, the trailblazing work of LGBTQ+ movement leaders across generations and here in Athens have modeled courage in embracing their authentic selves and advancing cultural and policy changes that affirm LGBTQ+ rights and dignity; and

**WHEREAS**, despite these advancements, the LGBTQ+ community faces continued systemic community violence; and

**WHEREAS**, we recognize the intersecting impacts that systemic racism, classism, sexism, xenophobia, and heteropatriarchy have on our LGBTQ+ friends and neighbors; and

**WHEREAS**, we stand in support and solidarity with members of the LGBTQ+ community from all backgrounds in the face of these challenges; and

**WHEREAS**, on August 3rd, 2021, the Athens-Clarke County Commission passed a historic non-discrimination ordinance to protect the rights and uplift the dignity of all Athenians, including members of the LGBTQ+ community; and

**WHEREAS**, we endeavor to advance equity, affirmation, and wellness for all LGBTQ+ residents and visitors of Athens, particularly those that have been historically silenced, stigmatized, and marginalized within and outside of dominant queer culture, and will continue to seek policies to this end.

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

**Section 1:** That the month of June shall hereafter be known as Athens Pride Month; and

**Section 2:** That during the month of June, the Progress Pride Flag shall be flown at City Hall from June 8 to June 16, 2022, and from June 27 to June 30, 2022, in compliance with ACCGov Administrative Policy CSD-002 in order to demonstrate the Unified Government's support for the LGBTQ+ community and its most vulnerable and historically marginalized members; and

**Section 3:** That the Unified Government shall support events that encourage understanding and celebration of the Athens-Clarke County LGBTQ+ community; and

**Section 4:** That the Mayor and Commission hereby direct the Manager to support this resolution.

A motion was made by Commissioner Edwards, seconded by Commissioner Thornton, to adopt the following ordinance (#22-06-56) which was presented by title only. The motion passed by roll call vote with Commissioners Davenport, Parker, Link, Denson Houle, Edwards, Myers, Thornton, and Hamby voting YES; and Commissioner Wright voting NO. (9 YES; 1 NO)

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

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

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

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

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

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

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

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

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

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

**WHEREAS**, the New York Times reported on April 15, 2022, that twenty states, including the entire Northeast, have seen their daily cases rise by at least 30 percent in the past two weeks, likely due to the latest subvariants of COVID-19, with concerns that at-home testing obscures the data and that true case increases may be far higher; and

**WHEREAS**, USA Today reported on May 18, 2022, that a third of Americans now live in an area with medium or high COVID-19 rates, in large part because there are at least four omicron subvariants circulating in the United States at this time; and

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

**WHEREAS**, CDC currently recommends using a combination of three metrics – new COVID-19 admissions per 100,000 population in the past 7 days, the percent of staffed inpatient beds occupied by COVID-19 patients, and

total new COVID-19 cases per 100,000 population in the past 7 days – to assess the COVID-19 Community Level indicating the current level of community transmission; and

**WHEREAS**, as of Thursday, June 2, 2022, the CDC reports that the COVID-19 Community Level in Athens-Clarke County is low;

**WHEREAS**, according to the Georgia Department of Public Health COVID-19 update on Wednesday, June 1, 2022, (the “GDPH Update”) Georgia now has 1,992,974 confirmed cases of COVID-19, including 26,727 confirmed cases in Athens-Clarke County; and

**WHEREAS**, according to the GDPH Update, 31,836 individuals in Georgia have died and 113,933 have been hospitalized after contracting COVID-19; and

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

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

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

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

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

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

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

**WHEREAS**, nevertheless, because of the continuing negative impacts of the COVID-19 pandemic on the State’s economy, supply chain, and healthcare infrastructure, on June 30, 2021, Governor Kemp issued an Executive Order declaring there to be a State of Emergency in the State of Georgia and ordering that all resources of the State of Georgia shall be made available to assist in activities designed to address this emergency and aid recovery and response efforts and subsequently renewed that declaration on July 22, 2021, August 19, 2021, September 20, 2021, October 21, 2021, November 19, 2021, December 17, 2021, January 18, 2022, February 18, 2022, and March 21, 2022; and

**WHEREAS**, on April 14, 2022, Governor Kemp signed an Executive Order declaring a State of Emergency for Supply Chain Disruptions to address the continuing economic harms caused by the COVID-19 pandemic; and

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

**WHEREAS**, on July 19, 2021, Xavier Becerra, Secretary of the United States Department of Health and Human Services, renewed his determination (and that of former Secretary Alex M. Azar II) that a public health emergency exists and has existed since January 27, 2020, such prior renewals having been executed upon April 21, 2020, July 23, 2020, October 2, 2020, January 7, 2021, April 15, 2021, July 19, 2021, October 15, 2021, January 14, 2022, and April 12, 2022; and

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

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

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

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

**WHEREAS**, the CDC issued guidance (most recently updated on March 24, 2022) continuing to recommend mask wearing in public indoor spaces regardless of vaccination status in areas with a high community level (and in a medium community level when around those who are at high risk for severe disease) to maximize protection from COVID-19; and

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

**WHEREAS**, pursuant to Section 1-104 (d) of the Charter of the Unified Government of Athens-Clarke County, Georgia, the Mayor and Commission have the right, duty, power, privilege and authority to exercise and enjoy all other powers, duties, functions, rights, privileges, and immunities necessary and proper to promote or protect the safety, health, peace, security and general welfare of said government and its inhabitants and to exercise all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully enumerated herein and to do and perform all of the acts pertaining to its

property, affairs and local government which are necessary or proper in the legitimate exercise of its corporate powers and governmental duties and functions; and

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

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

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

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

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

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

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

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

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

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

#### SECTION 1.

##### Outdoor Restaurant Seating Areas

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

#### SECTION 2.

##### Outdoor Retail Areas

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

#### SECTION 3.

##### Indoor Mask Mandate

(a) The provisions of Section 3 of this Ordinance shall only be enforced when the COVID-19 Community Level in Athens-Clarke County is “high” according to the Centers for Disease Control.

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

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

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

and from other suitable fabrics. The mask must cover the mouth and nose of the wearer.

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

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

curtilage thereof.

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

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

- (1) In personal vehicles or upon residential property;
- (2) When a person is alone in enclosed spaces or only with other household members;
- (3) When the individual has a bona fide religious objection to wearing a facial covering or mask;
- (4) While drinking or eating;

aggravates a health condition for the individual or when such person has a bona fide medical reason for not wearing a facial covering or mask;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### SECTION 4.

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

#### SECTION 5.

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

#### SECTION 6.

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

SECTION 7.

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

SECTION 8.

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

A motion was made by Commissioner Edwards, seconded by Commissioner Thornton, to adopt the following ordinance (#22-06-57) which was presented by title only. The motion passed by unanimous vote.

**AN ORDINANCE TO LEVY AND ASSESS TAXES FOR THE CLARKE COUNTY BOARD OF EDUCATION FOR THE CLARKE COUNTY SCHOOL DISTRICT, ATHENS- CLARKE COUNTY, GEORGIA, FOR THE YEAR 2022; AND FOR OTHER PURPOSES.**

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

SECTION 1. The following tax, as authorized by the Georgia Constitution, Article VIII, Section VI, Paragraph I, is hereby levied and assessed for the year 2022; and the following described property shall be subject to the tax hereinafter prescribed.

SECTION 2. There is hereby levied and assessed for the year 2022 on all of the taxable property in Athens-Clarke County, Georgia, ad valorem taxes for school purposes for maintenance and operation at the rate of 18.80 mills, as certified by the Clarke County Board of Education, upon the value of said property as fixed by the Tax Digest of Athens-Clarke County.

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

A motion was made by Commissioner Parker, seconded by Commissioner Link, to adopt the following resolution. The motion passed by roll call vote with Commissioners Davenport, Parker, Link, Wright, Denson, Houle, Edwards, Myers, and Hamby voting YES; and Commissioner Thornton voting NO. (9 YES; 1 NO)

**RESOLUTION**

**A RESOLUTION TO FORMALLY RECOGNIZE AND OBSERVE JUNETEENTH**

**WHEREAS**, the United States of America is made up of people from every nation on Earth, who are declared equal not only in freedom but also in justice, both of which are essential for a healthy human civilization; and

**WHEREAS**, the United States of America was established on July 4, 1776, with the Declaration of Independence stating: "*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness*"; and

**WHEREAS**, on January 1, 1863, President Abraham Lincoln signed the Emancipation Proclamation, providing that all persons enslaved within any state or designated part of a state "*shall be then, thenceforward, and forever free*"; and

**WHEREAS**, news of the end of slavery did not reach the frontier areas of the United States, in particular the State of Texas and the other Southwestern States, until months after the conclusion of the Civil War, more than two and a half years after President Abraham Lincoln issued the Emancipation Proclamation on January 1, 1863; and

**WHEREAS**, on June 19, 1865, Union soldiers, led by Major General Gordon Granger, arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free from bondage; and

**WHEREAS**, as those who were formerly enslaved were recognized for the first time as citizens, Black/African Americans came to commemorate June 19th, commonly known as "Juneteenth Independence Day," as inspiration and encouragement for future generations; and



**WHEREAS**, the faith and strength of character demonstrated by formerly enslaved people and the descendants of formerly enslaved people remain an example for all people of the United States, regardless of background, religion, or race; and

**WHEREAS**, slavery was not officially abolished until the ratification of the 13<sup>th</sup> Amendment to the Constitution of the United States in 1865, and this date is commemorated by the observance of National Freedom Day on February 1 of each year; and

**WHEREAS**, on June 18, 2021, President Joseph Biden, Jr., proclaimed June 19 as Juneteenth Day of Observance and called upon the people of the United States to acknowledge and celebrate the end of the Civil War and the emancipation of Black/African Americans and commit together to eradicate systemic racism that still undermines our founding ideals and collective prosperity; and

**WHEREAS**, on July 7, 2020, the Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia, adopted a resolution in recognition that Black Lives Matter and committed to explore ways to work with community leaders to establish Juneteenth as a local annual holiday and celebration; and

**WHEREAS**, the Unified Government of Athens-Clarke County can never heal the trauma of Black/African American people nor fully erase the past but can empathize, recognize, and commit to working on building real equity and supporting the local observance of Juneteenth.

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

**Section 1:** That during the month of June, the Juneteenth Flag shall be flown at City Hall from June 17 to June 26, 2022, in compliance with ACCGov Administrative Policy CSD-002 in order to demonstrate the Unified Government's support and recognition of June 19, 1865; and

**Section 2:** That the Unified Government shall explore ways to work with community leaders to support Juneteenth events; and

**Section 3:** That the Mayor and Commission hereby direct the Manager to support this resolution.

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

A public hearing was held on request of Scott Haines/W&A Engineering, Development Authority of Unified Government of Athens--Clarke County, Georgia) for rezoning from E-I (Employment--Industrial) to E-I (PD) (Employment-Planned Development) on 58.87 acres (of a 132-acre parcel) known as 110 Voyles Road. Proposed use is light industrial addition. Type II

Citizen input

The following citizen input was received.

- 1 Justin Crighton, representing petitioner - supported.

A motion was made by Commissioner Thornton, seconded by Commissioner Edwards, to adopt the following ordinance (#22-06-58) 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 ONE PORTION OF ONE PARCEL OF LAND COMPRISING APPROXIMATELY 58.87 ACRES LOCATED AT 110 VOYLES ROAD FROM E-I, (EMPLOYMENT-INDUSTRIAL) TO E-I (PD) (EMPLOYMENT-INDUSTRIAL, 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 one portion of one parcel of land comprising approximately 58.87 acres located at 110 Voyles Road, Athens, Georgia from E-I (Employment-Industrial) to E-I (PD) (Employment-Industrial, Planned Development) as shown on Attachment A hereto. Said affected parcels

of land being more fully described in the master site plan entitled “PD Master Plan,” said site plan having an original issue date of January 28, 2022, and being last revised April 1, 2022, W&A Engineering, and being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia.

The parcel comprising the subject 58.87 acre tract of land are also known as parcel number 214 019 on the Athens-Clarke County tax maps, being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia. The date of this amendment to the Official Zoning Map of Athens-Clarke County as shown by Attachment A shall be noted on said Official Zoning Map in the Clerk of Commission’s Office at 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

SECTION 2. The binding master site plan associated with this ordinance and incorporated herein by reference consists of five sheets in total, with each sheet being titled and numbered in the lower right hand corner and stamped “Binding 5-11-22”. The respective title, sheet number and date of each sheet is listed below:

Sheet Title	Sheet number	Date
PD Master Plan	C201	01/28/2022, last revised 4/1/2022
Concept Design	A100	01/28/2022
Concept Design	A101	01/28/2022
Concept Design	A102	01/28/2022
Concept Design	A103	01/28/2022

The binding written report associated with this ordinance consists of six pages in total, is entitled “RWDC Industries Planned Development”, dated April 1, 2022, and is stamped “Binding 5-11-22”. Said report is on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W, Dougherty Street, Athens, Georgia.

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

A public hearing was held on request of Smith Planning Group, El Marajo, LLC, for rezoning from RS-8 (Single-Family Residential) to RS-5 (PD) (Single-Family Residential; Planned Development) on 1.85 acres known as 1010 Oglethorpe Avenue. Proposed use is single-family subdivision and multi-family residential. Type II

Planning Commission recommendation: Approval w/condition (unanimous)

Citizen input

The following citizen input was received.

1. Joseph Bates, petitioner - supported
2. Linda Foote – opposed
3. Elaine Faust - opposed
4. Magdalene Mobley - opposed
5. Angela Mosley - opposed
6. Dennis Jewell - opposed
7. Dolores Lee - opposed
8. Daphne Smith - opposed
9. Mildred Lyle - opposed
10. Joe Polaneczky - supported
11. Matt Hall - supported
12. Sarah Gehring - supported
13. Mara Zuniga - opposed
14. Susan Monteverde - opposed
15. Patricia Moody – opposed

A motion was made by Commissioner Denson, seconded by Commissioner Link, to adopt the following ordinance (#22-06-59) which was presented by title only. The motion passed by roll call vote with Commissioners Parker, Link, Denson, Houle, Edwards, and Myers voting YES and Commissioners Davenport, Wright, Thornton and Hamby voting NO. (6 YES; 4 NO).

**AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO REZONING ONE PARCEL OF LAND COMPRISING APPROXIMATELY 1.85 ACRES LOCATED AT 1010 OGLETHORPE AVENUE FROM RS-8, (SINGLE-FAMILY RESIDENTIAL) TO RS-5 (PD) (SINGLE-FAMILY RESIDENTIAL, 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 one parcel of land comprising approximately 1.85 acres located at 1010 Oglethorpe Avenue, Athens, Georgia from RS-8 (Single-Family Residential) to RS-5 (PD) (Single-Family Residential, Planned Development) as shown on Attachment A hereto. Said affected parcels of land being more fully described in the master site plan entitled "Master Site Plan," said site plan having a date of May 10, 2022, prepared by Smith Planning Group, and being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia.

The parcel comprising the subject 1.85 acre tract of land are also known as parcel number 113D3 E010 on the Athens-Clarke County tax maps, being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia. The date of this amendment to the Official Zoning Map of Athens-Clarke County as shown by Attachment A shall be noted on said Official Zoning Map in the Clerk of Commission's Office at 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

SECTION 2. The binding master site plan associated with this ordinance and incorporated herein by reference consists of four sheets in total, with each sheet being titled and numbered in the lower right hand corner and stamped "Binding 5-11-22". The respective title, sheet number and date of each sheet is listed below:

Sheet Title	Sheet number	Date
Master Site Plan	PD-20	05/10/2022
Tree Management Plan	PD-40	05/10/2022
Architectural Character	PD-50	05/10/2022
Architectural Character	PD-60	05/10/2022

The binding written report associated with this ordinance consists of eleven pages in total, is entitled "Master Planned Development Report 1010 Oglethorpe Avenue Athens, Georgia", dated May 10, 2022, and is stamped "Binding 5-11-22". Said report is on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W, Dougherty Street, Athens, Georgia.

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

- (1) The one-way exit onto Knottingham Drive shall be left-turn only, enforced with signage and using infrastructure approved by Athens-Clarke County Transportation and Public Works.
- (2) Inclusion of the attached Memorandum of Understanding between Athens Land Trust, Inc. and El Marojo, LLC into the binding site master plan associated with this ordinance and entitled "Master Planned Development Report 1010 Oglethorpe Avenue Athens, Georgia," date May 10, 2022.
- (3) Inclusion of the attached Memorandum of Understanding between Athens Area Habitat for Humanity, Inc., and El Marojo, LLC into the binding site master plan associated with this ordinance and entitled "Master Planned Development Report 1010 Oglethorpe Avenue Athens, Georgia," date May 10, 2022.

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

Citizen input on items other than those listed on this agenda

The following citizen input was received.

1. Shane Blackwell – supported youth programs
2. Cshansye Allen – supported community involvement for East Athens.

FROM MAYOR GIRTZ:

1. Entered into the record members of the Lexington Road TAD Advisory Committee.

Mack Duncan  
Cshansye Allen  
Mae Walter  
Rhett Butler  
Brantley Colbert  
Shane Dekle

2. Announced appointment of ad hoc committee for review of charter officers.

Commissioner Davenport  
Commissioner Denson  
Commissioner Houle  
Commissioner Edwards  
Commissioner Myers  
Mayor Girtz

FROM COMMISSIONER EDWARDS:

1. Congratulated his colleagues on following parliamentary procedure.

FROM COMMISSIONER MYERS:

1. Expressed appreciation for everyone's assistance with FY23 budget.

FROM COMMISSIONER THORNTON:

1. Decisions made affect everyone.

FROM COMMISSIONER PARKER:

1. Missing Middle study is available online.

Commissioner Thornton exited the meeting at 10:10 p.m.

FROM COMMISSIONER DENSON:

1. Stated early voting for district 5 runoff election will begin June 11.
2. Requested Mayor consider appointment of ad hoc committee to discuss guns and gun safety.

A motion was made by Commissioner Denson, seconded by Commissioner Davenport, to adjourn. The motion passed with nine YES votes.

The meeting adjourned at 10:13 p.m.

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Clerk of Commission