

Unified Government of Athens-Clarke County, Georgia  
Mayor and Commission  
Special Called Session  
Tuesday, July 19, 2022  
6:05 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, Denson, Houle, Edwards, Myers, Thornton, and Hamby. Absent: Commissioner Wright.

The purpose of the meeting was to consider several items of new business.

#### Citizen input

The following citizen input was received.

1. Joan Rowden – questioned parklet program

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

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

- a) Authorize the Transportation and Public Works Department (T&PW) to submit a planning grant application to the Federal Highway Administration (FHWA) Bridge Investment Program, in the amount of \$900,000, to fund planning and analysis of six ACCGov bridges as per Attachment #1 of agenda report dated June 28, 2022;
- b) Authorize the T&PW Department to submit an FHWA Bridge Project Grant Application for design, right-of-way, and construction of Fowler Mill Road Bridge in the amount of \$3,500,000;
- c) Authorize the T&PW Department to submit an FHWA Bridge Project Grant Application for Mitchell Bridge Road Bridge over State Route Loop 10 for design, right-of-way, and construction in the amount of \$5,600,000; and
- d) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

A motion was made by Commissioner Link, to adopt the following ordinance (#22-07-61) which was presented by title only. The motion passed by unanimous vote.

#### AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF ATHENS-CLARKE COUNTY, GEORGIA BY ADOPTING A NEW CHAPTER 6-22, "**PARKLET PROGRAM**" IN TITLE 6 "LICENSES AND BUSINESS REGULATION" AND FOR OTHER LAWFUL PURPOSES

WHEREAS, the Mayor and Commission adopted a policy to establish a pilot parklet program for additional outdoor dining space for restaurants located in the Downtown Athens District during the COVID-19 pandemic;

WHEREAS, the Commission of Athens-Clarke County, Georgia now wishes to establish a permanent parklet program for additional outdoor dining spaces for restaurants located in the Downtown Athens District;

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 6, Licenses and Business Regulation, of the Code of Athens-Clarke County shall be amended by adding a new Chapter 6-22, titled "Parklet Program," which chapter shall read as follows:

#### **Chapter 6-22. – PARKLET PROGRAM**

### **Sec. 6-22-1. Purpose and Intent**

This chapter shall apply to the establishment, operation, and maintenance of parklets within areas of public parking owned by the Unified Government of Athens-Clarke County ("Unified Government.") The purpose of this chapter is to promote the safe use of parklets and to promote the general economic development and atmosphere of Athens-Clarke County for the benefit of the businesses and citizens located there, and no vested property right of individuals or individual businesses is created herein.

### **Sec. 6-22-2. Definitions.**

- (a) *Direct Route.* The shortest reasonable route between a parklet and the establishment operated by the parklet permit holder, as identified on the application to permit the parklet.
- (b) *Downtown Athens District.* The term "Downtown Athens District" shall mean that area of Athens-Clarke County, Georgia, defined as "the Downtown Athens Area" as set forth in Section 2 of Georgia Laws 1977, page 3533, pages 3534 – 3535 (entitled "Downtown Athens Development Authority Created").
- (c) *Manager.* The term "Manager" shall mean the Manager of Athens-Clarke County, Georgia, or their designee.
- (d) *Parklet.* A small seating area created using on-street parking spaces adjacent to a business, with said space being licensed to a business for the purposes of serving food and/or beverages.
- (e) *Permittee.* The term "permittee" shall mean the recipient of a parklet permit under the terms and provisions of this chapter.
- (f) *Restaurant.* Any public place kept, used, maintained, and advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment, having employed a sufficient number of cooks and kinds of employees to prepare, cook, and serve suitable food at tables with seating, and holding a certificate of inspection and approval from the county health department. At least one meal per day shall be served at least five days a week, with the exception of holidays, vacations, and periods of remodeling, and the serving of such meals shall be the principal business conducted, with the serving of alcoholic beverages to be consumed on the premises as only incidental thereto. A restaurant shall have 50 percent or more of its total annual gross sales of food and alcoholic beverages from the sale of prepared meals or food. Such gross sales shall not include sales of prepared meals or food sold or delivered off-site as part of a catering business.
- (g) *Specialty Shop.* Any public place kept, used, maintained, and advertised and held out to the public as a place where prepared food products, desserts, or non-alcoholic beverages are prepared and served, such place being provided with an adequate and sanitary kitchen, and holding a certificate of inspection and approval from the county health department. Examples of specialty shops including, but not limited to coffee shops, ice cream parlors, chocolatiers, and cookie shops.

### **Sec. 6-22-3. Eligibility**

Restaurants and specialty shops in the Downtown Athens District may apply to utilize public parking spaces located in front of their place of business as parklets, as further described in this chapter. Within the Downtown Athens District, parking adjacent to or within the following locations are not available for parklets:

- (a) Roads owned and/or maintained by the Georgia Department of Transportation;
- (b) Roads with a speed limit in excess of 25 miles per hour; and,
- (c) Roads that are temporarily or permanently closed to support outdoor dining, recreation, outdoor retail, or other similar public uses.

### **Sec. 6-22-4. Permit**

The issuance of a parklet permit shall not be construed or interpreted to convey any vested property rights or any leasehold rights or interests to any person or business. The holder of a permit shall have the right to enforce trespass laws within their licensed parklet. Permittee's use of the parklet area is subject to the rights of utility companies pursuant to franchise or easement. Prior to acceptance of a permit, a permittee shall acknowledge that permittee has inspected the parklet area and determined that the area is suitable for its purposes and that it assumes all risks associated with its use of such area. The provisions of this chapter are subject to change and amendment by the Mayor and Commission from time to time. Permits are subject to the following requirements:

- (a) Permits for parklets that are issued on an annual basis will expire on December 31 of each year, regardless of initial application issuance.
- (b) Any parklet that requires the substantial modification of public property as permitted by Section 6-22-6(b) of this chapter shall operate on an annual basis.
- (c) Except as provided in subsection(b), all applicants, at the time of application, shall indicate their intent to use parklets on an annual or quarterly basis. Quarters shall be as follows:
  - 1. The first quarter is January 1<sup>st</sup> through March 31<sup>st</sup>;
  - 2. The second quarter is April 1<sup>st</sup> through June 30<sup>th</sup>;
  - 3. The third quarter is July 1<sup>st</sup> through September 30<sup>th</sup>; and,
  - 4. The fourth quarter is October 1<sup>st</sup> through December 31<sup>st</sup>.
- (d) Applications for permits shall be submitted no later than 30 days prior to the applicable date of issuance for an annual or quarterly permit.
- (e) Application fees, as designated in Section 2-6-2 of this Code shall be paid in full at the time of application.

- (f) Additional fees as designated in Section 2-6-2 of this Code shall be due at the time of the issuance of the permit.
- (g) Parklet permits are non-transferable and shall expire upon the transfer of ownership, change in use of the establishment, or December 31st of each year, whichever is earliest.
- (h) Parklets authorized pursuant to the local emergency ordinance that were in operation at the time of the adoption of this ordinance shall be authorized to continue operations so long as the permittee applies for a permit within 30 days of the adoption of this ordinance.

**Sec. 6-22-5. Application**

Any person desiring to operate a parklet shall submit an application, on a form prescribed by the Manager, to the Central Services Department. The application shall include, but not be limited to, the following:

- (a) Name of applicant;
- (b) Name, address, phone number, and email for the establishment;
- (c) A copy of a valid Athens-Clarke County occupational tax certificate for the establishment desiring to operate a parklet;
- (d) A copy of a current certificate of insurance in the amounts and categories required by Section 6-22-11 of this chapter;
- (e) A map identifying the on-street parking spaces desired for the operation of a parklet, as well as letters of support from neighboring businesses or property owners if the applicant desires to use three or four total parking spaces;
- (f) Evidence of a valid alcohol license if the applicant wishes for patrons to be able to consume beer and wine in the parklet;
- (g) A map identifying the direct route between the establishment licensed to serve beer and wine and the proposed parklet if the applicant wishes for patrons to be able to consume beer and wine in the parklet; and,
- (h) A scaled sketch of how the parklet will be designed so as to meet the requirements of this chapter.

**Sec. 6-22-6. Issuance of permit.**

- (a) Applicant shall be notified within two weeks of application submission of approval or denial of the requested permit. If the permit is denied, applicant shall be provided an explanation of the denial.
- (b) Prior to the issuance of a permit, any applicant who proposes to modify public property for the implementation of a parklet must provide a surety bond for the project. This surety bond will be in the estimated value of the contracted cost to restore public property to its original condition, and must be issued by a surety corporation authorized to transact-business in Georgia. For the purposes of this section, any such surety bond shall be valid only for a calendar year and shall be renewed as the permit is renewed annually.
- (c) Prior to issuance or renewal of a parklet permit, the Unified Government's Finance Department shall verify that there are no outstanding debts, taxes, fines, or fees owed to the Unified Government by the person or entity requesting a parklet permit. A parklet permit will not be issued until all outstanding debts, taxes, fines, or fees to the Unified Government are paid in full. Any permit that is renewed pursuant to this chapter shall be subject to any of the enforcement actions and imposition of any of the remedies provided in Section 6-22-12 of this chapter even though conduct that is the basis of such enforcement action may have occurred in a previous permit year or an administrative hearing pursuant to Section 1-5-1 of this Code with respect to such permit may have been initiated in a prior permit year. In the event that a permit has been revoked by the Administrative Hearing Officer, and the permittee has appealed such revocation to the Superior Court, or the time for filing such an appeal has not expired, consideration or issuance of any application for renewal of such permit for a subsequent year shall be suspended until final judgment of the appeal has been entered by the Court or the revocation has become final with no appeal being filed.

**Sec. 6-22-7. – Permit fees.**

Fees for use of the parklets can be found in Section 2-6-2 of the Code of Athens-Clarke County. Fees are evaluated on an annual basis and approved by the Mayor and Commission as a part of the annual budget process.

**Sec. 6-22-8. – Parklet design.**

- (a) Space allocation
  1. All permittees are eligible to utilize 50% of the public parking in front of their business, rounded up to the nearest whole number, and not less than two spaces. Spaces are considered to be in front of a business when 50% or more of the space area is within a zone identified by drawing perpendicular lines from the outer edges of the exterior facade of the applicant.
  2. Applicants representing restaurants adjacent to perpendicular or angled parking with written letters of support from their contiguous neighboring businesses or property owners may utilize between 51% and 100% of the public parking in front of their business, rounded up to the nearest whole number, and not more than four spaces. Applicants who fail to demonstrate neighboring support will be limited to two spaces.
  3. Corner building occupants and any other applicants with frontage that is adjacent to public parking on more than one street will have the full amount of parking from these areas included in their allocations.
  4. The Central Services Department has the final authority on determining which exact spaces will be used as parklets.
- (b) Density and distribution
  1. No more than 30% of public spaces along one side of any given block may be used for parklets.

2. Initial parklet permits will be reviewed on a first come, first served basis.
  3. When demand for parklets exceeds available capacity, the Central Services Department shall maintain a waiting list for applicants who wish to be permitted for a parklet as capacity becomes available. Waitlists will be prioritized by side of the block and by date of initial inquiry.
  4. There shall not be an application fee for applicants who are waitlisted; however, as capacity becomes available and an applicant's application is moved off of the waitlist to be processed for permitting, the application fee shall become due, along with any related fees, within ten days of notification to the applicant that their application is being processed.
    - a. Failure to pay the application fee within ten days of notification that the application is being process shall result in a denial of the permit application.
- (c) Location
1. Parklets shall be located within the boundaries of existing parking spaces.
  2. All parklet materials, including barriers, planters and/or foliage shall be located at least 12" from the parking space edge and at least 18" from the street travel lanes.
  3. Parklets shall not be located within spaces and gore areas designated for use by persons with disabilities.
  4. Unless otherwise exempted pursuant to Section 6-22-8(d)(2) of this chapter, parklets shall not extend onto the sidewalk, street travel lanes, fire lanes, bike lanes, or loading zones.
- (d) Americans with Disabilities Act access
1. Any person or entity receiving a permit hereunder agrees to fully comply with all the requirements of the Americans with Disabilities Act ("ADA"), as directed by the Fire Marshall and other Unified Government staff, as applicable.
  2. Transitions between the sidewalk and the adjacent parklet shall provide access into the parklet using one of the following mechanism:
    - a. Utilizing an existing ADA-compliant curb cut and ramp in the public sidewalk;
    - b. Providing a temporary or mobile ADA-compliant curb ramp, which shall be anchored into the street and/or curb; or
    - c. Using decking or other materials to elevate the parklet so as to create a level transition between the sidewalk and the parklet.
      - i. There must not be more than a 1/2" gap between the curb and the decking, and the finished surface of the deck must be within 1/4" of the elevation of the curb.
      - ii. For gaps larger than 1/2", a threshold spacer shall be used, and for elevation differences greater than 1/4", a 1:4 bevel is the minimum allowable slope.
    - d. Any curb ramp or decking structure shall not restrict the flow of stormwater along the gutter and shall convey a 6" wide and 6" high pathway for stormwater to run without disruption.
- (e) Barriers
1. Parklets shall be enclosed by barriers on any side where an automobile or bicycle could be present. A barrier adjacent to the curb is permitted, but not required.
  2. Any barrier shall have a minimum height of 36" and a maximum height of 42" as measured from the street and shall have no gap greater than 4" between barriers.
  3. Barriers shall be weighted such that they are not easily moved, altered, or stolen.
  4. Barriers shall be freestanding, stable, and sturdy so as not to fall over or be pushed over, but shall not be anchored into the right-of-way.
  5. Barriers shall be designed such that they are capable of withstanding 250 pounds of force in all directions.
  6. Barriers shall incorporate white reflective bands or other modifications approved by the Transportation and Public Works Department as needed to enhance visibility at night. Where the parklet is directly adjacent to the left side of the travel lane, yellow reflective bands shall be used.
- (f) Parklet features
1. *Seating and furniture.* Seating shall be provided as a part of any parklet.
    - a. Furnishings shall be designed for outside use.
    - b. The Fire Marshal may limit total parklet capacity as needed to provide for the safety of the community.
  2. *Shade structures.* Temporary shade structures such as umbrellas or canopies are permitted so long as they meet the following criteria:
    - a. In order to maintain visibility, shade structures shall not extend more than 12 feet above the adjacent sidewalk.
    - b. Shade structures that cover any part of the sidewalk shall provide a minimum height of 7 feet of pedestrian clearance measured from the sidewalk to the lowest part of the shade structure that covers any portion of the sidewalk.
    - c. Shade structures shall be weighed so as to prevent being blown away or tipped over.
    - d. Shade structures shall not have side panels that restrict visibility.
    - e. Shade structures shall not encroach upon street travel lanes.
    - f. Shade structures shall not be located within intersection sight triangles as designated by Transportation and Public Works.
  3. *Planters.* Planters are permitted so long as they maintain a maximum height of 2.5 feet. Planters shall not protrude into travel lanes or otherwise restrict the visibility of drivers. The permittee shall be responsible for maintenance of the planters. Athens-Clarke County reserves the right to require permittees to remove planters that contain dead/dying plant materials, generally lack care, restrict visibility, or for any reason deemed appropriate by Central Services.
  4. *Utilities.* The parklet shall not be connected to any utilities by any means.
  5. *Lighting.* Battery-operated LED lighting is permitted within the parklet so long as the lighting does not create glare for oncoming traffic. Examples of acceptable lighting include string lights, "flameless"

candles, lanterns, and/or table lamps, provided however that lights that utilize glass are prohibited from being used in public right of way. Lighting shall be rated for outdoor use.

6. *Heaters.* Portable (non-electric) heaters are allowed in well-ventilated areas within the parklet. Any heater shall be located 10 or more feet from any and all buildings. A fire extinguisher shall be present within the parklet if a heater is used.
7. *Signage.* In addition to signage permitted by the sign ordinance, parklets may include the following signage.
  - a. Signs, either one or several, which in combination total less than 4 square feet in area in order to promote the name of the business providing the parklet.
  - b. Permittees who want to incorporate beer and wine within the parklet shall display signage indicating that beer and wine may not be carried outside of the boundaries of the parklet in accordance with Section 6-22-10 of this chapter.
  - c. Signs shall be affixed to the parklet barrier or placed upon a table within the parklet. Signs shall not block or restrict sightlines into traffic lanes.
- (g) *Bike Lane Allowances.* In any instance where a parklet is permitted in a location that is adjacent to an existing bike lane, said bike lane shall remain intact and able to be traversed with minimal impact to the cyclists.
  - a. *Construction.* Bike lanes shall not be closed or blocked during construction of parklet without prior approval from Traffic Engineering.
  - b. *Bike Lane Buffer or Protection.* The buffered or protected status of the bike lane shall remain fully intact. This includes the entirety of the striped/gored area alongside the bike lanes.
  - c. *Ingress/Egress.* The entrance/exit to the parklet shall be reduced to one 5' wide location so as to limit the number of conflict points with cyclists.
  - d. *Signage.* The following signage shall be installed by the Transportation and Public Works Department.
    - i. One 12" x 18" sign "pedestrians yield to oncoming bicycles"; and
    - ii. One 12" x 18" sign "bicycles watch for pedestrians in crosswalk".
    - iii. *Signage fee.* Fees for bike lane signage can be found in Section 2-6-2 of the Code of Athens-Clarke County.
  - e. *ADA Access.* Any transition between the sidewalk and the parklet for ADA access to the parklet, as required in subsection (d), shall not block any part of the bike lane or otherwise reduce the width of the bike lane. If a temporary or mobile ADA-compliant curb ramp is required, it shall also accommodate bicycles traveling perpendicular to the platform with a ramp with a slope that is no steeper than 1:10 to allow for bicycle travel up, over and down the platform.

#### **Sec. 6-22-9. – Parklet management.**

The permittee shall be solely responsible for managing their parklet as described below. Failure to properly manage the parklet in accordance with the following requirements may result in a revocation or suspension of the permit.

- (a) *Sanitation.* It shall be the responsibility and duty of the establishment to which a parklet permit is issued to maintain the area covered by the permit in a clean, neat, and orderly manner at all times. The area shall be cleared of all debris at all times. Debris may not be swept into the adjacent street, sidewalk, or parking spaces. Pressure washing by permittee shall be conducted using water only. The use of cleaning agents is prohibited. All furnishings shall be kept clean, sanitary, safe, and in structurally sound condition at all times.
- (b) *Hours of operation.* Parklet utilization shall be limited to the hours of operation of the permittee's adjacent business.
- (c) *Equipment and materials.* Permittees shall be responsible for all equipment and materials used within their parklets. Items found outside of a parklet are subject to immediate removal by Athens-Clarke County without further notice.
- (d) *Other sales.* Items other than food or beverages shall not be sold within parklets.
- (e) *Queuing.* Parklets shall not be used exclusively as queuing areas for entry into adjacent capacity-limited businesses.
- (f) *Sound.* Music and/or entertainment is permissible in parklets, however, the use of sound amplifying devices in parklets is prohibited.
- (g) *Patrons.* Permittees shall be responsible for the general behavior of their patrons. The permittee shall have the right to enforce trespass laws within the boundaries of a parklet.
- (h) *Glass containers.* Pursuant to Section 3-12-23 of this Code, open glass containers of any kind are strictly prohibited.
- (i) *Suspension of modification of operation.* The Manager shall have the authority to require any parklet operating in an area created by this section to suspend operation and clear such areas, or to move or modify the location or operation of the parklet, for such reasons as, but not limited to:
  1. Any street, sidewalk, or utility construction or maintenance;
  2. Any permitted special event;
  3. Any emergency situation; or,
  4. The protection of the health, safety, and welfare of the public.

#### **Sec. 6-22-10. – Beer & wine.**

- (a) Notwithstanding the prohibition of possessing open containers set forth in Section 6-3-12(c) of this Code, the consumption of beer and wine within a parklet is permitted under the following conditions:
  1. The parklet permittee possesses a Class E (retail beer by the drink) and/ or Class F (retail wine by the drink) alcohol license;
  2. The parklet is located within 50 feet of the front door of the licensed premises of the parklet permit holder;

3. Beer and wine are purchased from the permittee and are transported by the purchaser in a direct route between the licensed establishment of the parklet permit holder and the parklet operated by the permittee;
  4. No consumption occurs outside the boundaries of the licensed establishment or the parklet;
  5. The permittee is responsible for compliance with all state laws and regulations related to the sale and distribution of alcohol from their establishment; and,
  6. At all times, the parklet must have a fixed sign near any parklet entry/exit point stating the following "Beer and/or wine must be taken directly to the parklet." The letters of such signs shall not be less than three inches in height and one-half inches in width, and shall be black letters on a contrasting light background.
- (b) When beer and/or wine is permitted within a parklet, the permit holder shall ensure compliance with the following requirements:
1. The entrance of the parklet shall be directly across the sidewalk from the entrance of the establishment, or as near as possible to the entrance of the establishment, in a location that creates the shortest straight distance between the establishment entrance and the parklet entrance;
  2. The direct route where beer and wine is permitted shall extend from the direct sightline between the establishment entrance and parklet entrance in accordance with the same width of each corresponding entryway.
  3. Any establishment patron who, while in possession of beer and/or wine, is traveling between an establishment and a parklet, or vice versa, and is within the designated space described in subsection (b) of this section, shall not stop, stand, idle, loiter, sit, or otherwise cease movement to either the establishment or the parklet and shall not consume any beer and/or wine while traveling between the establishment and the establishment's parklet.
- (c) The permittee is responsible for educating patrons about how beer and wine is regulated both within and outside of parklets. Permittees may ask for copies of such educational materials at the time of the parklet application.
- (d) Parklets with patrons having a demonstrated history of three or more open container violations resulting from parklet use within a 12 month period may be prohibited from incorporating beer and wine into their parklet for a period of up to one year.

**Sec. 6-22-11. – Liability and insurance.**

- (a) Except for actions arising out of the Unified Government's sole negligence, the permittee shall indemnify, defend, save, and hold harmless the Unified Government, its officers and employees, from any and all claims, liability, damages, and causes of action which may arise out of the permit or the permittee's activity on the premises.
- (b) The permittee shall meet and maintain for the entire parklet permit period, at its own expense, the following requirements:
1. Commercial general liability in the amount of \$1,000,000.00 per occurrence for bodily injury and property damage.
  2. Excess liability coverage in the amount of \$1,000,000.00 per occurrence.
  3. The Unified Government shall be named as an additional insured under any and all insurance policies required by this chapter, and an endorsement shall be issued as part of the policy reflecting compliance with this requirement.
  4. The permittee shall provide a primary and non-contributory endorsement in favor of the Unified Government.
  5. The Unified Government shall receive 30 days' written notice prior to any cancellation, non-renewal, or material change in the coverage provided.
  6. The permittee shall provide an original certificate of insurance as evidence that the above requirements have been met prior to issuance of a permit.

**Section 6-22-12 - Violations**

It shall be unlawful for any person to operate a parklet except as permitted in this chapter. It shall be unlawful for any person to operate a parklet as described in this ordinance without a permit issued by the Manager, or to fail to comply with all sections of this chapter. Such permit may be renewed annually and shall expire on December 31 of the year the permit was issued.

**Sec. 6-22-13. – Revocation or suspension of permit.**

The approval of a parklet permit is conditional at all times. A parklet permit may be revoked or suspended by the Administrative Hearing Officer pursuant to the provisions of Section 1-5-1 of this Code if it is found that:

- (a) Any necessary business or health permit or license of the permittee has been suspended, revoked, or cancelled.
- (b) The permittee does not maintain the insurance as described in Section 6-22-11 of this chapter.
- (c) The permittee has failed to correct violations of this chapter or any other ordinance within 48 hours of receipt of the Manager's notice of same delivered in writing to the permittee.
- (d) The permittee has a history of violations of this chapter of three or more within a two-year period,
- (e) The permittee commits any violation of this chapter that is determined by the Administrative Hearing Officer to be so severe that immediate suspension or revocation is warranted;
- (f) Permits may be suspended for a period of up to 12 months depending upon history and severity of violations.

**Sec. 6-22-14. – Civil fines for violators.**

In addition to the potential revocation or suspension of a permit as described in Section 6-22-13 of this chapter, the Administrative Hearing Officer may impose the following minimum civil fines for violation of this chapter:

- (a) Any permittee who commits a violation of this chapter shall be punished by a fine of not less than \$100.00 for the first offense.
- (b) Any permittee who commits a violation of this chapter within one year of violating Section 6-22-13(a) shall be punished by a fine of not less than \$250.00.
- (c) Any permittee who commits a violation of this chapter within one year of violating Section 6-22-13(b) shall be punished by a fine of not less than \$500.00.

**Sec. 6-22-15. – Severability of part of Code.**

It is hereby declared to be the intention of the Mayor and Commission that the sections, paragraphs, sentences, clauses, and phrases of this chapter are severable, and if any phrase, clause, sentence, paragraph, or section of this chapter shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this chapter, since the same would have been enacted by the Mayor and Commission without the incorporation in this chapter of any such invalid phrase, clause, sentence, paragraph, or section.

**Sec. 6-22-16. – Administrative appeal and variances.**

- (a) The suspension, revocation, or denial of a permit shall entitle the person submitting the application or holding the permit to appeal the decision in writing to the Administrative Hearing Officer within 10 days of receipt of written notice from the issuing authority of the suspension, revocation, or denial of a permit. A hearing shall be held before the Administrative Hearing Officer within 30 days of the filing of the written appeal.
- (b) Parklet permittees and applicants may request a variance from the required design standards, spacing or use in Section 6-22-8 of this chapter by filing a written request with the Administrative Hearing Officer. Variances may be granted in case of unnecessary hardship upon deliberation of the facts and circumstances and a finding by the Administrative Hearing Officer that:
  - 1. There are extraordinary and exceptional conditions pertaining to the parklet because of right-of-way or parking design, shape, character, or topography that do not apply generally to other parklets in the vicinity;
  - 2. The strict application of the provisions of this title to this particular parklet would create an undue and unnecessary hardship so that the granting of the variance is necessary for the preservation and enjoyment of a parklet and not merely to serve as a convenience to the applicant;
  - 3. The special conditions and circumstances do not result from the actions of the applicant;
  - 4. The variance, if granted, does not conflict with the Americans with Disabilities Act; and
  - 5. The benefits of granting the variance will be greater than any negative impacts and will further the purpose and intent of this title and the comprehensive plan of Athens-Clarke County.
- (c) No petition for the same variance involving the same applicant once heard and acted upon by the Administrative Hearing Officer shall be accepted for a rehearing until the expiration of at least 12 months immediately following the previous decision.

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.

A motion was made by Commissioner Parker, seconded by Commissioner Link, to adopt the following ordinance (#22-07-64) 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 SCHEDULE OF FEES TO BE ADOPTED ANNUALLY; AND FOR OTHER PURPOSES.**

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

SECTION 1. Section 2-6-2 of the Code of Athens-Clarke County, Georgia, entitled "Schedule of fees to be adopted annually," is hereby amended by adding the following:

<b>CENTRAL SERVICES</b>		
	<b>Subject</b>	<b>Fee/Unit</b>
	Parklet Program	
37	Initial application fee	\$100.00
38	Annual application renewal fee	\$50.00
39	Quarterly fee for the first two parking spaces utilized	\$500.00
40	Quarterly fee for each additional parking space utilized	\$500.00
41	Fee for required signage next to bike lane	\$100.00
42	Expense to modify public property for the use of a parklet	At cost

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

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

- a) Approve the repair plans for the College Station Road reconstruction plans, as shown in Attachment #1 of agenda report dated July 15, 2022;
- b) Ratify the award of a total unit price construction services contract under emergency authorization for the reconstruction of College Station Road to E.R. Snell Contractor, Inc. for an itemized cost not to exceed \$459,870.95 (including an extra work contingency allowance in the amount of \$70,000); and
- c) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

A motion was made by Commissioner Hamby, seconded by Commissioner Thornton, to adopt as presented an ordinance for the thirty-second declaration of a local state of emergency related to COVID-19.

A substitute motion was made by Commissioner Link, seconded by Commissioner Hamby, to adopt an ordinance for the thirty-second declaration of a local state of emergency related to COVID-19 with continuance of outdoor retail area program on West Washington Street.

Commissioner Hamby withdrew his original motion.

The motion by Commissioner Link passed by unanimous vote and the following ordinance (#22-07-65) which was presented by title only was declared adopted.

**AN ORDINANCE FOR THE THIRTY-SECOND 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, May 3, 2022, June 7, 2022; and again on June 14, 2022; and



**WHEREAS**, the COVID-19 Omicron variant and its progeny (e.g., BA.2 and BA.5), which are even more transmissible than earlier variants, are on the rise globally and in the United States; and

**WHEREAS**, CNN reported on July 14, 2022, that a highly-transmissible new variant, BA.5, has become the leading cause of COVID-19 in the United States in just two months and that immunity from vaccinations or previous infections does not appear to provide much protection from BA.5 (even where someone was recently infected with variants like BA.1 and BA.2), and that experts continue to be concerned that at-home testing obscures the data and that true case increases may be as much as seven to ten times higher; and

**WHEREAS**, NPR reported on July 15, 2022, that the Mayo Clinic has described BA.5 as “hypercontagious” and that Dr. Gregory Poland, the head of the Mayo Clinic’s Vaccine Research Group, has warned that “Whether you’ve been vaccinated, whether you’ve been previously infected, whether you’ve been previously infected and vaccinated, you have very little protection against BA.5 in terms of getting infected or having mild to moderate infection,” although “You have good protection against dying, being hospitalized or ending up on a ventilator”; 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, July 14, 2022, the CDC reports that the COVID-19 Community Level in Athens-Clarke County is high;

**WHEREAS**, according to the Georgia Department of Public Health COVID-19 update on Wednesday, July 13, 2022, (the “GDPH Update”) Georgia now has 2,085,040 confirmed cases of COVID-19, including 27,821 confirmed cases in Athens-Clarke County; and

**WHEREAS**, according to the GDPH Update, 32,203 individuals in Georgia have died and 117,914 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 subsequently renewed that declaration on May 10, 2022, May 26, 2022, and July 1, 2022; and; 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, April 12, 2022, and July 16, 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.

##### Indoor Mask Mandate

- (a) The provisions of Section 1 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;
  - (5) When a licensed healthcare provider has determined that wearing a facial covering or mask causes or aggravates a health condition for the individual or when such person has a bona fide medical reason for not wearing a facial covering or mask;
  - (6) When wearing a facial covering or mask would prevent the receipt of personal services or performing work in the course of employment;
  - (7) When complying with the directions of a law enforcement officer or for the purposes of verifying a person's identity, such as when purchasing alcohol, tobacco, or prescription drugs or when engaging in a financial transaction;
  - (8) Children under the age of ten (10) years;
  - (9) When the individual is having difficulty donning or removing a face mask or face covering without assistance;
  - (10) At any polling place and no individual shall be denied ingress or egress to or from a polling place for failure to wear a facial covering or mask; and
- (e) (1) Every entity subject to this Ordinance which does not consent to enforcement of this Ordinance upon its property shall post a clearly legible sign in one inch Arial font at all public entrances of such entity stating the following: "This location does not consent to enforcement of any local face covering requirement upon this property."
- (2) If an entity does not post the signage described in subparagraph (1) of this paragraph it shall be conclusively presumed to have consented to enforcement of this Ordinance on its property and failures by individuals to wear facial coverings or masks as required by this ordinance shall be determined to be violations and enforced as contemplated in paragraph (f).
  - (f) Violations of this Section 1 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 1 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 1.
    - (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 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.

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

SECTION 4.

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, August 3, 2022, or until it otherwise extended, rescinded, superseded, or amended by an ordinance of the Commission.

SECTION 5.

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 6.

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

SECTION 7.

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](http://www.accgov.com) website; and (3) provided to any member of the public requesting a copy of this Order.

FROM MAYOR GIRTZ:

1. Referred to Government Operations Committee: consider limitations on the number of short term rentals any individual can manage in residential zones, and the requirement to be a homestead holder to own short term rentals. Examine Atlanta's ordinance as an exhibit:  
<https://www.atlantaga.gov/government/departments/city-planning/ordinances-regulations/short-term-rental>
2. Referred to Government Operations Committee: Recommend updates to BAC procedures as recommended by Manager's Office, Public Information Office and the Clerk of Commission
3. Referred to Legislative review Committee: Public Utilities' "one lot removed" water access policy
4. Referred to Newton Bridge Committee: Prioritize tiering of public property improvements with potential increases in TAD revenue that may be funded on a pay-as-you-go model or reliant upon borrowing against future revenue:
  - traffic safety enhancements on Newton Bridge between the Dairy Pak intersection and Vincent Drive, including designs that will yield a safer roadway and intersections
  - consideration of bike/pedestrian access provisions such as use of existing roadbed or new facilities, utilizing suggestions in the AiM Plan and Greenway Network Plan
  - Upgrades to Holland Youth Sports Complex
5. Announced Ad Hoc Operational Analysis Office Re-launch committee (Davenport, Denson, Myers, Hamby, Girtz)
  - Should the staffing level remain the same in the Office of Operational Analysis (currently approved for three employees total)?
  - What should the position descriptions/responsibilities be of those in the office? Do we wish to consider some level of out-sourcing of projects with the Auditor as the coordinator?
  - Develop an Audit Committee structure as a more "expert driven" body focused on efficiency of public sector operations, with a specific charge and meeting schedule.
  - Advertise and recommend for hire (to the full Commission) an Internal Auditor.

A motion was made by Commissioner Parker, seconded by Commissioner Link, to adjourn. The motion passed by unanimous vote.

Then meeting adjourned at 7:05 p.m.

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Clerk of Commission