

Unified Government of Athens-Clarke County, Georgia  
Mayor and Commission  
Tuesday, August 2, 2022  
6:00 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, Denson, Houle, Edwards, Myers, Thornton, and Hamby. Absent: Commissioner Wright. Commissioner Davenport came in at 6:02 p.m.

A motion was made by Commissioner Myers, seconded by Commissioner Link, to approve Minutes of meetings of meetings of Tuesday, June 7; Tuesday, June 14, Tuesday, July 5; and Tuesday, July 19, 2022. The motion passed by unanimous vote.

Written communications

There were none.

Recognition

Mayor Girtz recognized Didi Dunphy, a recipient of the Governor's Awards for the Arts and Humanities for her continued support of education, local growth and economic development in Georgia.

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

1. a) Approve an agreement between the Unified Government of Athens-Clarke County (ACCGov) and Steve Horton, representing Lake Meeler Homeowners Association (HOA) Board of Directors as per Attachment #1 of agenda report dated June 23, 2022;
- b) Authorize the Mayor and appropriate staff to execute the agreement and receive a contribution in the amount of \$10,217 from Steve Horton on behalf of Lake Meeler HOA Board of Directors;
- c) Adopt the following ordinance (#22-08-66) which was presented by title only in the amount of \$10,217; and
- d) Approve the project concept as shown in Attachment #3, which includes the installation of 328 feet of sidewalk and four ADA ramps.

**AN ORDINANCE TO AMEND THE FY2023 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FROM THE LAKE MEELER HOA FOR EXPENSES RELATED TO PURCHASING MATERIALS FOR SIDEWALK INSTALLATION; 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 from the Lake Meeler HOA for expenses related to purchasing materials for sidewalk installation and related expenses. Said Operating and Capital budget is hereby amended as follows:

**General Fund:**

**REVENUES:**

Increase:

|                        |          |
|------------------------|----------|
| Miscellaneous Revenue: | \$10,217 |
|------------------------|----------|

**EXPENDITURES:**

Increase:

|  |          |
|--|----------|
| Transportation & Public Works Department |          |
| Operating Expenses                       | \$10,217 |

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

2. ADOPT: The following resolution as per agenda report dated June 28, 2022; and authorize the Mayor and appropriate staff to execute all related documents.

### VISION ZERO RESOLUTION

**Establishing a Vision Zero Policy to eliminate fatalities and serious injuries that are a result of crashes within Athens-Clarke County rights-of-way by 2037.**

BE IT RESOLVED BY THE MAYOR AND COMMISSION OF ATHENS-CLARKE COUNTY:

WHEREAS, Athens-Clarke County experiences an entirely preventable loss of life annually due to traffic crashes, constituting a public health crisis, with an average of 13 people killed per year and an average of 56 seriously injured per year over the last 9 years; and

WHEREAS, 2021 ended with the highest recorded number of fatalities in a single year with a combined loss of life of 23 people with 5 pedestrian, 1 cyclist, and 17 vehicular fatalities and 2021 also ended with 50 serious injuries including 6 pedestrian, 2 cyclist, and 42 vehicular related crashes; and

WHEREAS, traffic-related fatalities and serious injuries are on the rise nationally and within Athens-Clarke County, the likelihood of fatal crashes has increased 200% from 2017 to 2021, exceeding that of the entire state of Georgia by 23.7 percent; and

WHEREAS, most traffic-related deaths and serious injuries stem from inadequate road and intersection designs, poor driver behavior, limited sight lines, and increasing traffic; and

WHEREAS, 75% of fatal and serious injuries in Athens-Clarke County occurred at intersections; and

WHEREAS, a commitment to Vision Zero is a commitment to life and equitable opportunity for people in Athens-Clarke County; and

WHEREAS, national data highlights the disproportionate rate of pedestrian fatalities among Black and Hispanic people, showing that they represent 31% of the total population yet 44% of pedestrian fatalities, while White people comprise 62% of the total population and 52% of pedestrian fatalities; and

WHEREAS, seniors, children, people of color, people with disabilities, people in low income communities, people walking, and people bicycling face a disproportionate risk of traffic injuries and fatalities; and

WHEREAS, Athens-Clarke County has committed to prioritizing our most vulnerable roadway users by aiming to identify and address racial and socioeconomic inequalities in Athens; and

WHEREAS, the tenets of a Vision Zero commitment are supported in existing Athens-Clarke County plans and policies, including the Athens in Motion Bike and Pedestrian Master Plan, the Updated Complete Streets Policy, the Envision Athens Action Agenda, and the Athens-Clarke County Comprehensive Plan; and

WHEREAS, implementing a Vision Zero commitment will require support and contributions from a transdisciplinary group of stakeholders, including Athens-Clarke County Departments, administration, residents, business owners, and visitors to Athens-Clarke County, acting as individuals and collectively through neighborhood or advocacy organizations to improve the safety, comfort, and usability of City streets for all users; and

WHEREAS, Athens-Clarke County will join other leading cities around the nation and globe in their commitment to eliminate traffic deaths and serious injuries on our streets, work which has demonstrated success when coupled with adequate funding and staffing levels for its implementation and will carefully consider the successes and challenges in other cities implementing Vision Zero policies

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

**Section 1:** Athens-Clarke County commits to a goal of a 50% reduction in deaths and serious injuries that are a result of crashes on City streets by 2032 and a goal of zero deaths and serious injuries that are a result of crashes on City streets by 2037; and

**Section 2:** The Vision Zero Action Plan will put equity at its forefront, striving to impact the most vulnerable and dependent users of the most dangerous parts of the transportation network to improve the

health and well-being of those traveling on streets in Athens-Clarke County and the plan will use data and community outreach to develop strategies for identifying hazards to persons walking, bicycling, using transit, and riding mobility devices; and

**Section 3:** Athens-Clarke County acknowledges that achieving this goal requires significant effort and resources, and will develop a Vision Zero Action Plan following the passage of this resolution. The Director of Transportation & Public Works or his designee will establish a comprehensive and inclusive Vision Zero Task Force to advance the Vision Zero commitment and guide the work of the Vision Zero Action Plan which will specifically engage members of the community,

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

3. a) Approve the Athens Cultural Affairs Commission (ACAC) recommended art types and locations #1 and #2 along the Firefly Trail Corridor as part of the TSPLOST 2018 Project 06, Firefly Trail Project as generally shown on Attachment #1 of agenda report dated June 23, 2022;
- b) Approve the ACAC's recommended budget for public art as part of the TSPLOST 2018 Project 06, Firefly Trail Project in the amount of \$113,250; and,
- c) Authorize the Mayor and appropriate staff to execute all related documents.
4. a) Designate the proposed sidewalk extension as noted in the proposed preliminary plans as shown on Attachment #1 of agenda report dated June 24, 2022 as Sub-Project #1 of the TSPLOST 2018, Project 14 - Lexington Highway Corridor Improvement Project as per agenda report dated June 24, 2022;
- b) Approve the proposed preliminary plans for TSPLOST 2018, Project 14 - Lexington Highway Corridor Improvements Project as generally shown on Attachment #1;
- c) Authorize staff to negotiate and enter into agreements, as necessary, with the Georgia Department of Transportation to support construction of the proposed preliminary plans for TSPLOST 2018, Project 14 - Lexington Highway Corridor Improvements Project, as generally shown on Attachment #1;
- d) Authorize staff to negotiate and enter into agreement to acquire the necessary rights-of-way, permanent easements, and temporary easements, as necessary to construct the sidewalk extension for the proposed preliminary plans for TSPLOST 2018, Project 14 - Lexington Highway Corridor Improvements Project, as generally shown on Attachment #1;
- e) Authorize staff to advance the proposed Preliminary Plans for TSPLOST 2018, Project 14 - Lexington Highway Corridor Improvements Project, as generally shown on Attachment #1, to the bid and award phase; and
- f) Authorize the Mayor and appropriate staff to execute all related documents.
5. a) APPROVE: The application as per Attachment #1 of agenda report dated June 28, 2022 for, and if awarded, accept a Georgia Department of Transportation – Transportation Alternative Grant for TSPLOST 2023, Project 11 – East Athens MLK Oconee River Greenway Trail at the location as generally shown on Attachment #2; and
- b) Authorize the Mayor and appropriate staff to execute all related documents.
6. APPROVE: An exception to Policy/Procedure Statement WS-011: Water and/or Sanitary Sewer Services, to allow public water and sewer service to be provided to 249 Fourth Street, Athens, Georgia, subject to the property owners' payment of the appropriate fees as identified under Facts and Issues No. 6 for the property as per agenda report dated June 29, 2022.
7. APPROVE: The selection of Armentrout Matheny Thurmond, P.C., Hazen and Sawyer, Inc., Jacobs Engineering Group, Inc., and Stantec, Inc. to provide on-call engineering services for water and wastewater related projects for the Public Utilities Department (PUD) for a period of one year with up to

four annual renewals as per agenda report dated June 29, 2022; and authorize the Mayor and appropriate staff to execute all contract documents.

8. APPROVE: Award a contract to RS&H to provide consultant services to Madison Athens-Clarke Oconee Regional Transportation Study (MACORTS) Long Range Transportation Plan Update in the amount of \$348,875.06 as per agenda report dated June 29, 2022; and authorize the Mayor and appropriate staff to negotiate the contract and execute all related documents related to the contracting process.

### Old and new business – Discussion

#### Public input

The following public input was received.

1. Allen Jones – supported vision zero, clean and renewable energy plan, Prince Avenue, and marijuana ordinance
2. Zane Bader – supported drug policy reform and marijuana ordinance
3. Addison Clapp – supported marijuana ordinance and reproductive freedom resolution
4. Linda Krotki – opposed clean and renewable energy plan
5. Alan Hart – supported marijuana ordinance
6. Hunter Knight – supported marijuana ordinance
7. Savannah Downing – supported decriminalization marijuana and reproductive freedom
8. Dustin Haefele-Tschanz – supported marijuana ordinance
9. Felicia Smith – opposed reproductive freedom resolution and marijuana ordinance
10. Nicole White – supported clean and renewable energy plan, marijuana ordinance and reproductive freedom resolution
11. Robin Grazulis – supported marijuana ordinance
12. Pat Bates – opposed possession of marijuana ordinance and reproductive freedom ordinance
13. Raiden Washington – supported marijuana ordinance and reproductive freedom resolution
14. Jesus Rubio – supported clean and renewable energy plan and marijuana ordinance
15. Erin Stacer – supported marijuana ordinance and reproductive freedom resolution
16. Meagan Westbrook – supported marijuana ordinance and reproductive freedom resolution
17. Devante Jones – supported marijuana ordinance and reproductive freedom resolution
18. Julie Jaeger – supported clean and renewable energy plan, marijuana ordinance and reproductive freedom resolution
19. Brendan Dula – supported marijuana ordinance, reproductive freedom, clean and renewable energy plan and Prince Avenue pilot project
20. Katie Goodrum – supported Prince Avenue pilot project
21. Lauren Blaise – supported Prince Avenue pilot project
22. Gwen O'Looney – supported Taylor Grady House, Prince Avenue pilot project, District Attorney's Office grants, fraternities, marijuana ordinance, and reproductive freedom
23. Krystyna Ara – supported Prince Avenue corridor improvement
24. Emma Marzullo – supported marijuana decriminalization and resolution to support abortion care
25. Bridgette Showbridge – opposed reproductive freedom resolution and marijuana
26. Christina Morris – opposed resolution for reproductive freedom
27. Agnes Chizinski – supported marijuana decriminalization and treatment for mental health
28. Carlton Watson – opposed marijuana use and abortion
29. Carrie Ritzler – supported clean and renewable energy plan
30. Carly Fabian – supported decriminalization marijuana and reproductive healthcare
31. Jeremy Sharp – supported marijuana ordinance
32. Stella Pace – supported marijuana ordinance and reproductive freedom resolution
33. Josh Russell - supported marijuana ordinance and reproductive freedom resolution
34. Chaplain Cole Knapper – supported marijuana ordinance
35. Sarah Gehring – supported CDO for Prince Avenue pilot project and marijuana ordinance
36. Wesley Grantham - supported marijuana ordinance
37. Gabriel Shippy - supported clean and renewable energy plan and marijuana ordinance
38. Mara Zuniga – opposed marijuana ordinance and wearing masks
39. Asia Thomas – opposed marijuana ordinance and reproductive freedom resolution
40. Lisa Walker - opposed marijuana ordinance and reproductive freedom resolution

Commissioner Thornton exited the meeting at 7:55 and returned at 7:56 p.m.

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

- a) Authorize the execution of the intergovernmental agreement between the Unified Government of Athens-Clarke County (ACCGov) and the Athens- Clarke County Industrial Development Authority (IDA) for the Boehringer-Ingelheim Expansion as per Attachment #1 of agenda report dated June 29, 2022; and
- b) Authorize Mayor and appropriate staff to execute all related documents and to allocate the capital funds based on the on the intergovernmental agreement.

The motion passed by unanimous vote.

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

- a) Approve the project concept for Sub-Project #2, SPLOST 2020 Project 08 Public Safety Vehicle and Equipment Replacement Project as per Attachment #1 of agenda report revised July 21, 2022;
- b) Authorize staff to advance Sub-Project #2 for SPLOST 2020 Project 08 directly to the bid and award phase;
- c) Authorize a purchase up to \$200,000 with Wade Ford for Ford Interceptor SUV hybrid vehicles and associated equipment for Sub-Project #2; and,
- d) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by roll call vote with Commissioners Davenport, Parker, Link, Denson, Edwards, Myers, Thornton, and Hamby voting YES; and Commissioner Houle voting NO. (8 YES; 1 NO)

A motion was made by Commissioner Houle, seconded by Commissioner Hamby, to approve the list of events shown in commission defined option (Attachment #1 dated August 2, 2022) for the Athens Downtown Development Authority's FY23 Community Events Program (CEP) and adopt the following ordinance (#22-08-67) which was presented by title only. The motion passed by unanimous vote.

**AN ORDINANCE TO AMEND THE FY2023 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING TO THE COMMUNITY EVENTS PROGRAM FOR ADDITIONAL EVENTS; 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 Hotel/Motel Special Revenue Fund to establish funding to the Community Events Program for additional events. Said Operating and Capital budget is hereby amended as follows:

**Hotel/Motel Special Revenue Fund:**

**EXPENDITURES:**

|              |            |
|--------------|------------|
| Decrease:    |            |
| Fund Balance | (\$10,000) |

|                               |          |
|-------------------------------|----------|
| Increase:                     |          |
| Other General Administration: |          |
| Community Events Program      | \$10,000 |

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

A motion was made by Commissioner Myers, seconded by Commissioner Link, to accept the 100% Clean and Renewable Energy Plan as per Attachment #1 of agenda report revised July 29, 2022; and authorize the Mayor and appropriate staff to execute all related documents. The motion passed by unanimous vote.

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

- a) Approve a recommendation to create the TSPLOST 2018 Project 16, Prince Avenue Corridor Concept Improvements Project, Sub-Project #1 with the proposed project concept for a pilot project conversion of Prince Avenue from Pulaski Street to 95% of the way to Milledge Ave (between N. Harris Street and N. Milledge Ave), using removable buffers in order to test the road diet with re-striping to provide the protected and separated bike lanes, and generally shown on the Prince Revised Project Concept, pp. 1-3, and to include the features listed in the Facts and Issues #9, and authorize staff to advance the SP #1 to the implementation phase. Said pilot project conversion shall continue for a period not to exceed 180 days, starting with a 60-day pilot implementation followed by data analysis and review by mayor and commission before a vote to approve permanent installation;
- b) Follow the user group's unanimous vote at its July 26 meeting to include the center turn lane for the approximate 550 feet between N. Pope Street and Grady Avenue, thus eliminating the existing on-street parking on the north side of Prince Avenue between N. Pope Street and Grady Avenue as per the following ordinance (#22-08-68) which was presented by title only and declared adopted;
- c) Approve a change order to the on-call paving contractor, Pittman Construction, for a not to exceed amount of \$350,000 for the implementation of the pilot project; and,
- d) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

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

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

**SECTION 1.** Pursuant to Section 3-3-50(a)(1)e of the Code of Athens-Clarke County, Georgia, parking is hereby prohibited on the north side of Prince Avenue from its intersection with North Pope Street and extending west along the northern side of said street a distance of 550 feet to its intersection with Grady Avenue, as further shown on Attachment 1 incorporated herein by reference:

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

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

- a) Approve the proposed intergovernmental contract as per Attachment #1 of agenda report dated June 27, 2022 with the Advantage Behavioral Health Systems (Advantage) for SPLOST 2020 Project 28, Mental Health Recovery Facility Project;
- b) Designate the SPLOST 2020 Project 28, Mental Health Recovery Facility Project as appropriate for public art with a proposed public art budget of \$32,500; and
- c) Authorize the Mayor and appropriate staff to execute all necessary documents.

The motion passed by unanimous vote.

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

- a) Approve the second revenue bond financing issuance of \$37,500,000 and associated Intergovernmental contract with reference to SPLOST 2020 Project 03, Classic Center Arena as per Attachment #1 of agenda report revised July 28, 2022;
- b) Adopt the following resolution with reference to SPLOST 2020 Project 03, Classic Center Arena – second bond revenue financing issuance and intergovernmental agreement; and
- c) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by roll call vote with Commissioners Davenport, Denson, Edwards, Myers, Thornton, and Hamby voting YES; and Commissioners Parker, Link, and Houle voting NO. (6 YES; 3 NO)

**RESOLUTION OF THE MAYOR AND COMMISSION OF THE UNIFIED GOVERNMENT  
OF ATHENS-CLARKE COUNTY, GEORGIA APPROVING AND AUTHORIZING THE  
ISSUANCE OF REVENUE BONDS OF THE CLASSIC CENTER AUTHORITY FOR  
CLARKE COUNTY AND THE TERMS THEREOF; AND APPROVING CERTAIN  
DOCUMENTS IN THAT CONNECTION INCLUDING AN INTERGOVERNMENTAL  
CONTRACT, A BOND PURCHASE AGREEMENT, A PRELIMINARY OFFICIAL  
STATEMENT, A DISCLOSURE CERTIFICATE AND RELATED MATTERS**

**WHEREAS**, the Classic Center Authority for Clarke County (the "Authority") has been created pursuant to 1988 Ga. Laws p. 3799 *et seq.*, as amended by 1989 Ga. Laws p. 4867 *et seq.*, by 2002 Ga. Laws p. 5665 *et seq.* and by H.B. 796, 156<sup>th</sup> Gen. Assemb., Reg. Sess. (2021) (the "Act"); and

**WHEREAS**, under the Act, the Authority is empowered (i) to construct, reconstruct, acquire, equip, own, alter, repair, maintain, add to, extend, improve, operate, and manage public projects, including the erection of a building or buildings in Clarke County, Georgia, to be used for amusement, recreation, civic, cultural, commercial, hotel, parking, and educational purposes or a combination thereof, including fairs, expositions, exhibits, conventions, conferences, public meetings or gatherings, concerts, theater, and such other activities as are designed and intended to promote education, culture, tourism, and the arts, and (ii) with the approval of the Unified Government of Athens-Clarke County, Georgia (the "Unified Government"), to borrow and issue revenue bonds for the purpose of paying, in whole or in part, the costs of such projects; and

**WHEREAS**, pursuant to the Revenue Bond Law (O.C.G.A. Section 36-82-60 *et seq.*, as amended, the "Revenue Bond Law"), the Unified Government has the power to (a) undertake buildings to be used for various types of sports, buildings to be used for the housing of exhibits for educational and amusement purposes and related parking facilities, and (b) issue revenue bonds to finance any such undertaking; and

**WHEREAS**, the Authority has previously issued, with the approval of the Unified Government, its Revenue Bonds (Classic Center Arena Project), Series 2021, in the aggregate principal amount of \$48,880,000, for the purpose of paying a portion of the cost of acquiring, constructing, installing and equipping of an approximately 7,000-seat multi-purpose arena facility, parking facilities and related property and facilities in the City of Athens, Clarke County, Georgia (the "Project"); and

**WHEREAS**, the Authority now proposes to issue, in one or more series, with the approval of the Unified Government, its Revenue Bonds (Classic Center Arena Project), Series 2022, in the aggregate principal amount of up to \$37,500,000 (the "Bonds"), for the purpose of paying (i) an additional portion of the cost of acquiring, constructing, installing and equipping the Project, (ii) capitalized interest on the Bonds, and (iii) the cost of issuing the Bonds; and

**WHEREAS**, Article IX, Section III, Paragraph I(a) of the Constitution of the State of Georgia authorizes, among other things, any county, municipality or other municipal corporation of the State to contract, for a period not exceeding fifty years, with another county, municipality or political subdivision or with any other public agency, public corporation or public authority for joint services, for the provision of services, or for the joint or separate use of facilities or equipment, provided that such contract deals with activities, services or facilities which the contracting parties are authorized by law to undertake or to provide; and

**WHEREAS**, the Authority and the Unified Government propose to enter into an Intergovernmental Contract, dated as of September 1, 2022 or the first day of the month in which the Bonds are actually issued (the "Intergovernmental Contract"), pursuant to which the Authority will agree to, among other things, issue the Bonds and operate the Project, and the Unified Government will agree to, among other things, (a) undertake the acquisition and construction of the Project, (b) pay the Authority amounts sufficient to enable the Authority to pay the debt service on the Bonds (the "Contract Payments"), and (c) to the extent funds are not available for such payments for another source, levy an ad valorem property tax on all property within the limits of the Unified Government subject to such tax in order to make such Contract Payments; and

**WHEREAS**, the Unified Government must enter into a Continuing Disclosure Certificate (the "Disclosure Certificate"), with respect to the issuance of the Bonds; and

**WHEREAS**, the Authority on July 26, 2022 has adopted a Bond Resolution (the "Bond Resolution"), authorizing, among other things, the issuance of the Bonds, the terms of such Bonds, and the execution, delivery and performance of the Intergovernmental Contract; and

**WHEREAS**, the Unified Government, the Authority and Raymond James & Associates, Inc. (the "Underwriter") must enter into a Bond Purchase Agreement (the "Purchase Agreement"), pursuant to which the Bonds will be sold to the Underwriter; and

**WHEREAS**, it is proposed that the Unified Government approve the use and distribution of a Preliminary Official Statement (the "Preliminary Official Statement") and approve the use, execution, distribution and delivery of a final Official Statement (the "Official Statement") pertaining to the Bonds; and

**WHEREAS**, attached hereto are forms of the following documents:

1. The Intergovernmental Contract,
2. The Purchase Agreement, and
3. The Disclosure Certificate.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Commission of the Unified Government (the "Commission") as follows:

Section 1. The execution, delivery and performance of the Intergovernmental Contract is hereby authorized. The Mayor, or Mayor Pro Tem in the Mayor's absence, and the Clerk of Commission of the Unified Government (the "Clerk") are hereby authorized to execute and deliver the Intergovernmental Contract on behalf of the Unified Government, which Intergovernmental Contract shall be in substantially the form attached hereto as Exhibit "A", with such minor changes, insertions or omissions as may be approved by the Mayor, or Mayor Pro Tem in the Mayor's absence, and the Clerk, and the execution of the Intergovernmental Contract by the Mayor, or Mayor Pro Tem in the Mayor's absence, and the Clerk, as hereby authorized, shall be conclusive evidence of any such approval.

Section 2. The execution, delivery and performance of the Purchase Agreement are hereby authorized. The Mayor, or Mayor Pro Tem in the Mayor's absence, and the Clerk are hereby authorized to execute and deliver the Purchase Agreement on behalf of the Unified Government, which Purchase Agreement shall be in substantially the form attached hereto as Exhibit "B", subject to the parameters established in the Bond Resolution, as described in Section 5 below, with pricing information and such minor changes, insertions or omissions as may be approved by the Mayor, or Mayor Pro Tem in the Mayor's absence, and the Clerk, and the execution of the Purchase Agreement by the Mayor, or Mayor Pro Tem in the Mayor's absence, and the Clerk, as hereby authorized, shall be conclusive evidence of any such approval.

Section 3. The execution, delivery and performance of the Disclosure Certificate in the form attached hereto as Exhibit "C" are hereby authorized. The Mayor, or Mayor Pro Tem in the Mayor's absence, and the Clerk are hereby authorized to execute and deliver the Disclosure Certificate on behalf of the Unified Government, which Disclosure Certificate shall be in substantially the form attached hereto with such minor changes, insertions or omissions as may be approved by the Mayor, or Mayor Pro Tem in the Mayor's absence, and the Clerk, and the execution of the Disclosure Certificate by the Mayor, or Mayor Pro Tem in the Mayor's absence, and the Clerk, as hereby authorized, shall be conclusive evidence of such approval.

Section 4. The preparation, use and distribution of a Preliminary Official Statement with respect to the marketing and sale of the Bonds are authorized and approved. The execution by the Mayor of the Unified Government, on behalf of the Unified Government, of a certificate by which the Preliminary Official Statement is "deemed final" within the meaning of Securities Exchange Act Rule 15c2-12, is hereby authorized and approved. The execution by the Mayor, or Mayor Pro Tem or other administrator of the Unified Government in the Mayor's absence, and the delivery and use of a final Official Statement, substantially in the form of the Preliminary Official Statement deemed final by the Unified Government, are hereby authorized and approved, subject to such minor changes, insertions or omissions as may be approved by the Mayor or Mayor Pro Tem, and the execution of said Official Statement by the Mayor or the Mayor Pro Tem as hereby authorized shall be conclusive evidence of any such approval. The distribution of the Official Statement for and on behalf of the Unified Government is hereby authorized and approved.

Section 5. The Commission hereby acknowledges that it has received a copy of the Bond Resolution, and hereby approves the terms, parameters and provisions thereof.

Section 6. From and after the execution and delivery of the Intergovernmental Contract, the Purchase Agreement and the Disclosure Certificate, the proper officers, agents and employees of the Unified Government are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents and certificates as may be necessary to carry out and comply with the provisions of such documents and are further authorized to take any and all further actions and to execute and deliver any and all further documents and certificates as may be necessary or desirable in connection with the issuance of the Bonds and the execution, delivery and performance of the Intergovernmental Contract, the Purchase Agreement and the Disclosure Certificate.

Section 7. All acts and doings of the officers, agents and employees of the Unified Government which are in conformity with the purposes and intents of this resolution and in furtherance of the issuance of the Bonds and the execution, delivery and performance of the Intergovernmental Contract, the Purchase Agreement and the Disclosure Certificate are hereby, ratified, approved and confirmed.

Section 8. No stipulation, obligation or agreement herein contained or contained in the documents authorized hereby shall be deemed to be a stipulation, obligation or agreement of any Commission member, officer, agent or employee of the Unified Government in his or her individual capacity, and no such Commission member, officer, agent or employee shall be personally liable on the Bonds or be subject to personal liability or accountability by reason of the issuance thereof.

Section 9. If any one or more of the agreements or provisions herein contained shall be held

contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining agreements and provisions and shall in no way affect the validity of any of the other agreements and provisions hereof.

Section 10. This resolution shall take effect immediately upon its adoption.

Section 11. All resolutions or parts thereof in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

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

a) Approve SPLOST 2020 Project 19, Bishop Park Improvements Sub-Project #1 - Proposed schematic design as generally shown in commission-defined option attachment #1, as recommended by staff with the additions of:

Two swimming lap lanes – increases the number of competitive swim lanes from eight to 10

Diving well and two diving boards

Water-play component

The infrastructure needed to prepare for an adjacent future splash pad;

b) Authorize staff to complete the construction documents and to advance the project to the bid and award phase in accordance with the approved schematic design;

c) Authorize the Mayor and appropriate staff to execute all related documents; and

d) Adopt the following ordinance (#22-08-69) which was presented by title only.

The motion passed by unanimous vote.

**AN ORDINANCE TO AMEND THE FY2023 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FOR ADDITIONAL POOL ELEMENTS FOR THE BISHOP PARK IMPROVEMENTS PROJECT; 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 for additional pool elements for the Bishop Park Improvements Project. Said Operating and Capital budget is hereby amended as follows:

**General Capital Projects Fund:**

Expenditures:

Decrease:

|                                     |             |
|-------------------------------------|-------------|
| Leisure Services – Capital          |             |
| R&M for Existing Facilities Project | (\$218,000) |

Increase:

|                                  |           |
|----------------------------------|-----------|
| Leisure Services – Capital       |           |
| Bishop Park Improvements Project | \$218,000 |

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

Commissioner Hamby exited the meeting at 9:21 and returned at 9:24.

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

a) Approve the District Attorney's application for and, if awarded, acceptance of a Criminal Justice Coordinating Council grant of \$120,000 to be used to fund one victim advocate position, and the creation of a Youth Restorative Justice Conferencing program in partnership with the Department of Juvenile Justice and Georgia Conflict Center as well as necessary supplies and equipment for the victim advocate position as per agenda report dated July 8, 2022;

- b) Authorize the creation of a new victim advocate position;
- c) Authorize staff to accept grant funds, if awarded;
- d) Adopt the following ordinance (#22-08-70) which was presented by title only; and
- e) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed with eight YES votes. Commissioner Hamby was absent.

**AN ORDINANCE TO AMEND THE FY2023 OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL'S (CJCC) RESTORATIVE JUSTICE GRANT PROGRAM FOR EXPENSES RELATED TO AN ADDITIONAL VICTIM ADVOCATE POSITION, A YOUTH RESTORATIVE JUSTICE CONFERENCING PROGRAM AND ASSOCIATED OPERATING EXPENSES; 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 Criminal Justice Coordinating Council's (CJCC) Restorative Justice Grant Program for expenses related to an additional Victim Advocate position, a youth restorative justice conferencing program and associated operating expenses. Said Operating budget is hereby amended as follows:

**Grants Special Revenue Fund:**

REVENUES:

|                                |           |
|--------------------------------|-----------|
| Increase:                      |           |
| CJCC Restorative Justice Grant | \$120,000 |

EXPENDITURES:

|                    |                 |
|--------------------|-----------------|
| Increase:          |                 |
| District Attorney: |                 |
| Personal Services  | \$65,000        |
| Operating Expenses | <u>\$55,000</u> |
| Total              | \$120,000       |

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

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

- a) Approve the District Attorney's application for and, if awarded, acceptance of the Office for Victims of Crime grant in the amount of \$740,760 as per agenda report dated July 8, 2022 to be used to:

- Fund one temporary part-time project manager position as well as necessary supplies and equipment for the position;
- Build a Victim Services Application;
- Conduct a community needs assessment;
- Conduct a community strengths survey of available services; and
- Create a public awareness campaign surrounding the application.

- b) Adopt the following ordinance (#22-08-71) which was presented by title only; and
- c) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

**AN ORDINANCE TO AMEND THE FY2023 OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE U.S. DEPARTMENT OF JUSTICE (DOJ) OFFICE FOR VICTIMS OF CRIME (OVC) TECHNOLOGY GRANT PROGRAM FOR EXPENSES RELATED TO AN ADDITIONAL PART-TIME PROJECT MANAGER POSITION, A VICTIM SERVICES APPLICATION AND ASSOCIATED OPERATING EXPENSES; 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, DOJ Office for Victims of Crime Technology Grant Program for expenses related to an additional Part-Time Project Manager position, a victim services application and associated operating expenses. Said Operating budget is hereby amended as follows:

**Grants Special Revenue Fund:**

**REVENUES:**

Increase:

|                          |           |
|--------------------------|-----------|
| DOJ OVC Technology Grant | \$740,760 |
|--------------------------|-----------|

**EXPENDITURES:**

Increase:

District Attorney:

|                    |                  |
|--------------------|------------------|
| Personal Services  | \$26,000         |
| Operating Expenses | \$354,760        |
| Capital Expenses   | <u>\$360,000</u> |
| Total              | \$740,760        |

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

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

a) Approve the District Attorney's application for and, if awarded, acceptance of the Office of Juvenile Justice and Delinquency Prevention grant in the amount of \$511,802.35 a per agenda report dated July 8, 2022 to be to be used to:

- Fund one Social Worker/Project Coordinator position as well as necessary supplies and equipment for the position;
- Build off of a diversion program that has been created for Athens-Clarke County, and pay for services for that portion of the program, designed specifically for the needs of girls under the age of 17 with a focus on young mothers or girls at high risk to become young mothers;
- Authorize a sub-award for the direct service provider of the program (Juvenile Offender Advocates INC.) of \$187,000; and
- Create a public awareness campaign surrounding the application.

b) Authorize the creation of a new full-time position Social Worker/Project Coordinator;

c) Adopt the following ordinance (#22-08-72) which was presented by title only; and

d) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

**AN ORDINANCE TO AMEND THE FY2023 OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE U.S. DEPARTMENT OF JUSTICE (DOJ) OFFICE OF JUVENILE JUSTICE DELINQUENCY PREVENTION JUVENILE JUSTICE GRANT PROGRAM FOR EXPENSES RELATED TO AN ADDITIONAL SOCIAL WORKER/PROJECT COORDINATOR POSITION AND ASSOCIATED OPERATING EXPENSES TO IMPROVE OUTCOMES AND REDUCE RECIDIVISM FOR GIRLS IN THE JUVENILE JUSTICE SYSTEM; 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 DOJ Office of Juvenile Justice Delinquency Prevention Juvenile Justice Grant Program for expenses related to an additional Part-Time Project Manager position and associated operating expenses to improve outcomes and reduce recidivism for girls in the juvenile justice system. Said Operating budget is hereby amended as follows:

**Grants Special Revenue Fund:**

**REVENUES:**

Increase:

|                            |           |
|----------------------------|-----------|
| DOJ Juvenile Justice Grant | \$511,802 |
|----------------------------|-----------|

**EXPENDITURES:**

|                    |                  |
|--------------------|------------------|
| Increase:          |                  |
| District Attorney: |                  |
| Personal Services  | \$65,000         |
| Operating Expenses | <u>\$446,802</u> |
| Total              | \$511,802        |

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

A motion was made by Commissioner Edwards, seconded by Commissioner Myers, to approve recommendation from Legislative Review Committee report dated June 14, 2022 to adopt an ordinance for misdemeanor marijuana possession.

Commissioner Myers exited the meeting at 9:34 p.m. and returned at 9:36 p.m.

Commissioner Houle offered an amendment to the proposed ordinance to change Section 3-2-25 (c) from "Any person found guilty of violating this section shall be punished by a fine of "\$35.00." to

"Any person found guilty of violating this section shall be punished by a fine of no more than "\$35.00."

The amendment was accepted by roll call vote with Commissioners Davenport, Parker, Link, Denson, Houle, Edwards, Myers, and Hamby voting YES; and Commissioner Thornton voting NO. (8 YES; 1 NO)

The motion as amended passed by roll call vote with Commissioners Davenport, Parker, Link, Denson, Houle, Edwards, Myers, and Hamby voting YES; and Commissioner Thornton voting NO. (8 YES; 1 NO) The following ordinance (#22-08-73) which was presented by title only was declared adopted.

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

WHEREAS, the Mayor and Commission of the Unified Government of Athens-Clarke County are authorized by the Charter of Athens-Clarke County to provide for the safety, health, peace, security, and general welfare of the community members and visitors of Athens-Clarke County; and

WHEREAS, the Unified Government is committed to creating a safer community by reducing crime, working to ensure the safety of its citizens, and fostering a relationship of trust and partnership within the community; and

WHEREAS, enactment of an ordinance concerning the offense of simple marijuana possession within Athens-Clarke County limits is intended to enhance public safety and eliminate costs by reducing the amount of time police officers spend in connection with the arrest, processing, and transportation of those accused of simple marijuana possession; and

WHEREAS, O.C.G.A. § 36-32-6 grants municipal courts concurrent jurisdiction "to try and dispose of cases where a person is charged with the possession of one ounce or less of marijuana if the offense occurred within the corporate limits of such municipality"; and

WHEREAS, the Mayor and Commission wish to discourage the use of criminal penalties regarding the offense of simple marijuana possession and provide for civil alternatives; and

WHEREAS, the Mayor and Commission find that enforcement of the State laws prohibiting simple marijuana possession has been inequitable and has fallen disproportionately on certain subsets of the population; and

WHEREAS, arrest and/or conviction for the State law offense of simple marijuana possession presents employment obstacles which marginalize broad swaths of the population; and

WHEREAS, enactment of an ordinance concerning the offense of simple marijuana possession is further intended to prevent people from entering the criminal justice system and avoiding the enduring stigma associated therewith.

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**

Section 3-2-25 entitled "Reserved" of the Code of Athens-Clarke County, Georgia is hereby deleted in its entirety and the following new section is inserted in lieu thereof:

**"Sec. 3-2-25. Possession of Marijuana**

- (a) It shall be unlawful for any person to possess or have under their control within the limits of Athens-Clarke County one (1) ounce or less of marijuana.
- (b) For the purposes of this section the term "marijuana" shall mean all parts of the plant of genus cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin; but shall not include samples as described in subparagraph (P) of paragraph (3) of O.C.G.A. § 16-13-25; and shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake, or the completely sterilized samples of seeds of the plant which are incapable of germination; and shall not include hemp or hemp products as defined in O.C.G.A. S 2-23-3 subparagraph (5) and (6).
- (c) Any person found guilty of violating this section shall be punished by a fine of no more than \$35.00."

**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 Link, seconded by Commissioner Thornton, to authorize staff to issue a purchase order to HR&A Advisors to complete the Housing Affordability Investment Strategy as a part of the ARPA strategic planning process, at an amount not to exceed \$160,550 as per agenda report revised July 29, 2022; and authorize staff to execute all related documents. The motion passed by unanimous vote.

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

**RESOLUTION TO Protect Reproductive Freedom and Abortion Access in Athens-Clarke County**

**WHEREAS**, in *Roe v. Wade*, a 1973 landmark decision of the U.S. Supreme Court, the Court ruled that the Constitution of the United States generally protects a pregnant individual's liberty to choose to have an abortion; and

**WHEREAS**, in 2019 the Georgia General Assembly passed anti-abortion legislation (HB 481), which was signed into law by Governor Kemp, that outlaws most abortions when a doctor can detect fetal cardiac activity, which is typically around six weeks of pregnancy; and

**WHEREAS**, in 2020 the United States District Court for the Northern District of Georgia ruled HB 481 to be unconstitutional due to the *Roe v. Wade* decision; and

**WHEREAS**, on June 24th, 2022, the United States Supreme Court ruled on *Dobbs v. Jackson Women's Health Center*, effectively overturning *Roe v. Wade*; and

**WHEREAS**, HB 481 was appealed to the 11th Circuit Court of Appeals which put a stay

on review of HB 481 until after the Supreme Court decided *Dobbs v. Jackson Women's Health*; and

**WHEREAS**, the 11th Circuit Court of Appeals issued a decision on July 20, 2022, in favor of HB 481, which has the effect of banning most abortions in Georgia after around six weeks into pregnancy; and

**WHEREAS**, eliminating legal access to abortion has been empirically proven to dramatically increase the risk of death, bodily injury, and infertility, especially within low-income communities and communities of color; and

**WHEREAS**, low-income women are over five times more likely than affluent women to experience an unintended pregnancy, which has significant implications for social mobility, given that unplanned childbearing is associated with higher rates of poverty, less family stability, and worse outcomes for children according to the Brookings Center on Children & Families; and

**WHEREAS**, the state of Georgia currently leads the nation in maternal and infant mortality, and a recent study by the University of North Carolina School of Medicine found that pregnant people are 14x more likely to die of pregnancy complications than complications resulting from an abortion,

**WHEREAS**, the state of Georgia has refused to expand access to Medicare, fully fund childcare and public schools, raise the minimum wage, or otherwise support infants, children, and families by giving them the educational, medical, or financial support needed to escape cycles of generational poverty; and

**WHEREAS**, we affirm our support of reproductive justice, which means the freedom to create the families of our choice under the conditions of our choice, including not only access to abortion care but access to quality housing, healthcare, childcare, and jobs with thriving wages needed to support healthy families; and

**WHEREAS** the strategic plan for the Unified Government of Athens-Clarke County adopted on March 1, 2022, commits the Unified Government of Athens-Clarke County ("ACCGov") to supporting and promoting healthy lifestyles, including physical and psychological care; developing programs, policies, and processes to address unaddressed community needs and facilitate community transformation; and securing affordable housing for all;

**WHEREAS**, Western Judicial Circuit District Attorney Deborah Gonzalez has stated, "I will not be prosecuting women seeking reproductive health care, I will not prosecute doctors providing women with care. I will not be complacent in a system attempting to strip away the rights of American citizens"; and

**WHEREAS**, ACCGov recognizes every individual's right to privacy, including the protection of doctors and all others involved with medical treatment and decisions made within the healthcare provider-patient relationship, so long as those decisions occur without coercion, force, or negligence; and

**WHEREAS**, the Mayor and Commission of Athens-Clarke County, Georgia, oppose the use of any public funds to record and or investigate reports of abortion care; and

**WHEREAS**, the right to privacy guaranteed by both the United States and Georgia Constitutions should protect doctors, patients, and all others involved with medical treatment from any criminal investigation related to decisions made within the healthcare realm; and

**WHEREAS**, ACCGov has a duty to protect its residents and employees from any violation of their human rights and any criminalization of the free exercise thereof, and this Resolution is in the best interest of the welfare of Athens-Clarke County, its businesses, visitors, and residents.

**NOW THEREFORE BE IT RESOLVED BY THE ATHENS-CLARKE COUNTY MAYOR AND COMMISSION AS FOLLOWS:**

**Section 1.** The Mayor and Commission condemn any actions intended to abrogate the fundamental liberties to bodily sovereignty and affirms its commitment to protecting the rights of all to make health decisions for themselves, including abortion care.

**Section 2.** It is the policy of Athens-Clarke County that, except to the extent otherwise required by state or federal law, ACCGov funds will not be used to:

- Store or catalog any report of abortion, miscarriage, or other conduct that could be prosecuted under state laws criminalizing reproductive care;
- Provide information to any other governmental body or agency about any abortion, miscarriage, or other conduct that could be prosecuted under state laws criminalizing reproductive healthcare, unless such information is provided to defend the patient's right to abortion care or

- the healthcare provider's right to provide that care;
- Conduct surveillance or collect data or other information related to any individual, organization, location vehicle, action, financial record or internet activity for the purpose of determining whether an abortion has occurred, except for the collection of aggregated data without personally identifying information or personal health information for purposes unrelated to criminal investigation, enforcement or prosecution.

**Section 3.** It is the desire of the Mayor and Commission that the Manager shall use appropriate discretion in determining what resources, outside of funding, if any, should be allocated to the investigation or support for the prosecution of any allegation, charge, or information relating to the outcome of a given pregnancy, including abortion and abortion-related care, with the understanding that the Mayor and Commission would request that such cases be assigned the lowest priority for both enforcement and the use or assignment of resources and personnel, except in (a) cases where coercion or force is used against a pregnant person; (b) cases involving conduct that is either (1) criminally negligent, (2) evidencing reckless disregard, or (3) demonstrating intent to harm the health of the pregnant person seeking abortion care; or (c) cases where the abortion, miscarriage, or reproductive healthcare is evidence of another crime against the mother, such as sexual assault.

**Section 4.** The Mayor and Commission commit to ensuring that abortion care is included in any health insurance coverages made available to ACCGov employees and directs the Manager to investigate and explore updates to health care insurance policies to meet that goal.

**Section 5.** It is the policy of Athens-Clarke County that ACCgov will not participate in any State, Federal, or private grant program with the intent to investigate or support the prosecution of any allegation, charge, or information relating to the outcome of a given pregnancy, including abortion and abortion-related care, except in (a) cases where coercion or force is used against a pregnant person; (b) cases involving conduct that is either (1) criminally negligent, (2) evidencing reckless disregard, or (3) demonstrating intent to harm the health of the pregnant person seeking abortion care; or (c) cases where the abortion, miscarriage, or reproductive healthcare is evidence of another crime against the mother, such as sexual assault.

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

- Approve an Intergovernmental Agreement between the Unified Government of Athens-Clarke County (ACCGov) and the Board of Regents / University of Georgia as per agenda report dated July 19, 2022 in support of the Downtown Public Safety Camera System and improved lighting;
- Accept the allocated funds;
- Adopt the following ordinance (#22-08-74) which was presented by title only; and
- Authorize the Mayor and appropriate staff to execute all documents associated with the allocated funds.

The motion passed by roll call vote with Commissioners Davenport, Link, Denson, Houle, Edwards, Myers, Thornton, and Hamby voting YES; and Commissioner Parker voting NO. (8 YES; 1 NO)

**AN ORDINANCE TO AMEND THE FY2023 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FROM THE BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA THROUGH THE UNIVERSITY OF GEORGIA FOR THE DOWNTOWN ATHENS PUBLIC SAFETY CAMERA SYSTEM AND IMPROVED LIGHTING INITIATIVE; 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 from the University System of Georgia for the purchase of enhanced public safety camera capacities, installation, and lighting in the downtown district and related equipment. Said Operating and Capital budget is hereby amended as follows:

**General Capital Projects Fund:**

**REVENUES:**

Increase:

|                           |           |
|---------------------------|-----------|
| Intergovernmental - Local | \$250,000 |
|---------------------------|-----------|

|                    |           |
|--------------------|-----------|
| Expenditures:      |           |
| Increase:          |           |
| Police Department: |           |
| Capital Expenses   | \$250,000 |

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

New business – Consider under suspension of Rules

A motion was made by Commissioner Hamby, seconded by Commissioner Edwards, 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 Edwards, to adopt the following ordinance (#22-08-75) 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:

| CENTRAL SERVICES |  |          |
|------------------|--|----------|
|                  | Subject  | Fee/Unit |
|                  | Parklet Program  |          |
| 39               | Initial application fee                                    | \$100.00 |
| 40               | Annual application renewal fee                             | \$50.00  |
| 41               | Quarterly fee for the first two parking spaces utilized    | \$500.00 |
| 42               | Quarterly fee for each additional parking space utilized.  | \$500.00 |
| 43               | Fee for required signage next to bike lane                 | \$100.00 |
| 44               | 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 Hamby, seconded by Commissioner Edwards, to adopt the following resolution. The motion passed by unanimous vote.

**A RESOLUTION OF THE COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA TO APPROVE AND AUTHORIZE THE SETTLEMENT OF THE CLAIMS OF RICHELLE BURTON; AND FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, on April 10, 2021, Rebecca Croxton, acting in her capacity as an employee of the Unified Government of Athens-Clarke County, Georgia, ("ACCGov") was operating an ACCGov motor vehicle traveling eastbound on SR10 (West Broad Street) that struck a vehicle being driven by Richelle Burton ("Burton"); and

**WHEREAS**, on April 26, 2022, Burton's attorney submitted a pre-suit settlement package to ACCGov's Claim Consultant alleging claims for damages against ACCGov for the alleged injuries Colbert suffered as a result of being struck by Rebecca Croxton, ("Burton's Claims"); and

**WHEREAS**, ACCGov and Burton desire to voluntarily resolve Burton's Claims and all other disputes that may exist between them by compromise and without incurring additional attorney's fees, expenses, and costs of litigation; and

**WHEREAS**, without admitting liability or fault, the Commission finds it to be in the best interests of ACCGov to resolve Burton's Claims as set forth below;

**NOW, THEREFORE**, the Commission hereby resolves as follows:

**SECTION 1.**

The Commission does hereby approve and authorize the payment of the sum of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) to Burton in settlement of Burton's Claims.

**SECTION 2.**

The Attorney for ACCGov and ACCGov's Claim Consultant shall have authority to take all further actions necessary to carry out the intents and purposes of this Resolution and to prepare, or to cause to be prepared, any and all documents necessary to effectuate the resolution of the Claims as described herein.

**SECTION 3.**

The Mayor of ACCGov shall have authority to take all further actions necessary to carry out the intents and purposes of this Resolution, including but not limited to, the authority to sign any documents as may be necessary or appropriate to effectuate the intents and purposes of this Resolution.

**SECTION 4.**

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

**SECTION 5.**

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

**SECTION 6.**

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

A motion was made by Commissioner Edwards, second by Commissioner Link, to adopt the following ordinance (#22-08-76) which was presented by title only. The motion passed by unanimous vote.

**AN ORDINANCE FOR THE THIRTY-THIRD 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, June 14, 2022, and again on July 19, 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 28, 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 27, 2022, (the "GDPH Update") Georgia now has 2,126,403 confirmed cases of COVID-19, including 28,266 confirmed cases in Athens-Clarke County; and

**WHEREAS**, according to the GDPH Update, 32,396 individuals in Georgia have died and 119,705 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, September 7, 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.acgov.com](http://www.acgov.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 Link, to approve the following appointments to various boards, authorities, and commissions. The motion passed by unanimous vote.

|  |  |
|--|--|
| Athens Downtown Development Authority  | Drew Dekle<br>Reappointment – Property owner<br>Two-year term expiring 07-31-2024    |
| Athens in Motion Commission  | Jason Leonard<br>Reappointment – Business owner<br>Two-year term expiring 07-31-2024 |
| Athens in Motion Commission  | John Devine<br>Five-year term expiring 07-31-2027                                    |
| Department of Behavioral Health and Developmental Disabilities Region 2 Advisory Council | Teresa Friedlander<br>Reappointment<br>Five-year term expiring 07-31-2027            |
| Division of Family and Children Services   | Randy Halstead<br>Reappointment<br>Five-year term expiring 07-31-2027                |
| Georgia's Innovation Corridor Joint Development Authority                                | James Alexander<br>Three-year term expiring 06-30-2025                               |
| Solid Waste Advisory Commission  | Asia Thomas<br>Five-year term expiring 06-30-2027                                    |
| Georgia's Innovation Corridor Joint Development Authority                                | Susan Bogardus<br>Reappointment<br>Four-year term expiring 05-18-2026                |
| Solid Waste Advisory Commission  | Michael Brugger<br>Initial three-year term expiring 08-31-2025                       |
| Solid Waste Advisory Commission  | Heidi Davison<br>Initial three-year term expiring 08-31-2025                         |
| Solid Waste Advisory Commission  | Matthew DiPalma<br>Initial three-year term expiring 08-31-2025                       |
| Solid Waste Advisory Commission  | Jared Harper<br>Initial three-year term expiring 08-31-2025                          |
| Vision Committee   | Taylor Maddalene Myers<br>Initial four-year term expiring 08-31-2026                 |
| Vision Committee   | Starri Nowells<br>Initial four-year term expiring 08-31-2026                         |
| Vision Committee   | Susie Nowells<br>Initial four-year term expiring 08-31-2026                          |
| Vision Committee   | Alison Alwes<br>Three-year term expiring 06-30-2025                                  |
| Vision Committee   | Paul Boumbulian<br>Three-year term expiring 06-30-2025                               |
| Vision Committee   | Cole Knapper<br>Three-year term expiring 06-30-2025                                  |

Matthew Pulver  
Three-year term expiring 06-30-2025

A motion was made by Commissioner Hamby, seconded by Commissioner Edwards, to approve a third storage agreement at the Taylor-Grady House by the Junior League of Athens beginning August 4, 2022, until such time a formal selection and recommendation for award is made by the Property Committee, or, November 18, 2022, whichever comes first as per agenda report revised August 2, 2022; and authorize the Mayor and appropriate staff to execute all related documents. The motion passed by unanimous vote.

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

A public hearing was held on request of Michael Canady/Mill Creek Residential Owners: SFI Land, LLC & Wollmoor Properties, LLC for Rezoning from Employment Center to Mixed Density Residential; From E-I(Employment-Industrial) & I\* (Industrial Zoning with Condition) to RM-1 (PD) (Mixed Density Residential, Planned Development on 65.89 acres known as 505 and 515 Olympic Drive. Proposed use is multifamily residential. This will require an amendment to the Future Land Use map from Employment Center to Mixed Density Residential. Type 1

Planning Commission recommendation:  
Future Land Use: Denial (unanimous)  
Rezoning: Denial (unanimous)

There was no public input.

A motion was made by Commissioner Parker, seconded by Commissioner Thornton, to HOLD this request until Tuesday September 6, 2022. The motion passed by unanimous vote.

A public hearing was held on request of Scott Haines/W&A Engineering Owner: Keystone Custom Homes, LLC for amendment to C-N (PD) (Commercial-Neighborhood, Planned Development) on 15.13 (0.439 acres amended in this request) known as 100, 106, 179 & 185 Timothy Park Lane. Proposed use is commercial and single-family residential. Type II

Planning Commission recommendation: Approval w/conditions (unanimous)

The following public input was received.

1. Justin Crighton – supported

A motion was made by Commissioner Hamby, seconded by Commissioner Thornton, to adopt the following ordinance (#22-08-77) which was presented by title only. The motion passed by unanimous vote.

**AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO AMENDING A PLANNED DEVELOPMENT COMPRISING APPROXIMATELY 15.13 ACRES AND LOCATED AT 100, 106, 179 & 185 TIMOTHY PARK LANE IN THE C-N (PD) (COMMERCIAL-NEIGHBORHOOD, PLANNED DEVELOPMENT); AND FOR OTHER PURPOSES.**

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

SECTION 1. The map constituting the component part of the Zoning Ordinance of Athens-Clarke County, Georgia, by virtue of and in compliance with Section 9-3-3 and Section 9-3-6 thereof, is hereby amended by modifying a planned development for four parcels of land comprising approximately 0.439 acre, located at 100, 106, 179 and 185 Timothy Park Lane, Athens, Georgia in the C-N (PD) (Commercial-Neighborhood, Planned Development) District. Said affected parcels are more fully described in that certain site plan entitled "Village Park at Timothy Planned Development Master Plan" said site plan having a date of July 29, 2014, revised October 3, 2014, last revised March 4, 2022, prepared by W&A Engineering, and being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia.

The original planned development amended by this ordinance is described in that certain ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO AMENDING THE EXISTING PLANNED DEVELOPMENT, ZONED C-N (PD) (COMMERCIAL NEIGHBORHOOD, PLANNED DEVELOPMENT) ON 35 PARCELS OF LAND AT 455 EPPS BRIDGE PARKWAY," which was adopted by the Commission on November 4, 2014 (hereinafter the "November 2014 Ordinance").

The subject parcels comprising approximately 0.439 acre are also known as parcel numbers 123A8 B098, 123A8 B001, 123A8 F001 and 123A8 F002 on the Athens-Clarke County tax maps, being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia. The date of this amendment to the Official Zoning Map of Athens-Clarke County shall be noted on said Official Zoning Map in the office of the Clerk of Commission at 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

SECTION 2. The binding master site plan associated with this ordinance and incorporated herein by reference consists of one sheet in total, entitled "Village Park At Timothy Planned Development Master Plan," dated July 29, 2014, revised October 3, 2014, last revised March 4, 2022, and stamped "Binding 7-12-22".

The binding written report associated with this ordinance consists of two pages in total, is entitled "Village Park at Timothy Planned Development Amendment," dated July 7, 2022 and is stamped "Binding 7-12-22". Said report is on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W, Dougherty Street, Athens, Georgia.

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

A public hearing was held on request of Michael B. Thurmond/Armentrout Matheny Thurmond, PC Owner: CJB Athens, LLC for rezoning from C-R (Commercial-Rural) to RM-1 (Mixed Density Residential) on 42.95 acres in 1000 block of Hull Road. Proposed use is residential. This will require an amendment to the Future Land Use map from General Business and Rural to Mixed Density Residential. Type I

Planning Commission recommendation  
Future Land Use: Approval (unanimous)  
Rezoning: Approval w/conditions (unanimous)

There was no public input.

A motion was made by Commissioner Thornton, seconded by Commissioner Hamby, to adopt the following ordinance (#22-08-78) which was presented by title only. The motion passed by unanimous vote.

**AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO AMENDING THE OFFICIAL FUTURE LAND USE MAP OF ATHENS-CLARKE COUNTY BY CHANGING THE DESIGNATION ON APPROXIMATELY 42.95 ACRES OF LAND LOCATED AT 1000 BLOCK OF HULL ROAD FROM "GENERAL BUSINESS AND RURAL" TO "MIXED DENSITY RESIDENTIAL"; AND FOR OTHER PURPOSES.**

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

SECTION 1. The Official Land Use Map referred to in the Zoning Ordinance of Athens-Clarke County, Georgia, as specifically identified in Section 9-3-3(A) (2) thereof, is hereby amended by changing the future land use designation on approximately 42.95 acres of land located at 1000 Block of Hull Road, County tax parcel number 213 018B, from "General Business and Rural" to "Mixed Density Residential," as more fully shown on Exhibit A, attached hereto and incorporated herein by reference.

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

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

A motion was made by Commissioner Thornton, seconded by Commissioner Hamby, to adopt the following ordinance (#22-08-79) 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 PARCEL OF LAND COMPRISING APPROXIMATELY 42.95 ACRES LOCATED AT 1000 BLOCK OF HULL ROAD FROM C-R (COMMERCIAL-RURAL) TO RM-1 (MIXED DENSITY RESIDENTIAL); AND FOR OTHER PURPOSES.**

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

**SECTION 1.** The map constituting the component part of the Zoning Ordinance of Athens-Clarke County, Georgia, by virtue of and in compliance with Section 9-3-3 and Section 9-3-6 thereof, is hereby amended by changing the zoning of one parcel of land comprising approximately 42.95 acres located at 1000 block of Hull Road, Athens, Georgia from C-R (Commercial-Rural) to RM-1 (Mixed Density Residential) as shown on Attachment A hereto.

The parcel comprising the subject 42.95 acre tract of land, is more particularly described as Tract 3A in that certain document entitled "Talley Property Athens-Clarke County, Georgia", prepared by Armentrout Roebuck Matheny Consulting Group, P.C., 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 affected property is also known as parcel number 213 018B 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 following conditions of zoning are associated with this ordinance:

- (1) A property survey shall require review and approval of Athens-Clarke County staff and be recorded prior to the issuance of any permits for the development of the subject property.
- (2) Any development plan shall provide for the extension of the Talley Crossing across the full width of the subject property per the Athens-Clarke County Official Transportation Corridor Concept Map subject to the review and approval of the Athens-Clarke Transportation & Public Works Department.
- (3) Any development plan for the subject property shall include a public or private street connection from Talley Crossing to Hull Road and connection to the recently approved development at 1005 Hull Road.

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

A public hearing was held on request of Robert Shields Owner: Habersham Partners I, LLC for rezoning from AR (Agricultural Residential) to C-R (Commercial-Rural) on 16.17 acres known as 2325 Commerce Road. Proposed use is not stated. Type II

Planning Commission recommendation: Denial (unanimous)

There was no public input.

A motion was made by Commissioner Denson, seconded by Commissioner Hamby, to approve request of petitioner for withdrawal of this item. The motion passed by unanimous vote.

A public hearing was held on request of E+E Architecture Owner: Bottletworks Parking, LLC for Special Use in C-D (WE) (Commercial-Downtown, West End Downtown Design Area) on 1.2 acres known as 229 Meigs Street. Proposed use is mixed use (residential and commercial) development. Type II

Planning Commission recommendation: Approval w/conditions (unanimous)

The following public input was received.

1. Chris Evans - supported

A motion was made by Commissioner Link, seconded by Commissioner Edwards, to adopt the following ordinance (#22-08-80) 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 SPECIAL USE APPROVAL IN THE C-D (WE) (COMMERCIAL-DOWNTOWN, WEST END DOWNTOWN DESIGN AREA) DISTRICT ON THE APPROXIMATE 1.2-ACRE PARCEL OF LAND LOCATED AT 229 MEIGS STREET; AND FOR OTHER PURPOSES.**

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

**SECTION 1.** The map constituting the current C-D (WE) (Commercial Downtown, West End Downtown Design Area) district in which is located an approximate 1.2-acre parcel of land at 229 Meigs Street, Athens, Georgia, is hereby amended to provide for Special Use approval to permit residential dwellings on the ground floor, as shown on Attachment A hereto. The subject parcel is more fully described as follows:

All that approximate 1.2-acre parcel of land as described by that certain site plan entitled "Bottleworks Expansion 1.198 AC. - 229 Meigs Street Athens-Clarke County, Georgia" dated June 8, 2022, prepared by Pittman Engineering PC, stamped "Binding 7-12-22," and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

Said approximate 1.2-acre parcel of land at 229 Meigs Street, Athens, Georgia is designated as tax parcel number 171A1 0002 on the Athens-Clarke County tax map, 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 shall be duly noted in the minutes of the Commission meeting.

**SECTION 2.** The binding site plan associated with this ordinance and incorporated herein by reference consists of ten sheets in total, with each sheet being numbered and titled in the lower-right hand corner and stamped "Binding 7-12-22." The respective number, title, and date of each sheet is listed below.

| Sheet No.: | Title:                               | Date:                       |
|------------|--------------------------------------|-----------------------------|
| 01         | Special Use Site Plan                | 6/08/22                     |
| A-0.0      | Cover                                | 5/26/22 last revised 6/2/22 |
| A-1.0      | Building 1 Overall Floor Plans       | 5/26/22 last revised 6/2/22 |
| A-1.1      | Building 1 Exterior Elevation        | 5/26/22 last revised 6/2/22 |
| A-1.2      | Building 2 Overall Floor Plans       | 5/26/22 last revised 6/2/22 |
| A-1.3      | Building 2 Exterior Elevation        | 5/26/22 last revised 6/2/22 |
| A-1.4      | Building 3 Overall Floor Plans       | 5/26/22 last revised 6/2/22 |
| A-1.5      | Building 3 Exterior Elevation        | 5/26/22 last revised 6/2/22 |
| A-1.6      | Building 4 Overall Floor Plans       | 5/26/22 last revised 6/2/22 |
| A-1.7      | Newtown Street Elevation + Rendering | 5/26/22 last revised 6/2/22 |

The binding site plan associated with this ordinance is on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia.

The binding written report associated with this ordinance and incorporated herein by reference consists of six pages, being entitled "Special Use for 229 Meigs Street Project Name: Bottleworks Expansion" dated June 2, 2022, stamped "Binding 7-12-22," prepared by E+E Architecture, and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

**SECTION 3.** The conditions associated with approval of the requested special use permit are as follows:

1. A water and sanitary sewer capacity evaluation shall be submitted to and approved by the Public Utilities Department
2. The site plan shall be revised to denote the proposed water and sanitary sewer line connections.
3. The site plan shall be revised to denote additional right-of-way dedication along Meigs Street and West Hancock Avenue per the standards of the Transportation and Public Works Department.
4. The site plan shall be revised to denote the proposed floor area ratio (FAR).
5. The site plan shall be revised to provide the required sidewalk along the Newton Street frontage.

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

A public hearing was held on request of David W. Matheny/AMT, PC; owner 347 Downtowner, LLC and The Hancock House LLC for special use permit in C-D (WE) (Commercial-Downtown, West End Design Area) on 0.32 acres known a 347 West Hancock Avenue. Proposed use is a fraternity. Type II

Planning Commission recommendation: Approval w/condition (unanimous)

Public input

1. David Matheny – requested a hold until September 6
2. Chad Brown – supported
3. Jacques Lee II – supported
4. Alan Cleveland – supported
5. Kevin Polston – supported

A motion was made by Commissioner Link, seconded by Commissioner Parker, to HOLD this request until Tuesday, September 6, 2022. The motion passed by unanimous vote.

Public input on items other than those listed on this agenda.

The following public input was received.in support of Professional Firefighters of Clarke County Local 2795.

1. Emily Thompson, President
2. Wes Thompson, Vice President
3. Jeremy Rogers

FROM MAYOR GIRTZ:

1. Referred to Legislative Review Committee additional charge to investigate the noise ordinance, specifically machines, vehicles, and amplified noises.

Commissioner Thornton exited the meeting at 11:10 p.m.

2. Read a proclamation in recognition of Black Business Month.
3. Entered into the record was issuance of proclamations recognizing participation in the Adopt Athens Program.

The Backpack Project of Athens

Terrapin Beer Company

FROM MANAGER WILLIAMS:

1. Received for information was a report of grant acceptance and budget transfer.
2. Received for information was a report of purchasing for May and June 2022.

FROM COMMISSIONER PARKER:

1. Requested status report on land bank authority.
2. Requested update on TSPLOST tiering.

FROM COMMISSIONER LINK:

1. Requested 2023 commission carry forward on vision zero, clean and renewable energy, and affordable housing programs.

FROM COMMISSIONER DENSON:

1. Expressed appreciation to Fire Department personnel for recent service at his house.

2. Requested consideration of a resolution recognizing union organizations.
3. Expressed appreciation to Central Services for mowing of grass at ATS stops on Newton Bridge Road.
4. Thanked citizens for participation in recent litter index survey.

FROM COMMISSIONER HOULE:

1. Stated follow up actions are needed on marijuana ordinance.
2. Announced town hall meeting Thursday, August 18, 7:00 p.m. at firehall #2.
3. Announced Stonehenge community meeting August 27, 7:00 p.m.
4. Announced school resource fair Saturday, August 6, 295 Tallassee Road, 11:00 a.m.
5. Announced he will establish regular office hours.
6. Requested expedited repair of Fowler Mill bridge.
7. State a youth facility is needed on west side.
8. Stated upcoming Planning Commission meeting will discuss Classic Road project.

FROM COMMISSIONER MYERS:

1. Thanked Bike Athens for recent repairs.
2. Thanked Leisure Services, ARPA recipients and staff for summer programs.
3. Thanked offices of manager, attorney, clerk of commission and staff.

FROM COMMISSIONER HAMBY:

1. Requested assistance to bring attention to Five Points crosswalks.
2. Requested stop bar at Greenwood and Gran Ellen be repainted,

FROM COMMISSIONERS PARKER, LINK, DENSON, HOULE, AND MYERS

1. Requested consideration of Professional Firefighters of Clarke County Local 2795

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

The meeting adjourned at 11:25 p.m.

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Clerk of Commission