

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Special Called Session
Tuesday, November 7, 2023
5:00 p.m.
City Hall

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

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

A motion was made by Commissioner Myers, seconded by Commissioner Houle, to enter into executive session and adjourn. The motion passed by unanimous vote.

The meeting adjourned at 5:02 p.m.

Clerk of Commission

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, November 7, 2023
6:20 p.m.
City Hall

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

Recognition

The annual Georgia Planning Association Awards Program recognizes outstanding work in the planning profession in the State of Georgia. The North Downtown Athens Master Planning Study has won a 2023 Chapter Award in the "Outstanding Public Involvement" category. This category recognizes an initiative where a region or community involves the general public in a planning activity above and beyond the minimum state or local requirements, and where that involvement contributes greatly to the final product. We're excited to see this project gain such fitting recognition for its extensive community engagement efforts, especially with the challenges it overcame by kicking off at the start of the pandemic.

Those present were:

- Marilyn Hall, representative of the Georgia Planning Association
- AHA Board Members Valdon Daniel - Chair, Jim Smith - Vice-Chair, Charlie Maddox, Frank Platt, Michele Pearson Tucker, and Jacqueline Askew
- AHA CEO Connie Staudinger
- Former AHA CEO Rick Parker
- Columbia Residential Jim Grauley and Carmen Chubb
- Jonathan Rose Companies Brandon Kearse
- JHP Architecture / Urban Design – John Schrader, Brian Keith, and Zoe Zhou

Reconsideration

A motion was made by Commissioner Thornton, seconded by Commissioner Link, to reconsider action of October 3, 2023 with reference to transition plan for sanctioned homeless encampment. The motion passed by unanimous vote.

A motion was made by Commissioner Thornton, seconded by Commissioner Taylor, to approve minutes of meetings of Tuesday, October 3; Tuesday, October 17; and non-voting meeting of Tuesday, October 10; and Tuesday, October 17, 2023. The motion passed by unanimous vote.

Written communications

There were none.

Old business - Consent

A motion was made by Commissioner Wright, seconded by Commissioner Myers, to remove from the agenda TSPLOST 2018 Project 06, Firefly Trail Sub-Project #1 – Change order #1 to Structural Resources for Firefly Trailhead construction at the East Broad Street entrance to the Firefly Trail. The motion passed by unanimous vote.

Items under this section were discussed at prior public meetings and were presented for consideration as a single item. Only one vote was taken.

Public input

The following public input was received.

1. Sally Coenen - supported clean energy.

A motion was made by Commissioner Wright, seconded by Commissioner Taylor, to consent to action on the following five items. The motion passed by unanimous vote.

1. APPROVE: The Office of Operational Analysis FY24 Audit Workplan as recommended by the Audit Committee as per Attachment A of agenda report revised October 31, 2023; and, authorize the Mayor and appropriate staff to execute all necessary documents.
2. APPROVE: a) The proposed project concept for Sub-Project #5, SPLOST 2020 Project 11 Renewable Energy to allocate \$134,500 to supplement electric vehicle purchases as described in Attachment #1 of agenda report revised October 31, 2023 and Facts and Issues #3;
b) Authorize staff to advance Sub-Project #5 directly to the bid and award phase; and
c) Approve the designation of SPLOST 2020 Project 11 Sub-Project #5 as not appropriate for Public Art (Attachment #2);
e) Direct the Manager to have any related rebates and credits channel back to their original funding source; and,
f) Authorize the Mayor and appropriate staff to execute all related documents.
3. APPROVE: a) The proposed project concept for Sub-Project #6, SPLOST 2020 Project 11 Renewable Energy Project, to allocate \$430,000 to support ACCGov's electric vehicle charging infrastructure needs, as described in Facts & Issues #10 of agenda report revised October 31, 2023;
b) Authorize staff to advance Sub-Project #6 directly to the bid and award phase;
c) Approve the designation of SPLOST 2020 Project 11 Sub-Project #6 as not appropriate for Public Art (Attachment #1);
d) Direct the Manager to have any related rebates and credits channel back to their original funding source; and,

- e) Authorize the Mayor and appropriate staff to execute all related documents.
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- 4. APPROVE: a) The proposed project schematic design for SPLOST 2020 Project 16, Memorial Park Improvements Project, as provided on Attachment #1 of agenda report dated September 19, 2023;

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, based on funding availability; and

c) Authorize the Mayor and appropriate staff to execute all related documents.
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- 5. APPROVE: Government Operations Committee report to approve an extension of the FY24 non-profit leases for an additional six months from expiration, or until June 30, 2024 as per report dated October 4, 2023; and authorize the Mayor and appropriate staff to execute all necessary documents.

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

A public hearing was held on request of Tiffany Hogan/D. R. Horton, owner Jane H. and William D. Young Foundation, for rezoning from E-I* (Employment-Industrial) with conditions) to RS-25 (Single-Family Residential) on 137.7 acres known as 1125 Newton Bridge Road. Proposed use is residential single-family. This will require an amendment to the Future Use Plan from Employment Center to Traditional Neighborhood. Type I

Planning Commission recommendation:
Future Land Use: Approve (7-2)
Rezoning: Approve w/condition (7-2)

Public input

- 1. Ellie Swensson – opposed

A motion was made by Commissioner Thornton, seconded by Commissioner Fisher, to HOLD both the Future Development Map amendment and the rezoning request until Tuesday, December 5, 2023. The motion passed by unanimous vote.

A public hearing was held on request of Frank Pittman/Pittman & Greer Engineering, owner Jackson Eight LLC, for rezoning from C-O (Commercial-Office) to RM-2 (Mixed Density Residential) on 2.99 acres known as 1580 Barnett Shoals Road. Proposed use is residential multi-family. Type II

Planning Commission recommendation: Approve w/condition (unanimous)

Public input

- 1. Frank Pittman – supported
- 2. Charlie Hill – supported

A motion was made by Commissioner Myers, seconded by Commissioner Link, to adopt the following ordinance (#23-11-84) which was presented by title only. The motion passed by roll call vote with Commissioners Davenport, Link, Wright, Fisher, Houle, Culpepper, Myers, and Hamby voting YES; and Commissioners Taylor and Thornton voting NO. (8 YES; 2 NO)

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA, WITH RESPECT TO REZONING A PARCEL OF LAND COMPRISING APPROXIMATELY 2.99 ACRES LOCATED AT 1580 BARNETT SHOALS ROAD FROM C-O (COMMERCIAL-OFFICE) TO RM-2 (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 Sections 9-3-3 and 9-3-6 thereof, is hereby amended by changing the zoning of a parcel of land, comprising approximately 2.99 acres, located at 1580 Barnett Shoals Road, Athens, Georgia, from C-O (Commercial-Office) to RM-2 (Mixed Density Residential).

Said parcel is more particularly described according to that certain document entitled “Administrative Recombination Survey,” originally dated April 20, 2023, revised effective June 30, 2023, made by Matthew D. Ulmer, Georgia registered land surveyor, 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. Said parcel is also known as parcel number 182B 035 on the Athens-Clarke County tax maps being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia. The date of this amendment to the Official Zoning Map of Athens-Clarke County as shown by Attachment A shall be noted on said Official Zoning Map in the office of the Clerk of Commission, 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

SECTION 2. As a condition of zoning associated with this ordinance, any stormwater system or stormwater infrastructure on the affected parcel must use Barnett Shoals Road for its outlet.

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

A public hearing was held on request of Jay Paul Smith, owners Paul and Angela Smith, from RS-5 (Single-Family Residential) to RM-2 (Mixed-Density Residential) on 1.08 acres known as 243 Bray Street. Proposed use is residential single family. Type II

Planning Commission recommendation: Approve (unanimous)

Public input

There was none.

A motion was made by Commissioner Link, seconded by Commissioner Thornton, to HOLD this request until Tuesday, December 5, 2023. The motion passed by unanimous vote.

Old and new business – Discussion

Public input

1. Jodi Weber –opposed recommended fire station relocation
2. Chris Gazlay – opposed recommended fire station relocation
3. Becky Stevens – opposed recommended fire station relocation
4. Lizzy Saltz – opposed recommended fire station relocation
5. Devin Rains – opposed recommended fire station relocation
6. Joshua Bridwell – opposed short term rental moratorium
7. Jessica – opposed recommended fire station relocation
8. Marilyn Vickers –supported short term rental moratorium
9. Lorraine Fuller – supported short term rental moratorium
10. Rich McCormick – supported short term rental moratorium
11. Teresa Friedlander – supported Timothy Road project
12. Broderick Flanagan – concerned about Classic Center wages
13. Allen Jones – supported Timothy Road project

A motion was made by Commissioner Houle, seconded by Commissioner Taylor, to approve Government Operations Committee report dated October 5, 2023 to approve the proposed fee schedule for parklets as per report dated October 5, 2023; and adopt the following ordinance (#23-11-85) 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 THE **SCHEDULE OF FEES 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*,” the chart entitled “*Central Services*” thereof is hereby amended by deleting numbers 39 through 44 under “*Parklet Program*,” and inserting the new the new numbers 39 through 44 in lieu thereof, so that said chart now reads as follows:

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
42a	Quarterly fee for 3 rd space	\$500.00 (through June 30, 2024) \$1,200.00 (starting July 1, 2024)
42b	Quarterly fee for 4 th space	\$500.00 (through June 30, 2024) \$1,300.00 (starting July 1, 2024)
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 Houle, seconded by Commissioner Taylor to

- a) Approve the grant application submitted by the Clarke County Sheriff’s Office (CCSO) for the CJCC Residential Substance Abuse Treatment (RSAT) Program as per Attachment 1 of agenda report dated October 5, 2023;
- b) Accept the grant funds if awarded;
- c) Adopt the following ordinance (#23-11-86) which was presented by title only; and
- d) Authorize the Mayor and appropriate staff to execute all documents associated with the grant award.

The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE FY2024 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE CRIMINAL JUSTICE COORDINATING COUNCIL (CJCC) RESIDENTIAL SUBSTANCE ABUSE TREATMENT (RSAT) PROGRAM TO ESTATBLISH A RESIDENTIAL SUBSTANCE ABUSE TREATMENT (RSAT) PROGRAM FOR RESIDENTS OF CLARKE COUNTY JAIL; 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 Criminal Justice Coordinating Council (CJCC) Residential Substance Abuse Treatment (RSAT) Program to establish a Residential Substance Abuse Treatment (RSAT) Program for residents of Clarke County Jail; and for other purposes.

Said Operating and Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:
CJCC RSAT Grant
\$160,953

Expenditures:

Increase:
Sheriff’s Office:
Personal Services
\$160,953

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

A motion was made by Commissioner Link, seconded by Commissioner Houle, to adopt the following resolution to continue efforts to reform and improve mental health services. The motion passed by unanimous vote.

**RESOLUTION URGING THE GOVERNOR AND GENERAL ASSEMBLY OF
GEORGIA TO CONTINUE EFFORTS TO REFORM AND IMPROVE MENTAL HEALTH SERVICES
FOR THE CITIZENS OF GEORGIA**

WHEREAS, being the constitutional level of government closest to their constituents, Georgia counties are on the front lines of responding to mental health issues within the community as well as the development of mental health reform efforts; and

WHEREAS, the Mayor and Commission of the Unified Government of Athens-Clarke County (ACC) supports efforts designed to provide every citizen in need to have accessible, affordable, and adequate mental health services; and

WHEREAS, Mayor and Commission of ACC is grateful for the efforts of Georgia's executive, legislative, and judicial branches in working towards mental health reform in recent years, such as the passage of HB 1013 (2022) and introduction of HB 520 (2023), Chief Justice Boggs's work on jail diversion initiatives, and Governor Kemp's commitment to expanding mental health resources in schools for children and young adults; and

WHEREAS, despite these prior steps and successes, the ACC Mayor and Commission recognizes that there is still a tremendous amount of work for the citizens of Athens-Clarke County and other citizens across Georgia to receive adequate healthcare for mental health and substance abuse disorders; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Commission of the Unified Government of Athens-Clarke County reaffirms its commitment to reforming and improving mental health services for its citizens and all citizens of the state of Georgia.

BE IT FURTHER RESOLVED, that the Mayor and Commission of Athens-Clarke County specifically urges the Governor and General Assembly to continue efforts in the 2024 Session of the Georgia General Assembly to enhance Georgia citizens' access to vital mental health services, including the provision of state budgetary funding for additional behavioral health crisis centers across the state, additional co-responder units, and other resources to assist those with mental health and substance abuse disorders.

BE IT FURTHER RESOLVED, that the Clerk to the Commission is hereby directed to provide an executed copy of this Resolution to each member of the Athens-Clarke County delegation to the Georgia Senate and Georgia House of Representatives and to the Association County Commissioners of Georgia.

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

a) Approve the proposed preliminary plans for TSPLOST 2023, Project 6, Timothy Road Improvements Project as generally shown on Attachment #1 and Attachment #2 of agenda report dated September 24, 2023;

b) Authorize staff to negotiate and enter into agreement to acquire rights-of-way, permanent easements, and temporary easements, as necessary to support the proposed Preliminary Plans for TSPLOST 2023, Project 6, Timothy Road Improvements Project, as generally shown on Attachment #1 and Attachment #2;

c) Authorize staff to advance the proposed Preliminary Plans for TSPLOST 2023, Project 6, Timothy Road Improvements Project, as generally shown on Attachment #1 and Attachment #2, to the Bid and Award Phase;

d) Direct Manager to determine traffic calming measures and costs associated with such that could be incorporated into this project for Commission consideration; and

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

The motion passed by unanimous vote.

A motion was made by Commissioner Davenport, seconded by Commissioner Taylor, to DENY the recommended proposed candidate sites for the Fire Station #5 Replacement (SPLOST 2020 Project #06), as shown in Attachment #1 of agenda report dated September 27, 2023. The motion passed by unanimous vote.

A motion was made by Commissioner Thornton, seconded by Commissioner Taylor, to HOLD until Tuesday, December 5, 2023 budget amendment to initiate a paint crew pilot program. The motion passed by unanimous vote.

A motion was made by Commissioner Link, seconded by Commissioner Taylor, reference Athens Justice and Memory project's affordable housing preservation.

- a) Approve staff's recommendation to award \$531,600 in ARPA AJMP funding to Historic Athens (formerly Athens-Clarke County Heritage Foundation) to implement their "Equitable Home Preservation Initiative" to preserve historic homes for low-income homeowners through comprehensive weatherization and climate-conscious rehabilitation as per Attachment #1 of agenda report revised October 31, 2023;
- b) Authorize ACCGov staff to re-release a request for proposals for down payment assistance by December 8, 2023; and
- c) Authorize the Mayor and appropriate ACCGov staff to execute all related documents.

The motion passed by unanimous vote.

A motion was made by Commissioner Houle, seconded by Commissioner Fisher, to authorize the submission of a grant application for up to \$457,250 in Continuum of Care Homeless Assistance Grant funds for HUD program year 2023 as per agenda report dated August 22, 2023, and acceptance, if awarded; and authorize the Mayor and ACCGov staff to execute all related contracts, grant agreements, and related documents. The motion passed by unanimous vote.

A motion was made by Commissioner Fisher, seconded by Commissioner Hamby, reference TSPLOST 2023 Project 6, Timothy Road/Mitchell Bridge Road Corridor Improvements Project – SP #2 - Mitchell Bridge Road preliminary plan approval.

- a) Designate the Proposed Preliminary Plans as shown on Attachment #1 as SubProject #2 of the TSPLOST 2023, Project 6 –Mitchell Bridge Road;
- b) Approve the proposed Preliminary Plans for TSPLOST 2023, Project 6, (Subproject 2) Mitchell Bridge Road Improvements Project as generally shown on Attachment #1;
- c) Authorize staff to negotiate and enter into agreements to acquire the necessary rights-of-way, permanent easements, and temporary easements, as necessary to support the proposed Preliminary Plans for TSPLOST 2023, Project 6, (SubProject 2 Mitchell Bridge Road Improvements Project, as generally shown on Attachment #1;
- d) Authorize staff to advance the proposed Preliminary Plans for TSPLOST 2023, Project 6, (Sub Project 2) Mitchell Bridge Road Improvements Project, as generally shown on Attachment #1, and utilize \$2,000,000 from TSPLOST 2018 (#15 Atlanta Highway Corridor Improvement Project) for construction; and
- e) Authorize the Mayor and appropriate staff to execute all related documents.

A substitute motion was made by Commissioner Link, seconded by Commissioner Davenport, to HOLD this item for up to three months.

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

The original motion passed by roll call vote with Commissioners Davenport, Taylor, Wright, Fisher, Culpepper, Thornton, and Hamby voting YES and Commissioners Link, Houle, and Myers voting NO. (7 YES; 3 NO)

A motion was made by Commissioner Wright, seconded by Commissioner Fisher, to approve an amendment as per Attachment 1 of agenda report dated October 13, 2023 to the existing contract with CorrectHealth, LLC to recognize that offenders within the current contract can be housed at the Diversion Center; and authorize the Mayor and any appropriate staff to execute all related documents. The motion passed by unanimous vote.

A motion was made by Commissioner Hamby, seconded by Commissioner Link, to adopt the following ordinance (#23-11-87) which was presented by title only. The motion passed with nine YES votes. Commissioner Wright abstained.

AN ORDINANCE TO IMPOSE, CONTINUE, AND EXTEND A TEMPORARY MORATORIUM ON THE ESTABLISHMENT OF NEW SHORT-TERM RENTALS ON PARCELS IN SINGLE-FAMILY RESIDENTIAL (RS) ZONING DISTRICTS; AND FOR OTHER PURPOSES.

WHEREAS, as provided in Article IX, Section II, Paragraphs I, II, and III of the Constitution of the State of Georgia, the Unified Government of Athens-Clarke County enjoys all home rule powers, police powers, land development, governmental, and supplemental powers necessary to conduct and perform government functions; and

WHEREAS, the Unified Government may exercise any power for government purposes, except as expressly prohibited by law; and

WHEREAS, the Unified Government, like many other local governments in Georgia, has seen an increase in the number of short-term rentals, also known as short-term vacation rentals or “STRs,” which is usually the rental of a vacation home, dwelling, apartment, condominium, or any room or a portion thereof, for a period of thirty (30) consecutive days or less; and

WHEREAS, STRs are usually, but not exclusively, advertised through websites such as Airbnb.com, Booking.com, Hometogo.com, and VRBO.com; and

WHEREAS, the regulation of STRs implicates zoning and land use considerations, the jurisdiction of which is expressly vested in local governments under Article IX, Section II, Paragraph IV of the Constitution of the State of Georgia; and

WHEREAS, the Constitution of the State of Georgia makes it clear that local governments may enact substantive zoning and land use regulations while, by contrast, the Georgia General Assembly may only enact legislation pertaining to zoning and land use procedures; and

WHEREAS, the exercise of zoning and land use power by a local government is in the furtherance of its police power authority to aid the public health, safety, and welfare; and

WHEREAS, based upon resident complaints, there is an increased degree of non-compliance activity related to STRs operating on parcels within the RS-40, RS-25, RS-15, RS-8, and RS-5 single-family residential zoning districts in Athens-Clarke County as evidenced by advertised properties that are operating without an occupation tax certificate and in violation of local quality of life ordinances; and

WHEREAS, Unified Government staff have received an increased amount of nuisance complaints involving, among other issues, noise, over maximizing occupancy, traffic, and parking related to STRs in residential neighborhoods; and

WHEREAS, Athens-Clarke County is experiencing a housing crisis whereby local and essential workers are unable to find housing while concurrently the demand on local services and resources is increasing, creating housing insecurities and understaffed organizations and businesses; and

WHEREAS, the Commission of Athens-Clarke County has found that there is a need to create zoning and land use standards related to STRs, including regulations addressing zoning, noise-related issues, parking, occupancy, and public safety; and

WHEREAS, the Commission of Athens-Clarke County desires to review for possible amendment or revision the provisions of the Zoning Ordinance of Athens-Clarke County relating to STRs within all zoning

districts in Athens-Clarke County, Georgia, in order to promote and protect the public health, safety, and welfare of the citizens of Athens-Clarke County, and to preserve the residential character of existing residential zoning districts; and

WHEREAS, the Commission of Athens-Clarke County is aware of the need to allow time for the Athens-Clarke County Planning Department, the Planning Commission, and others as deemed appropriate, to develop and propose amendments to the Zoning Ordinance of Athens-Clarke County relating to the operation of STRs; and

WHEREAS, while such amendments to the Zoning Ordinance of Athens-Clarke County are being developed, the Commission of Athens-Clarke County desires to impose a temporary moratorium on new STRs in RS-zoned parcels to maximize the impact and effectiveness of any such amendments; and

WHEREAS, based upon the concerns expressed above, the Commission of Athens-Clarke County adopted an ordinance on September 19, 2023, which established a temporary emergency moratorium on new STRs in RS-zoned parcels; and

WHEREAS, the Commission of Athens-Clarke County desires to continue and extend said moratorium to allow further time for the Athens-Clarke County Planning Department, the Planning Commission, and others as deemed appropriate, to develop and propose amendments to the Zoning Ordinance of Athens-Clarke County relating to the operation of STRs; and

WHEREAS, the it is the intent of the Commission of Athens-Clarke County to continue and extend the moratorium on new STRs in RS-zoned districts by adopting this Ordinance; and

WHEREAS, notice of the hearing for this Ordinance has been provided in the same manner as for text amendments to the Zoning Ordinance of Athens-Clarke County; and

WHEREAS, the Commission of Athens-Clarke County hereby determines and directs that any RS-zoned property that has been operated as an STR in the past twelve (12) months, as measured from the effective date of the ordinance of September 19, 2023, shall remain exempt from the moratorium imposed herein; and

WHEREAS, the Commission of Athens-Clarke County incorporates and adopts by reference the herein the definition of “operate an RS-zoned property as an STR” as described in the ordinance of September 19, 2023; and

WHEREAS, the law is well established that a “zoning decision” is a final legislative action by a local government as further described in O.C.G.A. § 36-66-3(4)(A)-(F); and

WHEREAS, pursuant to the Supreme Court of Georgia’s decision in *City of Roswell v. Outdoor Systems, Inc.*, 274 Ga. 130 (2001), a local government’s temporary moratorium is not a “final legislative action”; and

WHEREAS, the Commission of Athens-Clarke County finds that this temporary moratorium is in the best interest of residents, visitors, and the Unified Government and that it is the least restrictive means available, a reasonable exercise of the Unified Government’s police power, and promotes the health, safety, and welfare of the public; and

WHEREAS, the Commission of Athens-Clarke County finds that a temporary moratorium on the establishment of additional STRs on RS-zoned parcels is a reasonable and necessary measure to protect the status quo as described in the recitals of this Ordinance and in the recitals of the ordinance adopted on September 19, 2023.

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

SECTION 1. The recitals in the preamble above are an integral part of this Ordinance, provide important background, and are incorporated by reference herein. Furthermore, the ordinance of September 19, 2023, which imposed a temporary emergency moratorium on new STRs on RS-zoned parcels, is incorporated by reference herein and should be read in conjunction with this Ordinance.

SECTION 2. The Commission of Athens-Clarke County hereby declares its intent to continue and extend the temporary moratorium on the establishment of new STRs on RS-zoned parcels, as originally described in the ordinance of September 19, 2023, and the Commission imposes such a moratorium herein. It is the intent of the Commission that any STR on RS-zoned property that was declared exempt in the ordinance of September 19, 2023, shall remain exempt under this Ordinance.

SECTION 3. This temporary moratorium is necessary in order to maintain the status quo and allow the Planning Department of the Unified Government of Athens-Clarke County to consider the establishment of new or additional restrictions on the operation of STRs within the Code of Athens-Clarke County. The Manager (and appropriate staff as designated by the Manager) is hereby authorized to take

necessary and appropriate actions, including posting any required notices under the Zoning Procedures Law, O.C.G.A. §§ 36-66-1, et seq., to study and propose further Ordinances and/or amendments to the Code of Athens-Clarke County, Georgia for adoption by the Commission of Athens-Clarke County to address the issues described in the preamble above.

SECTION 4. The temporary moratorium imposed herein shall remain in place through and including Tuesday, February 6, 2024, at 11:59 post meridiem. Said temporary moratorium may conclude earlier upon the occurrence of any of the following: (a) approval by the Commission of Athens-Clarke County of an additional moratorium after a public hearing; (b) affirmative act by a majority of a quorum of the Commission terminating the temporary moratorium; or (c) the adoption and approval of an amendment to the current Title 9, Zoning and Development Standards, of the Code of Athens-Clarke County, Georgia, addressing the STR issues that are described in the preamble to this Ordinance.

SECTION 5. This temporary moratorium shall have no effect on the use of properties as STRs on RS-zoned parcels where the rights to operate as an STR have become legally vested, nor shall this moratorium serve to disturb or hinder STR operations that legitimately began prior to the date that the temporary moratorium originally came into effect. As it pertains to establishing a vested entitlement to commence operating of an STR or to continue operating an STR, the property owner shall bear the burden to demonstrate such entitlement. Furthermore, the provisions of this Ordinance (or in any future zoning or land use amendments) to allow vested or legal nonconforming rights to operate an STR is not intended, nor shall they be construed, to imply that the Commission will not phase out STR operations over a reasonable period of time. See *Flippen Alliance for Community Empowerment, Inc. v. Brannan*, 267 Ga. App. 134, 137 (2004).

SECTION 6. To the extent necessary, penalties in effect for violations of Section 1-1-5 of Chapter 1-1 of Title 1 of the Code of Athens-Clarke County, Georgia, at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance.

SECTION 7. This Ordinance shall be construed to confer upon the Manager (and appropriate staff as designated by the Manager) all incidental authority necessary and proper to enforce this Ordinance and carry out its provisions.

SECTION 8. The provisions of this Ordinance are severable, and should any part of this Ordinance be deemed by a court of competent jurisdiction to be invalid, such invalidity shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be invalid.

SECTION 9. In the event scrivener's errors shall be discovered in this Ordinance 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 Ordinance.

SECTION 10. This Ordinance and the moratorium imposed herein shall take effect as set forth in Article II, Chapter 2 of the Charter of the Unified Government of Athens-Clarke County.

New business – Consider under suspension of Rules

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

A motion was made by Commissioner Houle, seconded by Commissioner Taylor, to approve the new five-year contract, valued at \$366,486.87, of the Unified Government of Athens-Clarke County (ACCGov) annual software licensing obligation to Cisco in the amount of \$73,297.37 to Converge Technology Solutions through State Contract 99999-SPD-T20120501-0006 as per agenda report dated October 23, 2023; and authorize Mayor and appropriate staff to execute all related documents. The motion passed by unanimous vote.

A motion was made by Commissioner Wright, seconded by Commissioner Fisher, to adopt the following resolution for authorized representative with respect to the series 2022 and the series 2023 Classic Center arena project bonds. The motion passed by unanimous vote.

A RESOLUTION OF THE COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA TO APPROVE AND APPOINT THE MANAGER OF THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA AS THE AUTHORIZED REPRESENTATIVE OF THE UNIFIED GOVERNMENT WITH RESPECT TO THE SERIES 2022 AND THE SERIES 2023 CLASSIC CENTER ARENA PROJECT BONDS AND USE OF THE

PROCEEDS THEREOF; AND FOR OTHER PURPOSES.

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.* and 2002 Ga. Laws p. 5665 *et seq.* (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, 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 (the “Series 2021 Bonds”), for the purpose of paying (i) 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 (as such facility is more fully described herein, the “Project”), (ii) capitalized interest on the Bonds, and (iii) the cost of issuing the Series 2021 Bonds; and

WHEREAS, on or about February 1, 2022, the Commission of Athens-Clarke County, Georgia (the “Commission”) approved a Resolution appointing the Manager of the Unified Government of Athens-Clarke County, Georgia as the authorized representative of the Unified Government with respect to the Series 2021 Bonds and the use of the proceeds thereof, with full authority to approve and sign requisitions, draw requests and other documentation related to the use of the proceeds of the Series 2021 Bonds on behalf of the Unified Government

WHEREAS, the Authority has subsequently issued, with the approval of the Unified Government, its Revenue Bonds (Classic Center Arena Project), Series 2022, in the aggregate principal amount of \$37,440,000 (the “Series 2022 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 Series 2022 Bonds;

WHEREAS, the Authority has also subsequently issued, with the approval of the Unified Government, its Revenue Bonds (Classic Center Arena Project), Series 2023, in the aggregate principal amount of \$28,085,000 (the “Series 2023 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 Series 2023 Bonds;

WHEREAS, consistent with its authority related to the Series 2021 Bonds, the Unified Government also has the authority to approve expenditures of the proceeds of the Series 2022 Bonds and the Series 2023 Bonds and desires to establish authorizations and procedures for the orderly administration of the same; and

WHEREAS, the Commission finds it to be in the best interests of the Unified Government to approve and appoint the Manager of the Unified Government of Athens-Clarke County, Georgia as the authorized representative of the Unified Government with respect to the Series 2022 Bonds and the Series 2023 Bonds and the use of the proceeds thereof, with full authority to approve and sign requisitions, draw requests and other documentation related to the use of the proceeds of the Series 2022 Bonds and the Series 2023 Bonds on behalf of the Unified Government;

NOW, THEREFORE, BE IT RESOLVED by the Commission of Athens-Clarke County, Georgia and it is hereby so resolved by the authority of same as follows:

SECTION 1.

The Commission hereby approves and appoints the Manager of the Unified Government of Athens-Clarke County, Georgia as the authorized representative of the Unified Government with respect to the Series 2022 Bonds and the Series 2023 Bonds and the use of the proceeds thereof, with full authority to approve and sign requisitions, draw requests and other documentation related to the use of the proceeds of the Series 2022 Bonds and the Series 2023 Bonds on behalf of the Unified Government.

SECTION 2.

The Commission hereby authorizes the Mayor to execute the Appointment of Authorized Representative(s) form provided by U.S. Bank designating the Manager as the Unified Government's authorized representative with respect to the Series 2022 Bonds and the Series 2023 Bonds and the use of the proceeds thereof, with full authority to approve and sign requisitions, draw requests and other documentation related to the use of the proceeds of the Series 2022 Bonds and the Series 2023 Bonds on behalf of the Unified Government, in substantially the same form as Exhibit “A” attached hereto and incorporated herein by reference.

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

Reconsideration of action of October 3, 2023

- A motion was made by Commissioner Wright, seconded by Commissioner Taylor, to
- a) Approve proposed transition plan Attachment #1 of agenda report dated September 20, 2023 for the sanctioned homeless encampment operated by Athens Alliance Coalition in anticipation of contract termination date of December 31, 2023;
 - b) Approve a new MOU between ACCGov and ABHS to provide hotel voucher services through the April 30, 2024;
 - c) Adopt a budget ordinance to allocate: \$25,000 of General Funds originally allocated for SHE operator capacity building; up to \$100,000 of General Capital Projects Fund remaining balance of Homeless Encampment setup; up to \$152,288 of ARPA Funds for Sanctioned Homeless Encampment, and, if needed, up to \$150,000 of ARPA Funds from Homelessness SPRPH “all other strategies” to fund the total required \$277,288 for the ABHS Hotel Voucher Program; and
 - d) Authorize the Mayor and appropriate ACCGov staff to execute all related documents.

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

The following ordinance (#23-10-80) which was presented by title only was declared adopted.

AN ORDINANCE TO AMEND THE FY2024 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING TO THE HOUSING & COMMUNITY DEVELOPMENT DEPARTMENT (HCD) FOR ADVANTAGE BEHAVIORAL HEALTH SERVICES (ABHS) HOTEL VOUCHER SERVICES; 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, General Capital Projects Fund and American Rescue Plan (ARP) Coronavirus State and Local Fiscal Recovery Funds Special Revenue Fund to provide funding to HCD for ABHS hotel voucher services; and for other purposes.

Said Operating and Capital budget is hereby amended as follows:

General Fund:

EXPENDITURES:

Decrease:	
Transfers to General Capital Proj. Fd	up to \$100,000
Resiliency Package – Capacity Building	<u>\$25,000</u>
Total	\$125,000
Increase:	
HCD – ABHS Hotel Voucher Services	\$125,000

General Capital Projects Fund:

REVENUES:

Decrease:	
Transfers from General Fund	up to \$100,000

EXPENDITURES:

Decrease:	
Central Services Capital:	
Sanctioned Homeless Encampment	up to \$100,000

American Rescue Plan – CSLFRF Special Revenue Fund:

EXPENDITURES

Decrease:

Sanctioned Homeless Encampment	up to \$152,288*
Homelessness SPRPH – All Other (if needed)	up to \$150,000*

Increase: ABHS Hotel Voucher Services	\$152,288*
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*(*Note: the ARPA funding would be used to fill the funding gap between available General Funds described above, and the total project cost of the ABHS Hotel Voucher Services program (\$277,288). The total combined transfer from the two ARPA program budgets would not exceed \$252,288.)*

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

Commissioner Thornton exited the meeting at 9:43 p.m.

Public input on items other than those listed on this agenda

1. Bennie Coleman – questioned affordability of use of Classic Center
2. Barbara Daniels – supported affordable homes
3. Jessica Fore – supported review of noise ordinance
4. Walter Allen, Jr. – questioned Athens Land Trust use of Broad street property
5. Broderick Flanigan – requested update on disparity study

FROM MAYOR GIRTZ:

1. Assigned to Government Operations Committee: Advance efforts pursuant to recommendations from the Disparity Study
2. Announced appointments to the Classic Center Bond Oversight Committee:
 - o Allison Wright (District Commissioner)
 - o Patrick Davenport (additional Commissioner)
 - o Jennifer Zwirn (Classic Center Authority member)
 - o Tim Kelly (Downtown Business owner - - Rook and Pawn)
 - o Tripp Moore (Hotelier - - Best Western)
 - o Kirrena Gallagher (East Athens Resident)

FROM MANAGER WILLIAMS:

1. Received for information.
 - Contract awards in excess of \$10,000 for month of September 2023
 - Land acquisition notice of employee(s) with financial interest
 - Manager proposed operating transfer to State Court (omitted from August agenda)
2. Expressed appreciation to all veterans.

FROM COMMISSIONERS WRIGHT AND LINK:

1. Requested review of noise ordinance reference amplification.

FROM COMMISSIONER HAMBY:

1. Requested staff provide a ball park estimate of cost to install underground wiring on Milledge Avenue from Prince to Lumpkin.

FROM COMMISSIONER MYERS:

1. Announced a solar power community conversation at First AME Church November 12, 3:00 p.m.

FROM COMMISSIONER HOULE:

- 1. Announced CSX will have temporary road closures in district 6.

FROM COMMISSIONER TAYLOR:

- 1. Announced a Power of Your Voice rally November 29, 4-6:00 p.m. at 11355 Commerce Road.

FROM COMMISSIONER LINK:

- 1. Announced public input survey for North Avenue project has been extended to November 19.
- 2. Announced a Mitchell Bridge TAD meeting November 9, 5-7:00 p.m. at Terrapin.

FROM COMMISSIONER DAVENPORT:

- 1. Recognized the recent passing of Lois Thomas-Ewings who was the founder of the East Athens Dance Center.

A motion was made by Commissioner Davenport, seconded by Commissioner Taylor, to adjourn. The motion passed by unanimous vote.

The meeting adjourned at 10:20 p.m.

Clerk of Commission

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Special Called Session
Thursday, November 16, 2023
5:03 p.m.
City Hall

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

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

A motion was made by Commissioner Fisher, seconded by Commissioner Thornton, to enter into executive session and adjourn. The motion passed by unanimous vote.

The meeting adjourned at 5:04 p.m.

Clerk of Commission

