

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, December 6, 2022
8:07 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, Wright, Denson, Houle, Edwards, Myers Thornton, and Hamby. No one was absent.

Reconsideration

A motion was made by Commissioner Denson, seconded by Commissioner Link, to reconsider previous action at special called session this date with reference to an ordinance agreeing for Unified Government of Athens-Clarke County, Georgia to be covered by the Firefighter's Mediation Act (O.C.G.A. Sec. 25-5-1, *et seq.*) so as to provide firefighters with the right to bargain collectively with the Unified Government of Athens-Clarke County, Georgia and to be represented by a labor organization in such collective bargaining as to wages, rates of pay, hours, working conditions, and all other terms and conditions of employment.

The motion passed by roll call vote with Commissioners Link, Denson, Houle, Edwards, Myers, Thornton, and Hamby voting YES; and Commissioners Davenport and Wright voting NO. (7 YES, 2 NO)

A motion was made by Commissioner Denson, seconded by Commissioner Link, to HOLD consideration of the above ordinance until Tuesday, April 4, 2023.

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

A motion was made by Commissioner Houle, seconded by Commissioner Denson, to approve minutes of meetings of Tuesday, November 1; Tuesday, November 15; and non-voting meetings for November 2022. The motion passed by unanimous vote.

Written communications

There were none.

Old business - Consent

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

Public input

1. Allen Jones – supported Macon Highway launch and Lexington Road rezoning.

A motion was made by Commissioner Houle, seconded by Commissioner Denson, to amend the agenda to allow public input on zoning related items after consideration of consent agenda. The motion passed by unanimous vote.

A motion was made by Commissioner Wright, seconded by Commissioner Denson, to consent to action on the following 18 items. The motion passed by unanimous vote.

1. ADOPT: The following ordinances (#22-12-106 and #22-12-107) which were presented by title only amending recycled water unit rate to \$2.67 per 1,000 gallons and updating the existing Schedule of Fees: Public Utilities to add the new recycled water rate ordinance as per Attachments #1 and #2 of agenda report dated October 26, 2022.

GEORGIA, WITH RESPECT TO **WATER AND SEWER FEES** ; AND FOR OTHER LAWFUL PURPOSES

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

SECTION 1. Section 5-3-77 entitled "Water Rates" of the Code of Athens-Clarke County, Georgia is hereby amended by deleting subsection (e) in its entirety and replacing it so it reads as follows:

(e) Rate for recycled water. Recycled water (i.e., notpotable, reclaimed) amounts shall pay a monthly customer service fee in accordance with subsection (f) herein and a unit rate of \$2.67 per 1,000 gallons for water that passes through the recycled water meter.

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.

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

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

SECTION 1. Section 2-6-2 entitled "Schedule of fees to be adopted annually" of the Code of Athens-Clarke County, Georgia is hereby amended by deleting lines 14 and 15 in the table of "FY23 schedule of fees and charges" under "Public Utilities" in the "Monthly Water Rates: Multifamily & Non-Residential" section in their entirety and replacing it so it reads as follows:

| | Monthly water rates: Multifamily & Non-Residential | Fee/Unit |
|----|--|--------------------------|
| 14 | Tier 1 for all potable use | \$6.25 per 1,000 gallons |
| 15 | Recycled water rate | \$2.67 per 1,000 gallons |

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.

2.
 - a) ADOPT: The following ordinance (#22-12-108) which was presented by title only
 - b) Approve a one year extension to the Denali Water Solutions, LLC (Denali) hauling contract; as per agenda report dated October 26, 2022;
 - c) Approve a unit-price amendment to the Biosolids Hauling contract with Denali from \$95.76/ton to \$102.70/ton due to increased landfill tipping fees as per Attachment #1; and
 - d) Authorize the Mayor and appropriate staff to sign all documents related to the contract.

AN ORDINANCE TO AMEND THE FY2023 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING

FOR BIOSOLIDS HAULING AND DISPOSAL; 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 FY2023 Water and Sewer Fund Budget for the purpose of amending the contract for biosolids hauling and disposal. Said Operating and Capital budget is hereby amended as follows:

Water & Sewer Enterprise Fund:

| | |
|---|----------------------|
| Expenditures: | |
| Increase: | |
| Public Utilities – Services-Landfill | NOWRF \$127,000 |
| Revenue: | |
| Decrease: | |
| Public Utilities - Unrestricted Net Position | W&S Fund (\$127,000) |

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

3. ADOPT: The following resolution authorizing acceptable forms of payment for ad valorem taxes and other purposes as per agenda report dated October 25, 2022.

A RESOLUTION OF THE COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA,
AUTHORIZING ACCEPTABLE FORMS OF PAYMENT FOR AD VALOREM TAXES AND OTHER
PURPOSES

WHEREAS, O.C.G.A. § 48-5-9.1 provides that each county in the State of Georgia may, by resolution, elect what form of payment may be received for payment of ad valorem taxes; and

WHEREAS, the Commission of Athens-Clarke County, Georgia, desires to elect the form of payments through a resolution so that the citizens of Athens-Clarke County may be advised on the same; and

WHEREAS pursuant to the provisions of O.C.G.A. § 48-5-146, concerning receipt of checks or money orders by tax commissioner, liability for unpaid checks or money orders, and in the interest of further efficiency and convenience to the taxpayers, it is deemed desirable that the Tax Commissioner of Athens-Clarke County, Georgia, be given the authority to receive personal, company, certified, treasurer's or cashier's checks, or bank, postal, or express money orders in payment of taxes and licenses fees;

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

The Unified Government of Athens-Clarke County, Georgia, will accept the following forms of payment for ad valorem taxes: personal, company, certified, treasurer's or cashier's checks; cash; debit cards; credit cards; bank, postal or express money orders; or online payments.

The Tax Commissioner of Athens-Clarke County has the authority to receive personal, company, certified, treasurer's or cashier's checks, or bank, postal, or express money orders in payment of all taxes, fees and licenses due their respective office.

4. ADOPT: The following resolution authorizing the submission of an application for and the acceptance of the annual Transit Planning Assistance Grant (Title 49 USC Section 5303) for FY 2024 (July 1, 2023 – June 30, 2024) if awarded, in the estimated maximum amount of \$115,000 in federal funding; as per agenda report dated October 24, 2022; and authorize the Mayor and appropriate staff to execute the resulting contract between the Unified Government of Athens-Clarke County (ACCGov) and the Georgia Department of Transportation (GDOT).

AUTHORIZING RESOLUTION

Resolution authorizing the execution of contracts between the Department of Transportation, United States of America, the Georgia Department of Transportation, and the Unified Government of

Athens-Clarke County, for a grant under the title 49 U.S.C., Section 5303, for FY 2024 (July 1, 2023 through June 30, 2024.)

WHEREAS, the Secretary of Transportation and the Commissioner of the Georgia Department of Transportation are authorized to make grants for mass transportation projects;

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local project costs; and

WHEREAS, it is required by the U.S. Department of Transportation and the Georgia Department in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Federal Transit Act, the applicant gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the Applicant that minority Business Enterprise, Disadvantaged Business Enterprise and Women Business Enterprise be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts and purchase orders when procuring construction contracts, supplies, equipment contracts, or consultant and other services; and

WHEREAS, the Federal government and the State of Georgia will provide at least \$92,000 of the funding for the Transit Planning (Section 5303) contract expenses incurred by the Unified Government subject to a maximum local match of \$23,000.

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

That the Mayor is authorized to execute and file an application on behalf of the Unified Government of Athens-Clarke County with the Georgia Department of Transportation to aid in the financing of a technical study grant pursuant to Section 5303 of the Federal Transit Act to implement specific items of the FY 2024 Madison Athens-Clarke Oconee Regional Transportation Study (MACORTS) Unified Planning Work Program.

That the Mayor is authorized to execute and file with such application an assurance or any other document required by the U.S. Department of Transportation and Georgia Department of Transportation effectuating the purpose of Title VI of the Civil Rights Act of 1964 ;

That the Planning Director of Athens-Clarke County is authorized to furnish such additional information as the U.S. Department of Transportation and the Georgia Department of Transportation may require in connection with the application or the project;

That the Mayor is authorized to set forth and execute Minority Business Enterprise, DBE (Disadvantaged Business Enterprise,) and WBE (Women Business Enterprise) policies and procedures in connection with the projects procurement needs.

That the Mayor and appropriate staff is authorized to apply for a grant, accept such grant, if awarded, and execute these grant agreements on behalf of the Unified Government of Athens-Clarke County with the Georgia Department of Transportation to aid in the financing of a technical study grant to implement specific items of the MACORTS Unified Planning Work Program.

That the Unified Government of Athens-Clarke government while making application to or receiving grants from the Federal Transit Administration will comply with FTA Circular 8100.1D, FTA Certifications and Assurances for Federal Assistance 2021 as listed in this grant application and General Operating Guidelines as illustrated in the Georgia State Management Plan.

That the Unified Government of Athens-Clarke government has or will have available in the General Fund the required non-federal funds to meet local share requirements for this grant application.

5. ADOPT: The following resolution authorizing the application and acceptance of the Federal Planning (PL) contract amount associated with the annual Metropolitan Transportation Planning Grant for FY 2024 (July 1, 2023 – June 30, 2024) as per agenda report dated October 25, 2022; and authorize the Mayor and appropriate staff to execute the resulting contract between the Unified Government of Athens-Clarke County (ACCGov) and the Georgia Department of Transportation (GDOT).

AUTHORIZING RESOLUTION

Resolution authorizing the execution of contracts between the Department of Transportation, United States of America, the Georgia Department of Transportation, and the Unified Government of Athens-Clarke County for the FY 2024 (July 1, 2023 – June 30, 2024) Planning (PL) Contract, if awarded.

WHEREAS, the Federal Government requires that Urbanized Areas such as Athens have a formal planning process as it relates to the planning of transportation projects; and

WHEREAS, the Federal Government will not authorize the expenditure of funds for said transportation projects unless they come out of this formal transportation planning process; and

WHEREAS, the formal transportation planning process is organized around what is commonly known as the Madison Athens-Clarke Oconee Regional Transportation Study (MACORTS);

WHEREAS, the staff of the Unified Government of Athens-Clarke County Planning Department provides support for MACORTS planning efforts;

WHEREAS, the Federal Government will provide up to an estimated amount of \$216,000 of the funding for the transportation planning (PL) contract expenses incurred by the Unified Government of Athens-Clarke County subject to a 20% local match of the funded amount (estimated to be a maximum of \$54,000), if awarded;

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

That the Mayor and appropriate staff are authorized to apply for a grant, accept such grant if awarded, and execute an associated contracts with the Georgia Department of Transportation (GDOT) for the FY 2024 Transportation Planning (PL) Contract Funds, if awarded.

6. ADOPT: The following resolution to establish the Sunday in calendar year 2023 for alcoholic beverage sales for Class D, E & F license holders as authorized by O.C.G.A. § 3-3-7 (r) as per agenda report dated October 28, 2022.

RESOLUTION

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

WHEREAS, O.C.G.A. § 3-3-7(r) authorizes the governing authority of a county or a municipality to adopt a resolution or ordinance to authorize the sale of alcoholic beverages for consumption on the premises from 12:30 p.m. to 12:00 midnight on one Sunday during each calendar year, and

WHEREAS, § 6-3-5(i)(10) of the Code of Ordinances of Athens-Clarke County implements the above-described statute, and

WHEREAS, the Mayor and Commission of the Unified Government of Athens-Clarke County desire to so designate one Sunday in 2023 for such purpose,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Commission do hereby declare that Sunday, December 31, 2023, is designated as the Sunday during calendar year 2023 when licensees holding Class D, E or F alcoholic beverages licenses may sell alcoholic beverages for consumption on the premises from 12:30 p.m. to 12:00 midnight on such date and until 2:30 a.m. on the following Monday.

7.
 - a) APPROVE: An expenditure in the amount of \$108,020 from the Water & Sewer Enterprise Fund to relocate existing water and sewer mains for the Georgia Department of Transportation (GDOT) SR10/US78 at North Oconee River Bridge Replacement Project . The requested expenditures include construction cost and a 10% contingency as per agenda report dated October 26, 2022;
 - b) Approve the Standard Utility Agreement, for GDOT PI#0013806 (Attachment #1), relating to the relocation and replacement of water mains;
 - c) Approve Contract Item Agreement Memorandum of Understanding with GDOT for installation of water and sewer infrastructure (Attachment #2); and
 - d) Authorize the Mayor and appropriate staff to execute all related documents.

STATE OF GEORGIA
UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY

BE IT RESOLVED by the MAYOR and BOARD OF COMMISSIONERS of the UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, and it is hereby resolved, that the foregoing attached Agreement, relative to project N/A, P.I. No. 0013806 **to replace the bridge on State Route 10/US 78 over the North Oconee River in Clarke County and that** Mr. Kelly Girtz as Mayor and, Jean Spratlin as Clerk of Commission, be and they are, thereby authorized and directed to execute the same for and in behalf of said by the Mayor and BOARD OF COMMISSIONERS of the Unified Government of Athens-Clarke County.

8. APPROVE: Recommendations of the Athens Cultural Affairs Commission for the selection of the artist Elaine Stephenson to provide the public art type and style as shown on Attachment #1 for the SPLOST 2011, Project 09 - Oconee Rivers Greenway Network Connectors Project – Art Location #2 as per agenda report dated October 21, 2022; and authorize the Mayor and appropriate staff to execute all related documents.
9.
 - a) APPROVE: Designation of Georgia Development Partners, LLC as the apparent low responsive and responsible bidder for construction of TSPLOST 2018 Project 5 – Oconee Rivers Greenway, Sub-Project #4.2, #4.3, and #6 Carriage Lane/Carr's Creek Greenway as per agenda report dated September 28, 2022;
 - b) Adopt the following ordinance (#22-12-109) which was presented by title only providing additional funding of \$700,000 for TSPLOST 2018 Project 5 – Oconee Rivers Greenway;
 - c) Award a Unit Price Construction Services Contract in the amount of \$3,195,261.14, to Georgia Development Partners, LLC for the construction of TSPLOST 2018 Project 5 – Oconee Rivers Greenway, Sub-Project #4.2, #4.3, and #6; and,
 - d) Authorize the Mayor and appropriate staff to execute all project related documents.

AN ORDINANCE TO AMEND THE TRANSPORTATION SPECIAL PURPOSE LOCAL OPTION SALES TAX 2018 PROGRAM BUDGET SO AS TO PROVIDE ADDITIONAL FUNDING FOR PROJECT #05 OCONEE RIVERS GREENWAY PROGRAM; AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the TSPLOST 2018 Capital Projects Fund to provide additional funding for the TSPLOST 2018 Project #05 Oconee Rivers Greenway Program. Said operating and capital budget is hereby amended as follows:

TSPLIST 2018 Capital Projects Fund:

REVENUES:

| | |
|----------------------|-----------|
| INCREASE | |
| TSPLOST 2018 Revenue | \$700,000 |

EXPENDITURES:

| | |
|--|-----------|
| INCREASE: | |
| Project #05 – Oconee Rivers Greenway Program | \$700,000 |

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

10.
 - a) APPROVE: Project concept for the Broadband Connectivity Enhancement (SPLOST 2020, Project 22) as generally described in Facts & Issues #8 of agenda report revised November 29, 2022;
 - b) Authorize staff to advance the Project Concept as generally described in Facts & Issues #8 with concentration of target areas generally shown on Attachment #1 and advance other target areas of unserved/underserved areas as funding becomes available; and
 - c) Authorize the Mayor and appropriate staff to execute all related documents.

11.
 - a) APPROVE: Proposed schematic design for SPLOST 2020 Project 34 - Water Trails Project, SP #1 - Macon Highway launch as generally shown in Attachment #1 of agenda report dated November 1, 2022;
 - b) Authorize staff to advance SP #1 to the land acquisition and the bid and award phase based on funding availability and in accordance with the schematic design; and
 - c) Authorize the Mayor and appropriate staff to execute all related documents.
12. APPROVE: A GDOT grant agreement - Runway 9/27 ROFA Clearing and Acquire Aircraft Rescue & Firefighting Safety Test Equipment as per Attachment #1 of agenda report dated October 25, 2022; and authorize the Mayor and appropriate staff to execute all related documents.
13. APPROVE: Designation of Talmadge Street as an on-street parking permit- controlled street under the Residential Parking Permit Program, as shown in Attachment #1 of agenda report dated October 25, 2022.
14. APPROVE: Contract services through Arcadis U.S., Inc. to map stormwater infrastructure such as storm pipes, inlets, and manholes and to provide this information to ACCGov as a database that is compatible with the ACCGov Geographical Information System (GIS) for a cost not to exceed \$350,436 as per agenda report dated October 24, 2022; and authorize the Mayor and appropriate staff to execute the necessary documentation.
15.
 - a) APPROVE: The Unified Government of Athens-Clarke County (ACCGov) Transit Department's Public Transit Agency Safety Plan as per Attachment #1 of agenda report dated September 13, 2022;
 - b) Authorize the submission of the ACCGov Transit Department's Public Transit Agency Safety Plan to the Georgia Department of Transportation (GDOT) and Federal Transit Administration (FTA) for final approval; and
 - c) Authorize the Mayor and appropriate staff to execute the resulting Public Transit Agency Safety plan document.
16.
 - a) APPROVE: Submission of an application (Attachment #1) by the Unified Government of Athens-Clarke County (ACCGov) Public Utilities Department (PUD) for the Georgia Emergency Management Agency/Homeland Security Hazard Mitigation Grant Program as per agenda report dated October 26, 2022;
 - b) Accept the grant funds, if awarded; and
 - c) Authorize the Mayor and appropriate staff to execute all related documents.
17. APPROVE: Award of a contract to Yancey Brothers Company in the amount of \$411,336 for a rebuilt Caterpillar D5 Track Type Tractor (dozer) for use by the Solid Waste Department's Landfill Division as per agenda report dated November 1, 2022.
18. APPROVE: Appointment to Athens Cultural Affairs Commission.

Serena Scibelli – partial term expiring 03-31-2023.

Public input on zoning related items

Oglethorpe Avenue rezoning support

1. Susan Brooks
2. Robert Kelleher
3. Justin Sanders
4. Fred Smith
5. Josh Koons
6. Matt Hall

Lexington Road rezoning support

1. Matt Sims

Research and development uses

There was no input.

Accessory dwellings support

1. Kathy Harr
2. Alice Kinman
3. Broderick Flanigan
4. Heather Fletcher
5. Lucy Harrison.
6. Matt Hall
7. David
8. Sarah Hyde Gehrung

Accessory dwellings opposition

1. Jeb Bradberry

Old and new business – Discussion

Public input

1. Teresa Friedlander – supported Timothy/Mitchell project.
2. Joey Carter - supported Athens Justice and Memory recommendation
3. Broderick Flanigan - supported Athens Justice and Memory recommendation

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

A RESOLUTION IN SUPPORT OF DEMOCRACY AND NONPARTISAN ELECTION ADMINISTRATION

WHEREAS, the survival of our democracy depends on free and fair elections, where all voters have the right and opportunity to make their voices heard; and

WHEREAS, we believe the Athens-Clarke County (ACC) community has been well-served by the current system of non-partisan election administration carried out by our friends and neighbors who serve as election staff here and across the state; and

WHEREAS, these same election officials played a critical role in making the 2020 election safe, secure, and accessible during the COVID-19 pandemic; and

WHEREAS, over the past two 2) years, some proponents of false claims about the 2020 election have attempted to bully, threaten, and undermine nonpartisan election administrators. These unfair attacks make it harder for election officials to do their jobs, reduce faith in the electoral process, and hurt the health of our democracy; and

WHEREAS, in the face of many challenges presented during the 2022 election season, our election officials and staff have risen to the task of surmounting those challenges and provided stellar election services to the voters of Athens-Clarke County; and

WHEREAS, looking forward to future elections, we affirm our conviction that nonpartisan election officials and staff are best equipped to preside over free and fair elections, and should do so without the fear of threats and intimidation; and

WHEREAS, as long as our non-partisan election administrators continue to administer our elections with accessibility, fairness, equality, safety, and security in mind, we are fully committed to standing behind them in the face of politically motivated and unfounded attacks;

NOW, THEREFORE, BE IT RESOLVED that we, the Mayor and Commission of the Athens-Clarke County Unified Government express full confidence in the ACC Elections Office; and

BE IT FURTHER RESOLVED that we support and appreciate our friends and neighbors who serve as poll workers and local election officials, including the ACC Elections Office Director and her staff. We call on state lawmakers, leaders of political parties, and all Georgians to show their support to these people who are the backbone of our democratic process, and to reject any and all calls to violence or harassment; and

BE IT FURTHER RESOLVED that we commit to providing the ACC Board of Elections Office with the resources and support needed to provide outstanding election services to the voters of Athens-Clarke County.

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

- a) Approve the Proposed Project Concept for SPLOST 2020 Project 20 – Parks and Facilities Improvement - Sub-Project #11, as generally described in Attachment #1 of an agenda report revised November 29, 2022;
- b) Authorize staff to advance Sub-Project #11 to the Bid and Award Phase in accordance with the approved Proposed Project Concept for SPLOST 2020 Project 20 – Parks and Facilities Improvement – Sub Project #11; and
- c) Declare that the portion of the construction budgets for Sub-Project #11 are appropriate for public art elements to be included as part of Project Concepts, as described in Facts and Issues #4-5, of the Parks and Facilities Improvement Project.

Commissioner Houle amended they motion to direct the manager to engage the Athens Cultural Affairs Commission regarding a mural on the exterior wall of the community center. The amendment was accepted.

The motion as amended passed by unanimous vote.

A motion was made by Commissioner Hamby, seconded by Commissioner Houle, to approve TSPLOST 2018 Project 15 - Atlanta Highway Corridor Improvements Project - Mitchell Bridge Road and Timothy Road proposed project concepts as follows. The motion passed by unanimous vote.

TSPLOST 2018 Atlanta Highway Corridor Improvements
Commission Defined Option (CDO) – Hamby/Houle
ACCGov M&C Voting Meeting December 6, 2022

Agenda Item Title: TSPLOST 2018 Project 15, Atlanta Highway Corridor Improvements Project – Mitchell Bridge Road and Timothy Road Proposed Project Concepts

1. Mayor and Commission:
 - a) Approve the Proposed Project Concepts, as generally described herein as CDO Proposed Project Concept Priority List;
 - b) Authorize staff to advance the “Must Haves” Tier 1 projects on the CDO Proposed Project Concept Priority List to the Preliminary Plan Phase of the Project Develop Process;
 - c) Designate the Proposed Project Concepts as generally described herein as CDO Proposed Project Concept Priority List as Sub-Projects of the TSPLOST 2023, Project, Timothy Road/Mitchell Bridge Road Corridor;
 - d) Authorize the Mayor and appropriate staff to execute all related documents.

CDO Proposed Project Concept Priority List:

“Must Haves” (Tier 1)

1. Develop a 10' Shared-Use Path along the southern side of Timothy road between Skyline Parkway and Timothy Road/Loop 10 intersection with street crossings where appropriate (as generally defined on the Timothy Road detailed concept plans Alternative A, Stations 100+00 to 185+97, sheets 13-020A - 13-036A).

2. Develop a 10' Share-Use Path along the northern side of Mitchell Bridge Road between Westchester Drive to Ben Burton Park where no facilities exists and extend across the Middle Oconee River Bridge to the Private Road west of the Middle Oconee River (as generally defined on the Mitchell Bridge Road detailed concept plans, Stations 58+00 to 77+54, on sheets 13-010 – 13-014).
3. Develop a 10' Shared-Use Path along the southern side of Timothy road between Timothy Road/Loop 10 intersection and Rhodes Drive (Berkley Hills Subdivision) with street crossings where appropriate (this segment is on the opposite side of the road to that which is generally defined on the Timothy Road detailed concept plans, Stations 1000+00 to 1019+17, on sheets 13-036A – 13-041).

"Highly Wanted" (Tier 2)

1. Develop a 10' Share-Use Path along the northern side of Mitchell Bridge Road between Auburn Parkway and High Ridge Apartments with street crossings where appropriate (as generally defined on the Mitchell Bridge Road detailed concept plans, Stations 10+10 to 41+82, on sheets 13-001 – 13-007).
2. Develop bicycle/pedestrian inter-neighborhood connectivity between Berkley Hills subdivision and Glenview subdivision (Old Macon Highway) with supporting wayfinding (as illustrated on Attachment #2 Corridor Plan. This connector will be more fully developed during the Preliminary Plan Phase, detailed concept plans for this section were not developed).

"Nice to Have" (Tier 3)

1. Replace Mitchell Bridge Road over Loop 10 bridge and connecting to existing facilities (as illustrated on Attachment #1 Corridor Plan. This connector will be more fully developed during future coordination and joint project with GDOT).
2. Develop a 10' Share-Use Path along the northern side of Mitchell Bridge Road between High Ridge Apartments and the Private Road west of the Middle Oconee River (as generally defined on the Mitchell Bridge Road detailed concept plans, Stations 41+82 to 58+00, on sheets 13-007 – 13-010).
3. Replace sidewalk from Atlanta Highway to Skyline Parkway with 10' shared use path, or redesign the segment of Timothy Road north of Epps Bridge Parkway to include bike lanes connecting to shared-use path (as generally defined on the Timothy Road detailed concept plans, Stations 0+10 to 92+36, on sheets 13-001 – 13-019).

*Note: Existing bicycle or pedestrian facilities deemed to be in good condition during the Preliminary Plan phase will be retained and not replaced.

A motion was made by Commissioner Davenport, seconded by Commissioner Hamby, to indefinitely TABLE Moores Grove - approval of a public pump station and force main. The motion passed by unanimous vote.

A motion was made by Commissioner Link, seconded by Commissioner Hamby, to direct Manager Williams to craft a request for proposal (RFP) for the Athens-Clarke County Extension ANR Agent for Community Garden Program.

A substitute motion was made by Commissioner Denson, seconded by Commissioner Houle, to authorize an Agricultural and Natural Resource Agent position for the Athens-Clarke County Extension Office to focus on community gardens and education; and adopt the associated budget ordinance.

The substitute motion failed by roll call vote with Commissioners Denson, Houle, Edwards, and Myers voting YES; and Commissioners Davenport, Link, Wright, Thornton, and Hamby voting NO. (4 YES; 5 NO)

The original motion passed by unanimous vote.

A motion was made by Commissioner Hamby, seconded by Commissioner Thornton, as per agenda report dated November 1, 2022.

- a) Accept the recommendation from the Athens Justice and Memory Project to:
 - Allocate \$1.25M to affordable housing preservation via home repairs and down payment assistance; and
 - Allocate \$1.25M to the buildup of an Athens-Clarke County Center for Racial Justice and Black Futures.
- b) Designate \$1.25M towards affordable housing preservation via home repairs and down payment assistance; and
- c) Adopt the following ordinance (#22-12-110) which was presented by title only.

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 FUNDING FROM THE AMERICAN RESCUE PLAN (ARP)CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS FOR AFFORDABLE HOUSING PRESERVATION PROGRAMS; 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 American Rescue Plan (ARP) Coronavirus State and Local Fiscal Recovery Funds Special Revenue Fund Operating Budget to provide funding for Affordable Housing Preservation via home repairs and down payment assistance programs.

Said Operating & Capital budget is hereby amended as follows:

American Rescue Plan – CSLFRF Special Revenue Fund:

EXPENDITURES

| | |
|-------------------------|---------------|
| Decrease: | |
| ARPA-CSLFRF Contingency | (\$1,250,000) |

EXPENDITURES

| | |
|--|-------------|
| Increase: | |
| Housing & Community Development (HCD): | |
| Affordable Housing Preservation | \$1,250,000 |

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

A motion was made by Commissioner Hamby, seconded by Commissioner Thornton, reference 2023 Georgia Department of Transportation (GDOT) Local Maintenance Improvement Grant (LMIG) application submittal as per agenda report dated October 26, 2022.

- a) Authorize the Transportation and Public Works Department (T&PW) to submit an application, as shown in Attachment #1, for the Georgia Department of Transportation Local Maintenance Improvement Grant (GDOT LMIG) in the amount of \$1,448,713;
- b) Approve the 2023 LMIG Project List, as shown in Attachment #2, which will partially comprise the Calendar Year 2023 Pavement Maintenance Program (CY23 PMP) Project; and
- c) Authorize the Mayor and appropriate staff to sign all related application documents.

The motion passed by unanimous vote.

A motion was made by Commissioner Link, seconded by Commissioner Myers, reference SPLOST 2011 Project 22, Youth & Community Enrichment Facility – Candidate site selection as per agenda report dated October 18, 2022.

- a) Approve the Site Selection Committee's recommended Candidate Sites, as shown on Attachment #1, in accordance with Stage II of the Unified Government of Athens-Clarke County (ACCGov) Major Project Site Selection Process for the Youth & Community Enrichment Facility (SPLOST 2011 Project 22); and
- b) Authorize the Site Selection Committee to enter Stage III of the ACCGov Major Project Site Selection Process, evaluation of candidate sites, to include technical and cost evaluations, candidate site rankings and recommendation to the Mayor and Commission of site acquisition for the Youth & Community Enrichment Facility (SPLOST 2011 Project 22) to be presented for review and approval by the Mayor and Commission.

The motion passed by unanimous vote.

Commissioner Thornton exited the chamber at 9:50 p.m.

A motion was made by Commissioner Hamby, seconded by Commissioner Denson, to approve November 30, 2022 recommendations from the Office of Operational Analysis Re-Launch Committee to adopt the updated office description, including the office mission, goals, objectives, advisory committee structure and the associated ordinance. (#22-12-111) which was presented by title only. The motion passed with eight YES votes. Commissioner Thornton was absent.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF ATHENS-CLARKE COUNTY,
GEORGIA, WITH RESPECT TO **AUDITOR**; AND FOR OTHER LAWFUL PURPOSES
The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. Section 1-3-1 entitled "Internal auditor; office of operational analysis" of the Code of Athens-Clarke County, Georgia is hereby amended by deleting it in its entirety and replacing it so it reads as follows:

- (a) *Office of operational analysis established; general responsibilities.* There is hereby established an office of operational analysis under the direction of the internal auditor. The position of internal auditor, operating by and through the Office of Operational Analysis, shall analyze, review, and assess activities, operations, financial systems, and internal accounting controls of departments, office, boards, activities and agencies of the Unified Government of Athens-Clarke County to ensure the efficiency and effectiveness of the Unified Government of Athens-Clarke County.
- (b) *Specific duties and responsibilities.* The duties and responsibilities of the internal auditor shall be as follows:
 - 1. Conducts reviews and analysis of operational and fiscal procedures and organizational structure and responsibilities as affects the efficiency and effectiveness of departments, offices, boards, activities, and agencies of the Unified Government of Athens-Clarke County.
 - 2. Prepares reports, in a timely manner, to present findings and recommendations to the Mayor and Commission concerning governmental fiscal operations.
 - 3. Works in consultation with the Mayor and Commissioners, Audit Committee, and Manager to develop objective and plan assignments.
 - 4. Prepares the budget for the office of operational analysis
 - 5. Performs administrative duties such as scheduling meetings, interviews and travel.
 - 6. Serves as the liaison between the Unified Government of Athens-Clarke County and the overview commission and assists the overview commission in their work as required by section 8-116 of the Charter.
 - 7. Oversees and directs the employees and operations of the Office of Operational Analysis.
 - 8. Ensures that all employees of the Office of Operational Analysis are up-to-date with certification and training as set by the Mayor and Commission.
 - 9. Performs such other related duties as may be required.

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.

New business – Consider under suspension of Rules

A motion was made by Commissioner Denson seconded by Commissioner Edwards, to suspend Rules of Commission for consideration of new business items. The motion passed with eight YES votes. Commissioner Thornton was absent.

Commissioner Thornton returned to the chamber at 9:54 p.m.

A motion was made by Commissioner Hamby, seconded by Commissioner Edwards, to adopt the following resolution. The motion passed with eight YES votes. Commissioner Link recused herself.

A RESOLUTION OF THE COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA, ESTABLISHING AND FIXING THE QUALIFYING FEES FOR THE OFFICE OF COMMISSIONER OF DISTRICT 2 TO BE FILLED IN THE UPCOMING 2023 ATHENSCLARKE COUNTY SPECIAL ELECTION TO BE HELD ON MARCH 21, 2023; REQUESTING THE PUBLICATION OF SAID QUALIFYING FEES BY THE ATHENSCLARKE COUNTY BOARD OF ELECTIONS IN THE LEGAL ORGAN OF RECORD FOR ATHENS-CLARKE COUNTY; AND FOR OTHER PURPOSES.

WHEREAS, O.C.G.A. § 21-2-131 calls for county governing authorities to fix and publish qualifying fees for each county office to be filled in upcoming general primary, nonpartisan, general elections, or special elections; and

WHEREAS, in 2023, a special election will be held for the office of Commissioner of District 2; and

WHEREAS, pursuant to O.C.G.A. § 21-2-131 (a)(1)(A) such fee shall be 3 percent (3%) of the base salary of the office paid in the preceding calendar year exclusive of compensation supplements for training and cost-of-living adjustments; and

WHEREAS, this resolution shall become effective immediately upon its approval by the Mayor or upon its adoption into law without such approval;

NOW, THEREFORE, BE IT RESOLVED by the Commission of Athens-Clarke County, and it is hereby so resolved by the authority of the same, that the following qualifying fees shall be established and fixed for the following office for the 2023 upcoming special election to be held on March 21, 2023:

| ELECTED OFFICE | ANNUAL BASE MINIMUM SALARY | 3% QUALIFYING FEE |
|-------------------------|----------------------------|-------------------|
| District 2 Commissioner | \$15,000.00 | \$450.00 |

BE IF FURTHER RESOLVED by the Commission of Athens-Clarke County, and it is hereby so resolved by the authority of the same, that the Athens-Clarke County Board of Elections, pursuant to O.C.G.A. § 21-2-131 (a)(1)(A), shall publish such qualifying fees in the county's legal organ of record; and the Athens-Clarke County Board of Elections shall make such information available to the general public.

BE IT FURTHER RESOLVED the Commission of Athens-Clarke County 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.

BE IT FURTHER RESOLVED that in the event scrivener's errors shall be discovered in this Resolution after the adoption hereof, the Commission of Athens-Clarke hereby authorizes and directs that each such scrivener's error shall be corrected in all multiple counterparts of this Resolution.

BE IT FURTHER RESOLVED the Commission of Athens-Clarke County grants the Mayor the authority to take any and all further actions necessary to carry out the intents and purposes of this Resolution.

BE IT FURTHER RESOLVED 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, seconded by Commissioner Hamby, to approve the following appointments. The motion passed by unanimous vote.

Athens-Clarke County Industrial Development

William Smith - reappointment
Two-year term expiring 12-31-2024

Athens-Clarke County Library Board

Algernon Acey
Five-year term expiring 12-31-2027

Stephanie Hall - reappointment
Five-year term expiring 12-31-2027

Rainey Lynch
Five-year term expiring 12-31-2027

| | |
|-------------------------------|---|
| Clarke County Board of Health | Kathleen Carter Partial term expiring 12-31-2025 |
| | Justin Bray Partial term expiring 12-31-2026 |
| Human Relations Commission | Melissa Darden Six-year term expiring 12-31-2028 Advocate for consumers |
| Vision Committee | Chendamoni Beaty Six-year term expiring 12-31-2028 Licensed nurse |
| | Darius Binion Partial term expiring 04-30-2026 |
| | Sally Kimel-Sheppard Partial term expiring 06-30-2024 |

Deliberation on recommendations from the Athens-Clarke County Planning Commission

At the beginning of this meeting, a public hearing was held on request of Joe Polaneczky, 1165 Oglethorpe, LLC/William A. Elbring, for amendment to a C-N (PD) (Commercial-Neighborhood, Planned Development) on 3.85 acres known as 1165 Oglethorpe Avenue. Proposed use is mixed use residential and neighborhood commercial. Type II

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

A motion was made by Commissioner Houle, seconded by Commissioner Denson, to approve the commission defined option for this request. Commissioner Houle amended they motion to require buffer plantings shall all be of at least six (6) to eight (8) feet in height and spaced at two-thirds (2/3) of their mature width.

The amendment was accepted and the following ordinance (#22-12-112) which was presented by title only was declared adopted by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO AMENDING A PLANNED DEVELOPMENT COMPRISING APPROXIMATELY 3.85 ACRES AND LOCATED AT 1165 OGLETHORPE AVENUE 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 changing the zoning of a parcel of land comprising approximately 3.85 acres, located at 1165 Oglethorpe Avenue, Athens, Georgia. Said affected parcel is more fully described in that certain site plan entitled "1165 Oglethorpe Avenue Athens, GA PD Site Plan" said site plan having an original issue date of July 29, 2022, and last being revised on November 7, 2022, prepared by Koons Environmental Design, Inc., 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 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) at 1165 Oglethorpe Avenue," which was adopted by the Commission on December 4, 2013 (hereinafter the "December 2013 Ordinance").

The subject parcel comprising approximately 3.85 acres is also known as parcel numbers 121B1 A011A 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 fourteen sheets in total, with each sheet being titled and numbered in the lower right hand corner and stamped "Binding 11-8-2022". The respective title, sheet number and date of each sheet is listed below:

| Sheet Title | Sheet number | Date |
|-------------------------|--------------|--------------------------------------|
| Building Elevations | A1.00 | 7/29/2022, last revised 9/30/2022 |
| Building Elevations | A1.01 | 7/29/2022, last revised 9/30/2022 |
| Building Elevations | A1.02 | 7/29/2022, last revised 9/30/2022 |
| Building Elevations | A1.04 | 7/29/2022, last revised 9/30/2022 |
| Building Elevations | A1.05 | 7/29/2022, last revised 9/30/2022 |
| | A1.06 | 7/29/2022, last revised 9/30/2022 |
| | A1.07 | 7/29/2022, last revised 9/30/2022 |
| | A1.08 | 7/29/2022, last revised 9/30/2022 |
| | A1.09 | 7/29/2022, last revised 9/30/2022 |
| | A1.10 | 7/29/2022, last revised 9/30/2022 |
| | A1.11 | 7/29/2022, last revised 9/30/2022 |
| | A1.12 | 7/29/2022, last revised 9/30/2022 |
| PD Site Plan | PD1.0 | 7/29/2022, last revised 11/7/2022 |
| PD Tree Management Plan | PD2.0 | 7/29/2022, last revised 9/30/2022 |

The binding written report associated with this ordinance consists of seventeen pages in total, is entitled "Proposed 1165 Oglethorpe Avenue Planned Development," dated June 29, 2022, last revised November 7, 2022, and is stamped "Binding 11-8-22". Said report is on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W, Dougherty Street, Athens, Georgia.

SECTION 3. The condition of zoning associated with this ordinance are as follows:

1. The developer shall provide a ten (10) foot buffer, where possible with regard to building setbacks and stormwater requirements, provided, however, that such buffer shall not be less than five (5) feet along the western property line. This buffer shall consist of a five (5) foot privacy fence and a dense row of tall, evergreen tree plantings of native species such as little gem magnolia, arborvitae, and eastern red cedar. These plantings shall all be of at least six (6) to eight (8) feet in height and spaced at two-thirds (2/3) of their mature width.
2. Additional right-of-way shall be dedicated by the owner along the southern side of Oglethorpe Avenue as necessary to ensure a minimum of fifteen (15) feet of right-of-way beyond the curb line of the road.
3. The existing Oglethorpe Avenue crosswalk east of the subject property shall be improved into a raised crosswalk at the owner's expense, up to \$28,380, utilizing a stamped red brick design, with Rectangular Rapid Flashing Beacons (RRFBs).

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

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

At the beginning of this meeting, a public hearing was held on request of Katie Kleibl/Schaffer, owner H/S Athlo, LLC, for amendment to a special use in C-G(A) (Commercial-General, Airport) on 1.20 acres known as 3321 and 3331 Lexington Road. Proposed use is quick service restaurant (drive-thru). Type I

Planning Commission recommendation: Approve w/conditions (unanimous)

Commissioner Myers exited the meeting at 9:56 p.m. and returned at 9:59 p.m.

A motion was made by Commissioner Wright, seconded by Commissioner Myers, to adopt the following ordinance (#22-12-113) which was presented by title only. The motion passed by roll call vote with Commissioners Davenport Link, Wright, Denson, Houle, Myers, and Hamby voting YES; and Commissioners Edwards and Thornton voting NO. (7 YES; 2 NO)

**AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA, WITH RESPECT TO
SPECIAL USE APPROVAL IN THE C-G (A) (COMMERCIAL-GENERAL, AIRPORT OVERLAY) DISTRICT
FOR AN APPROXIMATE 1.20-ACRE PARCEL OF LAND LOCATED AT 3321 & 3331 LEXINGTON ROAD;
AND FOR OTHER PURPOSES.**

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

SECTION 1. The current C-G (A) (Commercial-General, Airport Overlay) District, 3321 & 3331 Lexington Road, Athens, Georgia, is hereby amended to provide for Special Use approval to replace a previously approved retail development with a drive-thru restaurant. The subject parcel is more fully described as follows:

All that parcel of land comprised of approximately 1.20 acres as described by that certain site plan entitled "Site Layout Plan," dated September 29, 2022, prepared by Gonzales Strength & Associates, Inc., stamped "Binding 11-8-22," 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.

Said approximate 1.20-acre parcel of land at 3321 & 3331 Lexington Road is designated as tax parcel number 233B4 B001C & 233B4 B001D 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 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 and duly noted in the minutes of the Commission meeting.

SECTION 2. The binding site plan associated with this ordinance and incorporated herein by reference consists of twelve sheets in total, with each sheet being numbered and titled in the lower-right hand corner and stamped "Binding 11-8-22." The respective number, title, and date of each sheet is listed below.

| Sheet No.: | Title: | Date: |
|------------|-----------------------------|---------|
| C200 | Site Layout Plan | 9/29/22 |
| C201 | Site Dimension Control Plan | 9/29/22 |
| C400 | Site Utility Plan | 9/29/22 |
| L1.0 | Landscape Plan | 9/29/22 |
| L2.0 | Plant Schedule & Notes | 9/29/22 |
| L3.0 | Landscape Details | 9/29/22 |
| A1.1 | Floor Plan | 3/10/22 |
| A2.1 | Exterior Elevations | 3/10/22 |
| A2.2 | Exterior Elevations | 3/10/22 |
| A2.3 | Exterior Renderings | 3/10/22 |
| A2.4 | Exterior Renderings | 3/10/22 |
| A2.5 | Exterior Renderings | 3/10/22 |

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 two pages in total, being prepared by Gonzalez-Strength & Associates, Inc. for the applicant Schaffer Construction, on behalf of the owner H/S Athlo, LLC, undated, stamped "Binding 11-8-22," 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.

SECTION 3. The following conditions associated with this ordinance is as follows:

1. The developer shall comply with the maximum parking requirements of Section 9-30.
2. The developer shall comply with drive-through lane requirements of Section 9-25-11.
3. The developer shall correctly label elevation sheets.
4. The developer shall remove the ground-mounted flagpole light.

5. The developer shall amend the Tree Management Plan to comply with the Arborist's comments in the staff report.

SECTION 4. Except as specifically modified or amended herein, those certain ordinances entitled "An Ordinance to Amend the Code of Athens-Clarke County, Georgia, with Respect to Special Use Approval in the CG (A) (Commercial General) (Airport Overlay) District on 19.79 Acres of land located at 3341 Lexington Road; and for Other Purposes," effective February 4, 3005, are hereby saved from repeal.

SECTION 5. Except as set forth in Section 4 above, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. The Clerk of Commission, in consultation with the County Attorney, shall have the power to correct scrivener's errors.

At the beginning of this meeting, a public hearing was held on request of Athens-Clarke County Unified Government for amendment to Chapter 9 of the Code of Ordinances regarding research and development uses in C-G, E, and I Zones.

Planning Commission recommendation: Approve (unanimous)

A motion was made by Commissioner Hamby, seconded by Commissioner Thornton, to adopt the following ordinances (#22-12-114; #22-12-115; and #22-12-116) which were presented by title only. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF ATHENS-CLARKE COUNTY, GEORGIA, WITH RESPECT TO **DEFINITIONS**; AND FOR OTHER LAWFUL PURPOSES
The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. Section 9-2-1 entitled "General" of the Code of Athens-Clarke County, Georgia is hereby amended by deleting the definition for Administrative or Research Facilities in its entirety, and adding the following definition:

Science Research and Development: A facility focused primarily on the business of scientific research and the development of new products, with a limited application in production. The facility accommodates the following, but is not limited to: research facilities; laboratories; clean rooms; offices; prototype production facilities that manufacture a limited amount of a product in order to full investigate the merits of such product; and, pilot plants used to test manufacturing processes planned for use in productions elsewhere.

SECTION 2. Section 9-2-1 entitled "General" of the Code of Athens-Clarke County, Georgia is hereby deleting the definition for Light Manufacturing in its entirety and replacing it so it reads as follows:

Light Manufacturing: Enterprises primarily engaged in the processing, manufacturing, compounding, assembly, packaging, treatment, or fabrication of materials and products, from processed or previously manufactured materials, or materials fully encapsulated in a sealed container, including but not limited to, jars, cans, drums, or other container of a similar nature, to be stored inside. Light manufacturing is capable of operation in such manner as to control the external effects of the manufacturing process that is known to be detrimental to the human or natural environment. Light manufacturing uses include, but are not limited to, machine shops, manufacturing of apparel, electrical appliances, electronic equipment and computer components, camera and photographic equipment, ceramic products, cosmetic and toiletries, business machines, food, paper products (excluding the manufacture of paper from pulpwood), medical appliances, tools or hardware, plastic products (excluding the processing of raw materials), pharmaceutical or optical goods, and any other product of a similar nature.

SECTION 3. This ordinance shall take effect immediately after passage.

SECTION 4. 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 5. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 6. The Clerk of Commission, in consultation with the County Attorney, shall have the power to correct scrivener's errors.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF ATHENS-CLARKE COUNTY,
GEORGIA, WITH RESPECT TO **COMMERCIAL (C) DISTRICTS** ; AND FOR OTHER LAWFUL
PURPOSES

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

SECTION 1. Section 9-10-2 entitled "Permitted Uses" of the Code of Athens-Clarke County, Georgia is hereby amended by adding the following in the table of permitted uses under the "Industrial Category" section as follows:

| Commercial Zoning Districts | C-G General | C-D Downtown | C-O Office | C-N Neighborhood | C-R Rural |
|----------------------------------|-------------|--------------|------------|------------------|-----------|
| <i>Industrial Categories</i> | | | | | |
| Science Research and Development | L (3) | L (4) | N | N | P |

SECTION 1. Section 9-10-2 entitled "Permitted uses" of the Code of Athens-Clarke County, Georgia is hereby amended by deleting from the legend the definition of L(3) in its entirety, and replacing it so that it reads as follows:

L(3) = Uses are limited to no more than 10,000 square feet of gross floor area per lot, except grocery stores, science research and development facilities, and colleges, which may have 36,000 square feet of gross floor area per lot; provided however multifamily dwellings and dwellings above business are permitted under L(1) above. Any development exceeding these parameters shall be subject to approval under the special use procedure section.

SECTION 3. This ordinance shall take effect immediately after passage.

SECTION 4. 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 5. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 6. The Clerk of Commission, in consultation with the County Attorney, shall have the power to correct scrivener's errors.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF ATHENS-CLARKE COUNTY,
GEORGIA, WITH RESPECT TO **COMMERCIAL (C) DISTRICTS** ; AND FOR OTHER LAWFUL
PURPOSES

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

SECTION 1. Section 9-12-2 entitled "Permitted Uses" of the Code of Athens-Clarke County, Georgia is hereby amended by adding the following in the table of permitted uses under the "Industrial Category" section as follows:

| Zoning Categories | E-O Employment Office | E-I Employment Industrial | I Industrial |
|----------------------------------|-----------------------|---------------------------|--------------|
| <i>Industrial Categories</i> | | | |
| Science Research and Development | P | P | P |

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.

At the beginning of this meeting, a public hearing was held on request of Athens-Clarke County Unified Government for amendment to Chapter 9 of the Code of Ordinances regarding accessory dwelling units.

Planning Commission recommendation: Approve (unanimous)

A motion was made by Commissioner Link, seconded by Commissioner Edwards, to approve an ordinance amending in part code section 9-15-2 as follows.

B. A guesthouse or accessory dwelling unit may be maintained accessory to a single-family dwelling. No more than one (1) accessory dwelling unit and/or guesthouse shall be permitted per lot as an accessory structure and shall not exceed 800 sq. ft. in size. Accessory dwelling units shall be limited to no more than one bedroom and shall not be included in the maximum square footage allowance set forth in 9-15-12(E), provided all structures conform to lot coverage allowances.

Commissioner Houle offered an amendment to change one bedroom to two bedrooms. The amendment was not accepted.

A substitute motion was made by Commissioner Houle, seconded by Commissioner Davenport, to approve an ordinance amending in part code section 9-15-2 as follows.

B. A guesthouse or accessory dwelling unit may be maintained accessory to a single-family dwelling. No more than one (1) accessory dwelling unit and/or guesthouse shall be permitted per lot as an accessory structure and shall not exceed 800 sq. ft. in size. Accessory dwelling units shall be limited to no more than two bedrooms and shall not be included in the maximum square footage allowance set forth in 9-15-12(E), provided all structures conform to lot coverage allowances.

There was a roll call vote with Commissioners Davenport, Denson, Houle, Edwards, and Myers voting YES; and Commissioners Link, Wright, Thornton, and Hamby voting NO. (5 YES; 4 NO) The motion failed since adoption of an ordinance requires six affirmative votes.

There was a roll call vote on the original motion with Commissioners Link, Denson, Houle, Edwards, and Myers voting YES; and Commissioners Davenport, Wright, Thornton, and Hamby voting NO. (5 YES, 4 NO) The motion failed since adoption of an ordinance requires six affirmative votes.

Commissioner Myers made a motion to HOLD this item until Tuesday, December 13. The motion was ruled out of order.

Commissioner Thornton exited the meeting at 10:38.

A motion was made by Commissioner Edwards, seconded by Commissioner Houle, to approve recommendations from the Planning Commission with reference to accessory dwelling units.

There was a tie roll call vote with Commissioners Denson, Houle, Edwards, and Myers voting YES; and Commissioners Davenport, Link, Wright, and Hamby voting NO. (4 YES; 4 NO). Mayor Girtz broke the tie with a vote of YES.

Public input on items other than those listed on this agenda

1. Sam Rafal - supported increased EMS training.

FROM MAYOR GIRTZ:

Mayor Girtz recommended the appointment of William C. "Bill" Berryman, Jr. as Personnel Hearing Officer.

A motion was made by Commissioner Edwards, seconded by Commissioner Hamby, to approve said recommendation. The motion passed by unanimous vote.

FROM MANAGER WILLIAMS:

1. Entered into the record was a report of contracts awarded in excess of \$10,000 for month of October 2022.

FROM COMMISSIONER DENSON:

1. Announced his final District 5 meeting will be Tuesday, December 19 at Normal Bar.

FROM COMMISSIONER HOULE:

1. Announced the arrival of a new Athenian in the West corner: Weighing in at 8 lbs. 12 oz. and measuring 21 inches, River Quinn Houle joined us earthside on December 1, 2022 at 8:59 a.m. Their mother, Megan Westbrook, is a superhero.

FROM COMMISSIONER DAVENPORT:

1. Expressed appreciation for all involved in recent Holiday of Lights parade; gave a shout-out to PIO Jeff Montgomery for his swanky outfit.

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

The meeting adjourned at 10:55 p.m.

Clerk of Commission