

Unified Government of Athens-Clarke County, Georgia  
Mayor and Commission  
Tuesday, April 7, 2015  
7:00 p.m.  
City Hall

The Unified Government of Athens-Clarke County, Georgia met this date in regular session. Present: Mayor Denson; Commissioners Dickerson, Sims, Link, Wright, Bailey, NeSmith, Bell, Herod, Girtz, and Hamby. No one was absent.

A motion was made by Commissioner Herod, seconded by Commissioner Bailey, to approve Minutes of meetings of Tuesday, March 3 and Tuesday, March 17, 2015. The motion passed by unanimous vote.

#### Written communications

There were no written communications.

#### 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.

#### Citizen input

There was no citizen input.

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

1. ADOPT: The following ordinance (#15-04-13) amending the FY15 operating budget for expenses directly attributable to case number SU-13-CR0888-H, State of Georgia vs. Jamie Donnell Hood - \$155, 432 for Superior Court juror and bailiff expenses; and \$152,961 for Sheriff's Office overtime expenses.

AN ORDINANCE TO AMEND THE FY2015 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FOR OPERATING EXPENSES RELATED TO THE TRIAL FOR CASE NUMBER SU-13-CR0888-H, STATE OF GEORGIA VS. JAMIE DONNELL HOOD; 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 to provide funding operating expenses for Jurors & Bailiffs and Overtime Compensation. Said Operating and Capital budget is hereby amended as follows:

#### General Fund:

##### EXPENDITURES:

Decrease:	
General Fund Contingency	\$308,393
Increase:	
Superior Court- Jurors & Bailiffs	\$155,432
Sheriff - Personal Services	\$152,961
Total	\$308,393

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 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

2. APPROVE: Georgia Accountability Court funding program grants – Western Judicial Circuit as per agenda report dated February 23, 2015.
  - a. Authorize Superior Court to submit an application to the Criminal Justice Coordinating Council for Accountability Court Grants in an amount of \$95,000 to continue current funding of Felony Drug Court;
  - b. Authorize Superior Court to submit an application to the Criminal Justice Coordinating Council for Accountability Court Grants in an amount of \$90,000 to continue current funding of Treatment and Accountability Court.;
  - c. Authorize Superior Court to submit an application to the Criminal Justice Coordinating Council for Accountability Court Grants in an amount of \$120,000 to continue current funding of Veterans Court;
  - d. Authorize State Court to submit an application to the Criminal Justice Coordinating Council for Accountability Court Grants in an amount of \$90,000 to continue current funding of DUI/Drug Court;
  - e. Authorize Juvenile Court to submit an application to the Criminal Justice Coordinating Council for Accountability Court Grants in an amount of \$100,000 to continue current funding of Family Dependency Treatment Court;
  - f. Authorize staff to accept the grant funds, if awarded; and
  - g. Authorize the Mayor, Superior Court Judges, State Court Judge, Juvenile Court Judge and appropriate staff to execute all related documents.
  
3. APPROVE: Pedestrian Safety and Safe Routes to School Program – SPLOST 2011 Project #012: Identify Howard B. Stroud Elementary as a subproject to be completed under the FY15 Safe Routes To School Program as per agenda report dated March 5, 2015; and authorize Transportation and Public Works Department staff to develop engineering plans illustrating possible sidewalk configurations and other school zone improvements to serve the school as shown in Attachment #1 of said agenda report.
  
4. APPROVE: The recommended project siting criteria for the Cooperative Extension Service Center (SPLOST 2011 Project #10), as shown on Attachment #1 of agenda report dated February 25, 2015, as reported by the Site Selection Committee; and authorize the Site Selection Committee and staff to enter stage II of the major project site selection process to identify potential sites and subsequently develop a candidate site list to be presented for review and approval.
  
5. APPROVE: The recommended project siting criteria for Fire Station #2 replacement facility (SPLOST 2011 Project #03), as shown on Attachment #1 of agenda report dated February 25, 2015, as reported by the Site Selection Committee and authorize the Site Selection Committee and staff to enter stage II of the major project site selection process to identify potential sites and subsequently develop a candidate site list to be presented for review and approval by the Mayor and Commission.

Public hearing on proposed abandonment of the right-of-way and public infrastructure of Pauldoe Circle, the remainder of Pauldoe Street, and a portion of the Old Helen Street alignment

Citizen input

There was no citizen input.

A motion was made by Commissioner Dickerson, seconded by Commissioner Bailey, to

- a) Adopt the following resolution authorizing the permanent closing, vacating, and abandonment of the associated right-of-way and public infrastructure within the right-of-way of Pauldoe Circle, the remainder of Pauldoe Street and a portion of the old Helen Street alignment as stated in Attachment #1 of agenda report dated March 5, 2015;
- b) Authorize the disposal of rights-of-way associated with the abandoned portion of said roads and infrastructure in accordance with O.C.G.A. Section 32-7-4; and
- c) Authorize the Mayor and appropriate staff to negotiate and finalize an amendment to the Intergovernmental Agreement, dated September 30, 2013, to require that the Athens Housing Authority construct the extension of Brookside Avenue, all future connecting streets, and associated infrastructure to Athens-Clarke County standards, and the acceptance of right-of-way associated with any new roads and infrastructure to be in exchange for conveyance of property deeded rights-of-way and infrastructure.

The motion passed by unanimous vote.

**A RESOLUTION AUTHORIZING THE ABANDONMENT OF PAULDOE CIRCLE, THE REMAINDER OF PAULDOE STREET, AND A PORTION OF THE OLD HELEN STREET ALIGNMENT, ALONG WITH THE STORMWATER SYSTEM, POTABLE WATER LINES, SANITARY SEWER LINES, AND OTHER ASSOCIATED PUBLIC INFRASTRUCTURE WITHIN THOSE STREETS**

WHEREAS, the Mayor and Commission of Athens-Clarke County, Georgia, after notice and public hearing on April 7, 2015, have determined that the following action is in the best public interest:

The closing and abandonment of Pauldoe Circle, the remainder of Pauldoe Street, and a portion of the old Helen Street alignment, along with the stormwater system, potable water lines, sanitary sewer lines, and other associated public infrastructure within those streets, as shown on the map described hereinafter; said Pauldoe Circle, the remainder of Pauldoe Street, and that portion of old Helen Street alignment to be abandoned lie wholly within Tax Parcel 121B4 B026 which is known as Jack R. Wells Homes owned by the Athens Housing Authority,

WHEREAS, Athens-Clarke County has complied with all requirements of state law and the Charter of the Unified Government of Athens-Clarke County concerning the abandonment of a road that is part of the county road system; and

WHEREAS, Athens-Clarke County has determined that a portion or portions of such roads, after abandonment, may be disposed of pursuant to the O.C.G.A. Section 32-7-4 or as otherwise authorized by applicable law,

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

1. Pauldoe Circle, the remainder of Pauldoe Street, and a portion of the old Helen Street alignment, along with the stormwater system, potable water lines, sanitary sewer lines, and other associated public infrastructure, as described hereinabove and more fully shown on the plat attached as Exhibit A is hereby closed, vacated and abandoned. Hereafter, said Pauldoe Circle, the remainder of Pauldoe Street, and a portion of the old Helen Street alignment shall no longer be a part of the county road system, and the rights of the public in and to those streets and portions of streets described hereinabove as public roads shall cease; and

2. The Mayor and the Manager, in consultation with the Attorney, are authorized to take such actions as are necessary, in their discretion, and in accordance with direction given by the Mayor and Commission on April 7, 2015, with respect to the redevelopment of Jack R. Wells Homes, to dispose of said abandoned roads and public infrastructure in accordance with O.C.G.A. Section 32-7-4 or, in whole or in part, to negotiate and execute an amendment to that intergovernmental agreement dated September 30, 2013, with the AHA for such disposition, such actions including without limitation the execution and delivery of agreements, as otherwise authorized by applicable law for such disposition, such actions including without limitation the execution and delivery of agreements and quitclaim deeds conveying Pauldoe Circle, the remainder of Pauldoe Street, and a portion of the old Helen Street

alignment, as abandoned hereby, to the abutting property owner and other appropriate and necessary documents.

Public hearing on FY16 Community Development Block Grant (CDBG) annual action plan for the Housing and Community Development (HCD) Department.

Citizen input

The following citizen input was received.

1. David Bryant, 141 Pulaski Heights – supported commission-defined option for additional funding for Athens-Clarke Heritage Foundation.

A motion was made by Commissioner Hamby, seconded by Commissioner Bailey, to adopt the following commission-defined option:

- a. Approve the proposed Three-Year Consolidated Plan and the FY16 Annual Action Plan as per agenda report dated March 5, 2015 for submission to Housing and Urban Development (HUD) as follows;
- b. Authorize acceptance of the associated HUD Grant Awards;
- c. Authorize FY15 carry-forward sub-recipient balances; and
- d. Authorize the Mayor and appropriate staff to execute all related contracts and documents.

CDBG Funding Available for FY16 (July 1, 2015 - June 30, 2016)	\$1,459,687
FY16 CDBG Allocation	\$1,208,687
CDBG available for reprogramming	\$251,000

Affordable Housing

1. ACTION, Inc. Repair 23 homes owned by elderly or disabled people	\$130,061
2. Athens-Clarke Heritage Foundation. Hands on Athens: repair, landscape, or paint 12 historic homes	\$40,000
3. Athens Area Habitat for Humanity Acquisition, construction, and accessibility improvements for 15 homes	\$164,800
4. Athens Housing Authority Acquisition and construction: acquire 4 lots and demolish one dilapidated structure	\$194,000
5. Athens Land Trust Acquisition, construction, and rehabilitation of 15 new single-family homes	\$180,500
6. Housing and Community Development Department Nuisance abatement voluntary demolition program for three- five dilapidated units	\$50,000
<b>Total Affordable Housing</b>	<b>\$759,361</b>

Micro-enterprise, Neighborhood Revitalization, and Economic Development

7. Athens Land Trust Microenterprise training for 15 vendors at the W. Broad Market Garden, and 16 students in the Young Urban Farmer \ Development program and provide 20 micro enterprise owners employment opportunities at W. Broad Market Garden/Williams Farm	\$75,900
8. East Athens Development Corporation (EADC) Job training and placement for 150 people resulting in 40 jobs	\$50,500

9.	EADC youth service partnership Tutoring and social and behavioral program for 72 youth in partnership with Athens Tutorial & Chess & Community Conference	\$35,000
10.	Athens-Clarke Growth Fund ACCUG HCD small business revolving loan fund	\$115,886
	Total Neighborhood Revitalization and Economic Development	\$277,286
	Public Services subject to the 15% cap	
11.	Athens Community Council on Aging Center for Active Living Plus for 92 seniors	\$20,000
12.	Athens Area Homeless Shelter Financial literacy training to assist 35 homeless people	\$15,000
13.	Athens Nurses Clinic Medical and Social Services Navigator to assist 450 people	\$15,000
14.	AIDS Athens Parenting skills training for 75 people	\$15,000
15.	Young Women's Christian Organization of Athens YWCO Summer Girls Club for 200 girls ages 5-14	\$20,000
16.	Athens Tutorial Program Science, technology, engineering, and mathematics training for 40 students	\$20,000
17.	Project Safe Rapid re-housing for 25 victims of domestic violence	\$20,000
18.	The Salvation Army Job skills education, case management, and job placement for 90 people	\$20,000
19.	ACTION, Inc. Comprehensive Housing Counseling Services	\$20,000
20.	Athens Land Trust Housing Counseling Services and first time home buyer training	\$16,303
	Total Public Services	\$181,303
	Administration and Planning	
21.	CDBG HCD planning and administration of CDBG program (20% cap)	\$241,737
	Total CDBG Administration	\$241,737
	Total Proposed FY16 CDBG Expenditures	\$1,459,687
	HOME Funds Available for FY16 (July 1, 2015 - June 30, 2016)	\$362,341
1.	Housing and Community Development Affordable housing construction	\$326,107

To maximize the impact of HOME program funds and leverage public and private resources, HOME funds will be available as "gap financing" for eligible housing activities under the HOME Investment Partnership Program. In order to maintain compliance with HOME regulations and utilizing the maximum allowable subsidy for individual units, HOME funds may also be made available to open projects that are approaching non-compliance with portions of the recently revised HOME Final Rule.

Applications for HOME funds will be accepted on a "first come, funds available" basis on affordable housing developments where:

- the proposed property site has been identified;

- total development costs have been projected (including sales price and/or rental rates); and
- additional financial resources have been secured and committed.

This will enable HCD to determine the actual investment of HOME funds required to make the development financially feasible and provide increased housing opportunities for decent, safe, and affordable housing for low to moderate-income households in Athens-Clarke County.

2. Administration	\$36,234
HCD administration of HOME program (10% cap)	
<b>TOTAL PROPOSED FY16 HOME EXPENDITURES</b>	<b>\$362,341</b>

Old and new business – Discussion

Citizen input

The following citizen input was received.

1. Tim Denson, 290 Midway Road – allocate funds for transit.

A motion was made by Commissioner Girtz, seconded by Commissioner Bailey, to approve the recommendation of the Legislative Review Committee, amended as follows:

- a) The amendments to the sidewalk café ordinance be approved; and
- b) The proposed amendment to the sign ordinance regarding wall mounted reader board signs be referred to the Planning Commission as a text amendment for review and recommendation in accordance with Athens-Clarke County Code §7-4-23.

The motion passed by unanimous vote and the following ordinance (#15-04-14) which was presented by title only was declared adopted.

**AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO SIDEWALK CAFES; AND FOR OTHER PURPOSES.**

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

SECTION 1. Section 6-10-1 of the Code of Athens-Clarke County, Georgia, entitled "*Purpose*" is hereby amended by adding thereto the words "vested property," "is," "herein," and "accessibility and safety" and by deleting therefrom the words "are" and "therein" so that Section 6-10-1 is:

Sec. 6-10-1. - Purpose.

This chapter shall apply to the establishment, operation, and maintenance of all outdoor cafes within Athens-Clarke County on public sidewalks. The purpose of this chapter is to promote the general economic development and atmosphere of Athens-Clarke County for the benefit of businesses and citizens located there, and no vested property right of individuals or individual businesses is created herein, and to create an aesthetic ambiance which will attract tourists to the Athens area. Further, this chapter is designed to maintain the efficiency, accessibility and safety of the pedestrian path.

SECTION 2. Section 6-10-2 of the Code of Athens-Clarke County, Georgia, entitled "*Definitions*" is hereby amended by adding to paragraph (a) thereof entitled "*Sidewalk café*" the words "furnishings which shall be limited to" and "umbrellas" and by deleting therefrom the words "licensed" and "Downtown Athens District," by adding to paragraph (d) thereof entitled "*Common area sidewalk café*" the words "umbrella" and "only," and by deleting from paragraph (f) thereof entitled "*Downtown Athens District*" the words "or "district"" so that Section 6-10-2 is:

Sec. 6-10-2. - Definitions.

- (a) *Sidewalk cafe*. The term "sidewalk cafe" shall mean the location and possible use of furnishings which shall be limited to dividers, tables, umbrellas and/or chairs on the public sidewalk as permitted in this chapter and operated as an extension of a food or beverage establishment and which sidewalk cafe shall be an incidental activity of the establishment.
- (b) *College Square*. The term "College Square" shall mean that portion of College Avenue between East Broad Street and East Clayton Street, including all public rights-of-way within such area.
- (c) *Manager*. The term "manager" shall mean the Manager of Athens-Clarke County, Georgia, or his designee.
- (d) *Common area sidewalk cafe*. The term "common area sidewalk cafe" shall mean the location and use of tables, umbrellas and chairs only in the paved brick areas of College Square which are not abutting the fronts of businesses.
- (e) *Permittee*. The term "permittee" shall mean the recipient of a sidewalk cafe permit under the terms and provisions of this chapter.
- (f) *Downtown Athens District*. The term "Downtown Athens District" shall mean that area of Athens-Clarke County, Georgia, defined as "the Downtown Athens Area" as set forth in Section 2 of Georgia Laws 1977, page 3533, pages 3534—3535 (entitled "Downtown Athens Development Authority Created").

SECTION 3. Section 6-10-3 of the Code of Athens-Clarke County, Georgia, entitled "*Permit*" is hereby amended by adding thereto the words "except as permitted in this Chapter. It shall be unlawful for any person to operate a sidewalk café as described in this ordinance," "may," "vested," "leasehold," "or interests," "The holder of a permit shall have the right to enforce trespass laws within a sidewalk cafe area. Permittee's use of the sidewalk cafe area is subject to the rights of utility companies pursuant to franchise or easement. Prior to acceptance of a permit, a permittee shall acknowledge that permittee has inspected the sidewalk area and determined that the area is suitable for its purposes and that it assumes all risks associated with its use of such area," "the earlier of" and "the establishment," and by deleting therefrom the words "in the Downtown Athens District," "shall," "leaseholder" and "facility" so that Section 6-10-3 is:

Sec. 6-10-3. - Permit.

It shall be unlawful for any person to operate a sidewalk cafe except as permitted in this Chapter. It shall be unlawful for any person to operate a sidewalk cafe as described in this ordinance without a permit issued by the manager, or to fail to comply with all sections of the sidewalk cafe ordinance. Such permit may be renewed annually at a time to be designated by the manager.

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

Sidewalk cafe permits are non-transferable. Permits will expire upon the earlier of transfer of ownership, change in use of the establishment, and December 31 of each year.

SECTION 4. Section 6-10-4 of the Code of Athens-Clarke County, Georgia, entitled "*Application*" is hereby amended by adding to item (2) thereof the word "establishment" and deleting therefrom the word "restaurant;" by adding to item (3) thereof the words "tax certificate for the establishment" and "an incidental activity" and deleting therefrom the words "license to operate a business in front" and "located;" and by adding to item (5) thereof the word "proposed" and deleting therefrom the word "required" so that Section 6-10-4 is:

Sec. 6-10-4. - Application.

Any person desiring to operate a sidewalk cafe shall submit an application, on a form prescribed by the manager, to the central services department. The application shall include, but not be limited to, the following:

- (1) Name of applicant;
- (2) Name, address, and telephone number of establishment;
- (3) A copy of a valid Athens-Clarke County occupational tax certificate for the establishment of which the sidewalk cafe will be an incidental activity;
- (4) A copy of a current certificate of insurance in the amounts and categories required by section 6-10-9 of this chapter;
- (5) A sketch identifying the perimeter area, the dimensions of the area, the dimensions from perimeter to curb or nearest obstacle, and the proposed design and materials of the cafe railing system.

SECTION 5. Section 6-10-6 of the Code of Athens-Clarke County, Georgia, entitled "*Permit fee*" is hereby amended by adding thereto the words "debts, taxes, fines or fees," "taxes, fines or fees," "the Unified Government of," and "Any permit that is renewed pursuant to this Chapter shall be subject to any of the enforcement actions and imposition of any of the remedies provided in section 6-10-10 of this Chapter even though conduct that is the basis of such enforcement action may have occurred in a previous permit year or an administrative hearing pursuant to section 1-5-1 of this Code with respect to such permit may have been initiated in a prior permit year. In the event that a permit has been revoked by the administrative hearing officer, and the permittee has appealed such revocation to the Superior Court, or the time for filing such an appeal has not expired, consideration or issuance of any application for renewal of such permit for a subsequent year shall be suspended until final judgment in the appeal has been entered by the Court or the revocation has become final with no appeal being filed." and by deleting therefrom the words "occupational tax or alcohol license fees" and "Government" so that Section 6-10-6 is:

Sec. 6-10-6. - Permit fee.

The annual permit fee to operate a sidewalk cafe shall be \$100.00 plus \$1.00 per square foot for the approved/permitted area.

Prior to issuance or renewal of a sidewalk cafe permit, the government's finance department shall verify that there are no outstanding debts, taxes, fines or fees owed to the government by the person or entity requesting a sidewalk cafe permit. A sidewalk cafe permit will not be issued until all outstanding debts, taxes, fines or fees to the Unified Government of Athens-Clarke County are paid in full. Any permit that is renewed pursuant to this Chapter shall be subject to any of the enforcement actions and imposition of any of the remedies provided in section 6-10-10 of this Chapter even though conduct that is the basis of such enforcement action may have occurred in a previous permit year or an administrative hearing pursuant to section 1-5-1 of this Code with respect to such permit may have been initiated in a prior permit year. In the event that a permit has been revoked by the administrative hearing officer, and the permittee has appealed such revocation to the Superior Court, or the time for filing such an appeal has not expired, consideration or issuance of any application for renewal of such permit for a subsequent year shall be suspended until final judgment in the appeal has been entered by the Court or the revocation has become final with no appeal being filed.

SECTION 6. Section 6-10-7 of the Code of Athens-Clarke County, Georgia, entitled "*Regulations generally*" is hereby amended by deleting therefrom the words "operating in the Downtown Athens District;" by adding to item (1) thereof entitled "*Limitations on area*" the words "edge of sidewalk pavement" and "fixed obstacles" and deleting therefrom the words "curb" and "nearest;" by adding to item (2) thereof entitled "*Divider required*" the word "furnishing" and deleting therefrom the words "tables and chairs;" by adding to item (3) thereof entitled "*Sanitation*" the word "furnishings" and deleting therefrom the words "It shall also be the responsibility of the permit holder to pressure wash the sidewalk surface on which the sidewalk cafe is located no less often than once every three months. Permittee shall sweep the sidewalk and collect the debris prior to pressure washing and shall maintain records of date sidewalk was pressure washed and by whom, and such records shall be open to inspection by the Athens-Clarke County Government." and "tables and chairs;" by adding to item (4)



thereof entitled "*Removal of furnishings*" the word "umbrellas;" by adding to item (5) thereof entitled "*Suspension or modification of operation*" the words "reasons" and "situation" and by deleting therefrom the words "things" and "situations;" by adding to item (6) thereof the words "of this Code" and deleting therefrom the words "ACC Code;" by adding to item (7) thereof the words "of this Code" and deleting therefrom the words "ACC Code;" so that Section 6-10-7 is:

Sec. 6-10-7. - Regulations generally.

Except as otherwise provided in section 6-10-8 herein, a sidewalk cafe shall comply with the following regulations:

- (1) *Limitations on area.* The area in which a sidewalk cafe is operated shall abut the outside front wall of the establishment of which it is an extension and shall not extend parallel in either direction beyond the outside front wall of the establishment. The area permitted for a sidewalk cafe shall not extend more than 50% of the minimum sidewalk width, measured from the back of the curb to the face of the building or the property line, whichever is less, measured perpendicular from the outside wall of the establishment; however, a minimum width of five feet shall be provided at all times for continuous unobstructed pedestrian traffic on the sidewalk between the sidewalk cafe area and the edge of sidewalk pavement or fixed obstacles.
- (2) *Divider required.* The area permitted for a sidewalk cafe shall be separated from the remaining sidewalk area by a system of connected rigid metal rails and posts, or other fixed physical features at the manager's discretion, that would serve to contain crowds and maintain the boundaries of the cafe. The system shall be designed and constructed such that it resists movement and can be disassembled and removed if necessary. The design must be included in the application and must be approved by the manager prior to issuance of a permit. Such divider shall not be less than three feet nor more than four feet in height. All furnishings shall be located totally within the limits of the divider. It shall be the responsibility of the permittee to maintain the divider in its exact/approved location at all times and to ensure that all furnishings remain within the area permitted.
- (3) *Sanitation.* It shall be the responsibility and duty of the establishment to which the sidewalk cafe permit is issued to maintain the area covered by the permit in a clean, neat, and orderly manner at all times. The area shall be cleared of all debris at all times. Pressure washing by permittee shall be conducted using water only. The use of cleaning agents is prohibited. All furnishings are to be kept clean, sanitary, safe, and in structurally sound condition at all times.
- (4) *Removal of furnishings.* All tables, chairs, umbrellas and dividers of a sidewalk cafe shall be removed from the public sidewalk area as notified by the solid waste department for sidewalk cleaning.
- (5) *Suspension or modification of operation.* The manager shall have the authority to require any sidewalk cafe operating in an area created by this section to suspend operation and clear such area, or to move or modify the location or operation of the sidewalk cafe, for reasons such as, but not limited to:
  - a. Any permitted special event;
  - b. Any street, sidewalk, or utility construction;
  - c. Any emergency situation; or
  - d. The protection of the health, safety, and welfare of the public.
- (6) The sale and consumption of alcoholic beverages within sidewalk cafes that abut the establishment's building may be allowed in accordance with Chapter 6-3 of this Code.
- (7) Section 3-12-23 of this Code prohibits the possession of any open glass container for the consumption of any beverage on the public sidewalks within Athens-Clarke County.

- (8) Alcoholic beverages are prohibited in the common area sidewalk cafe areas.
- (9) No items, materials (other than furnishings used in the normal operation of the sidewalk cafe), or trash shall be stored, kept, or maintained within the sidewalk cafe area.

SECTION 7. Section 6-10-8 of the Code of Athens-Clarke County, Georgia, entitled "*Sidewalk cafes on College Square*" is hereby deleted in its entirety and the following substituted therefor:

Sec. 6-10-8. - Exceptions.

- (a) Common area sidewalk cafes on College Square are exempt from paragraph (2) of section 6-10-7, which requires the installation of cafe dividers. Such dividers are prohibited within common area sidewalk cafes. In addition to all other provisions applicable to sidewalk cafes as provided for in section 6-10-7 herein, the following additional provisions shall apply to common area sidewalk cafes:
  - (1) Common area sidewalk cafes may be provided within the paved brick areas at the four corners of College Square located on either side of College Avenue at its intersections with East Clayton Street and with East Broad Street.
  - (2) Common area sidewalk cafes may be designated in the six paved brick areas between the large concrete planters on either side of College Square parallel to the public concrete sidewalk.
  - (3) The outer limits of each such area provided for in paragraphs (1) and (2) above shall be clearly marked as prescribed by the manager. Furnishings shall not extend beyond such limits. A minimum of two feet of unobstructed space shall be maintained at all times around any permanent public fixture within or adjacent to the designated area.
  - (4) Any eligible establishment fronting on College Square and located at any corner of College Square shall be granted the right of first refusal to operate a common area sidewalk cafe that fronts their business. Upon any such refusal, the immediately adjacent eligible businesses shall have the next right of refusal on a first come first served basis.
  - (5) Each table may be equipped with an umbrella that, when open, shall extend to at least the same diameter as the table it serves and shall be anchored with a weighted base. Any umbrella protruding into public space shall be positioned at a minimum height of seven feet. An umbrella may display the name or logo of the restaurant operating the sidewalk cafe and/or advertise a product. Each umbrella shall be maintained in good, clean, and operable condition.
- (b) Sidewalk cafes operated outside of the Downtown Athens District are exempt from paragraph (2) of section 6-10-7, which requires the installation of cafe dividers. Cafe dividers are optional outside of the Downtown Athens District. If installed, cafe dividers must comply with the requirements of paragraph (2) of section 6-10-7 and must be approved as part of the sidewalk cafe permit. In addition to all other provisions applicable to sidewalk cafes as provided for in section 6-10-7 herein, the following additional provisions shall apply to sidewalk cafes operated outside of the Downtown Athens District:
  - (1) Establishments located on the corner of two streets may apply for a sidewalk cafe permit that includes both street faces of the establishment.
  - (2) The permittee shall have the responsibility to ensure that patrons are informed that open containers of alcohol, if otherwise permitted, are not allowed outside of the permitted sidewalk cafe area when no cafe dividers are present.

SECTION 8. Section 6-10-9 of the Code of Athens-Clarke County, Georgia, entitled "*Liability and insurance.*" is hereby amended by adding to paragraph (a) thereof the words "shall" and "Unified Government of" and deleting therefrom the words "agrees to" and "Government;" by adding to paragraph (b) thereof the word "shall" and deleting therefrom the words "agrees to;" by adding to item (1) of said

paragraph (b) the words "Unified Government of" and deleting the word "Government;" and by adding to item (2) of said paragraph (b) the words "Unified Government of" and deleting the word "Government;" so that Section 6-10-9 is:

Sec. 6-10-9. - Liability and insurance.

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

SECTION 9. Section 6-10-10 of the Code of Athens-Clarke County, Georgia, entitled "*Revocation or suspension of permit.*" is hereby amended by adding to item (1) thereof the words "or license" so that Section 6-10-10 is:

Sec. 6-10-10. - Revocation or suspension of permit.

The approval of a sidewalk cafe permit is conditional at all times. A sidewalk cafe permit may be revoked or suspended by the administrative hearing officer pursuant to the provisions of section 1-5-1 if it is found that:

- (1) Any necessary business or health permit or license has been suspended, revoked, or cancelled.
- (2) The permittee does not have insurance which is correct and effective in the minimum amounts described in section 6-10-9.
- (3) The permittee has failed to correct violations of this chapter or any other ordinance within 48 hours of receipt of the manager's notice of same delivered in writing to the permittee.
- (4) The permittee has a history of violations of this chapter of three or more within a two-year period, or immediately upon any violation depending upon severity of the violation.
- (5) Permits may be suspended for a period up to 12 months depending upon history and severity of violations.

SECTION 10. Section 6-10-11 of the Code of Athens-Clarke County, Georgia, entitled "*Fines for violators.*" is hereby amended by adding to said title the word "Civil;" by adding thereto the words "Administrative Hearing Officer may impose the" and by deleting therefrom the words "shall be imposed;" by adding to item (1) thereof the words "violation" and "civil" and deleting therefrom the word "citation;" by adding to item (2) thereof the words "violation" and "civil" and deleting therefrom the word "citation;" and by adding to item (3) thereof the words "violation" and "civil" and deleting therefrom the word "citation;" so that Section 6-10-11 is:

Sec. 6-10-11. - Civil fines for violators.

The Administrative Hearing Officer may impose the following minimum civil fines for violations of this chapter:

- (1) First violation: \$100.00 civil fine.
- (2) Second violation (within one-year period): \$250.00 civil fine.

(3) Third violation (within one-year period): \$500.00 civil fine.

SECTION 11. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner NeSmith, seconded by Commissioner Wright, with reference to Airport Commercial Terminal Facility – SPLOST 2005 Project #03 – Schematic design:

- a) Approve the proposed schematic design for the Airport Commercial Terminal Facility (SPLOST 2005 Project #03) as illustrated in Attachment #1 of agenda report dated February 24, 2015;
- b) Approve a change order to the design services contract with LPA Group Incorporated, for an amount not to exceed \$318,430 for additional design services associated with the proposed schematic design and completion of all construction bid documents of the Airport Commercial Terminal Facility;
- c) Authorize staff to prepare the final construction plans in accordance with the approved schematic design and move into the project bid and award phase;
- d) Authorize the Mayor and appropriate staff to execute all related documents;
- e) Economic Development Department collaborate with the Airport Authority and consultants in efforts to attract a commercial airline to Athens-Clarke County; and
- f) Economic Development Department provide to the Mayor and Commission an update on recruiting effort every 90 days.

Commissioner Girtz offered an amendment to the motion that the Economic Development Department and the Airport Authority provide a quarterly report to the Manager and the Manager provide quarterly reports to the Mayor and Commission.

The amendment was accepted by Commissioners NeSmith and Wright.

The motion as amended passed by unanimous vote.

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

- a) Approve the proposed Parking Management Agreement (PMA) (Attachment #1 of agenda report dated February 27, 2015 with changes as indicated below) with the Athens Downtown Development Authority (ADDA); and
- b) Authorize the Mayor and appropriate staff to execute all necessary documents.

Paragraph 7. b. of the PMA shall be deleted in its entirety and the following Paragraph inserted in lieu thereof:

b. NET REVENUE will be calculated on a yearly basis by process of a year-end financial review conducted by The Government within 30 days of the close of the fiscal year. The Government will receive 80% of the annual NET REVENUE and ADDA will receive the balance of the NET REVENUE. Of the balance received by the ADDA, no less than 5% will be set aside and used exclusively for any of the following programs to enhance Downtown Athens: Incentivize Retail and Office Development, a Façade Grant Program, or activities or improvements associated with Landscaping/Beautification, Wayfinding Signage & Public Art (Programs described in Exhibit B). ADDA will provide a yearly update to the Mayor and Commission on the downtown enhancement programs.

Commissioner Herod offered an amendment that Exhibit B. Item 1 be changed:

From: For every \$35,000 loaned, one full-time job has to be created and 51% of new jobs . . . . .

To: For every \$35,000 loaned, one full-time job has to be created and at least 51% of new jobs . . . . .

The amendment was accepted by Commissioners Hamby and Link.

The motion as amended passed by unanimous vote.

A motion was made by Commissioner Herod, seconded by Commissioner Sims, to adopt the following ordinance (#15-04-15) which was presented by title only. This is the second and final reading.

AN ORDINANCE UNDER THE HOME RULE POWERS GRANTED TO ATHENS-CLARKE COUNTY TO AMEND THE CHARTER OF THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO THE POSITION OF AUDITOR, AND FOR OTHER PURPOSES.

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

SECTION 1. The Charter of the Unified Government of Athens-Clarke County is hereby amended by striking Section 4-104, which section is entitled "Auditor; appointment; term; duties; qualifications; compensation," in its entirety, by substituting the following new title in lieu thereof:

Section 4-104. "Internal Auditor; appointment; term; duties; qualifications; compensation,"

and substituting the following text of such section in lieu thereof:

"(a) The Mayor shall make nonbinding recommendations to the Commission for the "internal auditor" of the unified government (referred to at times in this Charter as the "internal auditor"). The internal auditor shall be appointed by a majority vote of the entire Commission on or before the first voting meeting in June of the year the term expires with the appointment to be effective July 1 of said year; shall be appointed for a term of two (2) years, beginning on July 1, 2009; may succeed himself or herself; and at any time may be removed by a majority vote of the entire Commission.

"(b) The qualifications, duties and compensation of the internal auditor shall be as prescribed in a duly adopted ordinance."

SECTION 2. The Charter of the Unified Government of Athens-Clarke County is hereby amended by striking sub-paragraphs (2) and (3) of paragraph (b) of Section 2-105, which section is entitled "Powers of the commission," in their entirety and substituting the following in lieu thereof:

"(2) Approve or reject recommendations concerning the appointments of the manager, attorney and internal auditor;

"(3) Remove from office the manager, attorney and internal auditor by majority vote of the entire commission; and"

SECTION 3. The Charter of the Unified Government of Athens-Clarke County is hereby amended by striking paragraph (b) of Section 3-104, which section is entitled "Powers and duties," in its entirety and substituting the following in lieu thereof:

"(b) Initiate the process, with the involvement of commission members and appropriate staff, to search and screen candidates for the positions of manager, attorney, and internal auditor and to recommend candidates for these positions to the commission (appointment requires concurrence of a majority of the entire commission);"

SECTION 4. The Charter of the Unified Government of Athens-Clarke County is hereby amended by striking Section 7-410, which section is entitled "Continuing audit," in its entirety and substituting the following in lieu thereof:

"The internal auditor shall conduct a continuing internal audit of the fiscal affairs and operations of every department, office and agency of the unified government."

SECTION 5. All ordinances or local laws and parts of ordinances or local laws in conflict with this Ordinance are hereby repealed.

A motion was made by Commissioner Herod, seconded by Commissioner Sims, to adopt the following ordinance (#15-04-16) 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 ATHENS-CLARKE COUNTY AUDITOR; AND FOR OTHER PURPOSES.

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

SECTION 1. Chapter 1-3 of the Code of Athens-Clarke County, Georgia, entitled "*AUDITOR*", Section 1-3-1 thereof entitled "*Auditor*" is hereby amended by deleting said section in its entirety and substituting the following therefor:

Sec. 1-3-1. – Internal Auditor; Office of Operational Analysis.

(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 be responsible for conducting a continuing internal audit of the fiscal affairs and programmatic operations of every department, office and agency of the Athens-Clarke County Government as affects the efficiency and effectiveness of departments and agencies.

(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 every department, office and agency of the Unified Government of Athens-Clarke County.
- (2) Prepares reports to present findings and recommendations to the mayor and commission concerning government fiscal affairs and operations.
- (3) Works in consultation with the mayor and commissioners 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) Assists the mayor and commission and manager in the work of the overview commission required by section 8-116 of the Charter.
- (7) Performs such other related duties as may be required.

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

There was no new business.

Citizen input on items other than those listed on this agenda

The following citizen input was received.

1. Josh Wayne, 125 Creek Park Circle - supported parallel ordinance for marijuana possession.
2. Chris Aggeles, 167 Creekwood Place - wants to review solar energy proposal
3. Shawn Pollock, 515 Baxter Street - supported parallel ordinance for marijuana possession.
4. Morgan King, 615 Baxter Street - supported parallel ordinance for marijuana possession.
5. Daniel Hollderfield, 365 River Road - supported parallel ordinance for marijuana possession.
6. Charlie Maddox, 115 Avalon Drive – opposed backyard chickens.
7. Hannah Hudspeth, 515 Baxter Street - supported parallel ordinance for marijuana possession.
8. Jordan Hobgey, 365 River Road - supported parallel ordinance for marijuana possession.
9. Kristen Morales, 338 Satula Avenue – expressed concerns regarding 1282 Prince Avenue project.
10. Mary Porter, 824 Boulevard– expressed concerns regarding 1282 Prince Avenue project.
11. Jan Neubauer, 798 Boulevard – expressed concerns regarding 1282 Prince Avenue project.
12. Keith Bailey, 150 Yonah Avenue – expressed concerns regarding 1282 Prince Avenue project.
13. Lisa Townsley, 130 Yonah Avenue – expressed concerns regarding 1282 Prince Avenue project.
14. Jennifer Rice, 170 Yonah Avenue – expressed concerns regarding 1282 Prince Avenue project.
15. Paula Naralove, 505 Baxter Street - supported parallel ordinance for marijuana possession.
16. David Purinchu, 170 Yonah Avenue – expressed concerns regarding 1282 Prince Avenue project.
17. Jon Carlson, 130 Yonah Avenue – expressed concerns regarding 1282 Prince Avenue project.
18. Chris Dowd, 245 North Harris Street #2 – presented letter from NAACP supporting Sunday bus service.
19. Walter Swanson, 200 Springtree, member NAACP – supported Sunday bus service.
20. Adam Laslie, 552 Pulaski Street #3 – supported Sunday bus service and parallel ordinance for marijuana possession.
21. Tim Denson, 290 Midway Road - expressed concerns regarding 1282 Prince Avenue project; requested parallel ordinance for marijuana possession be referred to the Legislative Review Committee.

22. Alton Baker, 113 South Creek Place - supported parallel ordinance for marijuana possession; taxi service can be improved.
23. Steve Dashiell, 957A MLK Parkway – announced his candidacy for President of the United States.

FROM MAYOR DENSON:

1. Announced proclamations will be issued to the following recognizing their participation in the Adopt-A-Highway Program.

<u>Adopting Organization</u>	<u>Location</u>
Athens Clemson Club	South Rocksprings Street from West Broad Street to Springdale Street
The HardCore Gym	Collins Industrial Boulevard from Danielsville Highway to Calhoun Drive
Phi Kappa Tau	Strickland Avenue and First Street beginning and ending at MLK Jr. Parkway

2. Announced the following reappointments to the Athens Housing Authority.

Michele Pearson	Five-year term expiring 05-31-2020
Jennie Mattox Resident Commissioner	One-year term expiring 05-31-2016

FROM MANAGER REDDISH:

The status report of standard utility contracts for February and March 2015, contract awards in excess of \$10,000 for February 2015, and Manager budget transfer for March 2015 were entered into the record.

ALL COMMISSIONERS EXCEPT SIMS:

1. Requested upcoming budget sessions include discussion of possible division of Leisure Services Department into three separate departments: Recreation, Arts, and Natural Resources.

FROM COMMISSIONERS NESMITH AND HEROD:

1. Requested attorney review the issue of a parallel ordinance related to decriminalization of possession of marijuana.

FROM COMMISSIONERS NESMITH, LINK AND HEROD:

1. Expressed concern that the 1282 Prince developer will not meet with Yonah Avenue residents.

FROM COMMISSIONER HAMBY:

1. Requested an update on consulting services of the Riverview Foundation for the Tallassee Road tract.

FROM COMMISSIONER BAILEY:



1. Stated there are problems with the 1282 Prince Avenue traffic study.

FROM COMMISSIONER WRIGHT:

1. Stated Athens-Clarke County is #1 in the nation in poultry production.
2. Expressed appreciation for the solar bus stop lights.
3. Expressed appreciation for assistance with work requests.
4. Stated Keep ACC Beautiful will conduct a Trash to Treasure sale on May 1 and 2 at the CHaRM facility on Cleveland Avenue.
5. Stated she recently attended the Main Street conference in Atlanta and it was well worth her time.

FROM COMMISSIONER LINK:

1. Requested consideration of special use permits and a more stringent traffic impact analysis (TIA) for commercial developments adjacent to residential neighborhoods.

FROM COMMISSIONER GIRTZ:

1. Announced the Legislative Review Committee will discuss the taxi ordinance at their April 23 meeting.
2. Requested the Planning Department look at tweaking the current lighting ordinance.

FROM COMMISSIONER SIMS:

1. Stated caution should be exercised when considering dividing the Leisure Services Department. This could have a tremendous impact on the budget and separation is not as easy as it appears.

FROM COMMISSIONERS DICKERSON AND HEROD:

1. Stated the ACC Airport is an economic development engine.

FROM COMMISSIONER BELL:

1. Expressed appreciation to management and staff for assistance given her.

A motion was made by Commissioner Bell, seconded by Commissioner Sims, to enter into executive session for an attorney/client conference. The motion passed by unanimous vote.

The meeting adjourned at 9:08 p.m.

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Clerk of Commission