

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, May 5, 2015
7:00 P.M.
City Hall

The Unified Government of Athens-Clarke County, Georgia met this date in regular monthly session. Present: Mayor Denson; Commissioners Dickerson, Sims, Link, Wright, Bailey, Bell, Herod, Girtz, and Hamby. Absent: Commissioner NeSmith. Commissioner Girtz came in at 7:22 p.m.

A motion was made by Commissioner Sims, seconded by Commissioner Bailey, to approve Minutes of meetings of Tuesday, April 7; Monday, April 13; Tuesday, April 14; and Tuesday, April 21, 2015. The motion passed by unanimous vote.

Mayor Denson recognized the newly elected officers of the University of Georgia Student Government Association.

President Johnelle Simpson
Vice President Houston Gaines
Chief of Staff Ryan Loke
Director of Government Relations Michael Thompson

Treasurer Darby Miller was not in attendance.

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

The following citizen input was received.

1. Sydney Bacchus, P. O. Box 174 – opposed proposed SPLOST amendments.

A motion was made by Commissioner Sims, seconded by Commissioner Wright, to consent to action on the following 10 items. The motion passed with eight YES votes. Commissioner Girtz was absent.

1. ADOPT: The following ordinance (#15-05-17) which was presented by title only.

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 STATE COURT; 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 Fees – Court

Ordered and Fees – Court Appointed Indigent Defense. Said Operating and Capital budget is hereby amended as follows:

General Fund:

EXPENDITURES:

Decrease:

General Fund Contingency	\$23,000
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Increase:

State Court - Fees – Court Ordered	\$14,700
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State Court - Fees – Court Appointed	<u>\$8,300</u>
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Indigent Defense	
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Total	\$23,000
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SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

2. APPROVE: A construction contract change order in the amount of \$200,842.53 to the existing Mitchell Bridge Road Widening Project contractor Strickland & Sons Pipeline Contractors, Inc. in order to fund the construction of a revised stormwater outfall structure as per agenda report dated April 9, 2015; and authorize the Mayor and appropriate staff to execute all related documents.

3. APPROVE: Grant of a permanent encroachment into the right-of-way of Baxter Street, Newton Street, Cloverhurst Avenue, and Finley Street to allow the University of Georgia (UGA) to install a chilled water line system to serve Brumby and Russell Residence Halls as per agenda report dated April 9, 2015; and authorize the Mayor and appropriate staff to execute all necessary documents associated with granting the permanent encroachment, including any agreements outlining compensation or granting of right-of-way by UGA to the Unified Government of Athens-Clarke County (ACCUG) for the lost use of a portion of the right-of-way on these roads.

4. APPROVE: The creation of a 30 m.p.h. school zone with flashing beacons to be in operation between 7:45 - 8:45 a.m. and 2:30 -3:30 p.m. on school days along Tallassee Road to serve the existing Waseca School, as shown in Attachment #1 of agenda report dated April 9, 2015; and authorize the Mayor and appropriate staff to apply for the Georgia Department of Transportation (GGOT) radar permit and sign all related documents.

5. APPROVE: A property exchange of approximately 0.10 acres between Gerety and Hawkins Development Company, LLC (G&HDC) and the Unified Government of Athens-Clarke County (ACCUG) adjacent to the J.G. Beacham Water Treatment Plant subject to: a) the appraised value of the G&HDC property proposed to be exchanged is greater than or equal to the appraised value of the Athens-Clarke County property proposed to be exchanged and b) G&HDC completing all of the items in Facts & Issues #3 as per agenda report dated March 25, 2015; and authorize the Mayor and appropriate staff to initiate the necessary legal advertising, review and approve any appraisals, and execute an exchange agreement and all necessary conveyance documents.

6. APPROVE: Change order #6 to the construction contract with McKnight Construction Company, Inc. for the Jail Expansion Project (SPLOST 2011 Project #01) in the amount of \$765,690.49 as per agenda report dated

March 24, 2015, and authorize the Mayor and appropriate staff to execute all related documents.

7. APPROVE: Athens Cultural Affairs Commission member recommendations for three-year terms effective April 1, 2015:
 - Holly Alderman - reappointment
 - Laura Hoffman - reappointment
 - Melanie Burden

8. APPROVE: Renewal of an annual contract with the Georgia Public Defender Standards Council (GPDSC) to provide indigent defense services in specified courts of the Unified Government of Athens-Clarke County (ACCUG) in the anticipated amount of \$1,545,735 for FY16 (July 1, 2015 through June 30, 2016) as per agenda report dated April 9, 2015 ; and AUTHORIZE: The Mayor and appropriate staff to execute all required documents associated with the contract and to accept minor adjustments to the contract amount based upon the final State budget.

9. APPROVE: Parks Facilities Improvements (SPLOST 2011 Project #16, Sub-Project #5) – Project concept as per agenda report revised April 29, 2015:
 - a. Approve revisions to the Southeast Clarke Park Master Plan, in accordance with Attachment #1;
 - b. Approve the project concept for SPLOST 2011 Project #16, Sub-Project #5 – Relocation of Playground and Dog Park at Southeast Clarke Park as described in Attachment #2;
 - c. Authorize staff to advance the playground relocation to the schematic design phase in accordance with the approved project concept for SPLOST 2011 Project #16, Sub-Project #5; and
 - d. Authorize staff to advance the relocation of the dog park to the bid and award phase in accordance with the approved project concept for SPLOST 2011 Project #16, Sub-Project #5.

10. APPROVE: a) A \$1,000,000 HOME program loan to Athens Housing Authority for Columbia Brookside Phase III (also known as the Jack R. Wells redevelopment project) as per agenda report dated April 8, 2015;
 - b) Allocate \$563,524 from the Unified Government of Athens-Clarke County (ACCUG) Special Programs and Initiative Fund for Affordable Housing towards infrastructure costs for Columbia Brookside Phase III; and
 - c) Authorize the Mayor and appropriate staff to execute all related contracts and documents.

Old and new business – Discussion

Citizen input

The following citizen input was received.

1. Tyler Dewey, 149 Tracy Street – supported implementation of Complete Streets Policy.

A motion was made by Commissioner Link, seconded by Commissioner Sims, to approve change order #5 to the agreement with Jacobs, Inc. for SPLOST 2005 Program and Project Management Services in the amount not to exceed \$250,000 for the addition of approximately 2,000 man-hours of project management services for specific projects; and for extension of the agreement time to November 1, 2016 to allow for completion of the SPLOST 2005 Projects as per agenda report dated March 25, 2015; and authorize the Mayor and appropriate staff to execute all related documents. The motion passed with eight YES votes. Commissioner Girtz was absent.

A motion was made by Commissioner Wright, seconded by Commissioner Dickerson, to approve the list of roadways and associated maintenance activities recommended for inclusion in the FY16 Pavement Maintenance Project (PMP) as shown in Attachment #1 of agenda report dated April 9, 2015; and adopt the following project resolution as shown in Attachment #2 of said agenda report authorizing the Mayor and appropriate staff to sign all related contracts, documents, and certifications associated with funding for this project. The motion passed with eight YES votes. Commissioner Girtz was absent.

RESOLUTION FY 2016 PAVEMENT MAINTENANCE PROJECT

WHEREAS, The Mayor and Commission of the Unified Government of Athens-Clarke County have specifically determined and found that it is in the public interest to perform preventive maintenance, rehabilitation or reconstruction on approximately 148 (One Hundred forty eight) lane miles of locally maintained roads (hereinafter referred to as “the project”); and

WHEREAS, the said project will include funding from the Georgia Department of Transportation, SPLOST 2011 Project # 26, and the FY16 General Fund for a total construction budget not to exceed \$2,358,515; and

WHEREAS, The Mayor and Commission of the Unified Government of Athens-Clarke County have further found that the project is necessary and appropriate for the protection of public safety and serves the general welfare of Athens-Clarke County.

NOW THEREFORE BE IT HEREBY RESOLVED that this project is authorized and approved as an official project of the Unified Government of Athens-Clarke County; and

BE IT FURTHER RESOLVED that the Mayor, Clerk of Commission, and Manager, or their lawful designees, are hereby expressly authorized to initiate, certify, and sign all documents and to perform all lawful acts necessary to secure funds from the State of Georgia, or the United States of America, or from any department, agency, or subdivision thereof or from any private individual or entity, to defray, in whole or in part, the cost of the said project; and

BE IT FURTHER RESOLVED that the Manager or his lawful designees are hereby expressly authorized to acquire appropriate interest or title to all real estate necessary for the reasonable execution of said project, by any means allowed by law including, without limitation, the exercise on behalf of the Unified Government of Athens-Clarke County, of the power of eminent domain;

BE IT FURTHER HEREBY RESOLVED that the Manager or his lawful designees are hereby authorized to employ or contract for the professional services of attorneys, accountants, engineers, architects, appraisers, sureties, indemnitors, actuaries, and other professional consultants necessary for the plan, design, construction, execution, and general management of the said project; and,

BE IT FURTHER HEREBY RESOLVED that the Manager or his lawful designees are hereby authorized to seek bids or competitive proposals in the

newspaper, on radio stations and television stations, or by other means as they deem appropriate or as may be required by law; and

BE IT FURTHER HEREBY RESOLVED that the Mayor, Clerk of Commission, and Manager or their lawful designees are hereby authorized to execute and file all documents and certifications necessary for the proper completion of the said project.

Commissioner Girtz came in at 7:22 p.m.

A motion was made by Commissioner Sims, seconded by Commissioner Dickerson, to adopt a bond ordinance (#15-05-18) which was presented by title only authorizing the issuance of Series 2015 Water and Sewer Refunding Bonds in the amount of \$232,488,769 to defease the Series 2008 Water and Sewer Bonds, thereby authorizing validation of the bonds and provide \$15 million in funding for water and sewer capital improvements to support the Service Delivery Plan approved for water and sewer projects as per agenda report revised May 5, 2015; and authorize the Mayor and appropriate staff to execute all necessary documents. The motion passed by unanimous vote.

Please go to page #333 for a complete text of the bond ordinance.

New business – Consider under suspension of Rules

A motion was made by Commissioner Sims, seconded by Commissioner Herod, to suspend Rules of Commission for consideration of one item of new business. The motion passed by unanimous vote.

A motion was made by Commissioner Dickerson, seconded by Commissioner Sims, to approve the following Nominating Committee report of May 5, 2015. The motion passed by unanimous vote.

Airport Authority	Elizabeth Higgins Four-year term expiring 06-30-19
Classic Center Authority	Mike Waldrip Four-year term expiring 06-30-19
	Bill Douglas - reappointment Four-year term expiring 06-30-19
Hearings Board	Myung Cogan Partial term expiring 06-30-16
	Joey Tucker Four-year term expiring 06-30-19
	Nancy Burk Four-year term expiring 06-30-19
Historic Preservation Commission	Drew Dekle - reappointment Three-year term expiring 06-30-18
	Barry Allen Three-year term expiring 06-30-18
	Mary Cook Three-year term expiring 06-30-18

Planning Commission

David Finkel
Partial term expiring 06-30-18

Jeffrey Ritchey
Five-year term expiring 06-30-20

James Scanlon
Five-year term expiring 06-30-20

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

A public hearing was held on request of Williams & Associates for Paul Martin for rezoning from RS-25 (Single-Family Residential) to C-G* (Commercial-General zoning with conditions) on 0.95 acre known as 125 Briarcliff Road and part of 2361 West Broad Street. This request will require an amendment to the Future Development Map from Traditional Neighborhood to Community Center Mixed Use. Type I

Planning Commission recommendation: Approve (unanimous)
Future Development Map

Planning Commission recommendation: Approve w/ conditions (unanimous)
Rezoning request

Citizen input

The following citizen input was received.

1. Scott Haines, Williams and Associates, representing petitioner – requested withdrawal be approved.
2. Judith Christenson, 126 Briarcliff Road #6 – supported withdrawal.
3. Dennis Christenson, 126 Briarcliff Road – supported withdrawal.

A motion was made by Commissioner Hamby, seconded by Commissioner Bailey, to approve request from petitioner for withdrawal of said rezoning request. The motion passed by unanimous vote.

A public hearing was held on a proposed text amendment regarding urban agriculture keeping of chickens.

Planning Commission recommendation: Approve (unanimous)

Citizen input

The following citizen input was received.

1. Dora Duncan – opposed.
2. Michael Songster, 249 Hillcrest – supported.
3. Sydney Bacchus, PO. Box 174 – supported.
4. Molly Canfield, Hendrix Avenue – supported.
5. Ray Riley, Pulaski Street – supported.

6. Adam Laslie, 552 Pulaski Street – supported.

A motion was made by Commissioner Girtz, seconded by Commissioner Dickerson, to:

- Approve revised commission-defined option version three with the addition of the word “residential” so that a portion of the ordinance reads: “must be positioned at least 20 feet from residential structures on neighboring parcels”;
- Request that the Manager’s Office make available informational materials regarding care and management of chickens for the public to be available in printed and electronic format;
- Request that the Manager’s Office report issues associated with this code section one year from implementation, including:
 - Volume of requests for permits and information
 - Number and nature of code section violations; and
 - Any additional code language that may be deemed necessary for successful management of associated activities

Commissioner Girtz amended his motion to add “in no case shall a resident be provided with less than a 10 foot by 10 foot opportunity for a structure at the center of the back yard.”

Commissioner Dickerson withdrew her second.

A motion was made by Commissioner Sims, seconded by Commissioner Dickerson, to HOLD this item until the June 2 Mayor and Commission meeting.

Attorney Berryman ruled this motion out of order since the zoning code does not allow for holding of text amendments.

A motion was made by Commissioner Sims, seconded by Commissioner Dickerson, to return this item to the Planning Commission with a request it be available for consideration at the July Mayor and Commission agenda setting session. The motion failed by roll call vote with Commissioners Dickerson and Sims voting YES; and Commissioners Link, Wright, Bailey, Bell, Herod, Girtz, and Hamby voting NO. (2 YES; 7 NO)

A motion was made by Commissioner Girtz to approve the revised commission-defined option version three as presented and amended above. The motion passed with Commissioners Link, Wright, Bailey, Bell, Herod, Girtz, and Hamby voting YES; and Commissioners Dickerson and Sims voting NO. (7 YES 2 NO)

This motion was ruled out of order since there was no second.

A motion was made by Commissioner Girtz, seconded by Commissioner Dickerson, to approve revised commission-defined option version three as presented and amended above. The motion passed by roll call vote with Commissioners Dickerson, Link, Wright, Bailey, Bell, Herod, Girtz, and Hamby voting YES; and Commissioner Sims voting NO. (8 YES; 1 NO) The following ordinance (#15-05-19) which was presented by title only was declared adopted.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO URBAN AGRICULTURE; AND FOR OTHER PURPOSES

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

SECTION 1. Chapter 9-15 of the Code of Athens-Clarke County, Georgia, entitled “*General Regulations*” is hereby amended by adding new section 9-15-25 entitled, “*Urban Agriculture*” as follows:

Sec. 9-15-25. – Urban Agriculture

A. Keeping Chickens.

The following provisions apply to the keeping of chickens:

1. Permitted zoning districts.
 - a. The keeping of chickens is permitted in all zoning districts. Nothing herein shall abrogate any prohibitions or restrictions contained in private neighborhood covenants, such covenants not being subject to investigation or enforcement by Athens-Clarke County.
2. Number and type of chickens allowed.
 - a. No more than six chickens are allowed per parcel.
 - b. Roosters and any other crowing chickens are prohibited.
3. Noncommercial use only.
 - a. Chickens, chicken products and/or by-products shall not be sold on the property.
4. Enclosures.
 - a. A covered enclosure must be provided for roosting and protection. Chicken coops, chicken houses, and/or roosting structures shall be situated in the rear yard. Chickens must at all times be kept within a fenced or enclosed area and no person shall fail to prevent his or her chickens from straying from the property of the owner or keeper, or going upon the property of any other person, or upon any public rights-of-way.
 - b. All chicken houses and enclosures must be maintained in a clean and sanitary condition at all times, must be positioned at least 10 feet from the property line in all RM zones and RS-5 zones, 16 feet from the property line in RS-8 zones, 30 feet from the property line in RS-15 zones, and 50 feet from the property line in RS-25 and RS-40 zones, and in all cases such structures must be positioned at least 20 feet from residential structures on neighboring parcels. In no case shall a resident be provided with less than a 10 foot by 10 foot opportunity for a structure at the center of the back yard.
 - c. Structures greater than 25 square feet will be considered an accessory structure and shall comply with the standards of section 9-15-12 of this title.
 - d. Fences shall comply with the standards of section 9-15-1 of this title.
5. Predators, rodents, insects and parasites.
 - a. Feed must be stored in a fully enclosed, rodent-proof container.

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

A public hearing was held on a proposed text amendment regarding definition of agriculture.

Planning Commission recommendation: Approve (unanimous)

Citizen input

There was no citizen input.

A motion was made by Commissioner Wright, seconded by Commissioner Bailey, to adopt the following ordinance (#15-05-20) 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 DEFINITION OF AGRICULTURE; AND FOR OTHER PURPOSES.

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

SECTION 1. Chapter 9-2 of the Code of Athens-Clarke County, Georgia, entitled "*DEFINITIONS*", Section 9-2-1 thereof entitled "*General*" is hereby amended by adding to the definition of agriculture therein the words "other than as allowed in Section 9-15-25" and "or the keeping of bees or fish" so that such definition of agriculture is:

Agriculture: The production, raising, breeding or maintenance of plants and animals including, but not limited to: forage and sod crops; grain and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, or goats, game animals, exotics, fish, and any mutations or hybrids thereof, including the breeding and grazing of any or all such species; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nurseries; florals; ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program. This does not include the commercial slaughter of poultry, livestock, or other animals. Nothing herein shall preclude any person from growing, maintaining or harvesting trees, fruits, vegetables, or florals or other ornamental plants, or the keeping of bees or fish, or the keeping of chickens in accordance with the provisions of Section 9-15-25 as accessory uses to a permitted principal use and for only non-commercial purposes on property in a zoning district in which agriculture is prohibited.

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

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. Sydney Bacchus, P.O. Box 174 – concerned about issues at the landfill.
3. Val Freeman, 443 Third Street – requested Third street be repaved.
4. Tim Denson, 290 Midway Road – supported Sunday transit service and parallel ordinance for marijuana possession.
5. - supported parallel ordinance for marijuana possession.
6. Adam Veale, 173 Magnolia Bluff Drive – supported Sunday transit service.
7. Adam Laslie, 552 Pulaski Street – supported Sunday transit service.
8. Shawn Pollock, 515 Baxter Street - supported parallel ordinance for marijuana possession.
9. Chris Dowd, 245 North Harris Street #2 - supported parallel ordinance for marijuana possession and Sunday transit service.

FROM MAYOR DENSON:

Mayor Denson recommended the appointment of Stephanie Maddox to serve a two-year term as Internal Auditor effective July 1, 2015. A motion was made by Commissioner Girtz, seconded by Commissioner Sims, to approve said recommendation. The motion passed by unanimous vote.

Mayor Denson recommended the reappointment of W. Alan Reddish to serve a two-year term as Manager effective July 1, 2015. A motion was made by Commissioner Sims, seconded by Commissioner Bailey, to approve said recommendation. The motion passed by unanimous vote.

Mayor Denson recommended the reappointment of William C. Berryman, Jr. to serve a two-year term as Attorney effective July 1, 2015. A motion was made by Commissioner Dickerson, seconded by Commissioner Bell, to approve said recommendation. The motion passed by unanimous vote.

Mayor Denson recommended the reappointment of Leslie Spornberger Jones to serve a two-year term as Municipal Court Judge effective July 1, 2015. A motion was made by Commissioner Sims, seconded by Commissioner Bailey, to approve said recommendation. The motion passed by unanimous vote.

Mayor Denson recommended the reappointment of Leslie Spornberger Jones to serve a two-year term as Administrative Hearing Officer effective July 1, 2015. A motion was made by Commissioner Dickerson, seconded by Commissioner Bailey, to approve said recommendation. The motion passed by unanimous vote.

Mayor Denson referred to the Government Operations Committee a review of sidewalk installations with special assessments for the costs.

FROM MANAGER REDDISH:

1. Expressed appreciation for his reappointment.
2. The status report of contract awards in excess of \$10,000 and Manager budget transfer for March 2015 were entered into the record.

FROM ATTORNEY BERRYMAN:

1. Expressed appreciation for his reappointment.

FROM INTERNAL AUDITOR MARTIN:

1. Expressed appreciation for the opportunity to serve.

FROM COMMISSIONER WRIGHT:

1. Requested consideration of participation in Project WINGS.
2. Requested manager review an article regarding new pre-cast concrete slab technology.
3. Stated the Georgia Trail Summit meeting will be held in Athens June 4 - 6.
4. Requested prior notice to the public be given when railroad gates are turned off for maintenance.

FROM COMMISSIONER LINK:

1. Requested review of alcohol license ordinance with reference to catering.

FROM COMMISSIONERS GIRTZ AND HAMBY:

1. Requested review of downtown residential parking needs. Landlords, rather than tenants, should arrange for off-street parking, possibly working with the Athens Downtown Development Authority.

FROM COMMISSIONER SIMS:

1. Requested repavement of parking lot at Miriam Moore Community Center.
2. Thanked Internal Auditor Steve Martin for his service.

FROM COMMISSIONER DICKERSON:

1. Thanked Internal Auditor Steve Martin for his service. Stated she looks forward to working with newly appointed Internal Auditor Stephanie Maddox.
2. Stated the bio-solids used at the landfill are treated sewer sludge and all United States Environmental Protection Agency standards are met. Reiterated she was involved when the landfill was expanded. There was a long negotiation process and no prior agreements were broken.

FROM COMMISSIONER HEROD:

1. Agreed with Commissioner Dickerson's comments on landfill expansion.
2. Thanked Internal Auditor Steve Martin for his service.

FROM COMMISSIONER BELL:

1. Expressed appreciation to University of Georgia Student Government Association and looks forward to working with them.
2. Asked Attorney Berryman if it is appropriate to use the term "dump" when referring to the landfill. Mr. Berryman advised there was no rule against use of the term.

FROM COMMISSIONER HAMBY:

1. Stated Caterpillar has exceeded expectations for community jobs and funds reinvested in the community.

The meeting adjourned at 9:15 p.m.

Clerk of Commission