
Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, August 4, 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, NeSmith, Bell, Herod, Girtz, and Hamby. No one was absent.

A motion was made by Commissioner Dickerson, seconded by Commissioner Sims, to approve Minutes of meeting of July 7, 2015. The motion passed by unanimous vote.

Recognitions

Mayor Denson recognized Stan Brown, Awards Committee Chairman and Lenardo Owens, President of the Georgia Chapter of the American Public Works Association for a presentation.

Each year the Georgia chapter of the American Public Works Association, or APWA, recognizes projects and programs that have been completed in the state. The criteria used in the selection process include best practices in

- construction management,
- safety performance and management,
- community relations and public outreach,
- environmental protection management,
- unusual accomplishments under adverse conditions, and
- sustainable measurement systems

This year Athens-Clarke County received one of eleven such awards, earning recognition as the "Transportation Project of The Year (under \$5 Million)" for the Ponderosa Drive Stormwater Improvement and Roundabout project.

The project at Ponderosa Drive was a dual-purpose project designed and constructed entirely in-house. It successfully eliminates stormwater runoff flooding in

residential yards. In addition, the roundabout improvement reduces speeds through the intersection of Sunnybrook Drive and Ponderosa Drive, and improves pedestrian safety.

Kevin Gentry, Superintendent of Streets and Drainage, and Stephen Bailey, Program Development Coordinator accepted the award.

Mayor Denson recognized Tax Commissioner Mitch Schrader who was recently named Tax Commissioner of the Year by the Georgia Association of Tax Officials. The award was presented during the group's meeting in Athens on May 11. Mr. Schrader has worked in the Tax Commissioner's office since 1985 and has been Tax Commissioner since 2010. Mayor Denson expressed her personal appreciation for his service during the time she was Tax Commissioner.

Written communications

The following were entered into the record.

Letters from the Oconee Rivers Greenway Commission requesting the Environmental Areas Committee's Buffer Report be tabled; recommending against adoption of the buffer committee report; and supporting approval of proposed sub-projects #2-4 of SPLOST 2011 Project #09.

Letter from Lenn Chandler stating focus should be on expansion of the ACC sewer system for more effective impact on making our waterways cleaner.

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. Alvin Sheats, President NAACP – supported Emancipation Proclamation.
2. Walter Swanson, 200 Springtree Road – supported Emancipation Proclamation.
3. Sydney Bacchus, P.O. Box 174 – against Greenspace Acquisition Program.

A motion was made by Commissioner Sims, seconded by Commissioner Girtz, to consent to action on the following 12 items. The motion passed by unanimous vote.

1. ADOPT: The following ordinance (#15-08-28) which was presented by title only for Superior Court and Sheriff's Office request for funding: State of Georgia vs. Jamie Donnell Hood.

AN ORDINANCE TO AMEND THE FY2016 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO CONTINUE 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

General Fund Contingency \$187,759

Increase:

Superior Court- Jurors & Bailiffs \$114,634
Sheriff - Personal Services \$73,125
Total \$187,759

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

2. ADOPT: The following ordinance (#15-08-29) which was presented by title only amending the FY16 Superior Court (\$25,000) and the Clerk of Courts (\$10,000) budgets for the first six months of the CJCC Grant (January 2016 through June 2016);

APPROVE: The Superior Court's Criminal Justice Coordinating Council Grant (CJCC) application for, and if awarded, acceptance of S.T.O.P. Violence Against Women (VAWA) grant funds in the amount of \$70,000 to fund for calendar year (CY) 2016:

- i. one authorized full-time Senior Probation Officer position in Superior Court Probation Services
- ii. one authorized full-time Clerk position in the Clerk of Courts Office; and

AUTHORIZE: The Mayor and appropriate staff to execute all related documents.

AN ORDINANCE TO AMEND THE FY2016 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL FOR PERSONAL SERVICE AND OPERATING EXPENSES FOR DOMESTIC VIOLENCE CASE SUPERVISION; AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the Grants Special Revenue Fund to provide grant funding, if awarded, from the Georgia Criminal Justice Coordinating Council for personal service and operating expenses for domestic violence case supervision and processing. Said Operating and Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:
Stop Violence Against Women Grant (CJCC) \$35,000

EXPENDITURES:

Increase:
Superior Court- Personal Services \$25,000
Clerk of Courts- Personal Services \$10,000
Total \$35,000

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

3. ADOPT: The following ordinance (#15-08-30) which was presented by title only amending the Solicitor General's Office FY16 Budget (\$35,000) and related operating expenses for the first six months of the CJCC Grant (January through June 2016) for S.T.O.P. Violence Against Women Grant – Solicitor General's Office application for 2016;

APPROVE: The Solicitor General's submission of a Criminal Justice Coordinating Council (CJCC) grant application for S.T.O.P. Violence Against Women (VAWA) grant funds in the amount of \$70,000 to fund one Domestic Violence Prosecutor position for the prosecution of domestic violence cases in calendar year (CY) 2016;

ACCEPT: Grant funds if awarded; and

AUTHORIZE: The Mayor and appropriate staff to execute all related documents.

AN ORDINANCE TO AMEND THE FY2016 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING FROM THE GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL FOR TWO FULLTIME POSITIONS AND ASSOCIATED EXPENSES TO SUPPORT DOMESTIC VIOLENCE CASES; AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the Grants Special Revenue Fund to provide grant funding from the Georgia Criminal Justice Coordinating Council for two fulltime positions and associated expenses to support domestic violence cases. Said Operating and Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:

Stop Violence Against Women Grant (CJCC) \$35,000

EXPENDITURES:

Increase:

Solicitor General Operating Expenses \$35,000

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

4. ADOPT: The following ordinance (#15-08-31) which was presented by title only;

APPROVE: The submission of an application by the Athens-Clarke County Police Department (ACCPD) for 2015 Justice Assistance Grant (JAG);

ACCEPT: The grant funds, if awarded; and

AUTHORIZE: The Mayor and appropriate staff to execute all documents associated with the grant.

AN ORDINANCE TO AMEND THE FY2016 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE FEDERAL JUSTICE ASSISTANCE GRANT PROGRAM FOR ELECTRONIC CRIMINAL JUSTICE IN-FIELD CAMERA SYSTEMS; AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the Grants Special Revenue Fund to provide grant funding, if awarded, from the Federal Justice Assistance Grant Program towards the purchase of items in support of in-field camera systems. Said Operating and Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:

Federal Justice Assistance Grant \$35,874

EXPENDITURES:

Increase:

Police Department - Capital Equipment \$35,874

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

5. ADOPT: The following resolution.

RESOLUTION OF THE MAYOR AND
COMMISSION OF ATHENS-CLARKE COUNTY

WHEREAS, President Abraham Lincoln issued his Emancipation Proclamation freeing slaves in the union occupied portions of Georgia on January 1, 1863; and

WHEREAS, all slaves in Georgia and the United States were freed with passage of the 13th Amendment which became effective two years later; and

WHEREAS, many people of color and most predominantly Black/African American Churches have celebrated the day for years starting on December 31, culminating at midnight; and

WHEREAS, most people, not of color, do not know the significance of this historical day; and

WHEREAS, Juneteenth is now a state or ceremonial holiday in as many as 43 states, including Georgia; and

WHEREAS, this day can bring about unity of all ethnicities; and

WHEREAS, this day served as a precursor of the 13th Amendment freeing all slaves; and

WHEREAS, this day will give special recognition to the 16th President of the United States, Abraham Lincoln; and

WHEREAS, the United States wholeheartedly supported the Universal Declaration of Human Rights approved by the General Assembly of the United Nations on December 10, 1948; and

WHEREAS, this Declaration declares that, "recognition of the inherent dignity and equal and unalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."

NOW, THEREFORE, Athens-Clarke County Mayor and Commission, hereby designates January 1, 2016, and each succeeding January 1, as Emancipation Proclamation Day, and call upon the people of this great county to pause on that day in solemn contemplation of the glorious blessings of freedom which we humbly and thankfully enjoy, and we recommend the state do the same.

6. APPROVE: Proposed intersection traffic calming measures for Normal Avenue at Pine Needle Road as per Attachment #1 of agenda report dated July 9, 2015 to be funded by the Neighborhood Traffic Management Program (NTMP).
7. APPROVE: Submittal by Housing and Community Development Department of an application to participate in the Georgia Initiative for Community Housing (GICH) as per agenda report dated July 9, 2015;
- AUTHORIZE: Acceptance of the technical assistance, if approved;
- AUTHORIZE: The Mayor to appoint two Commissioners to participate as members of the GICH Community Housing Team; and
- AUHORIZE: The Mayor and appropriate staff to execute the agreement and all related documents.
8. APPROVE: An amendment to the FY16 Community Development Block Grant (CDBG) contract for the Athens Housing Authority in the amount of \$18,811.67 as per agenda report dated July 9, 2015; and authorize the Mayor and appropriate staff to execute all related documents.

9. APPROVE: Adoption of the Unified Government of Athens-Clarke County Title VI Plan (which includes the Limited English Proficiency Plan), as proposed in Attachment #1 of agenda report dated July 1, 2015 in order to bring Athens-Clarke County into compliance with the most recent updates to the Title VI Civil Rights program requirements as administered through the Georgia Department of Transportation.

10. APPROVE: Designation of Templeton & Associates (ABS Pumps) as submitting the most responsive proposal as per agenda report dated July 1, 2015; approve the purchase of six influent pumps for the North Oconee Water Reclamation Facility from Templeton & Associates (ABS Pumps) at a not-to-exceed cost of \$970,000; and authorize staff to negotiate a final purchasing price for the subject pumps.

11. APPROVE: Appointments to Keep Athens-Clarke County Beautiful for three-year terms beginning July 1, 2015 and ending June 30, 2018.
 - Chris Caswell – reappointment
 - Greg Denzin - reappointment
 - Aubrey Miller - reappointment
 - Elisabeth Lohmueller
 - Sheridan Soileau
 - Victoria Prevatt
 - Theresa Owen

12.
 - a) APPROVE: The proposed project concept for the Greenspace Acquisition Program (SPLOST 2011 Project #28) as per Attachment #1 of agenda report revised July 29, 2015;
 - b) APPROVE: The Land Conservation Program Acquisition Policy and Procedures for SPLOST 2011 Project #28 as per Attachment #2 of said agenda report; and
 - c) AUTHORIZE: The Mayor and appropriate staff to execute all necessary documents.

Old and new business – Discussion

Citizen input

The following citizen input was received.

1. Jennifer Lewis, 237 Georgia Avenue – supported revised ordinance for Georgia Avenue parking.
2. Sydney Bacchus – opposed Oconee Rivers Greenway Connector projects.
3. Ron Thomas, Oconee Rivers Greenway Commission – supported Oconee Rivers Greenway Connector projects.

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

- a) Approve appointment of the following new board members of the Athens Housing Development Corporation (AHDC) for the purpose of liquidating the remaining assets in the corporation by conveyance to the Unified Government of Athens-Clarke County and dissolving the corporation as per agenda report dated July 9, 2015;

Alice Kinman
Kathy Hoard
Mike Hamby
Andy Herod
Mitch Schrader

b) Approve conveyance of four land parcels to the Unified Government of Athens-Clarke County in connection with the liquidation and dissolution of AHDC to the Athens-Clarke County Land Bank Authority (Authority) with such property to be held in accordance with the establishing resolution of the Authority and applicable law; and

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

The motion passed by unanimous vote.

A motion was made by Commissioner Bailey, seconded by Commissioner Link, to adopt the following ordinance (15-08-32) 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 PARKING RESTRICTIONS ON GEORGIA AVENUE; AND FOR OTHER PURPOSES.

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

SECTION 1. Pursuant to Section 3-3-50 of the Code of Athens-Clarke County, Georgia, parking is hereby prohibited in the following 16 locations on the northerly side of Georgia Avenue, as further shown on Attachment 1, incorporated herein by reference:

Beginning at a point where the curb on the northerly side of Georgia Avenue intersects with the curb on the easterly side of Normal Avenue (the "Reference Point") and extending in an easterly direction along the northerly curb of Georgia Avenue a distance of 75 feet to a point; (NOTE: the following 15 locations or segments each begins at the indicated beginning point on the northerly and northwesterly side of Georgia Avenue as measured along said curb and extends along the curb of Georgia Avenue from each beginning point in an easterly and northeasterly direction toward Prince Avenue);
Beginning at a point 168 feet from the Reference Point and extending 67 feet to a point;
Beginning at a point 248 feet from the Reference Point and extending 15 feet to a point;
Beginning at a point 278 feet from the Reference Point and extending 10 feet to a point;
Beginning at a point 342 feet from the Reference Point and extending 10 feet to a point;
Beginning at a point 365 feet from the Reference Point and extending 10 feet to a point;
Beginning at a point 405 feet from the Reference Point and extending 10 to a point;
Beginning at a point 426 feet from the Reference Point and extending 10 feet to a point;
Beginning at a point 476 feet from the Reference Point and extending 10 feet to a point;
Beginning at a point 522 feet from the Reference Point and extending 150 feet to a point;
Beginning at a point 798 feet from the Reference Point and extending 10 feet to a point;
Beginning at a point 834 feet from the Reference Point and extending 20 feet to a point;
Beginning at a point 883 feet from the Reference Point and extending 10 feet to a point;
Beginning at a point 934 feet from the Reference Point and extending for a distance of 10 feet to a point;
Beginning at a point 1,015 feet from the Reference Point and extending 10 feet to a point;
Beginning at a point 1,052 feet from the Reference Point and extending 20 feet to a point;

SECTION 2. Pursuant to Section 3-3-50 of the Code of Athens-Clarke County, Georgia, parking is hereby prohibited in the following 13 locations on the southerly side of Georgia Avenue, as further shown on Attachment 1, incorporated herein by reference:

Beginning at a point where the curb on the southerly side of Georgia Avenue intersects with the curb on the easterly side of Normal Avenue (the "Reference Point") and extending in an easterly direction along the southerly curb of Georgia Avenue a distance of 95 feet to a point; (NOTE: the following 12 locations or segments each begins at the indicated beginning point on the southerly and southeasterly side of Georgia Avenue as measured along said curb and extends along the curb in an easterly and northeasterly direction toward Prince Avenue);

Beginning at a point 112 feet from the Reference Point and extending 55 feet to a point;
Beginning at a point 232 feet from the Reference Point and extending 44 feet to a point;
Beginning at a point 286 feet from the Reference Point and extending 70 feet to a point;
Beginning at a point 424 feet from the Reference Point and extending 10 feet to a point;
Beginning at a point 446 feet from the Reference Point and extending 25 feet to a point;
Beginning at a point 495 feet from the Reference Point and extending 10 feet to a point;
Beginning at a point 519 feet from the Reference Point and extending 10 feet to a point;
Beginning at a point 554 feet from the Reference Point and extending 10 feet to a point;
Beginning at a point 576 feet from the Reference Point and extending 10 feet to a point;
Beginning at a point 686 feet from the Reference Point and extending 130 feet to a point;
Beginning at a point 901 feet from the Reference Point and extending for a distance of 137 feet to a point;
Beginning at a point 1,068 feet from the Reference Point and extending in an northeasterly direction to Prince Avenue;

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

A motion was made by Commissioner NeSmith, seconded by Commissioner Wright, to:

- a) Approve the proposed project concept for Sub-Project #2, Sub-Project #3, and Sub-Project #4 of the Oconee Rivers Greenway Network Connectors (SPLOST 2011 Project #09) as described in Attachment #1 and generally shown on Attachment #2 of agenda report revised July 29, 2015;
- b) Authorize staff to advance the proposed project concepts for Sub-Project #2, Sub-Project #3, and Sub-Project #4 of the Oconee Rivers Greenway Network Connectors (SPLOST 2011 Project #09) to the Preliminary Plan Phase;
- c) Authorize staff to define additional Sub-Projects and associated project concepts of the Oconee Rivers Greenway Network Connectors (SPLOST 2011 Project #09) for the development of Greenway Connectors from the Easley's Mill section of the Greenway to Barnett Shoals Road utilizing as a guide the Level 2 Zone and Buildout Map of the current Greenway Network Plans approved on July 7, 2009 (Attachment #5). Upon approval of proposed Easley Mill/Barnett Shoals Road Greenway Connector Project Concepts by the Mayor and Commission, staff will proceed to develop preliminary plans for the proposed Sub-projects to allow review and evaluation concurrently with preliminary plans of Sub-Project #4.
- d) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

A motion was made by Commissioner Link, seconded by Commissioner Sims, to adopt the following ordinance (#15-08-33) 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 PARTIAL REMOVAL OF PARKING RESTRICTIONS ON CHASE STREET; AND FOR OTHER PURPOSES.

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

SECTION 1. Pursuant to Section 3-3-50 of the Code of Athens-Clarke County, Georgia, the previously designated no parking zone on the east side of North Chase Street beginning at a point fifty feet south of Cobb Street and running to a point fifty feet north of Hill Street, as further shown on Attachment 1 hereto, incorporated herein by reference, is hereby repealed.

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

A motion was made by Commissioner Sims, seconded by Commissioner Girtz, to approve the designation of Fireline, Inc. as the vendor with the apparent best Proposal of RFPP#00747 for the Self Contained Breathing Apparatus (SCBA) for (SPLOST 2011 Project #03 – Sub-Project #2) as per agenda report revised July 27, 2015; authorize appropriate staff to negotiate an agreement with the designated vendor with a cost not to exceed \$706,000; and authorize the Mayor and appropriate staff to execute all related documents. The motion passed by unanimous vote.

A motion was made by Commissioner Girtz, seconded by Commissioner Sims, to

- a) Approve granting an ingress-egress easement to Whistlebury Condominium, LP to match the current location of the driveway serving the Whistlebury Condominium development located at 325 Willow Street as discussed in Facts and Issues #3 and shown in Attachment #1 of agenda report dated July 28, 2015;
- b) Authorize the Manager and appropriate staff to negotiate a property exchange between Whistlebury Condominium, LP and the Unified Government of Athens-Clarke County in which property currently owned or to be acquired by Whistlebury Condominium, LP will be exchanged for Athens-Clarke County owned property adjacent to the Whistlebury Condominium development as discussed in Facts and Issues #4 of said agenda report; and
- c) Authorize the Mayor and appropriate staff to sign all documents associated with granting the ingress-egress easement and consummating the property exchange.

The motion passed by unanimous vote.

New business – Consider under suspension of Rules

There was no new business.

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

A public hearing was held on request of Williams and Associates, as agents for the Hospital Authority of Clarke County, Georgia, for rezoning from RS-15 (Single-family residential), GSRC (Gaines School Road Corridor), and AZ3 (Airport Overlay) to C-O (Commercial-Office), GSRC (Gaines School Road Corridor), and AZ3 (Airport Overlay) on 4.065 acres known as 450 Gaines School Road. This request will require an amendment to the Future Development Map from Traditional Neighborhood to Main Street Business. 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. Jon Williams, Williams and Associates representing petitioner – supported.

A motion was made by Commissioner Sims, seconded by Commissioner Herod, to HOLD until September 1 the proposed amendments to the Future Development Map and the rezoning request.

The motion passed by roll call vote with Commissioners Dickerson, Sims, Link, Bailey, NeSmith, Bell, Herod, Girtz, and Hamby voting YES and Commissioner Wright voting NO. (9 YES; 1 NO)

A public hearing was held on proposed amendments to the environmental areas ordinance.

Planning Commission recommendation: Forward recommendations of the Environmental Buffer Committee (unanimous)

Citizen input

The following citizen input was received.

1. Susan Daniel - supported report of Environmental Buffer Committee.
2. Ron Thomas, Chair Oconee Rivers Greenway Commission – requested committee report be tabled.
3. Sydney Bacchus – need more scientific data.
4. Russell Edwards, 400 Duncan Springs Road – supported increased protection.

The following persons spoke in favor of the Girtz Commission-defined Option.

5. Kyle McKay, representing Upper Oconee Watershed Network.
6. Nat Kuykendall, Vice-Chair Oconee Rivers Greenway Commission.
7. Gretchen Elsner, 160 Madison Street.
8. April Ingle, 194 Macon Avenue.
9. Terry Stephens, Big Dogs on the River, 2525 Atlanta Highway.
10. Amy Rosemond, 262 Deerfield Drive.
11. Charlie Barrow, 211 Morton Avenue, representing Altamaha Riverkeeper.
12. Phillip Bumper, 235 Millard Street.
13. Bruno Giri, 112 Whitehead Road.
14. Tim Denson, 290 Midway Road.
15. Mark McConnell, 2510 Commerce Road.

A motion was made by Commissioner Girtz, seconded by Commissioner NeSmith, as follows:

1. Direct the Planning Department to implement a 25 foot buffer on wetlands in the near-term, utilizing the National Wetland Inventory resource embedded in Athens-Clarke GIS database.
 - o Code should allow small-scale activities such as decks or sheds to be easily managed by a homeowner without hydrologic surveys.
2. As part of the department work plan, direct the Planning Department to develop a “Buffer Averaging” administrative variance process for existing 75 foot local stream buffers (see graphics on Attachment #1).
 - o This should allow a reduction in buffer width to 50 feet minimum, with buffer expansion in other contiguous areas to create the same square footage buffer as under current 75 foot buffer.

- If a buffer is reduced below 75 feet in some areas, code shall require a planting plan so that the remaining buffer is “naturally planted”, allowing for increased water infiltration and reduced erosion and sedimentation.
3. As part of the department work plan, direct the Planning Department to develop pond, lake and wetland protections, using existing open space requirements as a mechanism to shift structures away from ponds, lakes and wetlands, with a target buffer of 75 feet. (See graphic on Attachment #1)
 - The total square footage of any structure should not be impacted, only the placement of the structure on a site.
 - Development activities on parcels featuring lakes and wetlands should trigger the 25 feet of a buffer closest to the waterway to be naturally planted, allowing for maximum infiltration of rainwater and minimization of erosion.
 - Appropriate exemptions should be developed to manage recreational activities, dock access, viewsheds, other community needs, and integration with other code sections.
 4. Request that ACC staff explore and report to the mayor and commission the feasibility of a local “in lieu” wetland mitigation program.
 - A successful model should allow a developer to replace credits presently purchased elsewhere in the watershed with a local or upstream option.

A substitute motion was made by Commissioner Dickerson, seconded by Commissioner Hamby, as follows:

1. Motion to approve the amendment to *Section 8-6-4. “Establishment of environmental areas”* as provided by staff at the Mayor and Commission’s December 2, 2014 voting meeting, approve the Buffer Committee’s recommendation for no additional local buffers on ponds and lakes, and revise the ordinance language for the definition of “state waters” as follows:

State waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within, or forming a part of, the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation; *and as subject to the requirements of OCGA §12-7-6 (b) (15) (A).*
2. Motion to approve the amendments to *Section 8-6-6. “Standards for activities within the floodplains”* and *Section 8-6-7 “Standards for activities within the riparian buffers”* as provided by staff at the Mayor and Commission’s December 2, 2014 voting meeting.
3. Motion to support the Committee’s recommendation of “no action on buffering of wetlands.”
4. Motion to support the Committee’s recommendation of “no action on investigation of an in-lieu program.”
5. Motion to deny the Buffer Committee’s recommendation to establish “buffer averaging” and continue the use of defined riparian buffers widths.

Commissioner Hamby offered the following amendment:

Direct the Manager to provide a work session presentation to the Mayor and Commission before the end of the year that identifies impaired waters in Athens-Clarke County, indicates level and possible source of impairment, and using UOWN (Upper Oconee Watershed Network) data as a resource describes possible Best Management Practices that if implemented would significantly improve water quality within the streams.

The amendment was accepted by Commissioner Dickerson.

There was a tie roll call vote on the substitute motion with Commissioners Dickerson, Sims, Bell, Herod, and Hamby voting YES; and Commissioners Link, Wright, Bailey, NeSmith, and Girtz voting NO. (5 YES; 5 NO). Mayor Denson broke the tie with a vote of YES. The following ordinance (#15-08-34) which was presented by title only was declared adopted.

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

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

SECTION 1. Section 8-6-2 entitled “*General Regulations*” of the Code of Athens-Clarke County, Georgia, the paragraph thereof entitled “State waters;” is hereby amended by adding the words “and as subject to the requirements of OCGA §12-7-6 (b) (15) (A)” so that said paragraph is as follows:

State waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within, or forming a part of, the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation; and as subject to the requirements of OCGA §12-7-6 (b) (15) (A).

SECTION 2. Section 8-6-4 entitled “*Establishment of environmental areas*” of the Code of Athens-Clarke County, Georgia, subsection (c) thereof entitled “*Riparian Buffer Areas*,” is hereby amended by adding the words “including all state waters,” “the” “associated with the stream or body of water” “All” “located on lands” and “[per O.C.G.A. § 12-7-3(16)]” and by deleting the words “stream,” “Lake or pond,” and “25 ft.” so that said subsection (c) is as follows:

(c) *Riparian Buffer Areas:* As set forth in the following table, areas adjacent to protected rivers, streams and bodies of water including all state waters. If a hydrologic feature meets more than one definition, then the more stringent definition of riparian buffer shall apply. The buffer width is measured horizontally, on both banks (as applicable) of the stream or body of water, from the top of the bank associated with the stream or body of water.

Hydrologic Feature	Riparian Buffer Width
Protected river	100 ft.
Upper North Oconee River and Sandy Creek	100 ft.
All protected streams located on lands in Industrial ("I") zones as defined in Title 9 of ACC Code.	150 ft.
All other protected streams	75 ft.
State waters [per O.C.G.A. 12-7-3(16)]	25 ft.

SECTION 3. Section 8-6-6 entitled “*Standards for activities within the floodplains*” of the Code of Athens-Clarke County, Georgia, subsection (a)(5)b.1. thereof, is hereby amended by adding the words “The available buildable area on the subject property shall be used for the proposed construction before any construction is permitted in the protected environmental area.” so that subsection (a)(5)b.1. is:

1. The dwelling shall be located within the buildable area on the parcel. The available buildable area on the subject property shall be used for the proposed construction before any construction is permitted in the protected environmental area.

SECTION 4. Section 8-6-7 entitled “*Standards for activities within the riparian buffers*” of the Code of Athens-Clarke County, Georgia, subsection (a)(4)b. thereof, is hereby amended by adding the words “The available buildable area on the subject property shall be used for the proposed construction before any construction is permitted in the protected environmental area.” so that subsection (a)(4)b. is:

b. The dwelling shall be located within the buildable area on the parcel. The available buildable area on the subject property shall be used for the proposed construction before any construction is permitted in the protected environmental area.

SECTION 5. All ordinances or parts of ordinance in conflict herewith are hereby repealed.

The following citizen input was received.

1. Morgan King, 225 Mandy Drive - requested Mayor refer to Legislative Review Committee consideration of a parallel ordinance.
2. Sydney Bacchus – concerned about sewer sludge at the landfill.
3. Rikki Roberts, P. O. Box 843 – opposed charges for rental of community centers.
4. Tony Eubanks, 785 North Pope Street – supported complete streets policy.
5. Tyler Dewey, 149 Tracy Street – supported complete streets policy.
6. Aaron Redding, 1055 Baxter Street – apply complete streets policy to resurfacing.
7. Hannah Hudspeth, 241 Seagraves Drive – requested parallel ordinance be placed on an agenda.
8. Cary McCarty, 143 Inglewood Avenue – apply complete streets policy to all projects.
9. Clint McCrory, 390 Franklin Street – apply complete streets policy to all projects.
10. Rick Stanziale, 465 Hiawassee Avenue – expressed concern about illegal use of 398 Hiawassee Avenue as an Airbnb.
11. - supported parallel ordinance
12. Chris Dowd, 248 North Harris Street – supported complete streets policy.

FROM MANAGER REDDISH:

1. The report of contract awards in excess of \$10,000 for June 2015 was entered into the record.

FROM MAYOR DENSON:

1. Mayor Denson announced employee statistics for Caterpillar exceed 1,400 which is above their original schedule.

FROM COMMISSIONER HAMBY:

1. Requested if future referendum for a TSPLOST program is approved, consideration be given to appointment of a citizen committee to recommend projects.

FROM COMMISSIONERS NESMITH, LINK AND GIRTZ:

1. Requested an update on complete streets policy.

FROM COMMISSIONERS NESMITH AND LINK:

1. Requested explanation of fees charged for community center rental.

FROM COMMISSIONER LINK:

1. Requested status report on local Airbnb operations as related to the zoning code.
2. Requested concerns of CARE regarding parallel ordinance be addressed.
3. Stated several items could be reviewed in connection with water quality such as use of sewer sludge, infill housing, tree ordinance, composting, grey water, and use of insecticides.

4. Stated she plans to support marking the entire length of Chase Street for bike lanes.

FROM COMMISSIONER GIRTZ:

1. Looks forward to work session on water quality issues.

FROM COMMISSIONER SIMS:

1. Stated there are drawbacks to Airbnb operations.
2. Gave kudos to the Police Department for recent National Night Out.

FROM COMMISSIONER DICKERSON:

1. Stated she looks forward to a work session on both water quality and buffers.
2. Stated Clarke County School District charges for use of the community rooms.

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

The meeting adjourned at 10:20 p.m.

Clerk of Commission