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Unified Government of Athens-Clarke County, Georgia  
Mayor and Commission  
Tuesday, November 3, 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 Sims, seconded by Commissioner Bailey, to approve Minutes of meetings of Tuesday, October 6, and Monday, October 19, 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

The following citizen input was received.

1. Jesse Houle, 436 Hill Street – supported expansion of Medicaid and minimum wage.
2. Gretchen Elsner, P. O. Box 562 – supported more electric vehicle charging stations.

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

1. ADOPT: The following ordinance (#15-11-46) which was presented by title only; approve acceptance of a 2015 Governor's Office of Highway Safety Highway Enforcement of Aggressive Traffic (HEAT) Grant for the Athens Clarke County Police Department (ACCPD) in the amount of \$146,800 to enhance traffic safety as per agenda report dated October 2, 2015; 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 TO THE POLICE DEPARTMENT, IF AWARDED, FROM THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY FOR CONTINUED FUNDING OF TWO GRANT FUNDED FULLTIME POSITIONS AND RELATED OPERATING EXPENSES FOR THE HIGHWAY ENFORCEMENT OF AGGRESSIVE TRAFFIC GRANT; 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 establish grant funding to the Police Department, if awarded, from the Governor's Office of Highway Safety for continued funding of two grant funded fulltime positions and related operating expenses. Said Operating and Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase: GOHS H.E.A.T. Grant \$146,800

EXPENDITURES:

Increase:

Police Department:

Personal Services	\$127,410
Operating Expenses	<u>\$19,390</u>
Total	\$146,800

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 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

2. ADOPT: The following ordinance (#15-11-47) which was presented by title only; approve the acceptance of a Justice and Mental Health Collaboration Program grant for the Athens-Clarke County Police Department (ACCPD) in the amount of \$149,790 as per agenda report dated October 2, 2015; and authorize the Mayor and appropriate staff to execute all related documents.

AN ORDINANCE TO AMEND THE FY2016 ANNUAL OPERATING BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING TO THE POLICE DEPARTMENT, IF AWARDED, FROM THE U.S. DEPARTMENT OF JUSTICE BUREAU OF JUSTICE ASSISTANCE FOR MENTAL HEALTH/SUBSTANCE ABUSE JAIL DIVERSION PLANNING AND RELATED EXPENSES; 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 establish grant funding to the Police Department, if awarded, from the U.S. Department of Justice Bureau of Justice Assistance for mental health/substance abuse jail diversion planning and related expenses. Said Operating budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:  
DOJ Bureau of Justice Assistance Grant \$149,790

EXPENDITURES:

Increase:  
Police Department:  
Personal Services \$10,600  
Operating Expenses \$139,190  
Total \$149,790

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

- ADOPT: The following ordinance (#15-11-48) which was presented by title only reallocating \$20,000 from the available funding balance of the completed Police Evidence Storage Facility (SPLOST 2011 Project #30) to the project budget of the Ware-Lyndon House Historic Garden (SPLOST 2011 Project #33) as per agenda report dated September 29, 2015; and authorize the Mayor and appropriate staff to execute all related documents.

AN ORDINANCE TO AMEND THE SPECIAL PURPOSE LOCAL OPTION SALES TAX 2011 PROGRAM BUDGET SO AS TO PROVIDE ADDITIONAL FUNDING FOR THE SPECIAL PURPOSE LOCAL OPTION SALES TAX 2011 PROJECT #33 – WARE-LYNDON HOUSE HISTORIC GARDEN; 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 SPLOST 2011 Capital Projects Fund to provide additional funding for the SPLOST 2011 project #33 – Ware-Lyndon House Historic Garden. Said Operating and Capital budget is hereby amended as follows:

SPLOST 2011 Capital Projects Fund:

EXPENDITURES:

DECREASE:  
Project #30 – Police Evidence Storage Facility (\$20,000)

INCREASE:  
Project #33 – Ware-Lyndon House Historic Garden \$20,000

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

- APPROVE: Staff to commit HOME funds in the amount of \$363,348.50 for use by the Athens Land Trust for the development of affordable housing as per agenda report dated October 8, 2015; and authorize the Mayor and staff to execute contracts and all required documents with the Athens Land Trust for the use of HOME funds.
- APPROVE: Submittal by the Housing and Community Development Department staff of the homeless assistance grant renewal associated with the Continuum of Care Plan for the 2016 program year (January 1, 2016 - December 31, 2016) as per agenda report dated October 8, 2015; authorize the acceptance of the grant, if awarded; authorize appropriate amendments to agency grants based upon the amount of the actual grant award; and authorize the Mayor and appropriate staff to execute the HUD grant agreements and all related documents.

6. APPROVE: Pass out with no action: Government Operations Committee report on membership on the Board of Assessors; and request that the Audit Committee consider scheduling the Tax Assessors office for an audit at a future date when their workload permits.
  
7. APPROVE: Installation of a crosswalk and associated signs on Quailwood Drive immediately east of Hunters Pointe Drive for Whitehead Road Elementary School students, as shown in Attachment #1 of agenda report dated October 8, 2015; and authorize one additional school crossing guard position within the Athens-Clarke County Police Department (ACCPD) to staff this crosswalk.

#### Old and New Business - Discussion

##### Citizen input

The following citizen input was received.

1. Kyle McKay, 248 Georgia Avenue, representing Upper Oconee Watershed Network – supported non-sewer line alternative for Sandy Creek and Shoal Creek.
2. Tim Denson, 290 Midway Road – supported food trucks, retention of domestic partner benefits, and UOWN recommendations on Public Utilities Service Delivery Plan.
3. Jesse Houle, Hill Street - supported food trucks, retention of domestic partner benefits, and more study of Public Utilities Service Delivery Plan.
4. Jamshad Zarnegar, 875 North Chase Street – opposed rezoning for 895 and 897 North Chase Street.
5. Zafar Richie, 191 Water Oak Street, Holy Crepe – supported food trucks.
6. Mark McConnell, 2510 Commerce Road – supported no sewer service to Sandy Creek.
7. Abby Davis, Kona Ice employee – supported food trucks.
8. Jamshad Zarnegar, 875 North Chase Street , co-owner Last Resort – supported food trucks.

##### Old business – Discussion

A motion was made by Commissioner Link, seconded by Commissioner Bailey, to approve the hourly fees for the use of electric vehicle service equipment installed at Unified Government of Athens-Clarke County facilities as described in Facts and Issues #6 of agenda report dated September 30, 2015. The motion passed by unanimous vote.

A motion was made by Commissioner Link, seconded by Commissioner Sims, to approve the following items for discussion with the Local Legislative Delegation. The motion passed by unanimous vote.

- A. Change date of nonpartisan elections for Mayor and Commissioners to November
- B. Amend Georgia statute regulating vehicles for hire to accommodate unique conditions in Athens-Clarke County

- C. Amend Georgia statute prescribing height for signs identifying parking spaces for persons with disabilities
- D. Start time for alcoholic beverages in restaurants
- E. Peace Officers' Annuity and Benefit Fund
- F. Highway work zones; reduction in speed; signage
- G. Support for ACCG platform on Districting: Home Rule
- H. Support for ACCG platform on Development Impact Fees
- I. Neighborhood speeding issues (2015 item)
- J. Proposed Downtown Athens Development Authority boundary change to include contiguous Athens-Clarke County property
- K. 25' state water buffers
- L. Additional state funding for public transportation
- M. Corridor redevelopment opportunities
- N. Request an amendment to O.C.G.A. as it pertains to use of pedestrian crosswalks. Currently vehicles are only required to stop for a pedestrian that has already entered the roadway in a crosswalk, but modification is needed that protects a citizen that has engaged a crossing signal or is standing on the curb prepared to cross. (2015 item)
- O. Local control of distance requirements for grocery stores as to the sale of wine and malt beverages (2014 item)
- P. Additional funding for Medicaid program

A motion was made by Commissioner Dickerson, seconded by Commissioner Hamby, to adopt the following ordinances (#15-11-49 and 50) which were presented by title only. The motion passed by unanimous vote.

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

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

SECTION 1. Section 6-6-1 of the Code of Athens-Clarke County, Georgia, entitled "*Definitions*" is hereby amended by adding to the definition therein entitled, "*Farmers Market assigned locations*" the word "East" in three locations and "North" in one location so that said definition is:

Farmers Market assigned locations: For the purposes of this chapter, Farmers Market assigned locations shall mean that portion of the north side of East Washington Street between College Avenue and North Lumpkin Street and that portion of the west side of College Avenue between East Hancock Avenue and East Washington Street, including all adjacent public right-of-way.

SECTION 2. Section 6-6-1 of the Code of Athens-Clarke County, Georgia, entitled "*Definitions*" is hereby amended by adding thereto two new definitions entitled, "*Mobile food vendor*" and "*Mobile food vendor unit*" as follows:

Mobile food vendor: Any person or persons selling food or beverages from a mobile food vendor unit.

Mobile food vendor unit: A motorized vehicle or trailer licensed to travel on public roads that is used for selling food and/or non-alcoholic beverage items to the general public from within designated vehicle parking spaces along that portion of the south side of East Hancock Avenue between College Avenue and North Lumpkin Street and that portion of the west side of College Avenue

between East Hancock Avenue and East Washington Street, or from any other designated public area as determined by the manager.

SECTION 3. Section 6-6-1 of the Code of Athens-Clarke County, Georgia, entitled "*Definitions*" is hereby amended by adding to the definition therein entitled, "*Street merchant-assigned location*" the words "mobile food vendor unit designated locations" so that said definition is:

Street merchant-assigned location: Any person or persons in an assigned designated location on the public right-of-way, either in the Athens Downtown Tax District, on Baldwin Street, Jackson Street, or Baxter Street, Farmers Market assigned locations, mobile food vendor unit designated locations, or any other designated public area, who engages in the sale of any goods, merchandise or services to the public.

SECTION 4. Section 6-6-2 of the Code of Athens-Clarke County, Georgia, entitled "*Administration*" is hereby amended by deleting from subsection (c) thereof entitled "*Sales only from assigned locations permitted.*" the word "It" and adding thereto the words "Except as otherwise provided for mobile food vendor units", by deleting from subsection (d) thereof entitled "*Application*" the words "merchants for", "manager's office" and "office", and by adding thereto the words "merchant", "Central Service Department" and "Department", by deleting from subsection (f) thereof entitled "*Duration of permit*", item (1) thereof the word "special" and by adding thereto the words "and mobile food vendor units" and "street", by deleting from said subsection (f), item (2) the word "special" and by adding thereto the word "street", and by adding new item (4) to said subsection (f) "A permit for a mobile food vendor unit to engage in street sales shall be issued on an annual basis; provided, however, that no mobile food vendor unit permits shall be issued for calendar years beginning after December 31, 2016. No permit shall be issued for more than one year at one time. A permit shall expire on December 31 each year.", by deleting from subsection (g) thereof the words "per trimester", "Business/Occupation" and "Regulatory", and by adding thereto the words "Type of Permit/Fee", "Mobile food vendor unit", "515", "not otherwise specified", "Annual fee, in lieu of occupation tax, for special sales permittees without a fixed business address located within Athens-Clarke County" and "156.00", so that section 6-6-2 is:

Sec. 6-6-2. - Administration.

- (a) Authority of manager. The manager of Athens-Clarke County, Georgia, shall have the authority to administer the provisions of this chapter and to promulgate reasonable administrative rules and procedures compatible with the public interest.
- (b) Permit required. It shall be unlawful for any person, group, business or other organization to engage in street sales or itinerant sales activities without having obtained a valid permit for each separate business and each separate location for the specific category of sales activity to be conducted. The permit required under this section shall be in addition to any other license, permit or certificate required by other laws and regulations, including the occupation tax ordinance set forth in title 6, chapter 1 of this Code.
- (c) Sales only from assigned locations permitted. Except as otherwise provided for mobile food vendor units, it shall be unlawful for any person, group, business or other organization to engage in street sales at any location other than an assigned location as provided for in this chapter.
- (d) Application. Application for a permit to engage in any activity regulated by this chapter shall be made on a form prescribed by the manager. Applications for street merchant-assigned locations shall be made at the Central Services Department and applications for itinerant merchants shall be made at the Finance Department. All applicable fees for such permits shall be paid prior to the issuance of any permits.
- (e) Identification required. Every person engaged in street sales or itinerant sales, whether the principal or an employee, shall be required to obtain from the government a valid individual identification badge. However, persons conducting sidewalk sales as provided for in this chapter shall not be required to obtain an individual identification badge.
- (f) Duration of permit:
  - (1) Except as otherwise provided for Farmers Market assigned locations and mobile food vendor units, a permit to engage in street sales shall be issued on a trimester basis, beginning on January 1, May 1, and September 1 of each year. No permit shall be issued for more than one trimester at one time. A

permit shall expire on the last day of the last month of the trimester for which it was issued.

- (2) A permit to engage in street sales for Farmers Market assigned locations shall be issued on an annual basis, for one day of each week for the months of April through October. No permit shall be issued for more than one year at one time. A permit shall begin on April 1 each year and expire October 31 each year.
- (3) A permit shall not be transferable and a transfer of ownership shall be considered as the termination of such business and the establishment of a new business. A new permit shall be required for each new owner of the business.
- (4) A permit for a mobile food vendor unit to engage in street sales shall be issued on an annual basis; provided, however, that no mobile food vendor unit permits shall be issued for calendar years beginning after December 31, 2016. No permit shall be issued for more than one year at one time. A permit shall expire on December 31 each year.
- (g) Fees. Permit fees for street sales are based on the cost of regulation and/or additional charge for the use of public right-of-way. Permit fees for itinerant merchants and sidewalk sales are regulatory fees only. The fee for a permit is set forth below. Said permit shall not be prorated or refundable:

<u>Type of Permit/Fee</u>	<u>Fee</u>
Farmers Market assigned locations	\$100.00
Mobile food vendor unit	515.00
Street merchant-assigned location not otherwise specified	100.00
Itinerant merchant	75.00
Sidewalk sale	25.00
Individual merchant identification/ badge	20.00
Replacement merchant identification/badge	15.00
Annual fee, in lieu of annual occupation tax, for special sales permittees without a fixed business address located within Athens-Clarke County	156.00

- (h) Federal and state tax identification required. In addition to any other information required by the manager, every application for a permit to conduct street sales or itinerant sales shall contain the current federal and state tax identification numbers issued to the applicant for such business.
- (i) Exemption. Any business located in Athens-Clarke County having a current Athens-Clarke County occupation tax certificate and which applies for one or more permits for street merchant-assigned location as an extension of the same business and under the same name as the primary business, shall be exempt from the requirement to obtain a separate occupation tax certificate for each assigned location.

SECTION 5. Section 6-6-7 of the Code of Athens-Clarke County, Georgia, entitled "*Street sales – Assigned locations.*" is hereby amended by adding to subsection (a) thereof entitled "*Intent*" the words "mobile food vendor unit designated areas", by adding new item (5) to said subsection (a) "The mobile food vendor unit designated areas, as defined in this chapter, are located in the Athens Downtown Tax District adjacent to City Hall in an area that is central to the downtown area, and at other designated public areas, that have frequent pedestrian activity; mobile food vendors in those areas will provide a service to the public seeking additional wholesome food and beverage options; and that specific regulations and restrictions for mobile food vendor units would further promote the safety and welfare of persons in those areas.", by adding to subsection (f) thereof entitled "*Display; cart, stands, skirted tables:*", item (1) thereof the words "mobile food vendor unit", so that section 6-6-7 is:

Sec. 6-6-7. - Street sales—Assigned locations.

- (a) Intent. The Commission of Athens-Clarke County finds and declares that a regulatory scheme for street sales by street merchants in the Athens Downtown Tax District, Farmers Market assigned locations, mobile food vendor unit designated areas, and on certain sections of Baldwin Street, Jackson Street, Baxter Street or other designated assigned areas would promote the public interest in that:
  - (1) The Athens Downtown Tax District, particularly the area of College Avenue known as College Square, is a major public investment which revitalizes an important part of downtown Athens-Clarke County and that street merchants, subject to specific regulations, would contribute to furthering an attractive business and pedestrian environment for the general welfare of Athens-Clarke County.
  - (2) The sections of Baldwin Street, Jackson Street and Baxter Street, as defined in this chapter, are located adjacent to an area of the University of Georgia that is heavily traveled by pedestrians and vehicles; that street merchants in that area provide a wholesome service to students and others seeking food or other goods offered by such merchants; and that additional specific regulations and restrictions for street merchants on Baldwin Street and Jackson Street would further promote the safety and welfare of persons in those areas.
  - (3) The Farmers Market assigned locations, as defined in this chapter, are located in the Athens Downtown Tax District adjacent to City Hall in an area that is central to the downtown area; the Farmers Market in that area will provide a service to the public seeking raw or certain processed agricultural products, including fruits, vegetables, herbs, jams, jellies, meats, eggs, dairy products, etc.; and that additional specific regulations and restrictions for street merchants in the Farmers Market assigned locations would further promote the safety and welfare of persons in those areas.
  - (4) Regulations, restrictions or prohibitions on street sales activities would promote the public health, safety, and welfare of the citizens of Athens-Clarke County by abating acts, omissions or conditions detrimental to the health, safety and welfare of its citizens and the peace and dignity of Athens-Clarke County.
  - (5) The mobile food vendor unit designated areas, as defined in this chapter, are located in the Athens Downtown Tax District adjacent to City Hall in an area that is central to the downtown area, and at other designated public areas, that have frequent pedestrian activity; mobile food vendors in those areas will provide a service to the public seeking additional wholesome food and beverage options; and that specific regulations and restrictions for mobile food vendor units would further promote the safety and welfare of persons in those areas.
- (b) Approval locations. Street sales at assigned locations shall be permitted within the Athens Downtown Tax District, on Baldwin Street, Jackson Street and Baxter Street only at designated marked locations as determined by the manager. The manager shall be authorized to determine the locations where street sales may be conducted in the best interest of the public health, safety and welfare and such locations shall be submitted to the Commission of Athens-Clarke County for approval. A current list of all such approved locations shall be appended by reference to this ordinance and may be revised from time to time as locations may be added, removed or altered by the commission.
- (c) Assignment of locations. The assignment of locations for street merchants shall be compatible with the public interest and use of sidewalk areas and public rights-of-ways-and shall take into consideration the proximity of existing public and private property (benches, bus stop, loading zones, telephone booths, building entrances, display windows, vehicular and pedestrian traffic patterns, etc.), proximity to other assigned street merchant locations, and the like, in order to ensure that there will not be pedestrian and street congestion or obstruction and in order to contribute as effectively as possible to the intent of this section.
- (d) Assignment of other designated areas. The manager, may from time to time designate assigned street merchant locations on property owned by Athens-Clarke County as special temporary circumstances may deem appropriate. Such additional locations may be assigned for periods not to exceed 21 days and each street merchant assigned such temporary location shall obtain a permit as required of any street merchant-assigned location.

- (e) No property rights conveyed. The assignment of an approved location for street sales pursuant to this section shall not be construed or interpreted to convey any property rights or any lease holder rights to any person.
- (f) Display; cart, stands, skirted tables:
  - (1) Street sales permitted under this section shall not be conducted from any conveyance or in any mode other than from an approved mobile food vendor unit, cart, stand or skirted table as prescribed in this section. Grocery carts and wood or cardboard boxes are prohibited from being used as displays.
  - (2) Any cart, stand or skirted table shall not be larger than four feet wide by six feet long and seven feet high, including all attachments, extensions and merchandise, except for Farmers Market assigned locations which must remain completely within their assigned area.
  - (3) The total weight of a display, plus merchandise, shall not exceed 125 pounds per square foot.
- (g) Abandonment:
  - (1) No assigned location may be left unoccupied by the permitted street merchant for more than 30 consecutive calendar days without the street merchant giving prior notification to the manager that such location will be vacant, the reason for such vacancy and for what period of time. Failure to provide such notice may cause the assigned location to be declared abandoned and assigned to another street merchant.
  - (2) In the event that the manager has evidence that an assigned location has been abandoned, he shall give ten working days' notice to the street merchant, to the address on the street merchant's application, for a hearing before the administrative hearing officer to determine whether there has been an abandonment of the assigned location.
- (h) Street sales during special events. A street merchant at an assigned location in the district, including Farmers Market assigned locations, or on Baldwin Street, Baxter Street, or Jackson Street shall be provided the opportunity to remain at the assigned location and conduct business during any approved special event or festival. To ensure the public safety and welfare, any street merchant may be requested to relocate or adjust business operations to within a close reasonable proximity of the assigned location to accommodate any logistical or technical necessity. It shall be unlawful for a street merchant to refuse or fail to comply with such a request from the manager or a law enforcement officer.
- (i) Limitation of permits. No permit for street merchant-assigned location shall be issued to the same business or to the same individual for more than one location within the same block, including intersections with other streets, on College Avenue, Clayton Street, Lumpkin Street, or Washington Street in the Athens Downtown Tax District, or on Baldwin Street, Baxter Street or Jackson Street. Permits for contiguous locations may be issued to the same entity for Farmers Market assigned locations.
- (j) Liability and insurance.
  - (1) Except for actions arising out of Athens-Clarke County's sole negligence, the permittee agrees to indemnify, defend, save, and hold harmless the Athens-Clarke County Government, 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. Proof of such waiver shall be filed with, and made a part of, the permit application form.
  - (2) The permittee agrees to meet and maintain for the entire permit period, at its own expense, the following requirements:
    - (i) Commercial general liability insurance in an amount to be determined by the manager for bodily injury and property damage. The Athens-Clarke County Government 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.
    - (ii) The Athens-Clarke County Government 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.
- (k) It shall be unlawful for any person engaged in street sales to sell or offer for sale any goods, merchandise or services, or otherwise occupy the public

right-of-way, within 150 feet of an active polling place as determined by state law or the Superintendent of Elections and Voter Registration.

SECTION 6. Section 6-6-8 of the Code of Athens-Clarke County, Georgia, entitled "*Sales on Baldwin Street, Baxter Street and Jackson Street; Farmers Market Assigned Locations.*" is hereby amended by adding to said title the words "Mobile Food Vendor Units" and by adding thereto new subsection C. so that section 6-6-8 is:

Sec. 6-6-8. - Sales on Baldwin Street, Baxter Street and Jackson Street; Farmers Market Assigned Locations; Mobile Food Vendor Units.

- A. Sales on Baldwin Street, Baxter Street and Jackson Street. In addition to the provision regulating all street sales, street merchants may operate only from marked assigned locations on Baldwin Street, Baxter Street and Jackson Street subject to the following additional restrictions:
- (1) No street merchant shall operate from more than one location on Baldwin Street, Baxter Street or Jackson Street.
  - (2) The maximum square footage permitted for a display, plus the space for the merchant, shall be 36 square feet measured from the edge of the sidewalk or public right-of-way farthest from the curb.
  - (3) The maximum width permitted for a display, measured parallel to the street, shall be eight feet.
  - (4) The maximum depth permitted for a display shall be one-half the width of the sidewalk.
  - (5) It shall be unlawful to park a vehicle on the sidewalk or to block the sidewalk in any way while loading or unloading merchandise or equipment in a manner that would force pedestrians into the street.
  - (6) It shall be unlawful for any street merchant to locate within 20 feet of a street, intersection, crosswalk, bus stop, or offset street parking area; or to block any steps or entrances to any building; or to conduct street sales in any area other than a marked assigned location for which a permit has been issued.
- B. Farmers Market assigned locations. In addition to the provision regulating all street sales, street merchants may operate only from designated Farmers Market assigned locations on College Avenue and Washington Street subject to the following additional restrictions:
- (1) The manager will designate two permit locations on College Avenue and three permit locations on Washington Street, as more specifically described in the attachment hereto, which is incorporated herein by reference, and available for public review at the Clerk's Office.
  - (2) Special sales at Farmers Market assigned locations shall be allowed on Sunday through Wednesday, beginning at 3:00 p.m. and ending at 8:00 p.m. By 8:00 p.m. all areas used for the special sales shall be completely vacated and cleaned.
  - (3) Applications will be accepted only from organizations that are registered with the Georgia Secretary of State as non-profit corporations. Each vendor organization shall be issued permits for one day per week only. The manager shall provide a list of products that may be sold by vendors at the Farmers Market assigned locations. Any permittee who allows the sale of any other products at the assigned locations shall subject its permit to revocation.
  - (4) Tables or carts must be placed on the sidewalk. Tables, carts, supplies or any other materials shall not be allowed on the street surface which includes vehicle parking spaces and no parking zones.
  - (5) It shall be unlawful to park a vehicle on the sidewalk or to block the sidewalk in any way while loading or unloading merchandise or equipment in a manner that would force pedestrians into the street.
  - (6) It shall be unlawful for any street merchant to locate within ten feet of an intersection, crosswalk, or bus stop; or to block any steps or entrances to any building; or to obstruct any handicap ramp, designated handicap parking, or handicap path; or to conduct street sales in any area other than the assigned location for which a permit has been issued.
  - (7) Amplified music that is compliant with the noise control ordinance shall be allowed only between 5:00 p.m. and 7:00 p.m. at Farmers Market assigned locations as part of a permitted Farmers Market activity.

- C. Mobile food vendor units. In addition to the provision regulating all street sales, mobile food vendors may operate only from designated mobile food vendor unit areas on College Avenue and East Hancock Avenue, the park and ride lot on Lexington Road at Loop 10, and other public areas designated by the manager, subject to the following additional restrictions:
- (1) A mobile food vendor unit permit shall authorize a mobile food vendor to operate in all designated areas as provided in this Chapter without any guarantee of the availability of a specific location.
  - (2) Mobile food vendor units on College Avenue and East Hancock Avenue shall only be permitted to operate between 7:00 a.m. on Thursday and 2:30 a.m. on Friday, except during special events permitted under Chapter 6-5. Mobile food vendor units can operate within the permitted boundaries of a special event if allowed by the special event producer and the special event permit. Mobile food vendor units in other designated public areas shall only be permitted to operate during hours that the designated public area is open to the public and in accordance with any other rules and regulations applicable to that area.
  - (3) Mobile food vendor units on College Avenue and East Hancock Avenue shall remain on the street surface within designated vehicle parking spaces; shall not block or occupy handicap parking spaces, loading zones, or other marked no parking areas; and shall vend only from the side of the mobile food vendor unit directly facing the sidewalk.
  - (4) Free standing signs and signs attached to the mobile food vendor unit protruding more than six inches are prohibited.
  - (5) Each mobile food vendor must provide at least one trash receptacle and one container for recyclable materials for use by its customers. The mobile food vendor is responsible for disposal of trash and recyclables in its containers and shall not use the public receptacles for this purpose. The permit fee covers the charge for solid waste collection, and the mobile food vendor is required to purchase approved bags for disposal and will leave its solid waste on the sidewalk for pickup. Each mobile food vendor is required to have a Commercial Recycling Form on file with the Solid Waste Department. The mobile food vendor shall keep the area clean and free of trash and debris at all times.
  - (6) No tables, benches, chairs, displays, or other items not attached to the mobile food vendor unit are permitted except for the required trash receptacle, recyclables container, and one table for condiments not exceeding a size of three feet by six feet. All such items shall be removed prior to the mobile food vendor unit departing the area.
  - (7) Mobile food vendor units shall be operated in accordance with all applicable Health Department rules and regulations.

SECTION 7. All ordinances or parts of ordinance in conflict herewith are hereby repealed.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO PARKING FOR MOBILE FOOD VENDOR UNITS; 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, one or more parking meter spaces located on the south side of East Hancock Avenue between College Avenue and North Lumpkin Street, and on the west side of College Avenue between East Hancock Avenue and East Washington Street may be reserved by the Athens-Clarke County manager or his or her designee for use by mobile food vending units possessing a permit issued pursuant to Chapter 6-6 of the Code of Athens-Clarke County, Georgia between the hours of 7:00 a.m. Thursdays to 2:30 a.m. Fridays. It shall be illegal and a violation of Section 3-3-44 (c) (9) of the Code of Athens-Clarke County, Georgia, for any vehicle other than a mobile food vending unit to be parked in spaces so designated by signs, traffic cones, and/or other designations during such time, and any vehicle so illegally parked may be towed at the discretion of the Athens-Clarke County Police Department. Towing of vehicles as provided herein shall be in accordance with the provisions of Chapter 6-16 of the Code of Athens-Clarke County.

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

A motion was made by Commissioner NeSmith, seconded by Commissioner Herod, to approve November 3, 2015 commission-defined option for contributory leave policy update. The motion passed by unanimous vote.

A motion was made by Commissioner Girtz, seconded by Commissioner Herod, to retain health insurance benefits for domestic partners employed by the Unified Government of Athens-Clarke County. The motion passed by unanimous vote.

A motion was made by Commissioner Girtz, seconded by Commissioner Herod, to approve the infrastructure element and capital improvements of the 2015 update to the Public Utilities Department Service Delivery Plan with the following modifications:

Public Health projects in the Sandy Creek and Shoal Creek Basins shall utilize solutions other than gravity sewer lines

Public Health projects in the Sandy Creek and Shoal Creek Basins shall avoid environmentally sensitive areas

Public Health projects in the Sandy Creek and Shoal Creek Basins shall serve only existing structures or lots of record

A substitute motion was made by Commissioner NeSmith, seconded by Commissioner Link, to HOLD this item for 60 days. The motion was amended to HOLD 30 days.

The substitute motion failed by roll call vote with Commissioners Sims, Link, Bailey, and NeSmith voting YES; and Commissioners Dickerson, Wright, Bell, Herod, Girtz, and Hamby voting NO. (4 YES; 6 NO)

There was a tie roll call vote on the original motion with Commissioners Wright, Bell, Herod, Girtz, and Hamby voting YES; and Commissioners Dickerson, Sims, Link, Bailey, and NeSmith voting NO. (5 YES; 5 NO) Mayor Denson broke the tie with a vote of NO.

A motion was made by Commissioner Sims, seconded by Commissioner Dickerson, to approve the Infrastructure Element and Capital Improvements Element of the 2015 Update to the Public Utilities Department (PUD) Service Delivery Plan as per agenda report dated September 30, 2015. The motion failed by roll call vote with Commissioners Dickerson and Sims voting YES; and Commissioners Link, Wright, Bailey, NeSmith, Bell, Herod, Girtz, and Hamby voting NO. (2 YES; 8 NO)

A motion was made by Commissioner NeSmith, seconded by Commissioner Bailey, to reconsider the original motion made by Commissioner Girtz. The motion passed by unanimous vote.

Commissioner Dickerson offered an amendment to remove the word "shall" and amend to allow staff to pursue options. The amendment was not accepted by Commissioner Girtz.

The original motion passed by unanimous vote.

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 the following item. The motion passed by unanimous vote.

A motion was made by Commissioner Sims, seconded by Commissioner Herod, to approve the following appointments as recommended by the Nominating Committee. The motion passed by unanimous vote.

Athens-Clarke County Industrial Development Authority	Robert Synk (reappointment) Two-year term expiring 12-31-17
Athens-Clarke County Library Board	Svea Bogue Five-year term expiring 12-31-20  Ian Thomas Five-year term expiring 12-31-20  David Woods (reappointment) Five-year term expiring 12-31-20
Board of Elections	Alison McCullick (reappointment) Four-year term expiring 12-31-19
Clarke County Board of Health	Kathleen Cason (reappointment) Six-year term expiring 12-31-21 Consumer for needy or under privileged
Board of Assessors	Ivery Clifton Six-year term expiring 12-31-21
Airport Authority	Scott Weinberg Partial term expiring 06-30-17
Hearings Board	Michael Lord Partial term expiring 06-30-17
Construction Board of Appeals	Randall Power (reappointment) Five-year term expiring 11-30-20 Plumbing Contractor

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

A public hearing was held on request of Koons Environmental Design, Inc., as agent for A. Gregg Bayard, for rezoning from RS-8 (Single-Family Residential) and CN (Commercial-Neighborhood) to RS-8 (PD) (Single-Family Residential, Planned Development) and C-N (PD) (Commercial-Neighborhood Planned Development) on 0.28 acres known as 895 and 897 North Chase Street. Proposed use is single-family dwelling and mixed use. Type II

Planning Commission recommendation: Approve w/conditions (unanimous)

Citizen input

The following citizen input was received.

1. Richard Hathaway, 525 Riverview Road – opposed.

2. Will Wilson, 546 Castalia Avenue – opposed.
3. Josh Koons, 205 Clover Street – supported.
4. Ben Mize, 550 Nantahala Avenue – supported.
5. Kathy Kirbo, 890 Hill Street – supported.
6. Don Brainard, 384 Nacoochee Avenue – supported.
7. Jesse Houle, Hill Street – supported.

A motion was made by Commissioner Link, seconded by Commissioner Bailey, to adopt the following ordinance (#15-11- 51) 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 REZONING THE APPROXIMATE 0.28-ACRE TRACT OF LAND COMPRISED OF TWO PARCELS OF LAND LOCATED AT 895 NORTH CHASE STREET AND 897 NORTH CHASE STREET FROM RS-8 (SINGLE-FAMILY RESIDENTIAL) TO RS-8 (PD) (SINGLE-FAMILY RESIDENTIAL, PLANNED DEVELOPMENT), AND FROM CN (COMMERCIAL NEIGHBORHOOD) TO CN (PD) (COMMERCIAL NEIGHBORHOOD, PLANNED DEVELOPMENT); AND FOR OTHER PURPOSES.

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

SECTION 1. The map constituting the component part of the Zoning Ordinance of Athens-Clarke County, Georgia, by virtue of and in compliance with Section 9-3-3 and Section 9-3-6 thereof, is hereby amended by changing the zoning of the approximate 0.28-acre tract of land comprised of two parcels of land located at 895 North Chase Street and 897 North Chase Street from RS-8 (Single-Family Residential) to RS-8 (PD) (Single-Family Residential, Planned Development), and from CN (Commercial Neighborhood) to CN (PD) (Commercial Neighborhood, Planned Development) as shown on Attachment A hereto. Said affected tract of land being more fully described in the drawing entitled, "Planned Development, 895/897 N. Chase St., Athens, GA 30601, Site Plan, Sheet Number C1.0" dated 5/29/2015, revised 8/28/2015 and 10/5/2015, prepared by Koons Environmental Design, Inc., on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

The two parcels comprising the subject 0.28-acre tract of land are also known as parcel numbers 114D1 A004 and 114D1 A005 on the Athens-Clarke County tax maps, being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia. The date of this amendment to the Official Zoning Map of Athens-Clarke County as shown by Attachment A shall be noted on said Official Zoning Map in the Clerk of Commission's Office at 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

SECTION 2. The binding master site plan associated with this ordinance and incorporated herein by reference consists of four sheets, sheet one of which being entitled, "Planned Development, 895/897 N. Chase St., Athens, GA 30601, Site Plan, Sheet Number C1.0" dated 5/29/2015, revised 8/28/2015 and 10/5/2015; sheet two of which being entitled, "Planned Development, 895/897 N. Chase St., Athens, GA 30601, Contextual Site Plan, Sheet Number C1.1" dated 8/28/2015, revised 10/5/2015; sheet three of which being entitled, "Planned Development, 895/897 N. Chase St., Athens, GA 30601, Tree Management Plan, Sheet Number C2.0" dated 5/29/2015, revised 8/28/2015 and 10/5/2015; sheet four of which being entitled, "895/897 Chase Street [sic], Planned Development – Architectural Elevations, Athens, GA 30601, 897 Chase Street Arch. Elevations, Sheet Number A1.0" dated 8/28/2015; all said sheets being prepared by Koons Environmental Design, Inc. and stamped, "Binding 10/7/15" and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

The binding written report associated with this ordinance and incorporated herein by reference consists of 11 pages and is entitled "895/897 North Chase Street, Planned Development Application" dated 8/28/2015, and being stamped "Binding –

10/7/15," and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

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

1. The subject property at 897 North Chase Street shall be restricted to the following uses: single-family dwelling, retail sales and service, and professional services and office.
2. Further detailed information about the proposed gravel surface and method of marking the accessible parking space and access aisle shall be submitted to ACC staff for approval prior to permitting to ensure compliance with the Georgia Accessibility Code.
3. A detailed planting plan for the plantings proposed in lieu of the required fence or wall along the rear property line of 897 North Chase Street shall be submitted to ACC staff for approval to enable staff to ensure sufficient screening in the reduced buffer area.
4. Prior to any permits being issued the two subject parcels shall be recombined as proposed with the final plat incorporating a utility line easement for the existing private residential sanitary sewer line and an access easement provided for the property at 895 North Chase Street to access Nantahala Avenue.
5. Sheet one of the binding plan entitled "Planned Development, 895/897 N. Chase St., Athens, GA 30601, Site Plan, Sheet Number C1.0" dated 5/29/2015, revised 8/28/2015 and 10/5/2015 shall be revised to show a landscape buffer complying with the planting requirements of ACC Code section 9-15-3 and consisting of a minimum of two large oak species, three native understory species and 13 evergreen shrubs located beginning at the western end of the proposed six foot-high fence between 895 and 897 Chase Street and extending thence to the eastern edge of the commercial parking area and thence around and along the southern edge of the commercial parking area and ending at the entrance to the residential parking area. A detailed planting plan for said buffer shall be submitted to and approved by the ACC Planning Department prior to the issuance of any permits.

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

A public hearing was held on request of Williams & Associates, as agent for Southern Mill Lofts, LLC, for amendment to RM-2 (PD) (Mixed Density Residential, Planned Development) and I (PD) Industrial, Planned Development on 18.174 acres known as 355 Oneta Street and 385 Bryan Street. Proposed use is mixed-use residential and commercial. Type II

Planning Commission recommendation: Approve w/conditions (unanimous)

#### Citizen input

The following citizen input was received.

1. Scott Haines, Williams and Associates, representing petitioner – supported.

A motion was made by Commissioner Link, seconded by Commissioner Girtz, to adopt the following ordinance (#15-11-52 ) 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 AMENDING THE EXISTING PLANNED DEVELOPMENT ZONED RM-2 (PD) (MIXED-DENSITY RESIDENTIAL, PLANNED DEVELOPMENT) AND I (PD) (INDUSTRIAL, PLANNED DEVELOPMENT) ON THE APPROXIMATE 18.174-ACRE TRACT OF LAND COMPRISED OF TWO PARCELS AT 355 ONETA STREET AND 285 BRYAN STREET; AND FOR OTHER PURPOSES.

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

SECTION 1. The map constituting the component part of the Zoning Ordinance of Athens-Clarke County, Georgia, by virtue of and in compliance with Section 9-3-3 and Section 9-3-6 thereof, is hereby amended by amending the existing planned development zoned RM-2 (PD) (Mixed-Density Residential, Planned Development) and I (PD) (Industrial, Planned Development) on the approximate 18.174-acre tract of land comprised of two parcels at 355 Oneta Street (tax parcel number 114B 019) and 285 Bryan Street (tax parcel number 114B 018A) such tax parcel numbers being as shown on the Athens-Clarke County tax maps, on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty, Athens, Georgia. Said amendment is to permit redesign of Phase I, reconfigure development density distribution and expand on potential uses, as shown on Attachment A hereto. Said affected approximate 18.174-acre tract of land is more fully described in the drawing entitled, "Millworks, Athens-Clarke County, Georgia, 18.174 Acres, 12080, Master Plan, PD" dated 8/26/2015, prepared by Williams & Associates, on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

SECTION 2. The binding site plan associated with this ordinance and incorporated herein by reference consists of seven sheets, sheet one of which being entitled, "Millworks, Athens-Clarke County, Georgia, 18.174 Acres, 12080, Master Plan, PD" dated 8/26/2015, prepared by Williams & Associates; sheet two of which being entitled "Building A – Overall North/South Elevations, Millworks Artists Lofts, Building A, Dwg. No. A201" dated 7/23/2015, prepared by Lord, Aeck, Sargent; sheet three of which being entitled "Building A – Building Elevations, Millworks Artists Lofts, Building A, Dwg. No. A203" dated 7/23/2015, prepared by Lord, Aeck, Sargent; sheet four of which being entitled "Demolition - Elevations, Millworks Artists Lofts, Building B, Dwg. No. AD102" dated 12/9/2013, prepared by Lord, Aeck, Sargent; sheet five of which being entitled "Building C - Exterior Elevations, Millworks Artists Lofts, Building C, Dwg. No. A201" dated 12/9/2013, prepared by Lord, Aeck, Sargent; sheet six of which being entitled "Building D – Exterior Elevations, Millworks Artists Lofts, Building D, Dwg. No. A201" dated 6/30/2015, prepared by Lord, Aeck, Sargent; sheet seven of which being entitled "Building D – Exterior Elevations, Millworks Artists Lofts, Building D, Dwg. No. A202" dated 6/30/2015, prepared by Lord, Aeck, Sargent; all of said sheets being stamped "Binding 10/7/15", and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

The binding written report associated with this ordinance and incorporated herein by reference consists of seven pages, entitled "Planned Development Amendment Narrative, Millworks, Parcel #: 114B 019 & 114B 018A" dated 8/26/2015, stamped "Binding 10/7/15" and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

This amendment, including the binding site plan and binding written report described hereinabove fully supplant and replace any previous binding site plan, binding written report and conditions of zoning with respect to such property.

SECTION 3. The conditions of amending the existing planned development associated with this ordinance are as follows:

1. A recombination plat shall be submitted and approved prior to issuance of any permit.
2. The previously approved overall maximum density of Phases I and II of 224 units or 448 bedrooms shall remain in effect.
3. The binding report shall be revised to remove the requested driveway separation waiver.
4. The application report shall be amended as follows prior to issuance of any permit:
  - a. The zoning of the project shall read I (PD) and RM-2 (PD), with the zoning boundary delineated.
  - b. Playground amenities shall be provided.
  - c. The number of proposed parking spaces shall be correctly noted and depicted.
5. Sheet one of the binding plans entitled, "Millworks, Athens-Clarke County, Georgia, 18.174 Acres, 12080, Master Plan, PD" dated 8/26/2015, prepared by Williams & Associates shall be revised to replace the existing notation thereon pertaining to the Phase II area reading, "Phase II Area. See past approved PD Plans. Area to be revised at a later date." with the words "Phase II area reserved for future development approval."
6. Sheet one of the binding plans entitled, "Millworks, Athens-Clarke County, Georgia, 18.174 Acres, 12080, Master Plan, PD" dated 8/26/2015, prepared by Williams & Associates shall be revised to notate and show the limits of the Phase I development.

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

A public hearing was held on request of Unified Government of Athens-Clarke County to amend the Future Development Map designation from Community Institutional and Residential Mixed use to Downtown on 1.95 acres known as 220 South Hull Street. Type I

Planning Commission recommendation: Approve (unanimous)

Citizen input

The following citizen input was received.

1. Jon Williams, representing Motel Enterprises – supported future development map amendment and rezoning request which is the next item on the agenda.

A motion was made by Commissioner Wright, seconded by Commissioner Bailey, to adopt the following ordinance (#15-11-53) 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 AMENDING THE OFFICIAL FUTURE DEVELOPMENT MAP OF ATHENS-CLARKE COUNTY BY CHANGING THE DESIGNATIONS OF THOSE PORTIONS OF THE APPROXIMATE 1.95-ACRE PARCEL OF LAND AT 220 SOUTH HULL STREET CURRENTLY DESIGNATED AS COMMUNITY INSTITUTIONAL AND RESIDENTIAL MIXED USE RESPECTIVELY TO DOWNTOWN; AND FOR OTHER PURPOSES.

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

SECTION 1. The Official Future Development Map referred to in the Zoning Ordinance of Athens-Clarke County, Georgia, as specifically identified in Section 9-3-3(A) (2) thereof, is hereby amended by changing the future development map designation of that portion of the approximate 1.95-acre parcel of land located at 220 South Hull Street, Athens-Clarke County tax map number 171A4 E010, presently designated Community Industrial to Downtown, and that portion of said parcel currently designated Residential Mixed Use to Downtown, as more particularly shown on Exhibit A, attached hereto and incorporated herein by reference.

The date of this amendment to the Official Future Development Map of Athens-Clarke County as shown by Exhibit A shall be duly noted in the minutes of the Commission meeting. The Official Future Development Map and Exhibit A hereto are available for inspection in said Clerk's Office, 301 College Avenue, Athens, Georgia.

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

A public hearing was held on request of Williams & Associates, as agent for Motel Enterprises, Inc., for amendment to CD (WE)\* (Commercial-Downtown, West End Downtown Design Area, Zoning with Conditions) on 1.95 acres known as 220 South Hull Street. Proposed use is commercial. Type II

Planning Commission recommendation: Approve w/conditions (unanimous)

Citizen input

There was no additional citizen input.

A motion was made by Commissioner Wright, seconded by Commissioner Bailey, to adopt the following ordinance (#15-11-54) 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 REZONING AN APPROXIMATE 1.95-ACRE PARCEL OF LAND LOCATED AT 220 SOUTH HULL STREET FROM C-D (COMMERCIAL-DOWNTOWN) TO C-D (WE) (COMMERCIAL-DOWNTOWN, WEST END); AND FOR OTHER PURPOSES.

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

SECTION 1. The map constituting the component part of the Zoning Ordinance of Athens-Clarke County, Georgia, by virtue of and in compliance with Section 9-3-3 and Section 9-3-6 thereof, is hereby amended by changing the zoning of an approximate 1.95-acre parcel of land located at 220 South Hull Street from C-D (Commercial-Downtown) to C-D (WE) (Commercial-Downtown, West End) as shown on Attachment A hereto. Said affected parcel of land being more fully described on the drawing entitled, "Survey for Holiday Inn, Address: 198-220 Hull Street, Athens, GA, GMD: 216, Acres: 1.955, Project No.: 15141," dated August 21, 2015, prepared by Williams & Associates, on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

Said tract also being known as parcel number 171A4 E010 on the Athens-Clarke County tax maps being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty, Athens, Georgia. The date of this amendment to the Official Zoning Map of Athens-Clarke County as shown by Attachment A shall be noted on said Official Zoning Map in the office of the Clerk of Commission, 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

All conditions associated with any previous zoning of the subject parcel are hereby repealed in their entirety.

SECTION 2. The conditions associated with this rezoning are as follows:

1. Multifamily and dormitory uses shall be prohibited.
2. A ten foot-wide evergreen tree screening buffer shall be installed along the southern property line of the subject parcel located within 148 feet of the South Hull Street right-of-way.

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

A public hearing was held on request of Beall & Company, as agent for Miracle Temple Church, for amendment to special use in RS-5 Single-Family Residential) on 1.49 acres known as 475 First Street. Proposed use is a Church. Type II

Planning Commission recommendation: Approve w/conditions (unanimous)

A motion was made by Commissioner Sims, seconded by Commissioner Girtz, to approve a variance to eliminate the requirement of section 9-25-8.E.1.a. of the Athens-Clarke County Code for public sidewalk along Fourth Street. The motion passed by unanimous vote.

A motion was made by Commissioner Sims, seconded by Commissioner Girtz, to adopt the following ordinance (#15-11-55) 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 AMENDING THE EXISTING SPECIAL USE APPROVAL IN THE RS-5 (SINGLE-FAMILY RESIDENTIAL) DISTRICT ON THE APPROXIMATE 1.49-ACRE TRACT OF LAND LOCATED AT 475 FIRST STREET; AND FOR OTHER PURPOSES.

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

SECTION 1. The existing Special Use approval for the approximate 1.49-acre tract of land located at 475 First Street zoned RS-5 (Single-Family Residential) is hereby amended to provide for an overall reduction in the size of the structure and associated

parking to be located thereon. The subject 1.49-acre tract of land is more fully described on the drawing entitled, "Greater Miracle Temple, 1.49 Acres – 475 First Street, Athens-Clarke County, Georgia, Special Use Site Plan, Job: 14-062, SU" dated 6/10/2015, revised 8/25/2015, prepared by Beall & Company, and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

Said approximate 1.49-acre parcel of land at 475 First Street in Athens-Clarke County, Georgia is designated as tax parcel number 163D2 E003 on the Athens-Clarke County tax map, being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia. The date of this amendment to the Official Zoning Map of Athens-Clarke County as shown by Attachment A hereto shall be noted on said Official Zoning map in the Clerk of Commission's Office and duly noted in the minutes of the Commission meeting.

SECTION 2. The binding site plan associated with this ordinance and incorporated herein by reference consists of three sheets, sheet one of which being entitled, "Greater Miracle Temple, 1.49 Acres – 475 First Street, Athens-Clarke County, Georgia, Special Use Site Plan, Job: 14-062, SU" dated 6/10/2015, revised 8/25/2015, prepared by Beall & Company; sheet two of which being entitled, "Greater Miracle Temple, 475 First Street, Athens, GA, A-200" dated 3/10/2015 and revised 4/1/2015, 8/27/2015 and 10/1/2015, prepared by AMT Engineers, Architects, Planners; sheet three of which being entitled, "Greater Miracle Temple, 475 First Street, Athens, GA, A-201" dated 3/10/2015 and revised 4/1/2015, 8/27/2015 and 10/1/2015, prepared by AMT Engineers, Architects, Planners, all said sheets being stamped, "Binding 10/7/15", and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

The binding written report associated with this ordinance and incorporated herein by reference consists of four pages, entitled, "Special Use Report for Greater Miracle Temple, Tax Parcel #163D2 E003, 475 First Street – 1.49 Acres, Athens-Clarke County Georgia", dated August 24, 2015 (rev), prepared by Beall & Company, stamped "Binding 10/12/15" and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

SECTION 3. The variance and conditions associated with this ordinance are as follows:

1. A variance to eliminate the requirement of section 9-25-8.E.1.a. of the ACC Code for public sidewalk along Fourth Street is hereby approved
2. The binding site plan shall be revised to show the six-foot side setback.
3. The binding site plan shall be revised to show the ten-foot side setback adjacent to Fourth Street.
4. The binding site plan shall be revised to show the maximum building height as 30 feet.
5. The binding site plan shall be revised to show the minimum lot width as 50 feet.
6. The rear setback shown on the binding site plan shall indicate a minimum setback of ten feet plus one foot for every additional foot of building height over 20 feet.
7. The binding site plan shall be revised to show the existing zoning classification of Special Use in the RS-5 zoning district.
8. The binding site plan shall be revised so that all lighting references meet the standards of chapter 9-19 of the ACC Code.

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

A public hearing was held on proposed text amendments regarding personal care homes/special uses.

Planning Commission recommendation: Approve w/revision (unanimous)

Citizen input

There was no citizen input.

A motion was made by Commissioner Hamby, seconded by Commissioner NeSmith, to DENY proposed text amendments regarding personal care homes and special uses and refer these items to staff and Planning Commission for further study. The motion passed by unanimous vote.

Citizen input on items other than those listed on this agenda

The following citizen input was received.

1. Aaron Redman, 1055 Baxter Street – Bike Athens – supported better bike lanes.
2. Kyle Brown, 700 Fourth Street – supported parallel ordinance.
3. Zachary Garland, 250 Vista Drive – supported parallel ordinance.
4. Morgan King, 225 Mandy Drive – supported parallel ordinance.
5. Jordan Hobgy, 241 Seagraves Drive – supported parallel ordinance.
6. James Moye, 320 South Billups Street – Bag to Bag – supported \$.05 fee on plastic bags.
7. Jesse Houle, P.O. Box 445 – supported increase in minimum wage.
8. Drew Hooks, 915 Chase Street – supported minimum wage of \$10.17.
9. Linda Lloyd, 205 Ambler Road – supported increase in minimum wage.
10. Tim Denson, 290 Midway Road – supported increase in minimum wage.

FROM MAYOR DENSON:

1. Complimented the resurfacing project at the tag office.

FROM MANAGER REDDISH:

1. Status report of standard utility contracts for August and September was entered into the record.
2. Acceptance of a grant and budget amendment for Georgia Council for the Arts was entered into the record.

FROM COMMISSIONER HEROD:

1. Requested during upcoming budget process consideration be given to a living wage.
2. Stated a recent Federation of Neighborhoods meeting focused on east side accomplishments.

FROM COMMISSIONER WRIGHT:

1. Thanked staff and participants for recent successful half marathon and Wild Rumpus events.

FROM COMMISSIONER LINK:

1. Requested consideration of a living wage of \$10.50 hourly.
2. Requested staff explore options for bike lanes on Baxter Street.
3. Requested manager provide an update on the Solid Waste goals and objectives possibly including fee for use of plastic bags.
4. Supported parallel ordinance.

FROM COMMISSIONER GIRTZ:

1. Supported consideration of a living wage.
2. Stated recent Wild Rumpus event was successful.
3. Requested Mayor assign to committee a review of options for an increase in and funding mechanism for an expanded sidewalk network.

FROM COMMISSIONER DICKERSON:

1. Expressed appreciation to Federation of Neighborhoods for recent east side meeting.
2. Stated she recently participated in the Georgia Initiative for Community Housing site visit. Thanked Rob Trevena, Rick Parker, Heather Benham, Evan Mills, and Butch McDuffie for their assistance.
3. Stated the CHaRM facility will open at 10:00 a.m. Monday, November 9 on Cleveland Avenue.
4. Invited everyone to an East Side Business Leaders Association expo on Saturday, November 14, 10 a.m. – 4 p.m. at Tuckston United Methodist Church.

The meeting adjourned at 10:05 p.m.

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Clerk of Commission