

Unified Government of Athens-Clarke County, Georgia  
Mayor and Commission  
Tuesday, February 2, 2016  
7:00 p.m.  
City Hall

The Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia met this date in regular monthly business 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, January 5; Tuesday, January 12; and Tuesday, January 19, 2016. The motion passed by unanimous vote.

#### Written communications

There were no written communications.

#### Old business – Consent

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

#### Citizen input

There was no citizen input.

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

1. ADOPT: The following ordinance (#16-02-06) which was presented by title only.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO PARKING RESTRICTIONS ON REESE 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, parking is hereby prohibited on the south side of Reese Street between Pulaski Street and Newton Street, as more fully delineated on the drawing attached hereto, labeled Attachment 1, entitled "Reese St., N. Newton St. to Pulaski St." and incorporated herein by reference.

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 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

2. APPROVE: Award of a lump sum/unit price contract to Tank Pro, Inc. in the amount of \$555,908 for the 2016 Water Tanks Maintenance and Improvements Project as per agenda report dated December 21, 2015, and; authorize the Mayor and appropriate staff to execute all related contract documents.
3. APPROVE: Award of a unit price contract to RDJE Inc., in the amount of \$4,955,635 for the construction of the SPLOST 2005 Water Line Extension Project Group "C" Phase 3 Projects as per agenda report dated December 21, 2015; authorize a change order in the amount of \$945,635 (\$4,955,635 - \$4,010,000 = \$945,635) to reduce the contract amount with RDJE Inc., from \$4,955,635 to

\$4,010,000; and authorize the Mayor and appropriate staff to execute all related contract documents.

4. APPROVE: Request to terminate a 10' wide access easement crossing 4440 Atlanta Highway as shown on Attachment #1 of agenda report dated January 7, 2016; and authorize the Mayor and appropriate staff to sign and execute any documents relevant to the termination of this access easement.
  
5. APPROVE: Creation of metered, on-street parking spaces along the north side of Strong Street and along both sides of East Dougherty Street between North Thomas Street and Foundry Street, as shown in Attachment #1 of agenda report dated January 7, 2016; and approve the use of Downtown Enhancement Program capital funds for the purchase and installation of 55 parking meters for these two streets.
  
6. APPROVE: Funding for the purchase of crosswalk enhancement materials and equipment for eight existing school crosswalk locations under the SPLOST 2011 Project #12 Pedestrian Safety & Safe Routes to School Project as listed in Attachment #1 of agenda report revised January 27, 2016.

#### Old business – Discussion

#### Citizen input

There was no citizen input.

A motion was made by Commissioner Link, seconded by Commissioner Sims, to adopt the following resolution authorizing the submission of an application to the Georgia State Road and Tollway Authority (SRTA) for capital funding assistance of \$6,000,000 to purchase Gillig hybrid electric heavy duty transit buses as per agenda report revised February 2, 2016; authorize the acceptance of the grant at the currently projected level or alternative level, if awarded; and authorize the Mayor and appropriate staff to execute the resulting contract between the Unified Government of Athens-Clarke County and Georgia State Road and Tollway Authority (SRTA).

#### AUTHORIZING RESOLUTION

Resolution authorizing the execution of contracts between Georgia State Road and Tollway Authority (SRTA) for Capital funding assistance under the "Go Transit" grant program.

WHEREAS, the Executive Director of Georgia State Road and Tollway Authority is authorized to make grants for "Go Transit" projects;

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

WHEREAS, it is required by the Georgia State Road and Tollway Authority in accordance with the provisions and pursuant to the guidelines of the Program in connection with the filing of an application for assistance, the applicant gives an assurance that it will comply with and other pertinent directives and the Georgia State Road and Tollway Authority requirements thereunder; and

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

That the Mayor, and appropriate staff, is authorized to execute and file with such application an assurance or any other document required by the Georgia State Road and Tollway Authority effectuating the purpose of this grant; Capital funds the purchase of Gillig Hybrid-electric Heavy Duty Transit Buses, associated equipment and infrastructure.

That the staff of the Athens Transit System, is authorized to furnish such additional information as the Georgia State Road and Tollway Authority may require in connection with the application or the project;

That the Mayor, and appropriate staff, is authorized to execute these grant agreements on behalf of the Unified Government of Athens-Clarke County with Georgia State Road and Tollway Authority to aid in the financing of the capital assistance requested in the Projects and Budget.

A motion was made by Commissioner Girtz, seconded by Commissioner Wright, to adopt the following ordinances (#16-02-07 and #16-02-08) as recommended by the Legislative Review Committee and 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 TAXICABS; AND FOR OTHER PURPOSES

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

SECTION 1. Section 6-14-1 entitled "*Definitions.*" of the Code of Athens-Clarke County, Georgia, the definition therein of "*Cellular telephone*" is hereby amended by deleting from said definition the words "A dual-capacity cellular telephone may meet the requirements of a two-way radio as required in this chapter." so that the definition Cellular Telephone is:

Sec. 6-14-1. – Definitions.

*Cellular telephone:* A wireless, personal telecommunication device that allows one person to talk with another while not connected to a telecommunication landline.

SECTION 2. Section 6-14-1 entitled "*Definitions.*" of the Code of Athens-Clarke County, Georgia, the definition therein of "*Taximeter*" is hereby amended by deleting from said definition the word "utilized" and by adding thereto the words "including without limitation a software application on a taxi driver's cellular telephone present" so that said definition is:

Sec. 6-14-1. – Definitions.

*Taximeter:* A meter, instrument or device, including without limitation a software application on a taxi driver's cellular telephone, present within a taxicab, which is utilized by the operator of a vehicle for hire for the purpose of calculating fares based upon distance, time, and mileage

SECTION 3. Section 6-14-4 entitled "*Overall 24-hour service required.*" of the Code of Athens-Clarke County, Georgia, is hereby amended by deleting from subsection (a) thereof the words "on the site of the business location," by adding to said subsection the words "between 8:00 a.m. and 5:00 p.m., Monday through Friday excluding holidays" and "available by telephone", by deleting from subsection (b) thereof the words "at the business headquarters" and "on" and by adding to said subsection the words "The chief of police or designee may approve an alternate system for dispatching, accounting of calls for service and documenting passenger trips that otherwise satisfies the requirements of this chapter." so that subsections (a) and (b) of Section 6-14-4 are:

Sec. 6-14-4. – Overall 24-hour service required.

- (a) The holders operating under the provisions of this chapter shall render an overall service to the public desiring to use taxicabs. They shall maintain a central place of business that is accessible to the public between 8:00 a.m. and 5:00 p.m., Monday through Friday excluding holidays and with at least one dispatcher available by telephone 24 hours a day for the purpose of receiving calls for service and dispatching taxicabs. They shall answer all calls received at the advertised phone number, that shall also be held on record with the police department, for services in Athens-Clarke County in a timely and professional manner, and, if services cannot be rendered within a reasonable time, not to exceed 30 minutes, the holder, his agent or employee shall then notify the prospective passengers how long it will take before the call can be answered and provide a reason for the delay.

- (b) Taxi drivers responding to any request for service received by personal cell phone, flag downs, or any other means other than notification by the dispatcher on duty shall, prior to commencing the trip, immediately notify the dispatcher of the pick-up location and destination. The dispatcher shall properly log each and every call for service. The dispatcher shall have strict accountability of all drivers on duty at all times. The chief of police or designee may approve an alternate system for dispatching, accounting of calls for service and documenting passenger trips that otherwise satisfies the requirements of this chapter.

SECTION 4. Section 6-14-5 entitled "*Rates of fare established by taxicab company; rate card required to be displayed in vehicle.*" of the Code of Athens-Clarke County, Georgia, is hereby amended by adding to said title the words "maximum fares," and by adding thereto new subsection (c) so that Section 6-14-5 is:

Sec. 6-14-5. - Rates of fare established by taxicab company; rate card required to be displayed in vehicle; maximum fares.

- (a) Each holder of a vehicle for hire business permit shall file quarterly on January 1, April 1, July 1, and October 1 of each year a current schedule of rates for the transportation of persons and property with the chief of police. The chief of police shall make such schedule of rates available to the public by written request.
- (b) Every taxicab operated under this chapter shall have a rate card setting forth the rates of fare as prescribed in the schedule filed by the holder. The rate card shall be conspicuously displayed in such a place in the taxicab as to be in full view to all passengers. It is unlawful for any person operating a taxicab under this article to make any charge in excess of the charge prescribed in the schedule of rates for said taxicab, as described above.
- (c) The maximum fares set forth hereinafter are established for passenger trips in vehicles for hire regulated pursuant to this article. Taxi operators may charge fares that are less than those prescribed herein. It is unlawful for any person operating a taxicab under this article to make any charge in excess of the maximum fares prescribed in this code section.
  - (1) For passenger trips originating from the Athens Ben Epps Airport in which the fare is established by a taximeter, the maximum per trip fare shall be \$8.00 for the first one-eighth mile and \$2.00 per mile for each additional mile thereafter. The maximum charge for each additional passenger per trip shall be \$3.00.
  - (2) For all other passenger trips in which the fare is established by a taximeter, the maximum per trip fare shall be \$4.00 for the first one-eighth mile and \$2.00 per mile for each additional mile thereafter. The maximum charge for each additional passenger per trip shall be \$3.00.
  - (3) There is hereby established a Taxi Flat-Rate Zone Map, dated January 4, 2016, prepared by the Athens-Clarke County Police Department, maintained in the Office of the Clerk of Commission of Athens-Clarke County, which is incorporated herein by reference. Such map designates three zones within Athens-Clarke County to be referenced for the purpose of establishing maximum flat-rate fares. A person operating a taxicab may charge a flat-rate fare, per passenger, for passenger trips originating in Zone 1 and terminating in Zone 1, Zone 2 or Zone 3. The maximum fare for an individual passenger trip originating in Zone 1 and terminating in Zone 1 shall be \$5.00. The maximum fare for an individual passenger trip originating in Zone 1 and terminating in Zone 2 shall be \$7.00. The maximum fare for an individual passenger trip originating in Zone 1 and terminating in Zone 3 shall be \$10.00. Flat-rate fares may be charged only from Wednesdays at 6:00 p.m. to Sundays at 4:00 a.m. and on those other days in which a special event is occurring within Zone 1, the sponsor of which holds a special-events permit therefor issued pursuant to Chapter 6-5 of this Code. Taxi operators charging any flat-rate fare shall post a copy of the Taxi Flat-Rate Zone Map in a place within the vehicle that is visible to passengers. The taxi driver shall collect a flat-rate fare from a passenger prior to initiation of the passenger trip. It is

unlawful for any person operating a taxicab under this article to initiate a passenger trip having a flat-rate fare without having first collected the flat-rate fare from the passenger.

SECTION 5. Section 6-14-7 entitled "*Vehicle requirements.*" of the Code of Athens-Clarke County, Georgia, item (11) thereof entitled "*Two-way radio required.*," is hereby amended by deleting from said title the words "Two-way radio" and by adding thereto the words "Functional means of communication," by deleting from said item (11) the words "two-way radio, which shall serve as a" and "A dual-capacity cellular telephone may meet the requirements of a two-way radio as required in this chapter." so that item (11) of Section 6-14-7 is:

Sec. 6-14-7. - Vehicle requirements.

(11) *Functional means of communication required.* Every taxi vehicle shall contain a functional means of communication between the company headquarters and the driver.

SECTION 6. Section 6-14-11 entitled "*Taximeter optional; operation, inspection.*" of the Code of Athens-Clarke County, Georgia, is hereby amended by deleting therefrom the words "may be equipped with" and "fastened to the vehicle. Effective July 1, 2016, all taxicabs operated under the authority of this chapter must be operated with taximeters included within each vehicle and utilized for every passenger trip. If and when so equipped, the meters shall be made available to the passengers thereof at all times, day and night." and by adding thereto the words "Effective July 1, 2016", "must utilize", "for passenger trips that are not subject to zone-based rates", "For trips where a taximeter is utilized, the driver must display the taximeter to the passenger at the beginning and conclusion of each trip, and the taximeter shall be displayed and in operation during each trip." and "and may be integrated with an alternate system for dispatching, accounting of calls for service and passenger trips that otherwise satisfies the requirements of this chapter." so that Section 6-14-11 is:

Sec. 6-14-11. - Taximeter optional; operation, inspection.

Effective July 1, 2016, all taxicabs operated under the authority of this chapter must utilize taximeters for passenger trips that are not subject to zone-based rates. For trips where a taximeter is utilized, the driver must display the taximeter to the passenger at the beginning and conclusion of each trip, and the taximeter shall be displayed and in operation during each trip. The taximeter shall be of a design and type approved in advance by the chief of police or designee and may be integrated with an alternate system for dispatching, accounting of calls for service and passenger trips that otherwise satisfies the requirements of this chapter. Any taximeter shall be subject to inspection at any time by the chief of police or designee, and upon discovery of any noncompliance with the provisions hereof, the chief of police shall notify the operator of the taxicab to cease operation immediately, which action shall be taken. The taxicab shall be kept out of service until the working condition of the taximeter is restored.

SECTION 7. Section 6-14-91 entitled "*Ability to provide receipts required.*" of the Code of Athens-Clarke County, Georgia, is hereby amended by adding to said title the words "method of payment of fare.", by deleting from said section the words "for the amount charged, either" and "by a specially prepared receipt on which shall be listed" and by adding thereto the words "which includes at a minimum the following information:", "A receipt containing such information may be provided in digital format transmitted to the passenger, by", "on a paper form with information manually entered by the driver. The driver of any taxicab must accept cash or credit cards or debit cards issued by MasterCard, Visa, American Express, Discover or any other issuer approved by the chief of police or designee." so that Section 6-14-91 is:

Sec. 6-14-91. - Ability to provide receipts required; method of payment of fare.

The driver of any taxicab shall be able at all times to render a receipt which includes at a minimum the following information: the name, address and phone number of the taxicab company, the Athens-Clarke County vehicle for hire business permit number, name of driver, vehicle number, any items for which a charge is made, the total amount paid, and the date of transaction. A receipt containing such information may be provided in digital format transmitted to the passenger, by a mechanically printed receipt, or on a paper form with information manually entered by the driver. The driver of any taxicab must accept cash or credit cards or debit cards issued by MasterCard, Visa, American Express, Discover or any other issuer approved by the chief of police or designee.

SECTION 8. 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 REGULATING BUS AND TAXICAB STAND ZONES AND PARKING SPACES FOR PERSONS WITH DISABILITIES; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 3-3-56 of the Code of Athens-Clarke County, Georgia, is hereby deleted in its entirety, and the following new Code Section 3-3-56 is adopted in lieu thereof:

“Sec. 3-3-56. Restricted use of bus and taxicab stand zones.

“No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab that has been permitted in accordance with Chapter 6-14 of this Code in a taxicab stand zone when any such zone has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaging in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.”

SECTION 2. Section 3-3-4 of the Code of Athens-Clarke County, Georgia, is hereby deleted in its entirety, and said section number is reserved for future use.

SECTION 3. Pursuant to Section 3-3-50 of the Code of Athens-Clarke County, Georgia, the two existing loading zones on the west side of North Hull Street between West Clayton Street and West Washington Street, as further shown on Attachment 1, incorporated herein by reference, are hereby designated as multiple use loading zones and taxi stand zones, with such zones being used exclusively as taxi stand zones each day from 8:00 p.m. until midnight and each day from 12:00 a.m. until 4:00 a.m., and such zones being used exclusively as loading zones at all other times.

SECTION 4. Pursuant to Section 3-3-50 of the Code of Athens-Clarke County, Georgia, the existing loading zone on the east side of North Lumpkin Street between East Clayton Street and East Washington Street, as further shown on Attachment 1, incorporated herein by reference, is hereby designated as a multiple use loading zone and taxi stand zone and parking place for persons with disabilities, with such zone being used as a parking space for persons with disabilities each day from 8:00 a.m. until 10:00 p.m., and being used as a taxi stand zone each day from 8:00 p.m. until midnight and each day from 12:00 a.m. until 4:00 a.m., and such zone being used as a loading zone at all other times.

SECTION 5. Pursuant to Section 3-3-50 of the Code of Athens-Clarke County, Georgia, the existing loading zone on the west side of College Avenue between Washington Street and the entrance to the College Avenue parking deck, as further shown on Attachment 1, incorporated herein by reference, is hereby designated as a multiple use loading zone and taxi stand zone, with such zone being used exclusively as a taxi stand zone each day from 8:00 p.m. until midnight and each day from 12:00 a.m. until 4:00 a.m., and such zone being used exclusively as a loading zone at all other times.

SECTION 6. Pursuant to Section 3-3-50 of the Code of Athens-Clarke County, Georgia, the existing loading zone on the west side of North Jackson Street at the northwest corner of its intersection with East Clayton Street, as further shown on Attachment 1, incorporated herein by reference, is hereby designated as a multiple use loading zone and taxi stand zone and parking place for persons with disabilities, with such zone being used as a parking space for persons with disabilities each day from 8:00 a.m. until 10:00 p.m., and being used as a taxi stand zone each day from 8:00 p.m. until midnight and each day from 12:00 a.m. until 4:00 a.m., and such zone being used as a loading zone at all other times.

SECTION 7. Pursuant to Section 3-3-50 of the Code of Athens-Clarke County, Georgia, the two existing loading zones on the west side of North Jackson Street between East Clayton Street and East Broad Street, as further shown on Attachment 1, incorporated herein by reference, are hereby designated as multiple use loading zones and taxi stand zones, with such zones being used exclusively as taxi stand zones each day from 8:00 p.m. until midnight and each day from 12:00 a.m. until 4:00 a.m., and such zones being used exclusively as loading zones at all other times.

SECTION 8. Pursuant to Section 3-3-50 of the Code of Athens-Clarke County, Georgia, the existing loading zone on the north side of East Broad Street at the northeast corner of its intersection with College Avenue, as further shown on Attachment 1, incorporated herein by reference, is hereby designated as a multiple use loading zone and taxi stand zone, with such zone being used exclusively as a taxi stand zone each

day from 8:00 p.m. until midnight and each day from 12:00 a.m. until 4:00 a.m., and such zone being used exclusively as a loading zone at all other times.

SECTION 9. Pursuant to Section 3-3-50 of the Code of Athens-Clarke County, Georgia, the existing loading zone on the north side of East Broad Street at the northwest corner of its intersection with College Avenue, as further shown on Attachment 1, incorporated herein by reference, is hereby designated as a multiple use loading zone and taxi stand zone, with such zone being used exclusively as a taxi stand zone each day from 8:00 p.m. until midnight and each day from 12:00 a.m. until 4:00 a.m., and such zone being used exclusively as a loading zone at all other times.

SECTION 10. Pursuant to Section 3-3-50 of the Code of Athens-Clarke County, Georgia, the existing loading zone on the west side of North Lumpkin Street at the northwest corner of its intersection with West Broad Street, as further shown on Attachment 1, incorporated herein by reference, is hereby designated as a multiple use loading zone and taxi stand zone and parking place for persons with disabilities, with such zone being used as a parking space for persons with disabilities each day from 8:00 a.m. until 10:00 p.m., and being used as a taxi stand zone each day from 8:00 p.m. until midnight and each day from 12:00 a.m. until 4:00 a.m., and such zone being used as a loading zone at all other times.

SECTION 11. Pursuant to Section 3-3-50 of the Code of Athens-Clarke County, Georgia, the existing loading zone on the north side of West Broad Street at the northwest corner of its intersection with North Lumpkin Street, as further shown on Attachment 1, incorporated herein by reference, is hereby designated as a multiple use loading zone and taxi stand zone, with such zone being used exclusively as a taxi stand zone each day from 8:00 p.m. until midnight and each day from 12:00 a.m. until 4:00 a.m., and such zone being used exclusively as a loading zone at all other times.

SECTION 12. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner Wright, seconded by Commissioner Sims, to approve a lease agreement per Attachment #1 of agenda report dated December 30, 2015 with Hancock Community Development Corporation (HCDC) for the use of the property located at 300 Henderson Extension; and authorize the Mayor and appropriate staff to execute all necessary documents. 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 Jeff Carter/Carter Engineering Consultants, as agents for Cornerstone Church of God, for amendment to special use in RS-25 (Single-family Residential) on 42.99 acres known as 4680 Lexington Road. Proposed use is a church addition. Type II

Planning Commission recommendation: Approve w/conditions (unanimous)

#### Citizen input

The following citizen input was received.

1. Jeff Carter, Carter Engineering, representing petitioner – supported.
2. Scott Shepherd, Pastor – supported.

A motion was made by Commissioner Dickerson, seconded by Commissioner Sims, to adopt the following ordinance (#16-02-09) 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-25 (SINGLE-FAMILY RESIDENTIAL) DISTRICT ON THE APPROXIMATE 42.99-ACRE TRACT OF LAND LOCATED AT 4680 LEXINGTON ROAD; 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 42.99-acre tract of land located at 4680 Lexington Road zoned RS-25 (Single-Family Residential) is hereby amended to provide for the construction of 202 additional parking spaces, a 10,506 square foot gymnasium and a 3, 200 square foot open-air pavilion. The subject 42.99-acre tract of land is more fully described on the drawing entitled, "Boundary Survey for Cornerstone Church of God, 4680 Lexington Road, Athens-Clarke County, Georgia; Sheet Number 1; Project Number 14002CCG" dated October 28, 2015, prepared by Carter Engineering Consultants, and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

Said approximate 42.99-acre parcel of land at 4680 Lexington Road in Athens-Clarke County, Georgia is designated as tax parcel number 242 001C 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, "Boundary Survey for Cornerstone Church of God, 4680 Lexington Road, Athens-Clarke County, Georgia; Sheet Number 1; Project Number 14002CCG", dated October 28, 2015, prepared by Carter Engineering Consultants; sheet two of which being entitled, "Cornerstone Church, Athens, Georgia; Sheet Number A-3", dated July 1, 2015, prepared by M & H Design Solutions; sheet three of which being entitled, "Cornerstone Church, Athens, Georgia; Sheet Number A-4", dated July 1, 2015, prepared by M & H Design Solutions, all said sheets being stamped, "Binding 1/12/16", 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, "Special Use Permit Application for Cornerstone Church of God", dated October 30, 2015, stamped, "Binding 1/12/16", and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

Except as specifically amended hereby the provisions of all previously approved binding plans, architectural elevations and binding written reports shall remain in full force and effect.

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

A public hearing was held on request of Terry Stephens for Stephens Storage, LLC for amendment to special use in RM-1 (Mixed Density Residential) on 8.80 acres known as 855 Macon Highway. Proposed use is commercial outdoor recreation. Type II

Planning Commission recommendation: Approve (unanimous)  
Variance

Planning Commission recommendation: Approve w/conditions (unanimous)  
Special use



### Citizen input

The following citizen input was received.

1. Terry Stephens, petitioner, 2025 Atlanta Highway – supported.

A motion was made by Commissioner Hamby, seconded by Commissioner NeSmith, to approve requested variance for sidewalk installation. The motion passed by unanimous vote.

A motion was made by Commissioner Hamby, seconded by Commissioner NeSmith, to adopt the following ordinance (#16-02-10) 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 RM-1 (MIXED-DENSITY RESIDENTIAL) DISTRICT ON THE APPROXIMATE 8.80-ACRE TRACT OF LAND LOCATED AT 855 MACON HIGHWAY; 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 8.80-acre tract of land located at 855 Macon Highway zoned RM-1 (Mixed-Density Residential) is hereby amended to provide for the removal of an existing driveway and construction of a new driveway to provide access to the Middle Oconee River for a kayak rental company. The subject 8.80-acre tract of land is more fully described on the drawing entitled, "Site Plan and Tree Management Plan for: Terry Stephens (Big Dogs on the River), Address: 855 Macon Hwy, Athens, GA 30606" dated October 2, 2015, revised December 4, 2015, prepared by Williams & Associates, and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

Said approximate 8.80-acre tract of land located at 855 Macon Highway in Athens-Clarke County, Georgia is designated as tax parcel number 132 053 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 one sheet, entitled, "Site Plan and Tree Management Plan for: Terry Stephens (Big Dogs on the River), Address: 855 Macon Hwy, Athens, GA 30606" dated October 2, 2015, revised December 4, 2015, prepared by Williams & Associates, being stamped, "Binding 1/12/16", 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, "Written Report for Special Use, 855 Macon Highway (tax parcel 132053)" undated, being stamped "Binding 1/12/16", and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

The binding site plan and binding written report associated with this amendment supersede all previous binding site plans and binding written reports.

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 Code of Athens-Clarke County, Georgia for public sidewalk along Macon Highway is hereby approved.
2. The new access driveway shall comply with all Athens-Clarke County standards, including those of the Fire and Emergency Services Department to provide for access by emergency vehicles.
3. Any improvements within the 25-foot state waters buffer shall be approved by the Georgia Environmental Protection Division before any permits are issued by Athens-Clarke County.
4. The existing gravel violation in the Macon Highway right-of-way shall be corrected before any permits are issued by Athens-Clarke County.

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

A public hearing was held on request of Aaron Cirou and Ben McElhannon for special use in RM-2, AZ2 (Mixed Density Residential, Airport Overlay) on 0.783 acres known as 324 and 328 Carr Street. Proposed use is multifamily. Type I

Planning Commission recommendation: Deny (unanimous)  
Variance

Planning Commission recommendation: Approve w/conditions (unanimous)  
Special use

A motion was made by Commissioner Wright, seconded by Commissioner Bailey, to DENY the requested variance for a sidewalk. The motion passed by unanimous vote,

A motion was made by Commissioner Wright, seconded by Commissioner Bailey, to adopt the following ordinance (#16-02-11) 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 SPECIAL USE APPROVAL IN THE RM-2, AZ2 (MIXED-DENSITY RESIDENTIAL, AIRPORT OVERLAY) DISTRICT ON THE APPROXIMATE 0.783-ACRE PARCEL OF LAND LOCATED AT 324 AND 328 CARR STREET; AND FOR OTHER PURPOSES.

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

SECTION 1. The current RM-2, AZ2 (Mixed-Density Residential, Airport Overlay) District in which is located an approximate 0.442-acre parcel of land at 328 Carr Street and an approximate 0.341-acre parcel of land at 324 Carr Street, together comprising an approximate 0.783-acre tract of land in Athens-Clarke County, Georgia is hereby amended to provide for Special Use approval for said 0.783-acre tract to permit construction of second dwellings on each of said parcels. The subject 0.783-acre tract of land is more fully described on the drawing entitled, "Site Plan for 324 & 328 Carr Street; 320, 322, 324 & 328 Carr St., Clarke County, Georgia, 216<sup>th</sup> G.M.D., Sheet 1 of 1" dated January 11, 2016, prepared by DuSouth Surveying & Engineering, Inc., being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

Said approximate 0.442-acre parcel of land at 328 Carr Street is designated as tax parcel number 172C3 A005, and said approximate 0.341-acre parcel of land at 324 Carr Street is designated as tax parcel number 172C3 A006 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 five sheets, sheet one of which being entitled, "Site Plan for 324 & 328 Carr Street; 320, 322, 324 & 328 Carr St., Clarke County, Georgia, 216<sup>th</sup> G.M.D., Sheet 1 of 1" dated January 11, 2016, prepared by DuSouth Surveying & Engineering, Inc., sheet two of which being entitled, "Project: 322 Carr Street, Elevations, Sheet 1 of 9", dated October 14, 2014; sheet three of which being entitled, "Project: 322 Carr Street, Elevations, Sheet 2 of 9", dated October 14, 2014; sheet four of which being entitled, "Project: 322 Carr Street, Elevations, Sheet 3 of 9", dated October 14, 2014; sheet five of which being entitled, "Project: 322 Carr Street, Elevations, Sheet 4 of 9", dated October 14, 2014; sheets two through five being prepared by Warren Design & Consulting, all five said sheets being stamped, "Binding 1/12/16", 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 eight pages, being entitled, "324/328 Carr St. Special Use Permit Application Report, stamped "Binding 1/12/16" and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

SECTION 3. The conditions associated with this special use permit ordinance are as follows:

1. The five-foot additional future right-of-way shall be dedicated to Athens-Clarke County in accordance with Chapter 9-29 of the Code of Athens-Clarke County, Georgia.
2. In accordance with Section 9-13-3 of the Code of Athens-Clarke County, Georgia, the applicant shall execute an agreement with Athens-Clarke County agreeing that airport noise is likely to increase in the future and waiving all rights to complain about such noise. Said agreement shall be evidenced by an Affidavit of Facts Affecting Title recorded in the real estate records of the Office of the Clerk of the Superior Court of Clarke County, Georgia. Said agreement shall at a minimum contain the following provisions:
  - a. Any building constructed within Airport Overlay Zone shall at a minimum meet the Georgia Power Good Cents insulation requirements to minimize aircraft noise in the building.
  - b. All deeds, leases, or other conveyances transferring any interest in the property within the Airport Overlay Zone shall contain the following statement, "This property is in an area in the Airport Overlay Zone and is subject to civilian and military overflights using Athens-Ben Epps Airport. As a result, residents in the Airport Overlay Zone may be subject to some inconvenience, annoyance or discomfort arising from the noise of such operations. Residents of property near a public use airport should therefore be prepared to accept such inconvenience, annoyance, and discomfort from normal airport operations or growth in the amount of air traffic and covenant to a waiver of rights to complain about airport noise from normal operations."

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

Citizen input on items other than those listed on this agenda

The following citizen input was received.

1. Drew Hooks, 915 North Chase Street – supported living wage.
2. Tyler Dewey, 149 Tracy Street, Bike Athens – supported new bike master plan.
3. Chris Dowd, 245 Harris Street - supported alternative transportation.
4. Adam Lassila, 436 Hill Street - supported expanded Medicaid funding.
5. Tim Denson, 290 Midway Road – supported Go Transit grant and extension of bus service to US 29.
6. Kathy Hoard, 248 Springdale Street – expressed appreciation to Manager Reddish for his service to the community and his assistance and support for her as a former ACC Commissioner and his friendship.
7. Russell Edwards, 400 Duncan Springs Road - supported living wage.
8. Colleen McLoughlin – Environment Georgia/Solarize Athens - supported solar energy.
9. James Moye, 327 Pope Street – supported plastic bag fee.
10. Samantha Eberhart, 195 Kingswood Drive - supported plastic bag fee.

FROM MAYOR DENSON:

1. Congratulated Colleen McLoughlin on her promotion of solar energy.

Mayor Denson thanked Manager Alan Reddish, who will retire on Friday, February 5, for his dedicated 15 years of service to Athens-Clarke County and for the leadership and support he's given to elected officials, Athens-Clarke County employees, and citizens. She wished him well in his retirement. She also recognized Mrs. Carol Reddish and thanked her for her support.

Mayor Denson expressed appreciation to Senior Assistant Attorney Amy Gellins who will be leaving February 5.

FROM MANAGER REDDISH:

Mr. Reddish stated he was proud to have spent the last 15 years of his professional career as Manager of the Unified Government of Athens-Clarke County. He expressed appreciation to the Mayor and Commission, constitutional officers, elected officials, and Athens-Clarke County management and employees.

Attorney Berryman and Auditor Maddox expressed appreciation to Manager Reddish.

FROM COMMISSIONER NESMITH:

1. Expressed appreciation to Assistant Manager Williams and Public Works staff for assistance with a potential new business on the Atlanta Highway.
2. Stated the Solid Waste Department is still accepting glass for recycling.
3. Suggested citizens visit the Solarize Athens website.

FROM COMMISSIONER LINK:

1. Stated citizen input is needed in support of solar energy.
2. Stated the Mayor and Commission will meet Wednesday, February 10, 1:30 p.m. to finalize goals and objectives.
3. Supported formation of alternative transportation committee.
4. Supported expansion of Medicaid program and conveyance to local legislative delegation.
5. Stated a review is needed of development in older neighborhoods such as the Hancock Corridor.
6. Supported moratorium on downtown development.

All Commissioners commented and expressed appreciation to Manager Reddish for his leadership, availability, and advice.

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

The meeting adjourned at 8:20 p.m.