
Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, July 5, 2016
7:00 p.m.
City Hall

The Mayor and Commission of the Unified Government of Athens-Clarke County met this date in regular monthly business session. Present: Mayor Denson; Commissioners Dickerson, Sims, Link, Wright, Bailey, NeSmith, Bell, Herod, and Hamby. Absent: Commissioner Girtz.

A motion was made by Commissioner Sims, seconded by Commissioner Bailey, to approve Minutes of meetings of Tuesday, June 7 and Tuesday, June 21, 2016. Commissioner Herod requested an amendment to change the word "dump" to "landfill". The motion as amended 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 nine items. The motion passed by unanimous vote.

1. ADOPT: The following ordinance (#16-07-38) which was presented by title only for levy and assessment of taxes for the year 2016 as requested by the Clarke County School District

AN ORDINANCE TO LEVY AND ASSESS TAXES FOR THE CLARKE COUNTY BOARD OF EDUCATION FOR THE CLARKE COUNTY SCHOOL DISTRICT, ATHENS-CLARKE COUNTY, GEORGIA, FOR THE YEAR 2016.

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

SECTION 1. The following tax, as authorized by the Georgia Constitution, Article VIII, Section VI, Paragraph I, is hereby levied and assessed for the year 2016; and the following described property shall be subject to the tax hereinafter prescribed.

SECTION 2. There is hereby levied and assessed for the year 2016 on all of the taxable property in Athens-Clarke County, Georgia, ad valorem taxes for school purposes for maintenance and operation at the rate of 20.00 mills, as certified by the Clarke County Board of Education, upon the value of said property as fixed by the Tax Digest of Athens-Clarke County.

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 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

2. ADOPT: The following ordinance (#16-07-39) which was presented by title only.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO THE ESTABLISHMENT OF A LOADING ZONE AT 755 EAST BROAD 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, a loading zone is hereby established at 755 East Broad Street as shown on Attachment 1, incorporated herein by reference.

SECTION 2. The establishment of said loading zone is conditioned upon the following:

1. All costs associated with such loading zone, including all permits, construction, and pavement markings and signage as determined by the Athens-Clarke County Director of Transportation and Public Works shall be borne by the requestor, PDQ Enterprises, Inc., or its successors and assigns.
2. Said loading zone shall be constructed as shown on Attachment 1, and any changes thereto shall be approved in writing by the Unified Government of Athens-Clarke County prior to such changes being made.

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

3. APPROVE: Request to install a handicapped only on-street-parking space at 376 Dearing Street as shown in Attachment #1 of agenda report dated May 23, 2016.
4. APPROVE: Unified Government of Athens-Clarke County's participation in the Statewide Mutual Aid and Assistance Agreement as per Attachment #1 of agenda report dated May 26, 2016; and authorize the Mayor to execute the agreement through the Georgia Emergency Management Agency (GEMA).
5. APPROVE: Declare the two Unified Government of Athens-Clarke County owned Athens Transit buses described in Facts and Issues #3 of agenda report dated May 31, 2016 as surplus property; and authorize the sale of the two buses through an Internet auction.
6. APPROVE: Change Order with Pittman Construction Company for the Sandy Creek Park Renovation and Development Project (SPLOST 2011 Project #14) Sub-Project #1 – Road Repair/ Maintenance in an amount not to exceed \$250,000 as per agenda report dated May 25, 2016; and authorize the Mayor and appropriate staff to sign all related documents.
7. APPROVE: a) Athens-Clarke County Police Department's (ACCPD) request to acquire successor computer-aided dispatch (CAD) and records management systems (RMS) in support of police operations as per agenda report dated June 9, 2016;
b) Authorize the use of specified capital funds and stakeholder contributions to acquire the proposed CAD/RMS;
c) Approve the award of a contract with Tyler Technologies in the amount of \$1,248,616 as to allow for the purchase of such specified software and associated equipment; and
d) Authorize the Mayor and appropriate staff to execute all documents related to the purchase of the requested software.
8. APPROVE: Staff to enter into an annual maintenance services agreement with Motorola Solutions, Inc. for the 800 MHZ radio system as per agenda report dated June 1, 2016; and authorize the Mayor and appropriate staff to execute all necessary documents.

9. APPROVE: An expenditure from the Stormwater Utility Enterprise Fund in the amount of \$400,000 towards the live stream pipe emergency relocation at Baxter Street and Collins Avenue (1064 Baxter Street) as shown in Attachment #1 of agenda report dated June 9, 2016.

Old and new business – Discussion

Citizen input

The following citizens supported the Rails-to-Trails Network Program Sub-Project #3.

1. Gary Hedrick, 1005 Lavender Road, representing Firefly Trail, Inc.
2. Mark Ralston, 190 Pendleton Drive, representing Firefly Trail, Inc.
3. Nat Kuykendall, 108 Riverbottom Circle, representing Oconee Rivers Greenway Commission
4. Tyler Dewey, 1065 West Broad Street, representing Bike Athens

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

- a) Approve proposed Sub-Project #5 and Sub-Project #6 Project Concepts of the Oconee Rivers Greenway Network Connectors (SPLOST 2011 Project #09) as generally described in Facts and Issues #2 and generally shown on Attachment #1 of agenda report revised June 28, 2016;
- b) Authorize staff to advance the proposed project concepts for Sub-Project #5 and Sub- Project #6 to the Preliminary Plan Phase and easement acquisition as funding is available;
- c) Authorize staff to advance the previously approved proposed project concept for Sub- Project #4, shown on Attachment #1 of said agenda report into easement acquisition as funding is available; and
- d) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

A motion was made by Commissioner NeSmith, seconded by Commissioner Link, to adopt the following ordinance (#16-07-40) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO THE SALE OF GROWLERS IN BREW PUBS; AND FOR OTHER PURPOSES

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

SECTION 1. Section 6-3-1 entitled "*Definitions*" of the Code of Athens-Clarke County, Georgia is hereby amended by deleting from the existing definition therein entitled "*Brew pub*" the words "on the premises and solely in draft form." so that said definition is:

Brew pub: Any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in section 3-5-36 of the Official Code of Georgia Annotated for retail consumption. As used in this chapter, the term "eating establishment" means an establishment which is licensed to sell distilled spirits, malt beverages, or

wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

SECTION 2. Section 6-3-6 entitled "*Regulations pertaining to certain classes of licenses only.*" of the Code of Athens-Clarke County, Georgia, is hereby amended by adding thereto new subsection (g) as follows:

(g) *Growler sales by brew pubs.*

The retail sale of growlers is authorized for any brew pub as defined by section 6-1-1 of this chapter holding a Class B license to sell malt beverages by the package. Such sales by a Class B licensee shall not be counted in determining a brew pub's total annual gross food and beverage sales. The filling of growlers with malt beverage drawn from a tap on a cask, barrel, tank, or keg on the premises of any such brew pub shall not constitute the breaking of a package as defined by O.C.G.A. § 3-3-26. Growlers offered for retail sale in a brew pub may only be filled, handled, sealed, or sold by the licensee or an authorized employee thereof. Each growler must be securely sealed and removed from the licensed premises in its original sealed condition. All licensees and permit holders operating pursuant to this section must comply with all other state statutes and sections of this Code and other Athens-Clarke County ordinances concerning alcoholic beverages, including but not limited to those dealing with hours of operation, Sunday sales, zoning and distance requirements.

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

A motion was made by Commissioner Link, seconded by Commissioner Sims, to approve the list of events shown in Attachment #1 of agenda report dated May 31, 2016 for the Athens Downtown Development Authority's FY17 Community Events Program (CEP). The motion passed by unanimous vote.

A motion was made by Commissioner Link, seconded by Commissioner Sims, to approve a Solid Waste Department Landfill Division On-Call Professional Services Contract with Atlantic Coast Consulting, Inc. for the period July 1, 2016 through June 30, 2017 with annual renewal options through June 30, 2021 as per agenda report dated June 1, 2016; and authorize the Mayor and appropriate staff to execute all related documents. The motion passed by unanimous vote.

A motion was made by Commissioner Link, seconded by Commissioner NeSmith, with reference to Rails-to-Trails Network Program (SPLOST 2011 Project #08) – Project concept Sub-project #3:

- a) Table proposed Sub-Project #3 Project Concept for the Rails- to-Trails Network Program (SPLOST 2011 Project #08) to allow staff to clear up confusion regarding earlier approved versions and properly designate Winterville trail segments as individual subprojects.
- b) Authorize the Mayor and appropriate staff to initiate discussions to develop a partnership between the Unified Government of Athens-Clarke County (ACCUG), Firefly Trail, Inc. (FFTI), and Athens Land Trust (ALT) to facilitate land acquisition.

A substitute motion was made by Commissioner Herod, seconded by Commissioner Dickerson, to:

- a) Approve proposed Sub-Project #3 Project Concept for the Rails- to-Trails Network Program (SPLOST 2011 Project #08) as generally described in Facts and Issues #7 and as shown on Attachment #1 of agenda report revised June 28, 2016; and
- b) Authorize the Mayor and appropriate staff to initiate discussions to develop a partnership between the Unified Government of Athens-Clarke County, Firefly Trail, Inc. (FFTI), and Athens Land Trust (ALT) to facilitate the land acquisition related to Sub-Project #3.

The substitute motion passed by roll call vote with Commissioners Dickerson, Sims, Wright, Bailey, NeSmith, Bell, Herod, and Hamby voting YES; and Commissioner Link voting NO. (8 YES; 1 NO)

New business – Consider under suspension of Rules

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

A motion was made by Commissioner Sims, seconded by Commissioner Bell, to approve the following report from the Nominating Committee for appointments to various boards, authorities, and commissions. The motion passed by unanimous vote.

Athens Downtown Development Authority	Regina Quick (reappointment) Two-year term expiring 07-31-18
	Shayne Jordan Two-year term expiring 07-31-18
Department of Family and Children Services	Kizzy Wingfield Partial term expiring 06-30-19
	Emily Coleman Five-year term expiring 06-30-21
	Jane Okrasinski Five-year term expiring 06-30-21
Historic Preservation Commission	Jeff Bishop Three-year term expiring 06-30-19
Region 2 Mental Health, Developmental Disabilities and Addictive Diseases Regional Planning Board	Kelli Ogunsanya Three-year term expiring 06-30-19
Vision Committee	Mike Hodges Three-year term expiring 06-30-19
	Materance Jordan Three-year term expiring 06-30-19
	Tony Mallon Three-year term expiring 06-30-19
	Peter Norris Three-year term expiring 06-30-19

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

A public hearing was held on request of Brian Clark, Excaliber Development. LLC, for rezoning from C-R (Commercial-Rural) to C-G (Commercial-General) on 77.34 acres known as 900 and 925 US Highway 29 N. Proposed use is commercial/retail. Type II

Planning Commission recommendation: Approve w/conditions (8-1)

Citizen input

The following citizen input was received.

1. Jeffrey DeLoach, 1571 Crystal Hills Drive, representing petitioner – supported.

A motion was made by Commissioner Hamby, seconded by Commissioner NeSmith, to adopt the following ordinance (#16-07-41) 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 PARCEL OF LAND AT 900 U.S. HIGHWAY 29 NORTH FROM C-R (COMMERCIAL-RURAL) TO C-G (COMMERCIAL-GENERAL), AND PART OF THE PARCEL OF LAND AT 925 U.S. HIGHWAY 29 NORTH FROM C-R (COMMERCIAL-RURAL) TO C-G (COMMERCIAL-GENERAL); 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 77.34-acre tract of land comprised of the 42.60-acre parcel of land at 900 U. S. Highway 29 North, and an approximate 34.74-acre portion of the approximate 63.37-acre parcel of land at 925 U. S. Highway 29 North from C-R (Commercial-Rural) to C-G (Commercial-General), as shown on Attachment A hereto. Said tract of land is more fully described in two drawings, the first of which being entitled, "Subdivide Survey for Excaliber Development LLC", sheet number 2 of 2, prepared by Patton Land Surveying, LLC, dated February 12, 2016; the second of which being entitled, "Conceptual Site Plan, Zoning Exhibit, Excaliber Out Lots, 900 & 925 N. U.S. 29 Hwy, Parcel: 213-018 & 213-001D", dated May 12, 2016, prepared by Quality Civil Designs both said sheets being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

The parcels comprising the subject 77.34-acre tract of land are also known as parcel numbers 213 018 and p/o 213 001D 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 conditions of zoning associated with this ordinance are as follows:

1. The future transportation corridor across the subject parcels connecting Voyles Road and Danielsville Road shall be accommodated by the provision of an 80'-wide public right-of-way from the westerly boundary of the 925 U. S. Highway 29 North parcel, utilizing the 100-foot permanent access easement and existing U. S. Highway 29 North median break shown on the drawing entitled, "Conceptual Site Plan, Zoning Exhibit, Excaliber Tracts", Sheet 2 of 2, dated May 12, 2016, prepared by Quality Civil Designs, and proceeding southeastward through the 900 U. S. 29 North parcel to the eastern boundary thereof.
2. In addition to the transportation corridor noted in condition 1 hereto and the existing access drive to U. S. Highway 29 shared with the Trail Creek Village property, one right-in, right-out access shall be allowed for the parcel on the east side of U. S. Highway 29 to conform with Georgia Department of Transportation standards for curb-cut distances on a highway of this design and speed.
3. In addition to the transportation corridor noted in condition 1 hereto and the existing access drive to U. S. Highway 29 shared with the Trail Creek Village property, one right-in, right-out access shall be allowed for the parcel on the west side of U. S. Highway 29 to conform with Georgia Department of Transportation standards for curb-cut distances on a highway of this design and speed.
4. The site interconnections with the Trail Creek Village property at the south side of the 900 U. S. Highway 29 North parcel shall be maintained and an interconnection with the Teaster Properties parcel at the north shall be established. Site circulation shall be maintained through the site, similar to a public street system, and said interconnection shall be built upon development of that segment of the applicant's property.
5. Vehicular interconnection shall be established with the Mitchell Nease property to the south of the 925 U. S. Highway 29 parcel with a drive functioning similar to a public

street, and said interconnection shall be built upon development of that segment of the applicant's property.

6. The costs of any traffic signal study and subsequent right-of-way improvements, including signalization at the intersection at U. S. Highway 29 North, shall be borne by the applicant.

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

A public hearing was held on request of Williams & Associates, for Thomas W. Scott III, for special use in RM-1 (Mixed Density Residential) on 6.65 acres known as 175 and 250 Carriage Lane. Proposed use is a fraternity house. Type II

Planning Commission recommendation: Approve (unanimous)
Variance

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

Citizen input

The following citizen input was received.

1. Jon Williams, Williams, and Associates, representing petitioner – supported.

A motion was made by Commissioner Wright, seconded by Commissioner NeSmith, to approve a variance to reduce the off-street parking requirement of section 9-30-2 of the Code of Athens-Clarke County, Georgia from 77 spaces to 58 spaces. The motion passed by unanimous vote.

A motion was made by Commissioner Wright, seconded by Commissioner NeSmith, to adopt the following ordinance (#16-07-42) which was presented by title only. The motion passed by roll call vote with Commissioners Dickerson, Sims, Link, Wright, Bailey, NeSmith, Bell, and Hamby voting YES; and Commissioner Herod voting NO. (8 YES; 1 NO)

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA, WITH RESPECT TO SPECIAL USE APPROVAL IN THE RM-1 (MIXED DENSITY RESIDENTIAL) DISTRICT ON AN APPROXIMATE 6.65-ACRE TRACT OF LAND COMPRISED OF TWO PARCELS OF LAND LOCATED AT 175 CARRIAGE LANE AND 250 CARRIAGE LANE; AND FOR OTHER PURPOSES.

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

SECTION 1. The current RM-1 (Mixed Density Residential) district in which are located an approximate 1.62-acre parcel of land at 175 Carriage Lane and an approximate 5.01-acre parcel of land at 250 Carriage Lane, together comprising an approximate 6.63-acre tract of land in Athens-Clarke County, Georgia, is hereby amended to provide for Special Use approval for said parcels to permit the construction of a fraternity house thereon. The two subject parcels are more fully described on the drawing entitled, "Phi Psi House, Clarke County, Georgia, 6.65 Acres – 175 & 250 Carriage Lane, Special Use Plan, SUP", dated May 11, 2016, prepared by Williams and Associates, and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

Said parcel of land at 175 Carriage Lane is designated as tax parcel number 174 014B, and said parcel of land at 250 Carriage Lane is designated as tax parcel number 174 014D, both being so designated on the Athens-Clarke County tax map, 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 plans associated with this ordinance and incorporated herein by reference consists of two sheets; sheet one of which being entitled, "Phi Psi House, Clarke County, Georgia, 6.65 Acres – 175 & 250 Carriage Lane, Special Use Plan, SUP", dated May 11, 2016, prepared by Williams and Associates; sheet two of which being entitled, "Phi Psi Fraternity, Athens, Georgia, Front Elevation, Sheet A-1", dated April 28,

2016, prepared by Riddle Architecture; all said sheets being stamped, "Binding 6/6/16" and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

The binding report associated with this ordinance and incorporated herein by reference consists of five sheets entitled, "Special Use Narrative, Phi Kappa Psi, Athens, Georgia, Parcel #: 174 014B & D", dated April 27, 2016, and being stamped "Binding 6/6/16" and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

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

1. A variance to reduce the off-street parking requirement of section 9-30-2 of the Code of Athens-Clarke County, Georgia from 77 spaces to 58 spaces is hereby approved.
2. A ten foot-wide, six foot-tall vegetative screen shall be established along the 650-foot contour line between the northeast corner of the parking area and the proposed future right-of-way denoted on the site plan.

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

FROM MAYOR DENSON:

1. Commended Athens Downtown Development Executive Director Pam Thompson and Athens-Clarke County staff who worked on the 4th of July fireworks event.
2. Assigned to the Government Operations Committee a review of the special events permit process.

FROM MANAGER WILLIAMS:

1. Received for information was a report of contract awards in excess of \$10,000 for May 2016.
2. Received for information was a Manager proposed operating transfer to Municipal Court.

FROM COMMISSIONER WRIGHT:

1. Requested a work session on SPLOST unallocated funds and earned interest.

FROM COMMISSIONER LINK:

1. Requested a review of land use practices and regulations around the Greenway during the comprehensive plan process.

FROM COMMISSIONER DICKERSON:

1. Commended the Police Department for giving a teddy bear to a child recently involved in and upset due to a traffic accident.

FROM COMMISSIONERS DICKESON, HEROD, AND BELL:

1. Commended Athens Police Department Captain Carter Greene and Superintendent of Voter Registration and Elections Gail Schrader who have announced their retirement.

FROM COMMISSIONER HEROD:

1. Commended Green Acres Neighborhood for their annual 4th of July parade.

FROM COMMISSIONER BELL:

1. Stated the 4th of July fireworks were all inclusive.

FROM COMMISSIONER HAMBY:

1. Thanked Athens Downtown Development Authority, Athens-Clarke County staff, University of Georgia staff, and private sponsors for making the 4th of July fireworks a success.
2. Commended Public Works Superintendent Kevin Gentry for assistance with a recent stormwater problem.

FROM COMMISSIONER NESMITH:

1. Stated he was honored to deliver a welcome to the 63rd Southeastern Chamber of Commerce Institute.
2. Commended Community Protection Division for rapid response on several neighborhood issues.

FROM COMMISSIONERS WRIGHT AND HAMBY:

1. Supported a review of special events permit process.

A motion was made by Commissioner Bailey, seconded by Commissioner Dickerson, to enter into executive session to discuss pending/threatened litigation and real estate matters. The motion passed by unanimous vote.

The meeting adjourned at 8:15 p.m.

Clerk of Commission