

Unified Government of Athens-Clarke County, Georgia  
Mayor and Commission  
Tuesday, August 2, 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, 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, July 5, and Tuesday, July 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 Wright, to consent to action on the following six items. The motion passed by unanimous vote.

1. ADOPT: The following ordinance (#16-08-43) which was presented by title only to facilitate events at the Classic Center that occur on both sides of Foundry Street.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO ALCOHOLIC BEVERAGES – CLASSIC CENTER SPECIAL EVENTS; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 6-3-13, entitled "Classic Center," is hereby amended by designating the existing text as paragraph (a) and by adding a new paragraph (b) as follows:

- "(b) An event hosted at the Classic Center shall be exempt from the provisions of Section 6-3-12 (c) so that persons in possession of alcoholic beverages in open containers may cross Foundry Street and adjacent sidewalks and rights-of-way between event areas on Classic Center property on either side of Foundry Street, provided that:
- (1) The event has been issued a special event permit pursuant to Chapter 6-5 that refers to this exemption and includes as a special condition of such special event permit the numbered conditions in this paragraph;
  - (2) Foundry Street is closed to vehicular traffic during the event;
  - (3) The area of the exemption shall be no wider than 20 feet, collocated with an existing marked crosswalk, and kept free from obstructions;
  - (4) The area of the exemption shall be securely enclosed on both sides by a fence, barricade or other similar such structure approved by the chief of police, or his designee, so as to separate that area from the areas in which alcoholic beverages are not permitted;

- (5) At least one security officer, approved by the chief of police, or his designee, is present to ensure that persons with open containers of alcoholic beverages cross Foundry Street only within the area of exemption and to assist with emergency vehicle access when needed.”

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 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

- 2. ADOPT: The following ordinance (#16-08-44) which was presented by title only.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO PARKING RESTRICTIONS ON HENDERSON EXTENSION; 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 north side of Henderson Extension beginning at a point on the north side of Henderson Extension 105 feet more or less from the northwest corner of its intersection with Collins Avenue and Fuller Street and extending therefrom along the north side of Henderson Extension in a westerly direction 30 feet, more or less, as further shown on Attachment 1, incorporated herein by reference.

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

- 3. ADOPT: The following ordinance (#16-08-45) which was presented by title only approving a transfer of an FY17 General Fund appropriation of \$26,474 from State Court, DUI/Drug Court to Superior Court, Probation Services as per agenda report dated June 29, 2016.

AN ORDINANCE TO AMEND THE FY2017 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FOR OPERATING EXPENSES RELATED TO SUPERIOR COURT; AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the General Fund to transfer funding operating expenses for Compensation Part-Time No Benefits from State Court, DUI/Drug Court to Superior Court, Probation Services. Said Operating and Capital budget is hereby amended as follows:

General Fund:

EXPENDITURES:

Decrease:	
State Court, DUI/Drug Court Compensation – Part-Time No Benefits	(\$26,474)
Increase:	
Superior Court, Probation Services Compensation – Part-Time No Benefits	\$26,474
Total	\$0

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

- 4. ADOPT: The following resolution on reporting alcoholic beverages disciplinary actions to Georgia Department of Revenue.

## RESOLUTION

BE IT RESOLVED BY THE MAYOR AND COMMISSION OF ATHENS-CLARKE COUNTY:

WHEREAS, the Georgia General Assembly adopted H.B. 152 at its 2015 session, amending certain provisions of the Code of Georgia with respect to regulation of alcoholic beverages, and

WHEREAS, one of the provisions of H.B. 152 was the adoption of a new statute, codified at O.C.G.A. § 3-3-2.1 (the "Reporting Statute"), that requires local governments by resolution or ordinance to adopt a policy and implement a process by which any disciplinary action taken by such local government against a licensee report such violations to the Georgia Department, and

WHEREAS, the Reporting Statute directed that the Georgia Department of Revenue determine and make available the format for the reporting of disciplinary actions by local governments and to promulgate rules and regulations as to the implementation and use of such reporting method and compliance with the provisions of the law,

WHEREAS, such reporting requirements became effective on July 1, 2016, and

WHEREAS, on July 1, 2016, the Georgia Department of Revenue ("DOR") issued Policy Bulletin ATD-2016-06 ("the DOR Policy Bulletin"), which provided guidance and direction to the public and Department personnel as required by the Reporting Statute, and

WHEREAS, the Mayor and Commission of Athens-Clarke County desire to adopt a Resolution establishing a policy and implementing a process by which any disciplinary action taken by the Unified Government of Athens-Clarke County (the "Unified Government") against an alcoholic beverages licensee as required by the Reporting Statute and the DOR Policy Bulletin is reported to DOR,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Commission do hereby establish a policy whereby a "disciplinary action," as that term is defined by the Reporting Statute and the DOR Policy Bulletin, taken by the Unified Government against an alcoholic beverages licensee, shall be reported to DOR as provided by law, and

IT IS FURTHER RESOLVED that the Mayor and Commission do hereby implement a process whereby the Chief of Police or his or her designee shall maintain records of disciplinary actions, as defined herein, taken by the Unified Government against those licensees defined by the Reporting Statute and the DOR Policy Bulletin and shall report such disciplinary actions to DOR in the manner directed by DOR, as may be amended by DOR from time to time, within the time required by law.

5. ADOPT: The following resolution for Oconee Hill Cemetery historic preservation grant; accept the terms of a Georgia Department of Natural Resources (DNR) grant for \$10,710 between the DNR and the Unified Government of Athens-Clarke County as per agenda report dated July 7, 2016; authorize the Clerk of Commission to certify the Resolution of Acceptance; and authorize the Mayor to execute the preservation agreement.

## RESOLUTION

BE IT RESOLVED BY THE MAYOR AND COMMISSION OF ATHENS-CLARKE COUNTY:

WHEREAS, the mission of the Friends of Oconee Hill Cemetery is to build a partnership between Oconee Hill Cemetery and the community by focusing attention in a positive manner on the cemetery's beauty, historic legacy, facilities, and needs, particularly for the restoration and for support of the cemetery through membership dues and other funding; and

WHEREAS, Friends of Oconee Hill Cemetery requested assistance from the Unified Government of Athens-Clarke County in securing Georgia Department of Natural Resources Historic Preservation Funds to further that mission; and

WHEREAS, Georgia Department of Natural Resources Historic Preservation Fund recipients must be local governments; and

WHEREAS, assistance from the Unified Government of Athens-Clarke County was authorized by Manager Alan Reddish on November 23, 2015; and

WHEREAS, the Unified Government of Athens-Clarke County Department of Housing and Community Development prepared and submitted a Georgia Department of Natural Resources Historic Preservation Fund grant application on behalf of the Friends of Oconee Hill Cemetery; and

WHEREAS, Georgia Department of Natural Resources Historic Preservation Funds were awarded \$10,710 to the Unified Government of Athens-Clarke County on April 26, 2016; and

NOW, THEREFORE, at the regular meeting of the Unified Government of Athens-Clarke County Mayor and Commission meeting held on the 2<sup>nd</sup> day of August, 2016, the Unified Government of Athens-Clarke County agrees to the terms of the grant agreement for a state grant of \$10,710 between the Georgia Department of Natural Resources and the Unified Government of Athens-Clarke County for tree removal, tree maintenance, and replanting at Oconee Hill Cemetery.

6. ADOPT: The following resolution authorizing the acquisition of sanitary sewer easements required to facilitate the construction of the Barnett Shoals Sanitary Sewer Interceptor Project; approve preliminary construction plans for the project as per agenda report dated June 29, 2016; and authorize staff to complete the final construction plans and solicit construction bids.

#### RESOLUTION

BE IT RESOLVED BY THE MAYOR AND COMMISSION OF ATHENS-CLARKE COUNTY:

WHEREAS, the Unified Government of Athens-Clarke County (the "Unified Government") by and through its Public Utilities Department (the "Department") owns and operates a sewage collection, treatment, and disposal system, and

WHEREAS, in order to maintain the projected schedule of maintenance, repairs, and replacement for certain existing sanitary sewer lines, the Unified Government has determined that it is necessary and in the public's best interest to acquire, without delay, certain easement rights that are necessary to undertake the following Project:

Barnett Shoals Basin Interceptor System Expansion Project #6-103 as identified in the 2010 Service Delivery Plan and as shown on plans entitled "Barnett Shoals Interceptor" dated February 2016 and on file in the Public Utilities Department Administrative office (collectively the "Project") and,

WHEREAS, the maintenance and replacement of aging sanitary sewer line infrastructure, as soon as possible, being in the public interest of the citizens of Athens-Clarke County; and

WHEREAS, the plans for the Project, prepared by and kept in the Department, have not heretofore been approved by resolution of the Unified Government; and

WHEREAS, Article IX, Section II, Paragraph V of the Constitution of the State of Georgia authorizes local governments to exercise the power of eminent domain to acquire land in fee simple, or in any lesser interest, for any public purpose; and

WHEREAS, pursuant to Section 22-3-140 of the Official Code of Georgia, the Unified Government is authorized to acquire land, in fee simple, or in any lesser interest, under the procedures set forth in Article 1 of Chapter 3 of Title 32 of the Official Code of Georgia; and

WHEREAS, the Project does not involve the location, construction, or improvement of a highway or highways in Athens-Clarke County; and

WHEREAS, the Mayor and Commission of the Unified Government of Athens-Clarke County desire to approve the Projects Preliminary Construction Plans by resolution; and

NOW, THEREFORE, BE IT RESOLVED, and it is resolved, that the Barnett Shoals Basin Interceptor System Expansion Project #6-103 as identified in the 2010 Service Delivery Plan and as shown on plans entitled "Barnett Shoals Interceptor" dated February 2016 and on file in the Public Utilities Department Administrative office is hereby approved.

IT IS FURTHER RESOLVED that the Unified Government finds that the Project is necessary to serve a public purpose, and in furtherance of that public purpose, that the necessary land in fee simple, or in any lesser interest, be acquired by voluntary negotiation and sale. The Unified Government has determined, in the event that the necessary property rights cannot be acquired by voluntary negotiation and sale, to use its power of eminent domain to acquire certain property rights through the condemnation process. The acquisition shall proceed under Title 32 of the Official Code of Georgia, as the project schedule of completion requires acquisition of all parcels quickly and without delay. Time is of the essence.

IT IS FURTHER RESOLVED that the Unified Government and the Department, and the employees and agents thereof, may negotiate for and acquire the property needed for the Project by gift, sale, or condemnation, and that the Attorney and other proper agents of the Unified Government, including but not limited to Special Counsel Thomas Fitzgerald of Hulsey, Oliver & Mahar, LLP, are hereby directed to prepare the necessary deeds, easements, closing documents, petitions, declarations of taking, orders, and any other documents required to effectuate the foregoing.

IT IS FURTHER RESOLVED that the Mayor, the Manager, the Attorney, Special Counsel, and other agents as aforesaid, are authorized to sign any of the documents referenced in the preceding paragraph on behalf of the governing authority of the Unified Government to complete the acquisition of the property required for this project.

#### Old and new business – Discussion

##### Citizen input

The following citizen input was received.

1. Tyler Dewey, 1075 West Broad Street – supported free transit service for youth.
2. Kaya Pollack, 275 Gatewood Circle – opposed relocation of Cooperative Extension to Cleveland Road.
3. David Finkel, Planning Commission member – opposed airport commercial terminal facility.
4. Matthew Epperson, 835 Hill Street, Apartment B – opposed relocation of Cooperative Extension to Cleveland Road.
5. Chris Dowd, 245 North Harris Street - supported free transit service for youth.
6. Tim Denson, 290 Midway Road - opposed relocation of Cooperative Extension to Cleveland Road; supported free transit service for youth.
7. Richard Fyock, Colbert, Georgia - supported free transit service for youth.
8. Leslie Johnson, 4214 Old Lexington Road - opposed relocation of Cooperative Extension to Cleveland Road.
9. Casey Mull, 301 South Church Street - opposed relocation of Cooperative Extension to Cleveland Road.
10. Michael Smith, 147 First Street - supported free transit service for youth.
11. Russell Edwards, 400 Duncan Springs Road - supported free transit service for youth; opposed relocation of Cooperative Extension to Cleveland Road.
12. Broderick Flanagan, 1645 East Broad Street - supported free transit service for youth.

A motion was made by Commissioner Link, seconded by Commissioner NeSmith, to adopt the following ordinance (#16-08-46) which was presented by title only; approve the submission of an application by the Athens-Clarke County Police Department (ACCPD) for the 2016 Justice Assistance Grant (JAG) as per agenda report dated July 7, 2016; accept the grant funds, if awarded; and authorize the Mayor and appropriate staff to execute all documents associated with the grant. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE FY2017 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE FEDERAL JUSTICE ASSISTANCE GRANT PROGRAM FOR AUTOMATED LICENSE PLATE RECOGNITION SYSTEM; AND FOR OTHER PURPOSES.

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

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

Grants Special Revenue Fund:

REVENUES:

Increase:

Federal Justice Assistance Grant	\$37,046
----------------------------------	----------

Expenditures:

Increase:

Police Department - Capital Equipment	\$37,046
---------------------------------------	----------

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

A motion was made by Commissioner Girtz, seconded by Commissioner NeSmith, to approve grant of a permanent encroachment easement to CA Student Living Athens, LLC, the owner of The Uncommons at 165 East Dougherty Street, for the portion of an existing retaining wall which extends into the right-of-way of North Lumpkin Street as shown on the plat in Attachment #1 of agenda report dated June 17, 2016; and authorize the Mayor and appropriate staff to execute the encroachment agreement as shown on Attachment #2 of said agenda report. The motion passed by unanimous vote.

A motion was made by Commissioner Hamby, seconded by Commissioner Bell, to adopt the following ordinance (#16-08-47) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO PARKING RESTRICTIONS ON BRIARCLIFF ROAD; 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 west side of Briarcliff Road beginning at the northern corner of its intersection with the private road at 126 Briarcliff Road and extending therefrom in a northerly direction along the west side of Briarcliff Road for a distance of 90 feet more or less, as further shown on Attachment 1, incorporated herein by reference.

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

A motion was made by Commissioner Hamby, seconded by Commissioner Bell, to approve an amendment (Attachment #1 of agenda report dated June 29, 2016) to the Parking Management Agreement between the Athens Downtown Development Authority (ADDA) and the Unified Government of Athens-Clarke County to allow a budget amendment to the Downtown Enhancement Program (DEP) capital project allocation to fund the installation costs to install single-space parking meters on East Clayton Street;

Adopt the following ordinance (#16-08-48) which was presented by title only to increase FY17 downtown parking system revenues by \$40,000 and appropriate those funds to the DEP capital project;

Approve the use of DEP funds for the installation costs to install single-space parking meters on East Clayton Street; and,

Authorize the Mayor and appropriate staff to execute all necessary documents.

The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE FY2017 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA IN ORDER TO PROVIDE FUNDING FOR INSTALLATION OF REPLACEMENT PARKING METERS AND REVISE ESTIMATED REVENUES FROM PARKING FEES; AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the General Fund and General Capital Projects Fund to provide funding for expenses related to the installation of replacement parking meters. Said Budget is hereby amended as follows:

General Fund:

Increase:		
	Revenues: Parking Fees – Meters	\$40,000
Increase:		
	Expenditures: Transfers to General Capital Projects Fund	\$40,000

General Capital Projects Fund:

Increase:		
	Revenues: Transfer from General Fund	\$40,000
Increase:		
	Capital Expenditures: Central Services – Downtown Enhancement Program	\$40,000

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

A motion was made by Commissioner Girtz, seconded by Commissioner Sims, to approve a Youth Ridership Program that allows all Athens-Clarke County resident youth, ages 5 -17, or youth who are K-12 students residing in Athens-Clarke County with a current, valid school ID, to ride Athens Transit's fixed-route services (The Bus) free of charge year round. Extension of this waiver into future budget years will be determined by the Mayor and Commission during the annual budget process. The motion passed by unanimous vote.

A motion was made by Commissioner Dickerson, seconded by Commissioner Sims, to accept \$25,000 from White Oak Estates, LLC and approve the agreement to make the repairs of the roadways within the Winterville Station subdivision, as shown in Attachment #1 of agenda report dated June 24, 2016; and add the roadways within Winterville Station subdivision to the City of Winterville Service Delivery Agreement upon final subdivision approval by the City of Winterville and upon the City of Winterville's acceptance of dedication of the roadways and related infrastructure. The motion passed by unanimous vote.

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

- a. Award a construction services contract in the lump sum amount of \$4,491,300.00 to Kevin Price General Contractors, Inc. as the lowest responsive and responsible bidder for the Airport Commercial Terminal Facility (SPLOST 2005 Project #03);
- b. Adopt a budget ordinance amendment reallocating a total of \$995,925 from the SPLOST 2005 Unallocated Earned Interest, SPLOST 2005 Projects #04, 06, 07, 08, 20, 23, and 28, and up to an additional \$425,000 from SPLOST 2005 Project #10 Business Corridor Infrastructure to the Airport Commercial Terminal Facility (SPLOST 2005 Project #03) for identified budget shortfall and contingency (See Facts & Issues #13 of agenda report dated June 29, 2016);
- c. Authorize the Manager to establish a Sub-project within each of SPLOST 2011 Projects #12 (Pedestrian Safety & Safe Routes to Schools) and #27 (Areawide Stormwater Improvements Program) for Sidewalk and Stormwater improvements with the purpose of such sub-projects being to undertake work along Clayton Street and Washington Street.
- d. Adopt a budget ordinance amendment authorizing the Manager to move funds into the two sub-projects from the SPLOST 2011 Project #01 (Jail Expansion) up to an amount equal to the funds moved from SPLOST 2005 Project #10 Business Corridor Infrastructure into SPLOST 2005 Project #03 Airport Commercial Terminal Facility; and,
- e. Authorize the Mayor and appropriate staff to execute all related documents.

A substitute motion was made by Commissioner NeSmith, seconded by Commissioner Bailey, to DENY award of a construction services contract in the lump sum amount of \$4,491,300.00 to Kevin Price General Contractors, Inc. as the lowest responsive and responsible bidder for the Airport Commercial Terminal Facility (SPLOST 2005 Project #03) and adoption of related ordinances.

The substitute motion failed by roll call vote with Commissioners Link, Bailey, and NeSmith voting YES; and Commissioners Dickerson, Sims, Wright, Bell, Herod, Girtz, and Hamby voting NO. (3 YES; 7 NO)

The original motion passed by roll call vote with Commissioners Dickerson, Sims, Wright, Bell, Herod, Girtz, and Hamby voting YES; and Commissioners Link, Bailey, and NeSmith voting NO. (7 YES; 3 NO)

The following ordinances (#16-08-49 and #16-08-50) which were presented by title only were declared adopted.

**AN ORDINANCE TO AMEND THE SPECIAL PURPOSE LOCAL OPTION SALES TAX 2005 PROGRAM BUDGET SO AS TO PROVIDE ADDITIONAL FUNDING FOR THE SPECIAL PURPOSE LOCAL OPTION SALES TAX 2005 PROJECT #03 – AIRPORT COMMERCIAL TERMINAL FACILITY; 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 2005 Capital Projects Fund to provide additional funding for the SPLOST 2005 Project #03 – Airport Commercial Terminal Facility project. Said Operating and Capital budget is hereby amended as follows:

SPLOST 2005 Capital Projects Fund:

REVENUES:

INCREASE:

Interest Earnings	\$488,519
-------------------	-----------

EXPENDITURES:

DECREASE:

Project #04 – Solid Waste Facility Relocation	(\$7,147)
Project #06 – East Athens Comm. Park	(\$76)
Project #07 – Sidewalks Imp Program	(\$76,081)
Project #08 – Area Wide Stormwater Imp	(\$195,347)
Project #10 – Business Corridor Infrastructure Imp	
up to an amount equal to	(\$425,000)
Project #20 – Tennis Center	(\$21,438)
Project #23 – Pulaski Creek Greenway	(\$207,262)



<u>Project #28 – Downtown Parking Deck</u>	(\$55)
Subtotal	(\$932,406)

INCREASE:  
 Project #03 – Airport Comm. Terminal Fac. \$1,420,925  
 up to an amount equal to

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

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 PROJECTS #12 (PEDESTRIAN SAFETY & SAFE ROUTES TO SCHOOLS) AND #27 (AREAWIDE STORMWATER IMPROVEMENTS PROGRAM); 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 Projects #12 (Pedestrian Safety & Safe Routes to Schools) and #27 (Areawide Stormwater Improvements Program). Said Operating and Capital budget is hereby amended as follows:

SPLOST 2011 Capital Projects Fund:

EXPENDITURES:

DECREASE:  
 Project #01 – Jail Expansion – up to a total (\$425,000)  
 amount of no more than

INCREASE:  
 Project #12 - Pedestrian Safety & Safe Routes to Schools  
 Project #27 - Areawide Stormwater Improvements Program  
 Totaling up to an amount no more than \$425,000

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

A motion was made by Commissioner Wright, seconded by Commissioner Herod, to reject all bids received for North Oconee Rivers Greenway Program – Easley's Mill Section - Segments 1, 3, & 5 (SPLOST 2005 Project #25 and SPLOST 2011 Project #09) as generally shown on Attachment #1 of agenda report dated July 12, 2016 in accordance with Georgia Local Government Public Works Construction Law and Georgia Code of Public Transportation; authorize staff to re-bid the project; and 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 Girtz, to approve Cleveland Road as the preferred site to jointly locate the Cooperative Extension Service Center (SPLOST 2011 Project #10) with the relocation of Fire Station #2 (SPLOST 2011 Project #03) as per agenda report dated July 12, 2016.

Following discussion a motion was made by Commissioner Wright, seconded by Commissioner Hamby, to call the question. The motion passed by roll call vote with Commissioners Dickerson, Sims, Wright, NeSmith, Bell, Herod, Girtz, and Hamby voting YES; and Commissioners Link and Bailey voting NO. (8 YES; 2 NO)

The motion by Commissioner NeSmith, seconded by Commissioner Girtz, to approve Cleveland Road as the preferred site to jointly locate the Cooperative Extension Service Center (SPLOST 2011 Project #10) with the relocation of Fire Station #2 (SPLOST 2011 Project #03) passed by roll call vote with Commissioners Dickerson, Sims, Wright, NeSmith, Bell, Girtz, and Hamby voting YES; and Commissioners Link, Bailey, and Herod voting NO. (7 YES; 3 NO)

New business – Consider under suspension of Rules

There was no new business.

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

A public hearing was held on request of Williams & Associates for Athens Ridge Apartments, LLC for special use in RM-1 (Mixed Density Residential) on 7.81 acres known as 1989 Jimmie Daniel Road. Proposed use is a congregate personal care home. Type II

Planning Commission recommendation: Approve (unanimous)  
Variances

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

Citizen input

The following citizen input was received.

1. Scott Haines, Williams and Associates, representing petitioner – requested approval of petitioner's request for withdrawal.

A motion was made by Commissioner NeSmith, seconded by Commissioner Bailey, to approve petitioner's request for withdrawal. The motion passed by unanimous vote.

A public hearing was held on request of Jeff Snowden for Snowden Tatarski Real Estate Holdings, LLC for rezoning from RS-8 (Single Family Residential) and C-G (Commercial-General) to C-N (Commercial-Neighborhood) on 2.654 acres known as 202 and 204 Firefighter Court. Proposed use is office. This will require an amendment to the Future Development Map from Community Institutional and Corridor Business to Traditional Neighborhood. Type I

Planning Commission recommendation: Approve (unanimous)  
Future Development Map

Planning Commission recommendation: Approve (unanimous)  
Rezoning

Citizen input

The following citizen input was received.

1. Jeff Snowden, partner Snowden Tatarski – supported.

A motion was made by Commissioner Bailey, seconded by Commissioner Sims, to adopt the following ordinance (#16-08-51) 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 AMENDING THE OFFICIAL FUTURE DEVELOPMENT MAP OF ATHENS-CLARKE COUNTY BY CHANGING THE DESIGNATION OF THE PARCEL OF LAND AT 204 FIREFIGHTER COURT CURRENTLY DESIGNATED AS COMMUNITY INSTITUTIONAL AND CORRIDOR BUSINESS TO TRADITIONAL NEIGHBORHOOD; 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 the approximate 1.946-acre parcel of land at 204 Firefighter Court, tax map number 111A 098, from Community Institutional and Corridor Business to Traditional Neighborhood, 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 motion was made by Commissioner Bailey, seconded by Commissioner Sims, to adopt the following ordinance (#16-08-52) 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 REZONING THE TWO PARCELS OF LAND AT 202 FIREFIGHTER COURT AND 204 FIREFIGHTER COURT FROM RS-8 (SINGLE-FAMILY RESIDENTIAL) AND C-G (COMMERCIAL GENERAL) TO C-N (COMMERCIAL NEIGHBORHOOD); 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 0.708-acre parcel of land at 202 Firefighter Court from RS-8 (Single-Family Residential) to C-N (Commercial Neighborhood), and of the approximate 1.946-acre parcel of land at 204 Firefighter Court from RS-8 (Single-Family Residential) and C-G (Commercial General) to C-N (Commercial Neighborhood) as shown on Attachment A hereto. Said parcels of land are more fully described in the drawing entitled, "Survey for Athens-Whitehead Civitan Club Inc. & Parut LLC" dated December 2, 2014, prepared by Straight Line Surveying, Inc. and recorded in Plat Cabinet H, page 77B in the Office of the Clerk of Superior Court of Athens-Clarke County, Georgia, and also being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

The parcel of land at 202 Firefighter Court is also known as tax map number 111A 094C, and the parcel of land at 204 Firefighter Court is also known as tax map number 111A 098 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. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A public hearing was held on proposed text amendments regarding accessory buildings.

Planning Commission recommendation: Approve w/changes (unanimous)

#### Citizen input

There was no citizen input.

A motion was made by Commissioner Wright, seconded by Commissioner NeSmith, to adopt the following ordinance (#16-08-53) 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 ACCESSORY STRUCTURES; AND FOR OTHER PURPOSES

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

SECTION 1. Chapter 9-2 entitled “*Definitions*” of the Code of Athens-Clarke County, Georgia, section 9-2-1 thereof entitled “*General*” is hereby amended by adding to said section a new definition with the words “*Breezeway*: A roofed passageway for the purpose of connecting the principal structure to another building or structure.” and by adding to the existing definition therein entitled “*Structure, principal*.” the words “Structures which are attached to the principal structure, either directly by complete and heated enclosure or by a breezeway not to exceed fifteen feet in length, shall be considered part of the principal structure.” so that said definitions in Chapter 9-2. - Definitions; Section 9-2-1. - General are:

CHAPTER 9-2. - DEFINITIONS

Sec. 9-2-1. - General.

*Breezeway*: A roofed passageway for the purpose of connecting the principal structure to another building or structure.

*Structure, principal*: A structure in which is conducted the main or principal use of the lot upon which such structure is situated. Structures which are attached to the principal structure, either directly by complete and heated enclosure or by a breezeway not to exceed fifteen feet in length, shall be considered part of the principal structure

SECTION 2. Section 9-15-12 entitled “*Accessory buildings and structures*” of the Code of Athens-Clarke County, Georgia, subsections D. and E. thereof are hereby deleted in their entirety and the following substituted in lieu thereof:

Sec. 9-15-12. - Accessory buildings and structures.

D. Regardless of the side and rear yard requirements of the district, in a residential district a side or rear yard may be reduced to three feet for an accessory structure, including swimming pools, erected more than 50 feet from any street other than alleys, provided the structure is detached and separated from other buildings and structures by ten feet or more, and is no more than 12 feet in height.

E. Exclusive of swimming pools, no more than three accessory structures per lot with a single-family dwelling or two-family dwelling principal use are permitted in any RS, RM or C zone. The aggregate square footage of all accessory structures on the lot may not total more than the total square footage of the principal structure on the lot or the maximum square footage denoted in the following table, whichever is less. The contiguous roofed portion of the principal structure, including covered porches, garages, and carports shall be included in this calculation. The total square footage shall be exclusive of attics, crawl spaces, and similar storage areas. No individual accessory structure shall be equal to or exceed the size of the principal structure.

Lot Size	Maximum Square Footage
0 – 0.499 acres	800 sq. ft.
0.5 – 0.999 acres	1200 sq. ft.
1 acre or more	1600 sq. ft.

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

Citizen comments on items other than those listed on this agenda

The following citizen input was received.

1. Jesse Houle, 216 North Chase Street – supported anti-discrimination ordinance and formation of a human relations commission.

2. Jordan Hogby, 86 North Avenue – supported parallel ordinance.
3. Zackery Garland, 250 Vista Drive - supported parallel ordinance.
4. Zane Bader, 541 Woodland Hills Drive – supported parallel ordinance.
5. Sean Corley, 225 China Street, Apartment 5 – supported parallel ordinance.
6. Jeremy Sharp, non ACC resident – supported parallel ordinance.

FROM MAYOR DENSON:

A proclamation will be issued to The Linguistics Society at UGA recognizing their participation in the Adopt-A-Highway Program.

Mayor Denson recommended her reappointment to the Georgia's Innovation Corridor Joint Development Authority for a four-year term expiring May 18, 2020. A motion was made by Commissioner Sims, seconded by Commissioner NeSmith, to approve said recommendation. The motion passed by unanimous vote.

Mayor Denson recommended the following appointments to the Department of Family and Children Services.

Emily Boness – reappointment – term expiring 6-30-21

Kirrena Gallagher – partial term expiring 6-30-18

A motion was made by Commissioner Sims, seconded by Commissioner Girtz, to approve said recommendations. The motion passed by unanimous vote.

Mayor Denson announced the appointment of Glenn Coleman to the Upper Oconee Water Basin Authority replacing recently retired Public Utilities Director Gary Duck.

Mayor Denson announced the following appointments to the Bike/Pedestrian Master Plan Committee.

Ken Sherman, Chair  
Mary Cook  
Tyler Dewey  
Tony Eubanks  
Dodd Ferrelle  
Daisy Mathis  
Carol Myers  
Eric NeSmith  
David Ogunsanya

Mayor Denson referred a review of distance requirements regarding pre-schools and kindergartens for alcohol package sales to the Legislative Review Committee.

Mayor Denson referred a review of the renewal requirements for alcohol distance waiver permits to the Legislative Review Committee.

FROM MANAGER WILLIAMS:

1. Report of contract awards in excess of \$10,000 for the month of June 2016 was entered into the record.
2. Report of Manager proposed operating transfer to State Court and Juvenile Court was entered into the record.

FROM INTERNAL AUDITOR MADDOX:

The Leisure Services Summer Camp Program Audit has been completed and is ready for review.

FROM COMMISSIONER HAMBY:

1. Requested information and update on audit process for stormwater utility bills.

FROM COMMISSIONER NESMITH:

1. Stated citizens need more information regarding purpose of the stormwater utility fee and maintenance of stormwater easements that cross private property.

FROM COMMISSIONER BAILEY:

1. Stated the public needs to be further educated as to the purpose and benefits of the stormwater utility fee.

FROM COMMISSIONER WRIGHT:

1. Requested decision as to which Sunday alcohol sales will be permitted as per Senate Bill 103. Mayor Denson referred this to the Legislative Review Committee for possible inclusion with a review of the special events permit process.

FROM COMMISSIONER LINK:

1. Supported anti-discrimination ordinance and formation of a human relations commission.
2. Supported parallel ordinance.
3. Requested attorney provide information on allowing the Athens Downtown Development Authority to tow illegally parked vehicles.
4. Requested enforcement by Athens-Clarke Police of parking on sidewalks particularly along Milledge Avenue.

FROM COMMISSIONER GIRTZ:

1. Stated the Athens-Clarke County Police and the Downtown Athens Business Association have been meeting to address the issue of panhandling.

FROM COMMISSIONER SIMS:

1. Invited everyone to attend the 40<sup>th</sup> anniversary celebration of Athens Transit on Tuesday, August 16.

FROM COMMISSIONER DICKERSON:

1. Welcomed aboard newly hired Assistant Manager Jestin Johnson.
2. Invited everyone to attend the YWCO fundraiser East Side Eats on August 24.
3. Announced the Winterville Center for Community and Culture will hold an open house for the Winterville Coffee House on August 15.
4. Congratulated Mayor Denson's twin daughters Kathleen and Margaret who are today celebrating their 50<sup>th</sup> birthday.

The meeting adjourned at 9:45 p.m.