

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, September 6, 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 business session. Present: Mayor Pro tem Sims; Commissioners Dickerson, Link, Wright, Bailey, NeSmith, Bell, Herod, Girtz, and Hamby. Absent: Mayor Denson. Mayor Pro tem Sims presided.

Mayor Pro tem Sims read a proclamation proclaiming September 6, 2016 as Athens-Clarke County Olympian and Paralympian Day. The University of Georgia was represented by students, alumni, and staff in Rio de Janeiro, Brazil at the games of the XXXI Olympiad during August 6-21 and the 2016 Paralympic Games during September 7-18. The following individuals were recognized and presented a proclamation.

<u>Athlete</u>	<u>Sport</u>	<u>Country represented</u>	<u>Status</u>
Yijun "Tom" Feng	Table tennis	USA	Student
Leontia Georgiou Kallenou	Track and field	Cyprus	Alumni
Keturah Orji	Track and field	USA	Student
Karl Saluri	Decathlon	Estonia	Student
Maicel Uibo	Decathlon	Estonia	Alumni
Kendell Williams	Track and field	USA	Student
Coach Jack Bauerle	Swimming	USA	Coach

Mayor Pro tem Sims introduced and welcomed aboard newly hired Assistant Manager Jestin Johnson who made brief remarks.

A motion was made by Commissioner Bailey, seconded by Commissioner Dickerson, to approve minutes of meetings of Tuesday, August 2, 2016; Tuesday, August 16, 2016; and executive sessions of Tuesday, December 15, 2015, 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 Dickerson, seconded by Commissioner Hamby, to consent to action on the following three items. The motion passed by unanimous vote.

1. ADOPT: A resolution and related agreement (Attachment A of agenda report dated July 27, 2016) to authorize the Georgia Municipal Association Lease Pool (GMA Lease Pool) to appoint Regions Bank as the Program Escrow Agent; and adopt a resolution and related agreement (Attachment B of said agenda report) to authorize the GMA Lease Pool to amend the 1998A Master Lease and Option Agreement; and authorize the Mayor and appropriate staff to execute all documents associated with the compliance update.

A RESOLUTION OF THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA TO AUTHORIZE THE EXECUTION AND DELIVERY OF A SUBSTITUTION OF ESCROW AGENT AND TO AUTHORIZE THE CONSENT TO

AN ASSIGNMENT OF MASTER REPURCHASE AGREEMENT AND AN
ASSIGNMENT OF REIMBURSEMENT AND INDEMNITY AGREEMENT

WHEREAS, the Unified Government of Athens-Clarke County, Georgia (the "Unified Government") is a legally created, valid and existing political subdivision of the State of Georgia, created and existing under the Constitution and laws of the State of Georgia; and

WHEREAS, in connection with the Loan Program, the Unified Government entered into an Escrow Agreement, dated as of June 1, 1998, among GMA, The Bank of New York Mellon Trust Company ("BNY Mellon") and the Unified Government (the "Escrow Agreement") and (b) a Master Repurchase Agreement, dated as of July 21, 1998, by and among BNY Mellon, as buyer, the Unified Government and Societe Generale, New York Branch, as seller (the "Master Repurchase Agreement"); and

WHEREAS, in connection with the Loan Program, GMA entered into a Reimbursement and Indemnity Agreement, dated as of June 1, 1998, by and among GMA, BNY Mellon and National Public Finance Guarantee Corporation (formerly, MBIA Insurance Corporation) ("NPFGC") (the "Reimbursement and Indemnity Agreement"); and

WHEREAS, it is proposed that BNY Mellon be removed from the Loan Program, and all agreements in connection therewith, including, but not limited to, the Escrow Agreement, the Master Repurchase Agreement and the Reimbursement and Indemnity Agreement, and that Regions Bank be appointed in its place; and

WHEREAS, to effect such substitution, the Unified Government proposes to authorize the execution and delivery of a Substitution of Escrow Agent, by GMA and the Unified Government, as consented to by NPFGC (the "Substitution of Escrow Agent") and to authorize the consent to (a) an Assignment of Master Repurchase Agreement, between BNY Mellon and Regions Bank (the "Assignment of Master Repurchase Agreement") and (b) an Assignment of Reimbursement and Indemnity Agreement, between BNY Mellon and Regions Bank (the "Assignment of Reimbursement and Indemnity Agreement").

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Commission of Athens-Clarke County, Georgia, as follows:

Section 1. The execution, delivery and performance of the Substitution of Escrow Agent are hereby authorized. The Mayor is hereby authorized to execute and deliver the Substitution of Escrow Agent on behalf of the Unified Government, which Substitution of Escrow Agent shall be in substantially the form attached hereto as Exhibit A with such minor changes, insertions or omissions as may be approved by the Mayor, and the execution of the Substitution of Escrow Agent by the Mayor as hereby authorized shall be conclusive evidence of any such approval.

Section 2. The execution and delivery of the consent to the Assignment of Master Repurchase Agreement are hereby authorized. The Mayor is hereby authorized to execute and deliver the consent to the Assignment of Master Repurchase Agreement on behalf of the Unified Government, which Assignment of Master Repurchase Agreement shall be in substantially the form attached hereto as Exhibit B with such minor changes, insertions or omissions as may be approved by the Mayor, and the execution of the Assignment of Master Repurchase Agreement by the Mayor as hereby authorized shall be conclusive evidence of any such approval.

Section 3. The execution and delivery of the consent to the Assignment of Reimbursement and Indemnity Agreement are hereby authorized. The Mayor is hereby authorized to execute and deliver the consent to the Assignment of Reimbursement and Indemnity Agreement on behalf of the Unified Government, which Assignment of Reimbursement and Indemnity Agreement shall be in substantially the form attached hereto as Exhibit C with such minor changes, insertions or omissions as may be approved by the Mayor, and the execution of the Assignment of Reimbursement and Indemnity Agreement by the Mayor as hereby authorized shall be conclusive evidence of any such approval.

Section 4. From the date hereof, the Mayor and such other proper officers, agents and employees of the Unified Government are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents and certificates as may be necessary to carry out and comply with the purposes of this resolution and are further authorized to take any and all further actions and to execute and deliver any and all further documents and certificates as may be necessary or desirable in connection with the removal of BNY Mellon from the Loan Program and the appointment of Regions Bank. Without limiting the foregoing, if the Mayor is not available to execute the Substitution of Escrow Agent and the consent to the Assignment of Master Repurchase Agreement and the consent to the Assignment of Reimbursement and Indemnity Agreement herein authorized, the Clerk shall execute such document on the Mayor's behalf.

Section 5. All acts and doings of the officers, agents and employees of the Unified Government which are in conformity with the purposes and intents of this resolution shall be, and the same hereby are, in all respects, approved and confirmed.

Section 6. No stipulation, obligation or agreement herein contained or contained in the Substitution of Escrow Agent, Assignment of Master Repurchase Agreement and the Assignment of Reimbursement and Indemnity Agreement shall be deemed to be a stipulation, obligation or agreement of the Mayor or the Clerk of the Unified Government in their individual capacity, and neither the Mayor nor the Clerk of the Unified Government shall be personally liable under the

Substitution of Escrow Agent, Assignment of Master Repurchase Agreement and the Assignment of Reimbursement or Indemnity Agreement or be subject to personal liability or accountability by reason of the issuance thereof.

Section 7. GMA is hereby authorized to provide any notices on behalf of the Unified Government as required in connection with the removal of BNY Mellon from the Loan Program and the appointment of Regions Bank.

Section 8. This resolution shall take effect immediately upon its adoption. All resolutions or parts thereof in conflict with this resolution are hereby repealed.

A RESOLUTION OF THE MAYOR AND COMMISSION OF ATHENS- CLARKE COUNTY, GEORGIA TO AUTHORIZE THE EXECUTION OF A FIRST AMENDMENT TO 1998A MASTER LEASE AND OPTION AGREEMENT

WHEREAS, the Unified Government of Athens-Clarke County, Georgia (the "Unified Government") is a legally created, valid and existing political subdivision of the State of Georgia, created and existing under the Constitution and laws of the State of Georgia; and

WHEREAS, the Unified Government is a participant in the (GMA) 1998 Georgia Local Government Equipment Loan Program (the "Loan Program"); and

WHEREAS, in connection with the Loan Program, the Unified Government entered into a 1998A Master Lease and Option Agreement Georgia, dated as of June 1, 1998 (the "Lease"), between the Unified Government and Georgia Municipal Association ("GMA"), under the terms of which GMA leases to the Unified Government various items of Equipment (as defined in the Original Lease) of the types described in Exhibit F of the Original Lease and the Unified Government agrees to make certain rental payments to GMA; and

WHEREAS, it is proposed that the Unified Government enter into a First Amendment to 1998A Master Lease and Option Agreement (the "First Amendment"), between GMA and the Unified Government, the form of which is attached hereto as Exhibit A, to amend Exhibit F of the Original Lease to increase the percentage amount of software that may be acquired and leased pursuant to the Original Lease; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Commission of Athens- Clarke County, Georgia, as follows:

Section 1. The execution, delivery and performance of the First Amendment are hereby authorized. The Mayor of the Unified Government of Athens-Clarke County (the "Mayor") is hereby authorized to execute and deliver the First Amendment on behalf of the Unified Government, which First Amendment shall be in substantially the form attached hereto as Exhibit A with such minor changes, insertions or omissions as may be approved by the Mayor, and the execution of the First Amendment by the Mayor as hereby authorized shall be conclusive evidence of any such approval.

Section 2. From and after the execution and delivery of the First Amendment herein authorized, the Mayor and such other proper officers, agents and employees of the Unified Government are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents and certificates as may be necessary to carry out and comply with the provisions of the First Amendment herein authorized and are further authorized to take any and all further actions and to execute and deliver any and all further documents and certificates as may be necessary or desirable in connection with the execution, delivery and performance of the First Amendment herein authorized. Without limiting the foregoing, if the Mayor is not available to execute the First Amendment herein authorized, the Clerk shall execute such document on the Mayor's behalf.

Section 3. All acts and doings of the officers, agents and employees of the Unified Government which are in conformity with the purposes and intents of this resolution and in furtherance of the execution, delivery and performance of the First Amendment shall be, and the same hereby are, in all respects, approved and confirmed.

Section 4. No stipulation, obligation or agreement herein contained or contained in the First Amendment shall be deemed to be a stipulation, obligation or agreement of the Mayor or the Clerk of the Unified Government in their individual capacity, and neither the Mayor nor the Clerk of the Unified Government shall be personally liable under the First Amendment or be subject to personal liability or accountability by reason of the issuance thereof.

Section 5. This resolution shall take effect immediately upon its adoption. All resolutions or parts thereof in conflict with this resolution are hereby repealed.

2. APPROVE: An exception to Policy/Procedure Statement WS-011: Water and/or Sanitary Sewer Services to allow public sanitary sewer service to be provided to 358 Greencrest Drive as per agenda report dated July 27, 2016, subject to the property owner meeting the following conditions: submittal of properly executed utility easement conveyances in a form acceptable to the Unified

Government of Athens-Clarke County Attorney and Chief Plumbing Inspector; and payment of the appropriate fees as identified under Facts and Issues No. 7 of said agenda report.

3. APPROVE: Unified Government of Athens-Clarke County Housing and Community Development Department (HCD) staff to submit the Homeless Assistance Grant Renewal Application associated with the Continuum of Care Plan for the 2016-2017 program year as per agenda report dated August 4, 2016; authorize acceptance of the grant, if awarded; authorize appropriate amendments to agency grants based upon the amount of the actual grant award; and authorize the Mayor and appropriate staff to execute the HUD grant agreements and all related documents.

Old and new business – Discussion

Citizen input

The following citizen input was received.

1. Nat Kuykendall, 108 Riverbottom, representing Oconee Rivers Greenway Commission - supported Oconee Rivers Greenway Network Connectors; Rails-to-Trails Network Program; and appointments to the Greenway Commission.
2. Ann Clendenin – concerned about Rails-to-Trails construction through Oconee Hills Cemetery.
3. Tony Deutsch, 278 Moss Side Drive – opposed Oconee Rivers Greenway Network Connectors.
4. L. A. Cole , 407 Pine Needle Road – supported Oconee Greenway and Rails-to-Trails Network Programs.

A motion was made by Commissioner Link, seconded by Commissioner Bailey, to adopt the following Commission-defined option per Commissioner Link regarding the public art recommendation for SPLOST 2011 Project #08 – Rails-to-Trails Network Program, Sub-Project #1.

VOTE YES a. Declare that SPLOST 2011 Project #08, Rails-to-Trails Network Program, Sub-Project #1, is appropriate for public art;

VOTE NO b. Approve the Dudley Park site recommended by the Athens Cultural Affairs Commission (ACAC) for installation of public art as part of SPLOST 2011 Project #08, Sub-Project #1, as depicted in Attachment #1;

VOTE YES c. Approve a budget of \$60,000 for the construction and installation of public art for SPLOST 2011 Project #08, Sub-Project #1; and

VOTE NO d. Authorize the Mayor and appropriate staff to execute all necessary documents.

Added Commission-Defined Option:

Direct the ACAC to reconvene together with members of the user group for SPLOST 2011 Project #08, Sub-Project #1, Rail-Trail Committee, & Firefly, Inc. to develop a new proposal for location(s) and public art concept(s) associated specifically with this sub-project to be approved by the Mayor & Commission at a later date.

A substitute motion was made by Commissioner NeSmith, seconded by Commissioner Herod, to

- a. Declare that SPLOST 2011 Project #08, Rails-to-Trails Network Program, Sub-Project #1, is appropriate for public art;
- b. Approve the Dudley Park site recommended by the Athens Cultural Affairs Commission (ACAC) for installation of public art as part of SPLOST 2011 Project #08, Sub-Project #1, as depicted in Attachment #1 of agenda report dated July 27, 2016;
- c. Approve a budget of \$60,000 for the construction and installation of public art for SPLOST 2011 Project #08, Sub-Project #1; and
- d. Authorize the Mayor and appropriate staff to execute all necessary documents.

The substitute motion passed by roll call vote with Commissioners Dickerson, Wright, NeSmith, Bell, Herod, and Hamby voting YES; and Commissioners Link, Bailey, and Girtz voting NO. (6 YES; 3 NO)

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

- a. Approve the proposed Preliminary Plans for Sub-Project #2, Sub-Project #3 and Sub-Project #4, shown on Greenway Area map in Attachment #1 of agenda report dated July 26, 2016, of the Oconee Rivers Greenway Network Connectors (SPLOST 2011 Project #09) as generally described in Facts and Issues #2 of said agenda report and generally shown on Attachment #2 (Sub-Project #2), Attachment #3 (Sub-Project #3), and Attachment #4 (Sub-Project #4) as per said agenda report;
- b. Authorize staff to acquire all necessary right-of-ways and easements to construct Sub-Project #2 and Sub-Project #4 of the Oconee Rivers Greenway Network Connectors (SPLOST 2011 Project #09);
- c. Authorize staff to advance the Sub-Project #2 and Sub-Project #3 into the bid and award phase; 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 Wright, seconded by Commissioner Herod, to award a unit price construction services contract in the amount \$5,680,409.50 to Massana Construction, Inc. as the lowest responsive and responsible bidder for the Rails-to-Trails Network Program Sub-Project #1 (SPLOST 2011 Project #08 and SPLOST 2005 Project #29) as generally shown on Attachment #1 of agenda report dated June 28, 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 Girtz, seconded by Commissioner Bailey, to adopt recommendation from the Legislative Review Committee to authorize staff to return to said committee with the recommended amendments to the animal control ordinance regarding fencing requirement concepts referenced in item #3 of report dated July 27, 2016. The motion passed by unanimous vote.

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

- a. Adopt the following ordinance (#16-09-54) which was presented by title only revising Chapters 3-3, 1-10, 6-5, and 6-15, as shown in Attachment #1 of agenda report dated August 24, 2016, to provide for the towing of vehicles from Unified Government of Athens-Clarke County property and to provide appropriate due process procedures for the towing or immobilization of vehicles parked in violation of ordinances;
- b. Approve an amendment as per Attachment #2 of said agenda report to the Parking Management Agreement between the Athens Downtown Development Authority (ADDA) and the Unified Government of Athens-Clarke County to include towing as a parking enforcement tool; and
- c. Authorize the Mayor and appropriate staff to execute all necessary documents.

The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO TOWING OF VEHICLES FROM PUBLIC PROPERTY; AND FOR OTHER PURPOSES

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

SECTION 1. Section 1-10-18 entitled "*Parking*" of the Code of Athens-Clarke County, Georgia, is hereby amended by adding to subsection (a) thereof the words "or in any location other than that expressly allowed under the conditions of a permit as defined in this chapter" so that said subsection (a) is:

Sec. 1-10-18. - Parking.

- (a) No person shall park a vehicle on park property at any place other than in the expressly designated space provided for that particular type of vehicle, or in any location other than that expressly allowed under the conditions of a permit as defined in this chapter, unless directed otherwise by a law enforcement officer or department employee, or by official signs or markings.

SECTION 2. Section 1-10-33 entitled "*Penalties*" of the Code of Athens-Clarke County, Georgia, is hereby amended by adding thereto the words "Vehicles parked in violation of this chapter may be towed and impounded pursuant to the provisions of chapter 3-3 of this code." so that section 1-10-33 is:

Sec. 1-10-33. - Penalties.

Any violation of this chapter shall be subject to penalties pursuant to section 1-1-5 of the Code of Athens-Clarke County, Georgia. Additionally, any person who violates any provision of this chapter shall be subject to suspension of access to parks or being removed or ejected from parks without refund, as determined by the director. Vehicles parked in violation of this chapter may be towed and impounded pursuant to the provisions of chapter 3-3 of this code.

SECTION 3. Section 3-3-3 entitled "*Parking prohibited*" of the Code of Athens-Clarke County, Georgia, is hereby amended by adding to the title thereof the words "posted signs", and by adding to said section the words "or on any other facility or property owned or leased by Athens-Clarke County" so that section 3-3-3 is:

Sec. 3-3-3. - Parking prohibited—posted signs.

It shall be unlawful for the owner or operator of any motor vehicle or other vehicle to park the vehicle or allow the vehicle to remain parked on any public street, highway or alley, or in an Athens-Clarke County parking deck, lot or garage, or on any other facility or property owned or leased by Athens-Clarke County in violation of any posted signs regulating or prohibiting parking in such location. The manager or manager's designee shall have authority to develop regulations governing parking, including establishing time limits and directing the posting of signs, for all Athens-Clarke County facilities.

SECTION 4. Section 3-3-20 entitled "*Parking for more than 48 hours in one place*" of the Code of Athens-Clarke County, Georgia, is hereby amended by deleting therefrom the words "right-of-way or other Athens-Clarke County-owned property", and by adding thereto the words "In addition to and cumulative of any provision of this code", "or alley" and "in an Athens-Clarke County parking deck, lot or garage, or on any other facility or property owned or leased by Athens-Clarke County" so that section 3-3-20 is:

Sec. 3-3-20. - Parking for more than 48 hours in one place.

In addition to and cumulative of any provision of this Code, it shall be unlawful for the operator of any vehicle to park the same continuously in one place for more than 48 hours on any public street, highway or alley, or in an Athens-Clarke County parking deck, lot or garage, or on any other facility or property owned or leased by Athens-Clarke County.

SECTION 5. Section 3-3-22 entitled "*Removal, storage and redemption of vehicles*" is hereby deleted in its entirety and the following substituted in lieu thereof:

Sec. 3-3-22. - Enforcement by towing and impoundment or immobilization; procedures

(a) *Designated officer defined.* As used in this chapter, "designated officer" shall mean any Athens-Clarke County police officer, any authorized representative of a governmental entity performing parking management services pursuant to a contract with the Unified Government, or any employee of the Unified Government authorized by the manager or manager's designee.

(b) *Towing and impoundment directed by designated officer.*

1. Whenever any vehicle shall be parked on any public street, highway or alley, or in an Athens-Clarke County parking deck, lot or garage, or on any other facility or property owned or leased by Athens-Clarke County in violation of (i) any provision of this chapter, (ii) section 1-10-18 of this Code, (iii) section 6-5-19 of this Code, and when a designated officer shall determine that such a vehicle is an impediment to traffic, is a hazard to public safety, or is an impediment to the operation of any Athens-Clarke County facility, or when such vehicle is in violation of Section 3-3-20 or Section 3-3-45 of this chapter, such designated officer shall have the authority to direct the towing and impoundment of the vehicle at the expense of the owner or other person responsible for such vehicle in accordance with the provisions of chapter 6-15 of this code.

2. Vehicles towed and impounded under sub-paragraph 1. may be released from such impoundment only upon payment in full of all towing and impound fees due pursuant to chapter 6-15 of this code. After paying such fees, a registered owner or other responsible person may contest the validity of the towing and impoundment of his or her vehicle by submitting in writing a Request for Reimbursement of Towing and Impoundment Fees to the Athens-Clarke County Administrative Hearing Officer on a form available from the Clerk of the Athens-Clarke County Municipal Court. Such notice shall either be filed in person at the office of the Clerk of Athens-Clarke County Municipal Court, or sent by certified mail, return receipt requested, in either case no later than 30 days following the release from impoundment of his or her vehicle. Only requests for reimbursement of towing and impoundment fees meeting the requirements of this section shall be adjudicated by the Administrative Hearing Officer. If the Administrative Hearing Officer finds in accordance with the procedures set forth in Section 1-5-1 of this Code that the towing and impoundment was not authorized or that the provisions of this Code were not followed, he or she shall issue an order for reimbursement. Such reimbursement shall be limited to the fees actually paid for release of the subject vehicle from impoundment, plus certified mailing fees, if any.

(c) *Immobilization by wheel lock device or towing and impoundment for accumulated parking violation notices or fines.*

(1) Any vehicle that either (i) accumulates six or more parking violation notices, the penalties for which remain unpaid after the court dates shown on such parking violation notices, or for which no demand for a trial contesting liability for such parking violation notices has been made by the registered owner or other responsible party on or before the court dates shown on such parking violation notices, or (ii) that accumulates \$200 or more in penalties for violations of this chapter that remain unpaid after the court dates shown on the parking violation notices alleging such violations, or for which no demand for a trial contesting liability for such parking violation notices has been made by the registered owner or other responsible party on or before the court dates shown on such parking violation notices may be subject to immobilization by

wheel lock device or towing and impoundment in accordance with the provisions of this chapter. In addition to the penalties for parking violations specified in this chapter or under section 1-1-5 of this code, a wheel lock fee in the amount of \$50.00 shall be assessed whenever a vehicle is immobilized by wheel lock device.

(2) Once a vehicle has become subject to immobilization by wheel lock device or by towing or impoundment as provided in sub-paragraph (1), Athens-Clarke County or a designated officer shall make a good-faith attempt to determine the name and address of the registered owner of such vehicle by license tag number, vehicle identification number (VIN), or such other means as are reasonably ascertainable through inspection of the exterior of such vehicle. In those cases where the name and address of the registered owner of the subject vehicle are determined, written notice shall be sent to said owner by certified mail, return receipt requested, or by personal service acknowledged by signature of the registered owner or other responsible party. Notice by certified mail as described herein shall be deemed given as of the postmark date. Notice shall be given as prescribed in this code section no less than seven days prior to the immobilization or impoundment. In the event that such notice is not given, the vehicle shall be released to the owner without payment of towing fees or wheel lock fees, as applicable. The written notice required by this section shall contain the following:

- A. A description of the subject vehicle, including license tag number or vehicle identification number;
- B. The name and address of the registered owner of such vehicle
- C. The dates and descriptions of the parking violations that establish the grounds for immobilization or towing and impoundment, and the unpaid amounts of the civil penalties for each violation. A copy of each parking ticket or other document providing the required information attached to the notice shall be sufficient to satisfy this requirement.
- D. A date and time at least seven days from the postmark date of the notice in which the registered owner or other responsible party may appear in Athens-Clarke County Municipal Court to demand a bench trial to contest the pending immobilization or towing and impoundment.
- E. A statement that the subject vehicle is subject to immobilization by wheel lock device or by towing and impoundment for accumulated unpaid parking violation notices unless (i) the registered owner or other responsible party pays in full the unpaid amounts for all of the civil penalties described in the notice on or before the specified court appearance date, or (ii) the registered owner or other responsible party appears personally in Athens-Clarke County Municipal Court to demand a bench trial in which to contest such immobilization or towing and impoundment.

(3) If the registered owner or other responsible party fails to: (i) pay in full all unpaid penalties associated with the violations described in the notice of pending immobilization or towing and impoundment no later than the court date specified in the notice, or (ii) appear personally in Athens-Clarke County Municipal Court on the date and time specified in the notice to contest such immobilization or towing and impoundment, the vehicle subject to the notice may thereafter without further notice be immobilized by wheel lock device or towed and impounded.

(4) Any vehicle immobilized or towed and impounded under the provisions of this paragraph shall be released upon payment in full of all unpaid penalties and fees for parking violations as specified in this chapter, and the \$50 wheel lock fee plus all towing and impound fees due pursuant to chapter 6-15 of this code, as applicable. After paying such fees, a registered owner or other responsible person may contest the validity of the immobilization or the towing and impoundment of his or her vehicle by submitting in writing a Request for Reimbursement of Immobilization or Towing and Impoundment Fees to the Athens-Clarke County Administrative Hearing Officer on a form available from the Clerk of the Athens-Clarke County Municipal Court. Such notice shall either be filed in person at the office of the Clerk of Athens-Clarke County Municipal Court, or sent by certified mail, return receipt requested, in either case no later than 30 days following the release from impoundment of his or her vehicle. Only requests for reimbursement of immobilization or towing and impoundment fees meeting the requirements of this section shall be adjudicated by the Administrative Hearing Officer. If the Administrative Hearing Officer finds in accordance with the procedures set forth in Section 1-5-1 of this Code that the immobilization or the towing and impoundment was not authorized or that the provisions of this Code were not followed, he or she shall issue an order for reimbursement. Such reimbursement shall be limited to the fees actually paid for release of the subject vehicle from impoundment, plus certified mailing fees, if any.

(5) *Towing and impoundment after 48 hours.* Any vehicle immobilized under this chapter that has not been released under the provisions herein within 48 hours of such immobilization may be ordered towed and impounded by a designated officer under the provisions of chapter 6-15 of this code.

(6) *Illegal to remove wheel lock device.* It shall be a violation of this code for any unauthorized person to remove any wheel lock device placed upon a vehicle under the provisions of this section. Such violations shall be punished as provided for in section 1-1-5 of this code.

SECTION 6. Section 3-3-45 entitled "*Construction permit parking fees in the downtown area; penalty for violation*" of the Code of Athens-Clarke County, Georgia, subsection (b) thereof is hereby amended by deleting therefrom the words "unlawful", "the operator of" and "park the same" and by adding thereto the words "a violation of this chapter", "be located" and "Parking spaces temporarily designated for use by construction personnel under the provisions of this section shall be clearly marked as such, and such marking shall contain the statement, "No parking after (date & time). Unauthorized vehicles present after that time are subject to towing and impoundment." so that subsection (b) is:

(b) It shall be a violation of this chapter for any motor vehicle to be located in any space which has been designated under subsection (a) for construction parking. Parking spaces temporarily designated for use by construction personnel under the provisions of this section shall be clearly marked as such, and such marking shall

contain the statement, "No parking after (date & time). Unauthorized vehicles present after that time are subject to towing and impoundment." The fine for violation of this section shall be \$50.00.

SECTION 7. Section 6-5-19 entitled "*Street closing*" of the Code of Athens-Clarke County, Georgia, is hereby amended by adding to the title thereof the words "and parking restrictions", and by adding thereto new subsection (b) so that section 6-5-19 is:

Sec. 6-5-19. - Street closing and parking restrictions.

- (a) The complete or partial closure of any street, sidewalk or other public way as a part of a special event shall be approved by the traffic engineer in consultation with the chief of police.
- (b) It shall be a violation of this chapter for any motor vehicle to be located on any street or other area that has been closed to parking for a special event. Designated parking spaces in such areas closed shall be clearly marked as such, and such marking shall be posted not less than 12 hours prior to the effective date and time of such closure and shall contain the statement, "No parking after (date & time). Unauthorized vehicles present after that time are subject to towing and impoundment." The manager or the manager's designee may have vehicles illegally parked in violation of this section immediately towed and impounded at the expense of the owner or other person responsible for such vehicle pursuant to the provisions of chapter 3-3 of this code. The fine for violation of this section shall be \$50.00.

SECTION 8. Chapter 6-15 entitled "*Wrecker Services for Police-Initiated Tows*" of the Code of Athens-Clarke County, Georgia, is hereby amended by deleting from the title thereof the word "Police" and by substituting in lieu thereof the words "Athens-Clarke County" so that the title of Chapter 6-15 is:

CHAPTER 6-15. – WRECKER SERVICES FOR ATHENS-CLARKE COUNTY-INITIATED TOWS

SECTION 9. Section 6-15-1 entitled "*Wrecker services for police-initiated tows*" of the

Code of Athens-Clarke County, Georgia is hereby amended by deleting therefrom the word "police" in six locations, including the title thereof, and by substituting in lieu thereof in five such locations the words "Athens-Clarke County", by deleting therefrom the words "by police personnel" and "a police call" and by adding thereto the words "or person", "this chapter" and "or the Athens-Clarke County manager or the manager's designee" so that section 6-15-1 is:

Sec. 6-15-1. - Wrecker services for Athens-Clarke County-initiated tows.

For purposes of this chapter, "wrecker service" means any legal entity, corporation, partnership, or individual person, either as principal, agent, or employee, in the business of removing, towing, and/or storing wrecked, disabled, or abandoned automobiles or other vehicles by the use of a wrecker or other towing device. For purposes of this chapter, "Athens-Clarke County-initiated tows" shall mean all situations in which a vehicle is abandoned or illegally parked, where motorists are unconscious, trapped or unable to make a call for wrecker services, or in which the stranded vehicle is in the roadway. On and after April 1, 2005, all wrecker services for Athens-Clarke County-initiated tows shall be furnished only by providers who have contracted with Athens-Clarke County in accordance with this chapter. It shall be unlawful for any provider to provide wrecker service for an Athens-Clarke County-initiated tow except in accordance with this chapter. There are hereby established two categories of wrecker services for contracts with Athens-Clarke County to provide wrecker services for Athens-Clarke County -initiated tows to be awarded and administered in accordance with this chapter. The wrecker service categories are defined as follows:

- (a) *Standard duty wrecker service* A standard duty wrecker service shall operate one or more "standard duty wreckers" which shall be defined as wreckers having at least 10,000 pounds minimum gross weight rating equipped with an 8,000-pound P.T.O. mechanically driven power winch, crane and boom having dual wheels or an equivalent vehicle having the same minimum capabilities. A standard duty wrecker service shall be capable of towing automobiles, light trucks and similar-sized vehicles. A rollback may be used to satisfy the requirements of this section.
- (b) *Heavy duty wrecker service* A heavy duty wrecker service shall operate one or more "heavy duty wreckers" which shall be defined as wreckers having at least 25,000 pounds minimum gross weight rating equipped with a 16-ton or larger P.T.O. mechanically driven power winch, crane and boom having dual wheels or an equivalent vehicle having the same minimum capabilities. A heavy duty wrecker service shall be capable of moving all types of vehicles, including large trucks, buses and loaded and unloaded tractor trailers.
- (c) *Logs*. For documentation purposes, the police dispatcher shall maintain two call logs: A standard duty log and a heavy duty log. Each log shall include wrecker call, time, date and location, officer or person making the request, and police dispatcher on duty.
- (d) *Wrecker service request procedure*. All requests for wrecker service shall be made to the police dispatcher. The police dispatcher shall maintain the call lists as authorized. In the event of multiple contractors in a category the dispatcher shall make calls for wrecker service on a rotation basis as provided for by individual contract with the wrecker services. The police dispatcher shall enter such calls on the proper log.
- (e) *Monitoring police radio calls, etc.* No wrecker service shall proceed to an accident scene by reason of any information received by any means other than being dispatched by the Athens-Clarke County police communications center.
- (f) *Where vehicles to be towed*. All vehicles towed pursuant to this chapter shall be towed to the wrecker service yard unless otherwise directed by the police officer on the scene, or the Athens-Clarke County manager or the manager's designee.

SECTION 10. Section 6-15-2 entitled "*Provision of services for towing and removal of motor vehicles which have been wrecked, impounded, abandoned or improperly parked on public streets or other public places within Athens-Clarke County; violations; removal.*" is hereby amended by deleting therefrom the word "police" in four locations and substituting in lieu thereof the words "Athens-Clarke County", by deleting therefrom the words "the police department" and substituting in lieu thereof the words "Athens-Clarke County", and by adding thereto the word "dispatcher" so that section 6-15-2 is:

Sec. 6-15-2. - Provision of services for towing and removal of motor vehicles which have been wrecked, impounded, abandoned or improperly parked on public streets or other public places within Athens-Clarke County; violations; removal.

(a) Beginning on April 1, 2005 and for two-year periods thereafter Athens-Clarke County shall, after public bid, contract with one or more standard duty wrecker services and one or more heavy duty wrecker services for all Athens-Clarke County-initiated tows. The contracts shall provide that the parties may renew the agreements by mutual consent for one additional two-year period with any adjustments to the rate structure being made only in accordance with the applicable U.S. Department of Labor Consumer Price Index. Prior to initiation of each public bid process, the mayor and commission shall approve the process and methodology of the contract award proposed by the manager. In the event that the mayor and commission shall contract with more than one wrecker service provider in a wrecker service category, the contract award procedure shall require that each bidder disclose detailed information about the ownership and management of the entity seeking a contract, and the mayor and commission shall have the authority to decline to award contracts to entities that have common ownership or management. Any contract awarded pursuant to this chapter shall not be assigned to any other person, firm or corporation or other entity. Each wrecker service contracting with Athens-Clarke County shall satisfy the minimum requirements set forth below and any other requirements as provided for by the contract.

(b) The wrecker service shall be available for Athens-Clarke County-initiated tows via listed telephone numbers 24 hours a day, seven days a week, with adequate personnel available to respond to calls immediately. No pagers or answering machines shall be allowed to answer said calls.

(c) The wrecker service shall respond to the police dispatcher call within a maximum of 30 minutes for standard duty and within a maximum of 45 minutes for heavy duty.

(d) The wrecker service shall have the capability of moving all types of motor vehicles as required by the applicable category of contract. All towing will be performed with the wrecker service's equipment (or leased equipment) and the wrecker service's employees, and the wrecker service will not contract out any work received from an Athens-Clarke County-initiated call within the limits of Athens-Clarke County. Each wrecker service shall display in a conspicuous manner, either painted or permanently affixed thereto on each side of its vehicles, the name, address and phone number of its business establishment. Wrecker service vehicles of all types shall be commercially manufactured, shall have an adequate chassis, and be in safe operating condition at all times.

(e) The wrecker service shall maintain a place of business within Athens-Clarke County with its name, phone number and street number readily visible to the public. Said business shall also be easily visible from a public street to the passing public. The business shall be in compliance with all applicable zoning ordinances. The business must be staffed and operated from 8:00 a.m. to 5:00 p.m., Monday through Friday, and from 8:00 a.m. to 1:00 p.m. on Saturdays except on days on which the University of Georgia has a home football game scheduled, the wrecker service shall remain open and staffed from 8:00 a.m. to at least three hours after the time that the football game is completed. During the hours of operation required by this paragraph, the wrecker service shall allow access to impounded vehicles by any officer of the Athens-Clarke County Police Department, any individual accompanied by an officer of the department, or an owner or lessee of the vehicle as established by proof of a valid state motor vehicle registration, current motor vehicle insurance card or policy on an impounded vehicle and state driver's license, and the purpose of such access shall be for investigative purposes or to retrieve personal property of the driver and/or passengers. There shall be no charge for this access.

(f) The wrecker service shall maintain a fenced-off impoundment lot within the boundaries of Athens-Clarke County for storage of impounded vehicles. Such impounded area must be separate from any other impoundment facility of the wrecker service. Such impoundment lot shall be enclosed by a fence not less than six feet high with a gate which can be securely fastened and locked. The fence shall have six-strand barbed wire Y-bracket top. The impound lot must be sufficiently lighted so that the surface of the lot is illuminated to the intensity of at least two footcandles. The impound lot must comply with all applicable Athens-Clarke County ordinances. The impoundment lot shall be capable of storing the number of vehicles required by the contract. The wrecker service shall provide adequate security for all vehicles they place in storage and shall be held responsible for such vehicles and contents thereof. The wrecker service shall maintain at least one protected inside storage area (garage) within Athens-Clarke County for vehicles under police investigation.

(g) An attendant, who shall be a full time employee of the wrecker service, shall be available to receive and dispatch wrecker calls for 24 hours a day, seven days a week.

(h) The wrecker service shall post towing fees reflecting the prices to be charged to the public. Fees shall be posted in open view to the public in the wrecker service's lobby. In addition, the wrecker service shall deliver to each owner or representative of every towed vehicle present at the scene of the tow a pre-printed disclosure form drafted by Athens-Clarke County that states the fees to be charged by the wrecker service, location of storage lots, times of vehicle release, and phone number(s) of the wrecker service. The wrecker service must accept credit cards or bank debit cards at its place of business for payment of the fees. The wrecker service shall furnish the person who pays for wrecker services a written receipt on a pre-printed form drafted by Athens-Clarke County which

contains the same information as the within-described disclosure form and which provides an itemization of all charges, the name of the person on the scene who recovered the vehicle, and the telephone number of a representative of Athens-Clarke County designated to receive comments about wrecker service.

(i) The wrecker service must maintain a valid Athens-Clarke County occupation tax certificate.

(j) The wrecker service must maintain registration with the Georgia Public Service Commission and possess all state-required permits. In addition, the wrecker service shall maintain a daily list of vehicles towed and/or stored for Athens-Clarke County-initiated towing and storage services. The list shall contain details as to the make, year, model, color, vehicle I.D. number, license plate number, name of owner, and the purpose of removing and/or storing vehicle. The records shall be retained for a period of 12 months and shall be made available to Athens-Clarke County at any reasonable hour.

(k) The wrecker service must own and maintain at all times the equipment and accessories as required by the contract (or the right to use the same under a written lease agreement for the period covered by the contract).

(l) The wrecker service shall maintain in the wrecker service's name at a minimum the following insurance policies: (i) an automobile liability insurance policy having a combined single limit of not less than \$500,000.00, (ii) a comprehensive general liability policy providing bodily injury coverage limits of \$1,000,000 per person and \$1,000,000 per occurrence and property damage coverage limits of \$500,000.00 per person and \$500,000.00 annual aggregate, (iii) cargo and garage keepers liability insurance with a limit of \$100,000.00, and (iv) workers' compensation insurance in the minimum coverage required by Georgia law. Said insurance shall name Athens-Clarke County as an additional insured under the policy and shall provide for written notification within 15 days of policy modification, expiration or cancellation. The wrecker service shall provide to the chief of police a full copy of the insurance policy no later than five days from date of execution of agreement or extension thereof or any modification of the policy and upon renewal of the policy.

(m) It shall be the duty of every driver of a wrecker service vehicle to tow vehicles in a professional manner in accordance with standards in the contract and to deal with the public in a professional and courteous manner. Operating personnel of wrecker units shall be technically qualified and physically capable of responding immediately to all calls received. Reasonable care shall be taken by wrecker service personnel to ensure no further damage will occur to the vehicle towed either through carelessness or from natural elements, and the wrecker service shall use the proper equipment of whatever nature necessary (i.e. dollies, wheel lifts) in order to prevent further damage to the vehicles towed.

SECTION 11. All ordinances or parts of ordinance in conflict herewith are hereby repealed.

New business – Consider under suspension of Rules

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

A motion was made by Commissioner NeSmith, seconded by Commissioner Bailey, to approve the following recommendations from the Oconee Rivers Greenway Commission for appointments to said Commission. The motion passed by unanimous vote.

Nat Kukyendall - reappointment	Term expiring 12-31-20
Jake Maas	Partial term expiring 12-31-17
Derek Little	Partial term expiring 12-31-20

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

A public hearing was held on request of James C. Warnes for TC Village Shops, LLC for rezoning from C-R (Commercial-Rural) to C-G (Commercial-General) on 2.498 acres known as 796 US Highway 29 North. Proposed use is commercial. Type II

Planning Commission recommendation: Approval (unanimous)

Citizen input

The following citizen input was received.

1. James Warnes, 244 East Washington Street, representing petitioner – supported.

A motion was made by Commissioner Girtz, seconded by Commissioner NeSmith, to adopt the following ordinance (#16-09-55) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO REZONING THE PARCEL OF LAND AT 796 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 the approximate 2.498-acre parcel of land at 796 U.S. Highway 29 North from C-R (Commercial-Rural) to C-G (Commercial-General) as shown on Attachment A hereto. Said parcel of land is more fully described in the drawing entitled, "Topographic Survey for KR Carwashes, LLC" dated June 17, 2016, prepared by Woods Land Surveyors, Inc. and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

The parcel of land at 796 U.S. Highway 29 North is also known as tax map number 221 008L 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 request of James C. Warnes for Catholic Archdiocese of Atlanta for rezoning from C-O and C-O* (Commercial-Office and Commercial-Office with conditions) to C-D (WE)(PD) (Commercial- Downtown, West End Downtown Design Area, Planned Development) and RM-3(PD) (Mixed Density Residential Planned Development) on 6.201 acres known as 134 Prince Avenue and 134 Childs Street. Proposed use is multi-family residential and commercial. Type II

Planning Commission recommendation: Approve (unanimous)

Citizen input

The following citizen input was received.

1. James Warnes, 244 East Washington Street, representing petitioner – supported commission-defined option; developer will pay for traffic light/crosswalk.
2. Clint McCrory, 390 Franklin Street – supported.
3. Tony Eubanks, 785 North Pope Street – supported.
4. Jim Arndt, 243 Barrow Street – protect neighborhood streets.

A motion was made by Commissioner Girtz, seconded by Commissioner Link, to adopt the following ordinance (#16-09- 56) which was presented by title only. The motion passed with eight YES votes. Commissioner Hamby recused himself.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO REZONING THE PARCEL OF LAND AT 134 PRINCE AVENUE FROM C-O (COMMERCIAL OFFICE) TO C-D (WE)(PD) (COMMERCIAL DOWNTOWN, WEST END DOWNTOWN DESIGN AREA, PLANNED DEVELOPMENT) AND REZONING THE PARCEL OF LAND AT 134 CHILDS STREET FROM C-O* (COMMERCIAL OFFICE ZONING WITH CONDITION) TO RM-3 (PD) (MIXED-DENSITY RESIDENTIAL, PLANNED DEVELOPMENT); AND FOR OTHER PURPOSES.

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

SECTION 1. The map constituting the component part of the Zoning Ordinance of Athens-Clarke County, Georgia, by virtue of and in compliance with Section 9-3-3 and Section 9-3-6 thereof, is hereby amended by changing the zoning of the parcel of land at 134 Prince Avenue from C-O (Commercial

Office) to C-D (WE) (PD) (Commercial Downtown, West End Downtown Design Area, Planned Development), and changing the zoning of the parcel of land at 134 Childs Street from C-O* (Commercial Office Zoning With Condition) to RM-3 (PD) (Mixed-Density Residential, Planned Development), said parcels together comprising an approximate 6.201-acre tract of land as shown on Attachment A hereto. Said tract of land is more fully described in the drawing entitled, "Site Plan, Sheet No. C0.01, Proj. No. 014346.00, Homes Urban, LLC, 100 Prince, Athens, GA" dated March 4, 2016, prepared by McMillan, Pazdan, Smith, Architecture, on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

The two parcels comprising the subject 6.201-acre tract of land are also known as parcel numbers 171A2 B002 and 163C4 C012 on the Athens-Clarke County tax maps, being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia. The date of this amendment to the Official Zoning Map of Athens-Clarke County as shown by Attachment A shall be noted on said Official Zoning Map in the Clerk of Commission's Office at 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

SECTION 2. The binding master site plan associated with this ordinance and incorporated herein by reference consists of seven sheets, sheet one of which being entitled, "Site Plan, Sheet No. C0.01, Proj. No. 014346.00, Homes Urban, LLC, 100 Prince, Athens, GA", sheet two of which being entitled, "Building Elevations, A3.01, Master Planned Development Submittal, 100 Prince, Athens, Georgia", sheet three of which being entitled, "Building Elevations, A3.02, Master Planned Development Submittal, 100 Prince, Athens, Georgia", and sheet four of which being entitled, "Building Elevations, A3.03, Master Planned Development Submittal, 100 Prince, Athens, Georgia", sheet five of which being entitled, "Pulaski Street Buffer, 100 Prince", sheet six of which being entitled, "10' Buffer Section, 100 Prince", and sheet seven of which being entitled, "20' Buffer Section, 100 Prince"; sheets one through four being prepared by McMillan, Pazdan, Smith, Architecture, dated March 4, 2016, and stamped, "Binding, 8/8/16", sheets five through seven being prepared by Smith Planning Group, dated April 28, 2016 and stamped, "Binding per Girtz CDO, 9/2/16", all seven sheets 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 ten pages and is entitled "100 Prince Planned Development Application Report" dated March 4, 2016 and being stamped, "Binding, 8/8/16" and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

SECTION 3. The condition of approval associated with this ordinance is that "Left Turn Only" signage be installed at all exits from the property onto Childs Street.

SECTION 4. The Developer shall provide a comprehensive, long-term (20-year minimum) Complete Streets analysis prepared by a qualified professional to include intersection analysis, segment analysis, and pedestrian analysis for the Prince Avenue corridor from Pulaski Street to Barber Street, prior to the issuance of any development permits. The purpose of such analysis is to evaluate multi-modal impacts generated by the proposed development.

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

A public hearing was held on proposed text amendments – Commercial front-yard parking

Planning Commission recommendation: Approve (unanimous)

Citizen input

The following citizen input was received.

1. Tyler Dewey, 1075 West Broad Street – opposed.

A motion was made by Commissioner NeSmith, seconded by Commissioner Herod, to adopt the following ordinance (#16-09-57) which was presented by title only. The motion passed by roll call vote with Commissioners Dickerson, Wright, NeSmith, Bell, Herod, Girtz, and Hamby voting YES and Commissioners Link and Bailey voting NO. (7 YES; 2 NO)

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO COMMERCIAL FRONT YARD PARKING; AND FOR OTHER PURPOSES

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

SECTION 1. Section 9-25-8 entitled "*Site design standards*" of the Code of Athens-Clarke County, Georgia, subsection D.1.a. thereof is hereby amended by deleting the words "rather than the parking area" so that subsection 9-25-8.D.1.a. is:

Sec. 9-25-8. - Site design standards.

D. Non-residential design standards for "E" zones and the "I" zone not on corridor types on the Athens-Clarke County Corridor Designations Chart, as provided in section 9-25-8-J.

1. Orientation and scale.

a. Buildings shall have their primary orientation toward the street. Except for property in an E-I zone more than 500 feet from any RS or RM zone as measured from the zone boundary, public sidewalks shall be provided adjacent to a public street along the street frontage.

SECTION 2. Section 9-25-8 entitled "*Site design standards*" of the Code of Athens-Clarke County, Georgia, subsection E.1.a. thereof is hereby amended by deleting the words "rather than the parking area" so that subsection 9-25-8.E.1.a. is:

Sec. 9-25-8. - Site design standards.

E. Non-residential design standards for all "C" (other than C-D) and "IN" zones, and also for "E" and "I" zones located on Level One or Level Two corridor types based on the Athens-Clarke County Corridor Designations Chart, as provided in section 9-25-8-J. These standards shall also apply to any non-residential use other than agricultural buildings in any "AR," "RS," or "RM" zone.

1. Orientation and scale.

a. Buildings shall have their primary orientation toward the street. Public sidewalks shall be provided adjacent to a public street along the street frontage.

SECTION 3. Section 9-25-8 entitled "*Site design standards*" of the Code of Athens-Clarke County, Georgia, subsection E.3.a. thereof is hereby amended by deleting said subsection in its entirety and inserting the following in lieu thereof:

Sec. 9-25-8. - Site design standards.

E.3.a. Parking areas shall not be located in the front yard with the following exceptions:

1. As allowed for specific uses in section 9-10-2 of this code, or
2. As allowed in section 9-25-8.F.4., or
3. C-G zones not adjacent to a designated corridor per section 9-25-8.J. where:
 - a. Front yard parking shall not exceed a single two-way aisle serving one row of parking spaces on both side of the aisle, and
 - b. The development shall comply with the screening standards of section 9-30-9.E.6. of this code, and
 - c. Internal vehicular and pedestrian circulation shall be designed and installed to allow for two-way interparcel access with adjacent commercial zone properties. If the neighboring property does not have an existing vehicular or pedestrian stub feasible for tie-in, then such stubs shall be constructed at the point where the connection to the abutting parcel is expected to occur in the future. This requirement may be waived by the Planning Director if site circumstances make interparcel access impractical, such as natural grades in excess of 15 percent, sensitive environmental areas, incompatible uses, or excessive distances. If reciprocal access rights are granted by the subject property owners, then permanent cross-access easements shall be recorded and the easement reflected on any subsequent plat and deed of both properties to allow for through traffic.

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

Citizen input on items other than those listed on this agenda

The following citizens supported an anti-discrimination ordinance and/or a human relations council.

1. Tim Denson, 290 Midway Road
2. Jesse Houle, 260 North Chase Street
3. Broderick Flanagan, 1645 East Broad Street
4. Ashley Hannah, 270 Cobb Street

5. Greg Wagstaff, 299 Colima Avenue
6. Tommy Valentine, 370 Cleveland Avenue

The following citizen spoke in support of tiny houses.

1. Paula Loniack, 445 Ruth Street

There was no report from the Mayor Pro tem.

FROM MANAGER WILLIAMS:

1. Received for information was a report of contract awards in excess of \$10,000 for July 2016.

FROM COMMISSIONER LINK:

1. Supported anti-discrimination ordinance.
2. Stated TSPLOST program will be discussed at September 13 work session.

FROM COMMISSIONER DICKERSON:

1. Invited everyone to the 9-11 memorial service at 390 Morton Farm Lane, 4:00 p.m. on Sunday, September 11.

FROM COMMISSIONER BELL:

1. Commended Mayor Denson for removing anti-discrimination ordinance from the agenda for the right reasons.

FROM COMMISSIONER HAMBY:

1. Stated the West Broad Street group will meet on September 15 to receive input.
2. Requested September 13 work session on TSPLOST include a scenario of borrowing upfront funds to get all projects done early.

FROM COMMISSIONER NESMITH:

1. Requested everyone review Athens For Everyone handout.

The meeting adjourned at 9:28 p.m.

Clerk of Commission