



Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, November 1, 2016
7:00 p.m.
City Hall

The Unified Government of Athens-Clarke County, Georgia met this date in regular monthly session. Present: Mayor Denson; Commissioners Dickerson, Sims, Link Wright, Bailey, NeSmith, Bell, Herod, Girtz, and Hamby. No one was absent.

Manager Williams introduced newly hired Transportation and Public Works Director Drew Raessler who made brief comments.

A motion was made by Commissioner Sims, seconded by Commissioner Bell, to approve Minutes of meetings of Tuesday, October 4 and Tuesday, October 18, 2016. The motion passed by unanimous vote.

Written communications

There were no written communications.

Old business – Consent

Citizen input

There was no citizen input.

Old and new business – Discussion

Citizen input

The following citizens spoke in favor of an anti-discrimination ordinance and/or a civil rights commission.

1. Mark Bell, 120 Cypress Manor Lane
2. Ovita Thornton, 170 Fowler Drive
3. Tommy Valentine, 370 Cleveland Avenue
4. Fayelynn Lavelle, 480 Nacoochee Avenue
5. Sean Walton, 130 Churchill Circle
6. Darren Ellison, 288 Ryan Road, Winder
7. Heidi Elrod, 2505 West Broad Street
8. Tyler Dewey, 1075 West Broad Street
9. Deshauna Johnson, 255 The Preserve Drive
10. Christine Mallotsi, 411 Oglethorpe Avenue
11. Irami Osei Frimpong, 475 Brookwood Drive
12. Debra Brenner, 135 Gibbons Way
13. Carol Myers, 310 Spalding Circle
14. Noel Johnson, 651 Lakeland Way
15. Celeste Ingevy, 218 Lucas Way, Statham
16. Jacquelyn Brown, 501 Southern Court
17. Richard Benton, 397 Bridgewater Circle
18. Judy McWillie, 430 Highland Avenue
19. Mary Miller, 240 Tara Way
20. Katie Blane, 145 Three Oaks Drive
21. Ashley Na, 270 Cobb Street
22. Elizabeth Wilkes, 260 Springdale Street
23. Jesse Houle, 260 North Chase Street
24. Marie Marquez, 235 Hill Street # 2
25. David Ferguson, 140 Harold Drive
26. Amy Yoder, 129 Ashley Circle #7
27. Uma Nagendra, 305 Willow Run
28. Barbara Mattes, 138 Henderson Avenue
29. Em Eilbert, 530 Hampton Court A
30. Rouhallah Agasale, 108 College Station Road
31. Molly Canfield, 134 Hendrix Avenue
32. Jameka Patman, 705 Spring Valley Road
33. Broderick Flanagan, 1645 East Broad Street
34. Mocha Jasmine Johnson
35. Mark McConnell, 2510 Commerce Road
36. Michael Smith, 147 First Street
37. Jesse Evans, 150 Susan Circle, Winterville
38. Alpana Renegie
39. Vanessa Briscoe Hay, 145 Victory Estates Drive
40. Kendall Knotts, 167 Oxford Court
41. Adam Lassila, 260 North Chase Street

The following citizen input was received.

1. Tony Eubanks, 785 North Pope Street – supported additional funding for bicycle and pedestrian projects.
2. Aaron Jocelyn, 305 Willow Run – supported bike lanes for Oglethorpe Avenue
3. Charlie Maddox, 115 Avalon Drive – volunteers are always needed for Athens Human Relations Commission and other civic organizations

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.

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

1. ADOPT: The following ordinance (#16-11-62) which was presented by title only.

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

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

SECTION 1. Section 6-3-1 entitled "*Definitions*" of the Code of Athens-Clarke County, Georgia, the definition therein entitled "*School building or educational building on a college campus*" is hereby amended by deleting therefrom the words "Schools shall also be defined to include pre-schools and kindergartens." so that the definition of school building or educational building on a college campus is:

Sec. 6-3-1. - Definitions.

School building or educational building on a college campus: Governmental or church school buildings and such buildings at such other schools as teach the subjects commonly taught in the common schools and colleges of this state, and which are public schools or private schools as defined in subsection (b) of the official Code of Georgia annotated Section 20-2-690.

SECTION 2. Section 6-3-2 entitled "*License – Required; classes; fees*" of the Code of Athens-Clarke County, Georgia, subsection (b) thereof entitled "*Classes*" is hereby amended by deleting therefrom the words "Distance waiver permit for restaurants. All licensees who operate restaurants that do not meet all of the distance requirements in Section 6-3-5 shall also be required to have a separate distance waiver permit for restaurants under Section 6-3-3(m)." so that section 6-3-2, subsection (b) is:

Sec. 6-3-2. - License—Required; classes; fees.

(b) *Classes.* The licenses shall be divided into the following classes:

- (1) Class A, retail liquor package;
- (2) Class B, retail beer package;
- (3) Class C, retail wine package;
- (4) Class D, retail liquor by the drink;
- (5) Class E, retail beer by the drink;
- (6) Class F, retail wine by the drink;
- (7) Class G, wholesale liquor;
- (8) Class H, wholesale beer;
- (9) Class I, wholesale wine;
- (10) Class J, licensed alcoholic beverage caterer;
- (11) Class K, brewer, manufacturer of malt beverages only;
- (12) Class L, brew pub operator;
- (13) Class M, broker;
- (14) Class N, importer;
- (15) Class O, Hotel in-room service liquor, beer, and wine;
- (16) Class P, manufacturer of wine only;
- (17) Class Q, manufacturer of distilled spirits only.

Sunday sales permits. All licensees who engage in Sunday sales as permitted under section 6-3-5(i)(7) or (8) shall also be required to have a separate Sunday sales permit.

Wine-tasting permits and growler-tasting permits. All licensees who engage in wine-tastings as permitted under section 6-3-6(c) shall also be required to have a separate wine-tasting permit. All licensees who engage in growler-tastings as permitted under section 6-3-6(f) shall also be required to have a separate growler-tasting permit.

SECTION 3. Section 6-3-3 entitled "*Same – Application procedure*" of the Code of Athens-Clarke County, Georgia, is hereby amended by deleting therefrom subsection (m) in its entirety.

SECTION 4. Section 6-3-5 entitled "*General regulations pertaining to all licenses.*" of the Code of Athens-Clarke County, Georgia, subsection (c) thereof is hereby amended by deleting therefrom the words "that is granted a distance waiver permit for restaurant by the Mayor and Commission pursuant to section 6-3-3(m)." so that section 6-3-5, subsection (c) is:

Sec. 6-3-5. – General regulations pertaining to all licenses.

(c) *Location.* None of the above licenses shall be issued except in the following zones as defined in Title 9 (Zoning) of the Code of Athens-Clarke County:

- (1) C-G, Commercial General;
- (2) C-D, Commercial Downtown;
- (3) C-N, Commercial Neighborhood;
- (4) C-O, Commercial Office;
- (5) C-R, Commercial Rural;
- (6) E-I, Employment Industrial;
- (7) E-O, Employment Office;
- (8) I, Industrial;
- (9) G, Government District;
- (10) PD, Planned Development (if applied to C-G, C-D, C-N, C-O, C-R, E-I, E-O, or I designations);
- (11) RM (Mixed Density Residential) zones with special use approval for restaurants for Class D, E, or F licenses for the restaurants only.

Class A licenses shall not be issued for a location in which the nearest wall of the building proposed as the licensed premises is closer than 100 feet, straight line measurement, to the property line of a private dwelling located within a single-family residentially zoned district or within 200 yards of any church building or within 200 yards of any school building or educational building, school grounds or college campus. Excluded hereunder is a private dwelling that has been unoccupied for at least 12 months immediately prior to the application being filed.

No new retail package liquor licensed place of business engaged in the retail package sales of distilled spirits shall be located within 500 yards of any other business licensed to sell package liquor at retail, as measured by the most direct route of travel on the ground; provided, however, that this limitation shall not apply to any hotel licensed under this chapter. This restriction shall not apply at any location for which a license has been issued prior to July 1, 1997, or to the renewal of such license. Nor shall the restriction of this subsection apply to any location for which a new license is applied for if the sale of distilled spirits was lawful at such location at any time during the 12 months immediately preceding such application.

Class B and C licenses shall not be issued for a location in which the nearest wall of the building proposed as the licensed premises is closer than 100 yards of any school building, school grounds or college campus. Provided, however, that the foregoing prohibition with respect to a college campus shall not apply to grocery stores.

Class D, Class E and Class F alcoholic beverage licenses shall not be issued for a location in which the nearest wall of the building proposed as the licensed premises is closer than 100 yards in a straight line measurement to the nearest wall of a school building or educational building on a college campus or church or 100 feet of the property line of a private dwelling located within a single-family residentially zoned district which is in existence at the time of the issuance of the original license. Such distance requirements for Class D, Class E and Class F licenses shall be in effect for all districts in which such licenses are authorized, with the exception of the Commercial Downtown (CD) and the campus of the Georgia Center for Continuing Education and with the exception of any restaurant as defined in this Chapter. In addition, the requirements for minimum distances from a church or private dwelling located within a single-family residentially zoned district provided for in this section shall not apply to Class D, E and F licenses for retail liquor, wine or beer by the drink in movie theaters as defined in this Chapter if the movie theater for which the license is applied is located within a shopping center, as defined in the local zoning ordinances, except that for the purposes of this section such shopping center must have at least 19,500 square feet of gross floor area of commercial space on any one floor, measured upon the basis of the entire area covered by the same roof or sharing common walls.

No licenses shall be issued under this chapter for any location within 100 yards of an alcoholic treatment center.

At the time of application, a plat from a registered surveyor shall be attached to the application which shall certify that all applicable state and local distance requirements for the proposed location have been met. A current certified plat from a registered surveyor is required showing actual addresses measured in a straight line measurement to the nearest wall of a school building, educational building, church, alcoholic treatment center, and property line of school grounds, college campus, or private dwelling located within a single-family residentially zoned district.

All licenses which are in existence and valid as of the date of passage of this chapter may continue to be renewed hereunder even though they may be in violation of this subsection; furthermore, that location may continue to be licensed hereunder so long as the premises are continuously used for the sale of alcoholic beverages hereunder, even though not under the same owner. At such time as the license for this premises is revoked, not renewed or is allowed to lapse, or a new license is not applied for and granted for the location within 60 days of the expiration or termination of the previous license, this subsection and the prohibitions herein shall apply to any new application for that location.

After issuance of a license, no change in the location of the building or walls can be made that affects distance requirements so that the distance requirement would not be satisfied as a result of the change. The distance requirements must be met at all times during the term of the license.

SECTION 5. This ordinance shall be effective for all alcoholic beverage licenses issued after January 1, 2017.

SECTION 6. All ordinances or parts of ordinance in conflict herewith are hereby repealed.

2. ADOPT: The following ordinance (#16-11-63) which was presented by title only.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO PARKING RESTRICTIONS ON QUAILWOOD DRIVE AND HUNTERS POINTE DRIVE; 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 both sides of Quailwood Drive for a distance of 150 feet east and 150 feet west of the intersection of the centerline of Quailwood Drive with the centerline of Hunters Pointe Drive, for a total distance of 300 feet, as more fully delineated on the drawing attached hereto, labeled Attachment #1, entitled "Whitehead Road Elementary School No Parking Zone" and incorporated herein by reference.

SECTION 2. Pursuant to Section 3-3-50 of the Code of Athens-Clarke County, Georgia, parking is hereby prohibited on both sides of Hunters Pointe Drive for a distance of 150 feet south of the intersection of the centerline of Hunters Pointe Drive with the centerline of Quailwood Drive, as more fully delineated on the drawing attached hereto, labeled Attachment #1, entitled "Whitehead Road Elementary School No Parking Zone" and incorporated herein by reference.

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

3. ADOPT: The following ordinance (#16-11-64) which was presented by title only; approve the submittal of all necessary documents to the Georgia Department of Public Safety for renewal and update of the current Athens-Clarke County Speed Detection Device Permit; and authorize the Mayor to sign all documents associated with the renewal of the current Speed Detection Device Permit under a new Speed Zone Ordinance #059-09-2016 as shown in Attachment #1 of agenda report dated September 19, 2016.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO SPEED ZONES AND SPEED DETECTION DEVICE PERMITS; AND FOR OTHER PURPOSES.

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

SECTION 1. In accordance with Sections 3-3-50 and 3-3-51 of the Code of Athens-Clarke County, and Sections 40-6-183 and 40-14-2 of the Official Code of Georgia Annotated, the speed zones and limits as described in the document attached hereto, consisting of nine pages, labeled Attachment #1, entitled "List Number 059-09-2016, List of Roadways for Unified Government of Athens-Clarke County, On-System" and incorporated herein by reference, are hereby adopted based on an engineering and traffic investigation as prescribed by law and incorporated herein by reference.

SECTION 2. The effective date of this ordinance shall be January 1, 2017.

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

4. ADOPT: The following resolution authorizing the submission of an application for and the acceptance of the annual Transit Planning Assistance Grant (Title 49 USC Section 5303) for FY 2018 (July 1, 2017 – June 30, 2018,) if awarded, in the estimated amount of \$76,000 as per agenda report dated September 28, 2016; and authorize the mayor and appropriate staff to execute the resulting contract between the Unified Government of Athens-Clarke County and the Georgia Department of Transportation (GDOT.)

AUTHORIZING RESOLUTION

Resolution authorized the execution of contracts between the Department of Transportation, United States of America, the Georgia Department of Transportation, and the Unified Government of Athens-Clarke County, for a grant under the title 49 U.S.C., Section 5303, for FY 2018 (July 1, 2017 through June 30, 2018.)

WHEREAS, the Secretary of Transportation and the Commissioner of the Georgia Department of Transportation are authorized to make grants for mass transportation projects;

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

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Title 49 U.S.C the applicant gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and other pertinent directives and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the Applicant that minority Business Enterprise, Disadvantaged Business Enterprise and Women Business Enterprise be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts and purchase orders when procuring construction contracts, supplies, equipment contracts, or consultant and other services; and

WHEREAS, the Federal government and the State of Georgia will provide approximately \$76,000 of the funding for the Transit Planning (Section 5303) contract expenses incurred by the Unified Government subject to a maximum local match of \$19,000.

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

That the Mayor is authorized to execute and file an application on behalf of the Unified Government of Athens-Clarke County with the Georgia Department of Transportation to aid in the financing of a technical study grant to implement specific items of the FY 2018 Madison Athens-Clarke Oconee Regional Transportation Study (MACORTS) Unified Planning Work Program.

That the Mayor is authorized to execute and file with such application an assurance or any other document required by the U.S. Department of Transportation and Georgia Department of Transportation effectuating the purpose of this grant;

That the Planning Director of Athens-Clarke County is authorized to furnish such additional information as the U.S. Department of Transportation and the Georgia Department of Transportation may require in connection with the application or the project;

That the Mayor is authorized to set forth and execute Minority Business Enterprise, DBE (Disadvantaged Business Enterprise,) and WBE (Women Business Enterprise) policies and procedures in connection with the projects procurement needs.

That the Mayor and appropriate staff is authorized to apply for a grant, accept such grant if awarded, and execute these grant agreements on behalf of the Unified Government of Athens-Clarke County with the Georgia Department of Transportation to aid in the financing of a technical study grant to implement specific items of the MACORTS Unified Planning Work Program.

5. ADOPT: Resolution authorizing the application for and acceptance of the federal PL contract associated with the annual Metropolitan Transportation Planning Grant for FY 2018 (July 1, 2017 – June 30, 2018), if awarded, as per agenda report dated September 28, 2016; and authorize the Mayor and appropriate staff to execute the resulting contract between the Unified Government of Athens-Clarke County and the Georgia Department of Transportation (GDOT).

AUTHORIZING RESOLUTION

Resolution authorizing the execution of contracts between the Department of Transportation, United States of America, the Georgia Department of Transportation, and the Unified Government of Athens-Clarke County for the FY 2018 (July 1, 2017 – June 30, 2018) Planning (PL) Contract.

WHEREAS, the Federal Government requires that Urbanized Areas such as Athens have a formal planning process as it relates to the planning of transportation projects; and

WHEREAS, the Federal Government will not authorize the expenditure of funds for said transportation projects unless they come out of this formal transportation planning process; and

WHEREAS, the formal transportation planning process is organized around what is commonly known as the Madison Athens-Clarke Oconee Regional Transportation Study (MACORTS);

WHEREAS, the staff of the Unified Government of Athens-Clarke County Planning Department provides support for MACORTS planning efforts;

WHEREAS, the Federal Government will provide up to an estimated amount of \$185,000 of the funding for the transportation planning (PL) contract expenses incurred by the Unified Government of Athens-Clarke County subject to a 20% local match of the funded amount (estimated to be approximately \$46,250);

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

That the Mayor and appropriate staff are authorized to apply for a grant, accept such grant if awarded, and execute an associated contract with the Georgia Department of Transportation (GDOT) for the FY 2018 Transportation Planning (PL) Contract Funds.

6. APPROVE: The five-year on-call airport architectural/engineering services contract between Holt Consulting LLC and the Unified Government of Athens-Clarke County as per agenda report dated September 27, 2016; and authorize the Mayor and appropriate staff to sign all documents related to the contract contingent upon the document being approved by the Office of the Attorney.
7. APPROVE: Award of a construction services contract to Lesco Restorations, Inc. for an amount not to exceed of \$425,000 for SPLOST 2011 Project #16, Sub-Project #7 – Repair of East Athens Community Center and Lay Park pools as per agenda report dated September 27, 2016; and, authorize the Mayor and appropriate staff to execute all related documents.
8. APPROVE: Purchase and installation of rectangular rapid flashing beacons at the existing crosswalk on Whit Davis Road and Meadow Creek Drive as shown in Attachment #1 of agenda report dated September 19, 2016.
9. APPROVE: Legislative Review Committee recommendation to adopt the proposed sidewalk improvement program rating matrix as per report dated September 30, 2016; and request staff bring forth an amended policy statement in a future agenda cycle. Additional Information/Comments: The revised rating matrix is to be an interim procedure for evaluating sidewalk expansion until the Bicycle and Pedestrian Master Plan is approved.

Old and new business – Discussion

A motion was made by Commissioner Girtz, seconded by Commissioner Link, to adopt the following commission-defined option regarding revision of alcohol licensing ordinance to provide for prohibition against discrimination and add an opportunity for open public input to the Manager and Attorney enabling citizens to present evidence, research, and guidance on the mission and framework for such a citizen committee.

1. Approve the amendments to the alcohol license ordinance as proposed in the report from the Government Operations Committee dated August 9, 2016.
2. Direct the Office of the ACC Manager and the ACC Attorney to explore ways to create a more inclusive and welcoming community through the creation of a government-appointed and operated citizen "human relations" committee, through partnering with an established local entity, or through some other mechanism. The goal of such exploration will be to recommend a framework which can best address claims of discrimination, whether through education, through training, through referral to other local, state, and/or federal resources, and/ or through some other means. The ACC Manager and/ or Attorney's Office will present their findings and recommendations to the Mayor and Commission by no later than the end of FY17 (June 2017) for review and possible action.
3. Direct the ACC Manager to compile a list of community support services (local, state, and federal) that are currently available to individuals that may help them in addressing any alleged discriminatory practices to which they are subjected that violate current Federal or State non-discrimination laws, statutes, and constitutional requirements. This task should be completed no later than December 31, 2016.

Commissioner NeSmith offered an amendment for consideration for the option of forming a human rights advisory commission similar to other Athens-Clarke County boards and commissions composed of citizens appointed by the Mayor and Commission as other relevant organizations.

The amendment was accepted by Commissioners Girtz and Link.

A substitute motion was made by Commissioner Herod, seconded by Commissioner Sims, to adopt the commission-defined option as follows:

1. Approve the amendments to the alcohol license ordinance as proposed in the report from the Government Operations Committee dated August 9, 2016.
2. Direct the Office of the ACC Manager and the ACC Attorney to explore ways to create a more inclusive and welcoming community through the creation of a government-appointed and operated citizen "human relations" committee, through partnering with an established local entity, or through some other mechanism. The goal of such exploration will be to recommend a framework which can best address claims of discrimination, whether through education, through training, through referral to other local, state, and/or federal resources, and/ or through some other means. The ACC Manager and/ or Attorney's Office will present their findings and recommendations to the Mayor and Commission by no later than the end of FY17 (June 2017) for review and possible action.
3. Direct the ACC Manager to compile a list of community support services (local, state, and federal) that are currently available to individuals that may help them in addressing any alleged discriminatory practices to which they are subjected that violate current Federal or State non-discrimination laws, statutes, and constitutional requirements. This task should be completed no later than December 31, 2016.

Commissioner Link exited the chamber at 9:04 and returned at 9:07.

The substitute motion passed by roll call vote with Commissioners Dickerson, Sims, Wright, Bell, Herod, and Hamby voting YES; Commissioners Bailey and NeSmith voting NO; and Commissioners Link and Girtz abstaining. (6 YES; 2 NO; 2 ABSENCES).

The following ordinance (#16-11-65) which was presented by title only was declared adopted.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO PROHIBITION OF DISCRIMINATION BY ALCOHOL LICENSEES; AND FOR OTHER PURPOSES

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

The Mayor and Commission have received multiple complaints of unlawful discrimination by certain businesses holding Class D, E, and F alcoholic beverages licenses issued by the Unified Government pursuant to Chapter 6-3 of the Code of Ordinances of Athens-Clarke County, Georgia ("bars"). Such complaints have generally alleged that some bars that operate in the Downtown Athens area have denied entry to certain persons because of such persons' race, color or other bases of discrimination. The Commission further finds that such complaints have alleged that some bars have applied dress codes in an inconsistent and non-uniform manner and have made assertions to patrons seeking entry that the premises were closed for private events when such premises were not closed - which actions have the effect of denying all persons the right to have equal access to these public accommodations owned and operated by firms that hold alcoholic beverages licenses issued by the Unified Government. In response to such allegations, the Commission on January 5, 2016, adopted a Resolution disapproving of any such discrimination and directing that the Attorney and Manager conduct the necessary research to prepare a draft ordinance for consideration by the Commission that addresses unlawful discrimination as described herein. Such Resolution is hereby incorporated herein by reference. The Commission finds that amendments to the alcoholic beverages ordinance that (i) address the specific alleged discriminatory conduct by bars possessing alcoholic beverages licensees and (ii) provide a complaint process for persons aggrieved by alleged discriminatory conduct by such category of licensees are necessary to combat discrimination in a way that addresses the multiple complaints received by the Mayor and Commissioners, while conserving governmental resources. The Commission further finds that the Athens-Clarke County alcoholic beverages ordinance should be amended to make a violation of local, state or federal anti-discrimination or civil rights ordinances or laws regarding public accommodations a basis for the denial, suspension or revocation of an alcoholic beverages license, and now, therefore,

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

SECTION 1. Section 6-3-6 entitled "*Regulations pertaining to certain classes of licenses only.*" of the Code of Athens-Clarke County, Georgia, subsection (e) thereof entitled "*Rental of licenses premises for private functions.*" is hereby amended by adding thereto the words "or otherwise make", "available", "however" and "A Class D, E, or F licensee not qualified as a restaurant as defined in this Chapter shall, prior to making the licensed premises or a portion thereof available for a private event, enter into a written agreement with the sponsor of the private event that includes, without limitation, the name of the sponsor, the name and telephone number of at least one individual representative of the sponsor, a description of

the specific area or areas within the licensed premises where the private event will be held, the date of the event, and the duration of the event on such date, specifying a beginning time and an ending time. All such written agreements shall be kept on the licensed premises for a period of 24 months from the date of each agreement and shall be available for inspection and copying by the chief of police or designee or by the Athens-Clarke County attorney or designee. A Class D, E, or F licensee not qualified as a restaurant that makes the licensed premises or a portion thereof available for a private event shall, during all times when entry to the public shall be prohibited or limited because of a private event, post a sign hereinafter described in such places and in such a manner that all text on the sign is clearly visible and legible to any person seeking admittance to the licensed premises. Such sign shall include the following information: (i) that a private event is occurring; (ii) the specific area or areas within the licensed premises where the private event is being held; (iii) the duration of the event, specifying a beginning time and an ending time; and (iv) the following statement: "Requests for information regarding unlawful discrimination by alcoholic beverages licensees, together with any allegations of unlawful discrimination by such licensees or their agents, should be directed to the Athens-Clarke County Attorney's Office (attorneysoffice@athensclarkecounty.com) (706) 613-3035" Such sign shall be available for inspection by patrons, persons who have been denied admittance, the chief of police or designee or the Athens-Clarke County attorney or designee. No Class D, E or F licensee not qualified as a restaurant shall deny admittance to a licensed premises during the licensee's business hours on the ground that the licensed premises or a portion thereof is closed for a private event unless such licensee has first complied with the requirements of this paragraph. A violation of this paragraph shall be adjudicated in accordance with section 6-3-15 (b)." so that subsection (e) of Section 6-3-6 is:

Sec. 6-3-6 - Regulations pertaining to certain classes of licenses only.

(e) *Rental of licensed premises for private functions.* Class D, E, and F licensees are permitted to rent or otherwise make the licensed premises available for private functions which have been scheduled in advance; provided, however, that the licensee, its agents, managers, and employees, shall retain complete control over the licensed premises and over selling, serving, or furnishing alcoholic beverages during the private function to the same extent required as if the function were open to the public. Nothing in this paragraph shall be deemed to waive any provisions of this chapter or state law governing the sale of alcoholic beverages on the licensed premises. The licensed premises shall remain open to all agents of the state and Athens-Clarke County for law enforcement and inspection purposes during such private functions. No doors to the licensed premises shall be locked preventing egress or ingress during such functions. Nothing in this paragraph shall be deemed to waive the prohibition governing selling, furnishing, or delivering alcoholic beverages to underage persons by any other person within the licensed premises. A Class D, E, or F licensee not qualified as a restaurant as defined in this Chapter shall, prior to making the licensed premises or a portion thereof available for a private event, enter into a written agreement with the sponsor of the private event that includes, without limitation, the name of the sponsor, the name and telephone number of at least one individual representative of the sponsor, a description of the specific area or areas within the licensed premises where the private event will be held, the date of the event, and the duration of the event on such date, specifying a beginning time and an ending time. All such written agreements shall be kept on the licensed premises for a period of 24 months from the date of each agreement and shall be available for inspection and copying by the chief of police or designee or by the Athens-Clarke County attorney or designee. A Class D, E, or F licensee not qualified as a restaurant that makes the licensed premises or a portion thereof available for a private event shall, during all times when entry to the public shall be prohibited or limited because of a private event, post a sign hereinafter described in such places and in such a manner that all text on the sign is clearly visible and legible to any person seeking admittance to the licensed premises. Such sign shall include the following information: (i) that a private event is occurring; (ii) the specific area or areas within the licensed premises where the private event is being held; (iii) the duration of the event, specifying a beginning time and an ending time; and (iv) the following statement: "Requests for information regarding unlawful discrimination by alcoholic beverages licensees, together with any allegations of unlawful discrimination by such licensees or their agents, should be directed to the Athens-Clarke County Attorney's Office (attorneysoffice@athensclarkecounty.com) (706) 613-3035" Such sign shall be available for inspection by patrons, persons who have been denied admittance, the chief of police or designee or the Athens-Clarke County attorney or designee. No Class D, E or F licensee not qualified as a restaurant shall deny admittance to a licensed premises during the licensee's business hours on the ground that the licensed premises or a portion thereof is closed for a private event unless such licensee has first complied with the requirements of this paragraph. A violation of this paragraph shall be adjudicated in accordance with section 6-3-15 (b).

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

Sec. 6-3-6 - Regulations pertaining to certain classes of licenses only.

(h) *Dress codes.* A Class D, E or F licensee not qualified as a restaurant as defined in this Chapter desiring to utilize a dress code in determining who may be admitted to the premises must apply such dress code uniformly to all persons who request admittance to the establishment. Such a dress code must remain consistent on any given date or for any special event and shall not be used to discriminate among persons requesting admittance. Any dress code must be

stated on a sign posted in such places and in such a manner that all text on the sign is clearly visible and legible to any person seeking admittance to the licensed premises. The sign shall also include the following statement: "Requests for information regarding unlawful discrimination by alcoholic beverages licensees, together with any allegations of unlawful discrimination by such licensees or their agents should be directed to the Athens-Clarke County Attorney's Office (attorneysoffice@athensclarkecounty.com) (706) 613-3035" The written dress code in effect on any given day shall be available for inspection by patrons, persons who have been denied admittance, the chief of police or designee or the Athens-Clarke County attorney or designee. A licensee utilizing a dress code shall keep on the licensed premises for a period of 24 months from the date that such dress code was used a copy of each written dress code and the dates that such dress code was used by the licensee. Such copies shall be available for inspection and copying by the chief of police or designee or by the Athens-Clarke County attorney or designee. A violation of this paragraph shall be adjudicated in accordance with section 6-3-15 (b).

(i) *Nondiscrimination.* It shall be unlawful for any Class D, E or F licensee that is not qualified as a restaurant as defined in this Chapter, or any officer, employee or agent thereof, to discriminate against any person in the admission to the licensed premises or in the sale, service or delivery of products within such licensed premises on the basis of such person's race, color, sex, sexual orientation, gender identity, religion, national origin, citizenship, age, disability or pregnancy. This paragraph, however, shall not apply to private clubs that admit only members or guests of members. For purposes of this section, any private club claiming exemption under this paragraph must be incorporated as a nonprofit corporation under the laws of the state or officially qualified as a charitable or veterans' organization by the United States Internal Revenue Service. Nothing in this paragraph shall prohibit the imposition of age limits up to age 21. A violation of this paragraph shall be adjudicated in accordance with section 6-3-15 (b). An individual claiming to be aggrieved by an alleged violation of this paragraph or of paragraphs (e) or (h) of this code section by a Class D, E or F licensee that is not qualified as a restaurant as defined in the Chapter may file a sworn written complaint with the Athens-Clarke County Attorney on a form prescribed by the Attorney, who shall conduct a preliminary investigation of such complaint. If the Attorney finds reasonable grounds that such unlawful conduct occurred, then the Attorney shall institute an administrative action pursuant to Section 1-5-1 of the Code of Athens-Clarke County. The Attorney is authorized to utilize alternative enforcement measures, including without limitation, informal mediation and entry of negotiated consent orders. If the Attorney does not find reasonable grounds that such unlawful conduct occurred, the Attorney shall notify the claimant in writing, and the claimant shall have the right to institute an administrative proceeding with respect to such determination pursuant to Section 1-5-1 of the Code of Athens-Clarke County.

SECTION 3. Section 6-3-15 entitled "*Compliance; violations; penalties*" of the Code of Athens-Clarke County, Georgia, is hereby amended by deleting therefrom the word "his", and by adding thereto the words, "the licensee's" and "unlawful discrimination in the provision of public accommodations" so that section 6-3-15 is:

Sec. 6-3-15. - Compliance; violations; penalties.

(a) *Violations; penalties.* It shall be unlawful for any person to violate the provisions of this Chapter. Upon conviction for the violation thereof each person shall be subject to the punishment allowed under section 1-1-5, after hearing before the judge of municipal court. In addition, upon conviction for the violation thereof by a licensee, the licensee's agents or employees, any license may be revoked, suspended or put on probation under conditions.

(b) *Civil fines; probation, suspension, revocation of license.*

(1) It shall be a violation of this chapter for any licensee to permit any person to engage in any activity on the premises for which the license is issued or within the place of business, which is in violation of the laws or regulations of any federal or state law or of any local ordinance of Athens-Clarke County, which is related to unlawful discrimination in the provision of public accommodations, building codes, fire codes, smoking, excise tax, property tax, health, solid waste disposal, illegal gambling, alcohol, or other controlled substances.

(2) Any person holding any license issued pursuant to this chapter or any employee or agent of such person who violates any provision of this chapter, or directs, consents to, permits, or acquiesces in such violation either directly or indirectly shall, by such conduct, subject the license to suspension, revocation or probation upon conditions. In addition, a maximum civil fine of \$1,000.00 may be imposed on the licensee for each violation. In considering the amount of the civil fine, if any, the administrative hearing officer shall consider the following factors:

a. The gravity of the violation;

b. Any previous violations within a two year period;

c. The costs to Athens-Clarke County related to compliance or enforcement efforts undertaken by Athens-Clarke County in pursuing the case;

d. Actions of the licensee, its employees, subcontractors or agents in connection with the violation.

The imposition of a civil fine under the provisions of this section shall not prevent the suspension, revocation, or non-renewal of the license or the taking of punitive or remedial action for any other violation of the ordinances of Athens-Clarke County or for subsequent violations of this section. No license shall be renewed if any civil fines imposed pursuant to this section have not been paid by the licensee prior to renewal.

For purposes of administering and enforcing this chapter, any act committed by an employee, agent or representative of a licensee shall be deemed to be an act of such licensee.

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

A motion was made by Commissioner Herod, seconded by Commissioner Dickerson, with regard to FY17 pedestrian and bicycle improvements projects for various locations:

1. Approve the proposed FY17 Pedestrian and Bicycle Improvement Projects and staff alternate projects identified for the remaining 15 UGACC corridors, as shown in Attachment #1 of the staff report dated September 21, 2016 to come from the School Area Infrastructure, Crosswalk Improvements, and Alternative Modes of Transportation funds;
2. Approve the proposed FY17 Staff and Commission Defined Additions, as shown in Attachment #2, with funds from FY17 General Fund Operating Contingency. Prince Avenue projects will be planted with low grasses and/ or shrubbery. North Avenue and Baxter Street projects will include low grasses, shrubbery and/or trees appropriate for median plantings;
3. Prince Avenue at Newton project will be sequenced following the final 100 Prince developer report and project design, as requested in earlier Mayor and Commission action; and
4. Approve the purchase and installation of two rectangular rapid flashing beacons (RRFBs) with refuge islands to be located along Cedar Shoals Drive at appropriate intervals between Whit Davis Road and the traffic light at Cedar Shoals High School. The estimated funding of c. \$50,000 for these shall come from eligible sources of funding other than contingency.

Commissioner Girtz offered an amendment to remove overhead signal for Prince/Newton crosswalk (\$30,000 cost), and add roadside rectangular rapid flashing beacon to that intersection (\$9,000).

The amendment was accepted by Commissioners Herod and Dickerson.

The motion as amended passed by unanimous vote.

A motion was made by Commissioner Dickerson, seconded by Commissioner Girtz, to adopt the following ordinance (#16-11-66) 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 SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL; AND FOR OTHER PURPOSES

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

SECTION 1. Section 8-3-2 entitled "*Definitions*" of the Code of Athens-Clarke County, Georgia, the definition therein entitled "*CPESC*" is hereby amended by deleting therefrom the words "Certified Profession in Erosion and Sediment Control Inc., a corporation registered in North Carolina" and adding thereto the words "EnviroCert, Inc." so that the definition of *CPESC* in Section 8-3-2 is:

Sec. 8-3-2. - Definitions.

CPESC: Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.

SECTION 2. Section 8-3-2 entitled "*Definitions*" of the Code of Athens-Clarke County, Georgia, the definition therein entitled "*Design Professional*" is hereby amended by deleting therefrom the words "Certified Professional in Erosion and Sediment Control, Inc." and adding thereto the words "EnviroCert, Inc.. Design professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure." so that the definition of *Design Professional* in Section 8-3-2 is:

Sec. 8-3-2. - Definitions.

Design Professional: A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person

that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert, Inc.. Design professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

SECTION 3. Section 8-3-2 entitled "*Definitions*" of the Code of Athens-Clarke County, Georgia, the definition therein entitled "*Final Stabilization*" is hereby amended by deleting therefrom the words "or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geo-textiles) have been used. Permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region." and adding thereto the words "or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region)." so that the definition of *Final Stabilization* in Section 8-3-2 is:

Sec. 8-3-2. - Definitions.

Final Stabilization: All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

SECTION 4. Section 8-3-6 entitled "*Inspection and compliance.*" of the Code of Athens-Clarke County, Georgia, subsection (a) thereof is hereby amended by adding thereto the words "of best management practices" and "Additional reporting requirements: Applicants/owners/operators shall provide the Director of Athens-Clarke County Transportation and Public Works Department, or his or her designee with a copy of any monitoring results submitted to the Division regarding National Pollutant Discharge Elimination System (NPDES). Reports shall be in a format as prescribed by the Division." so that subsection (a) of section 8-3-6 is:

Sec. 8-3-6. - Inspection and Compliance.

- (a) The Director of the Athens-Clarke County Public Works Department, or his or her designee, will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also the Local Issuing Authority shall regulate both primary, secondary, and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance of best management practices where the tertiary permittee is conducting land disturbing activities. If, through inspection, it is deemed that a person engaged in land disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this chapter, he shall be deemed in violation of this chapter and subject to the penalties for violation of this chapter, a stop work order, and/or other enforcement action provided for in this chapter.

Additional reporting requirements: Applicants/owners/operators shall provide the Director of Athens-Clarke County Transportation and Public Works Department, or his or her designee with a copy of any monitoring results submitted to the Division regarding National Pollutant Discharge Elimination System (NPDES). Reports shall be in a format as prescribed by the Division.

SECTION 5. Section 8-3-7 entitled "*Enforcement and penalties.*" of the Code of Athens-Clarke County, Georgia, subsection (b) thereof entitled "*Notice of Violation; Stop work orders.*" is hereby amended by deleting from item (2) thereof entitled "*Stop Work Orders*" the words "and shall mean that all land disturbance activity and construction activity on the project must stop unless the work pertains to correcting the violation or installing/maintaining erosion control best management practices in accordance with applicable local ordinances and state law. The stop work order shall remain" and by adding thereto the words "upon issuance and shall apply to all activity on the site, including but not limited to land disturbance activity, construction, architecture, landscape, electric, plumbing and any other work at the site. It shall remain" so that item (b)(2) of section 8-3-7 is:

Sec. 8-3-7. – Enforcement and penalties.

(b) *Notice of Violation; Stop work orders.*

- (2) Stop Work Orders. The Local Issuing Authority may issue a stop work order which shall be served on the applicant or other responsible person. A stop work order shall be effective immediately upon issuance and shall apply to all activity on the site, including but not limited to land disturbance activity, construction, architecture, landscape, electric, plumbing and any other work at the site . It shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the stop work order or has otherwise cured the violation or violations described therein and the stop work order has been released by the LIA in writing, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations. Issuance of a stop work order is not a prerequisite to taking any other enforcement action.

SECTION 6. All ordinances or parts of ordinance in conflict herewith are hereby repealed.

Citizen input on items not listed on this agenda

The following citizen input was received.

1. Tyler Dewey, 1075 West Broad Street - expressed appreciation for Cedar Shoals transportation improvements.
2. Broderick Flanagan, 1645 East Broad Street – proposed infill housing ordinance should protect all neighborhoods.
3. Tim Denson, 290 Midway Road – everyone needs to help.
4. Mary Miller, 240 Tara Way - public input should be considered.
5. Mark McConnell, 2510 Commerce Road - concerned about climate change.
6. James Moye, 394 Oconee Street – supported plastic bag fee.

FROM MAYOR DENSON:

1. Mayor Denson expressed sympathy to the family of Rev. Archibald Killian who recently passed away. She expressed appreciation for his many years of community service.
2. Announced applications are now being received for positions on the Industrial Development Authority, Library Board, Board of Elections, Board of Health, and Construction Board of Appeals. The deadline is Friday, November 11.
3. Referred to Government Operations Committee, at the request of Audit Committee Chair Wright, a review of Leisure Services scholarship program and cost recovery, as related to the Green Play report
4. Announced the following appointments to the 2017 TSPLOST Citizens Advisory Committee. Alice Kinman was named chair.

Mayor Denson	Bill Bland Dr. Holly Ward
District 1 Dickerson	Fred Harrison Kaori Sakamoto
District 2 Sims	Willie Bolton Homer Wilson
District 3 Link	Dr. Jennifer Rice
District 4 Wright	Alice Kinman Brian Molloy
District 5 Bailey	Lauren Blais Elliott Caldwell

District 6 NeSmith	Denise Ricks Madeline VanDyck
District 7 Bell	Corbett Chandler Tommy Jackson
District 8 Herod	Buck Bacon Sue Plaksin
District 9 Girtz	Mildred Beck Anna "Tres" Small
District 10 Hamby	John Jeffreys Aaron Redman

FROM MANAGER WILLIAMS:

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

FROM ATTORNEY BERRYMAN:

Attorney Berryman requested authorization to accept payment to the Unified Government from the general contractor's surety to resolve pending litigation arising from the Sandy Creek Nature Center construction project. A motion was made by Commissioner Sims, seconded by Commissioner Bailey, to authorize acceptance of the payment. The motion passed by unanimous vote.

FROM COMMISSIONER BAILEY:

1. Stated boards, authorities, and commissions application process needs to be more inclusive.

FROM COMMISSIONER WRIGHT:

1. Stated Audit Committee, Internal Auditor, and Manager are working toward better communication for boards, authorities, and commissions appointments.

FROM COMMISSIONER LINK:

1. Stated draft infill housing ordinance should protect all neighborhoods, particularly in-town older homes.

FROM COMMISSIONER SIMS:

1. Expressed appreciation to Police Department for hosting Halloween trunk or treat event.

FROM COMMISSIONER DICKERSON:

1. Stated appointments to TSPLOST Committee were objectively made.
2. Stated the East Athens Business Leaders Association will host an expo, Saturday, November 5, 10 a.m. – 1:00 p.m. at Tuckston United Methodist Church.
3. Expressed appreciation to Traffic Engineer for coordinating with Georgia Department of Transportation correction of a sight distance problem at Lexington and Whit Davis Roads.
4. Stated everyone should see the Winterville mural on the old Spratlin garage which was a project of students of Winterville Elementary School with volunteers and support of Lowe's and Walmart.

FROM COMMISSIONER HEROD:

1. Stated his 30-year record will support his involvement in social justice.

2. Invited everyone to the East Athens Business Leaders Association expo.
3. Requested manager provide an update on drought situation.

FROM COMMISSIONER BELL:

1. Stated the issue of discrimination is serious.

FROM COMMISSIONER NESMITH:

1. Stated everyone must work together.
2. Stated the Athens West Group is working to present projects for the TSPLOST referendum.
3. Stated stormwater fees need to be reviewed along with use of plastic bags.

The meeting adjourned at 10:05 p.m.

Clerk of Commission