

Unified Government of Athens-Clarke County, Georgia  
Mayor and Commission  
Tuesday, December 6, 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 Director of Elections and Voter Registration Charlotte Sosebee, who made brief remarks.

Manager Williams introduced Deborah Lonon, who is currently working in the Athens-Clarke County Attorney's office, but will assume duties of Human and Community Development Director on January 1. She made brief remarks.

Mayor Denson commended Cora Wright, Interim Director of Elections and Voter Registration, for her service. She also expressed appreciation to current Human and Community Development Director Rob Trevena who will retire December 31.

A motion was made by Commissioner Sims, seconded by Commissioner Dickerson, to approve Minutes of meetings of Tuesday, November 1 and Wednesday, November 30, 2016. The motion passed by unanimous vote.

#### Written communications

There were no written communications.

#### Old business - Consent

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

#### Citizen input

There was no citizen input.

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

1. ADOPT: The following ordinance (#16-12-67) which was presented by title only.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO CHANGE OF NAME FROM COMMUNITY PROTECTION DIVISION TO CODE ENFORCEMENT DIVISION; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 1-12-2 entitled "*Athens-Clarke County Code Enforcement Officer*" of the Code of Athens-Clarke County, Georgia, subsection (c) thereof entitled "*Placement of position*" is hereby amended by replacing the words "Community Protection" therein with the words "Code Enforcement" so that subsection (c) of section 1-12-2 is:

Sec. 1-12-2. - Athens-Clarke County Code Enforcement Officer.

- (c) *Placement of position.* Except as otherwise designated in other departments by the manager at his discretion, all code enforcement officers shall be in the Athens-Clarke County Code Enforcement Division under the supervision of the department of building inspection.

SECTION 2. Section 4-1-15 entitled "*Power to issue citation*" of the Code of Athens-Clarke County, Georgia is hereby amended by replacing the words "community protection" therein with the words "code enforcement" so that section 4-1-15 is:

Sec. 4-1-15. - Power to issue citation.

Officers of the Athens-Clarke County Animal Control Division, the code enforcement division, the police department, or the marshal are hereby authorized to issue a summons relative to the enforcement of this chapter.

SECTION 3. Section 5-3-99 entitled "*Enforcement*" of the Code of Athens-Clarke County, Georgia, subsection (e) thereof entitled "*Enforcement procedures*" is hereby amended by deleting from item 1 therein the words "the community protection division" so that subsection (e), item 1 of Section 5-3-99 is:

Sec. 5-3-99. - Enforcement.

Persons shall not violate the limitations on water usage provided for under Steps A through Step F, as provided for in this article. Enforcement shall be as provided below:

(e) *Enforcement Procedures.*

- (1) Authority to enforce this article is hereby granted to any Athens- Clarke County Department of Public Utilities personnel, the marshal, deputy marshal, code enforcement officer, or police officer. Enforcement may consist of administrative warnings, administratively increased unit charges for volume of water used, administrative surcharges and/or administrative discontinuance of water service and payment of water reconnection fee or any combination of the foregoing. All administrative notices issued for violation of this article may be issued by personnel of the public utilities department, the Marshal, Deputy Marshal, code enforcement officer or Athens-Clarke County police officer.

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

2. ADOPT: The following ordinance (#16-12-68) which was presented by title only.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO ESTABLISHMENT OF ALL-WAY STOP TRAFFIC CONTROL AT THE INTERSECTION OF WEST HANCOCK AVENUE AND HARRIS STREET; AND FOR OTHER PURPOSES.

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

SECTION 1. Pursuant to Section 3-3-50 of the Code of Athens-Clarke County, Georgia, all-way stop traffic control is hereby established at the intersection of West Hancock Avenue and Harris Street, as shown on Attachment #1 hereto, incorporated herein by reference.

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

3. ADOPT: The following ordinance (#16-12-69) which was presented by title only amending the budget to the FY17 Superior Court (\$25,000) and the Clerk of Courts (\$10,000) budgets for the first six months of the CJCC Grant (January 2017 through June 2017) as per agenda report dated October 26, 2016. The matching requirement for the first six months of the grant is the benefits cost of the two positions estimated to be \$8,750;

APPROVE: The Superior Court's Criminal Justice Coordinating Council Grant (CJCC) application for, and if awarded, acceptance of S.T.O.P. Violence Against Women (VAWA) grant funds in the amount of \$70,000 to fund for calendar year (CY) 2017:

- i. one authorized full-time Senior Probation Officer position in Superior Court Probation Services
- ii. one authorized full-time Clerk position in the Clerk of Courts Office; and

AUTHORIZE: The Mayor and appropriate staff to execute all related documents.

AN ORDINANCE TO AMEND THE FY2017 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL FOR PERSONAL SERVICE AND OPERATING EXPENSES FOR DOMESTIC VIOLENCE CASE SUPERVISION; AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the Grants Special Revenue Fund to provide grant funding, if awarded, from the Georgia Criminal Justice Coordinating Council for personal service and operating expenses for domestic violence case supervision and processing. Said Operating and Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:  
 Stop Violence Against Women Grant (CJCC) \$35,000

EXPENDITURES:

Increase:  
 Superior Court- Personal Services \$25,000  
 Clerk of Courts- Personal Services \$10,000  
 Total \$35,000

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

4. ADOPT: The following ordinance (#16-12-70) which was presented by title only.

APPROVE: Acceptance of a 2016 Governor's Office of Highway Safety (GOHS) Highway Enforcement of Aggressive Traffic (HEAT) Grant for the Athens Clarke County Police Department (ACCPD) in the amount of \$117,422 to enhance traffic safety as per agenda report dated October 19, 2016; and

AUTHORIZE: The Mayor and appropriate staff to execute all related documents.

AN ORDINANCE TO AMEND THE FY2017 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING TO THE POLICE DEPARTMENT, IF AWARDED, FROM THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY FOR CONTINUED FUNDING OF TWO GRANT FUNDED FULLTIME POSITIONS AND RELATED OPERATING EXPENSES FOR THE HIGHWAY ENFORCEMENT OF AGGRESSIVE TRAFFIC GRANT; AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the Grants Special Revenue Fund to establish grant funding to the Police Department, if awarded, from the Governor's Office of Highway Safety for continued funding of two grant funded fulltime positions and related operating expenses. Said Operating and Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:  
 GOHS H.E.A.T. Grant \$117,422

EXPENDITURES:

Increase:  
 Police Department: Personal Services \$117,422  
 Operating Expenses \$0  
 Total \$117,422

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

5. ADOPT: The following resolution authorizing the submission of an application to the Georgia Department of Transportation (GDOT) for Federal Transit FY19 (July 1, 2018- June 30, 2019) Formula Operating (\$2,563,000) and FY18 (July 1, 2017- June 30, 2018) Capital (\$1,950,000) funding assistance for a total amount of \$4,513,000 as per agenda report dated October 25, 2016;

AUTHORIZE: Acceptance of the grant at the currently projected level or alternative level, if awarded; and

AUTHORIZE: The Mayor and appropriate staff to execute the resulting contract between the Unified Government of Athens-Clarke County (ACCUG) and GDOT.

#### AUTHORIZING RESOLUTION

Resolution authorizing the execution of contracts between the Department of Transportation, United States of America, and the Georgia Department of Transportation, for a grant under the Title 49 U.S.C., Section 5307.

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:

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

That the Mayor and appropriate staff, is authorized to execute and file an application and assurance or any other document required by the U.S. Department of Transportation and Georgia Department of Transportation effectuating the purpose of Title VI of the Civil Rights Act of 1964.

That the Mayor and appropriate staff, 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; A: Supplemental Capital funds for July 1, 2017 – June 30, 2018; B: Operating funds for July 1, 2018 – June 30, 2019;

That the staff of the Athens Transit System, 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 and appropriate staff, 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 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 the marketing, planning, capital and/or operating assistance requested in the Program of Projects and Budget.

6. ADOPT: The following resolution and affirm 'Athens Housing Authority' as the accepted name for the organization and that all previous actions in the names of Athens Housing Authority or Housing Authority of the City of Athens be confirmed and that henceforth the name is Athens Housing Authority as per revised agenda report dated November 2, 2016.

## RESOLUTION

A resolution to ratify an action by the Board of Commissioners of the Housing Authority of the City of Athens, Georgia (the "Authority") restating the name of the Authority as the "Athens Housing Authority".

WHEREAS, the Authority was formed following its activation on February 9, 1938 by resolution of the Mayor and Council of the City of Athens, Georgia;

WHEREAS, the Authority is commonly known as the "Athens Housing Authority" and uses the name "Athens Housing Authority" in its operations;

WHEREAS, the Board of Commissioners of the Authority passed a resolution effective October 27, 2016 authorizing a restatement of the name of the Authority to the "Athens Housing Authority"; and

WHEREAS, the Mayor and Commission of the Unified Government of Athens-Clarke County desires to authorize and ratify the aforementioned restatement of the name of the Authority;

NOW, THEREFORE, BE IT RESOLVED BY the Mayor and Commission of the Unified Government of Athens-Clarke County that the restatement of the name of the Authority to the "Athens Housing Authority" is hereby authorized and ratified by the Unified Government of Athens-Clarke County.

7. APPROVE: Staff to commit HOME funds in the amount of \$320,000 for use by the Athens Land Trust for the development of affordable housing as per agenda report dated October 31, 2016; and

AUTHORIZE: The Mayor and staff to execute contracts and all required documents with the Athens Land Trust for the use of HOME funds.

8. APPROVE: Office of Operational Analysis FY17 work plan as per agenda report dated November 2, 2016:

Performance Audit of Leisure Services

Risk-based assessment for the departments and agencies of Athens-Clarke

### Public hearing and deliberation on a recommendation from the Historic Preservation Commission.

A public hearing was conducted on proposed West Rutherford Street local historic district designation and approval of associated design guidelines.

### Citizen input

The following citizen input was received.

1. Amy Kissane, 526 Highland Avenue, representing Athens-Clarke Heritage Foundation – supported.

A motion was made by Commissioner Hamby, seconded by Commissioner Bell, to adopt the following ordinance (#16-12-71) 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 HISTORIC PRESERVATION - DESIGNATION OF THE WEST RUTHERFORD STREET HISTORIC DISTRICT, INCLUDING ADOPTION OF DESIGN GUIDELINES FOR SAID DISTRICT, AND FOR OTHER PURPOSES:

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

SECTION 1. The individual properties located within the boundaries as set forth in Exhibit A, entitled "Proposed West Rutherford Street Historic District", attached hereto and incorporated herein by reference, are hereby designated as part of an historic district known as the West Rutherford Street

Historic District. The parcels included in the West Rutherford Street Historic District are delineated as shown on the legend in Exhibit A.

Said individual properties are further identified on the Athens-Clarke County tax maps as the tax parcel numbers listed in Exhibit C in Section 2 below. Said tax maps are on file and available for public inspection in the offices of the Planning Department, 120 W. Dougherty Street, Athens, Georgia.

The West Rutherford Street Historic District is also shown on the copy of a portion of the Official Zoning Map of Athens-Clarke County, Georgia, attached hereto as Exhibit B and incorporated herein by reference. Staff shall include the West Rutherford Street Historic District on the Official Zoning Map of Athens-Clarke County, Georgia when the Official Map of Athens-Clarke County, Georgia is next submitted for update by the Mayor and Commission.

SECTION 2: A list of the current owner or owners of each of the properties within the West Rutherford Street Historic District as listed in the most recent Athens-Clarke County tax digest is attached hereto as Exhibit C and incorporated herein by reference.

SECTION 3: The design guidelines for the West Rutherford Street Historic District, entitled "Athens-Clarke County, Georgia, Design Guidelines for Historic Districts and Landmark Properties" adopted December 6, 2011 are set forth in Exhibit D attached hereto and incorporated herein by reference. Pursuant to Sections 8-5-4 and 8-5-5 of the Code of Athens-Clarke County, these design guidelines shall be used by the Historic Preservation Commission in considering applications for certificates of appropriateness for the individual properties located within the historic district boundaries as designated hereby. The guidelines are on file and available for inspection in the offices of the Athens-Clarke County Planning Department at 120 W. Dougherty Street, Athens, Georgia.

SECTION 4: A Certificate of Appropriateness shall be obtained from the Athens-Clarke County Historic Preservation Commission prior to any material change in appearance of designated properties described herein.

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

#### Old and new business - discussion

#### Citizen input

The following citizen input was received.

1. Bob Smith, Smith Planning Group – supported removal of parking spaces on Prince Avenue.

The following citizens spoke regarding electronic fencing for dogs.

1. Valarie Dickey, 195 Bob Wages Road - supported
2. Jessica Kinley, animal behaviorist - supported commission-defined option
3. Jane Neubauer, 798 Boulevard - supported
4. John David Rausch - supported
5. Jeff Meyers - supported
6. Denise Horton, 815 Boulevard - supported
7. Terry Osbolt, 225 St. George Drive - supported
8. R. E. Thornton, Arnoldsville - supported
9. Earl Williams, 182 Hiwassee Avenue - supported

A motion was made by Commissioner Sims, seconded by Commissioner Bailey, to approve the 2017 LMIG (Local Maintenance Improvement Grant) Project Report, as shown in Attachment #1 of agenda report dated November 2, 2016 which will partially comprise the FY18 Pavement Management Program; authorize the Mayor and appropriate staff to apply for the \$1,219,722 LMIG funds that are anticipated to be available by Georgia Department of Transportation (GDOT) in accordance with the Transportation Investment Act using the GDOT application shown in Attachment #2 of said agenda report; and authorize the

Mayor and appropriate staff to sign all related applications, contracts, documents, and certifications associated with funding for these projects. The motion passed by unanimous vote.

A motion was made by Commissioner Link, seconded by Commissioner Girtz, to approve the request by Smith Planning Group on behalf of the owner of 1282 Prince Avenue to remove six metered parking spaces on Prince Avenue for the purpose described in Attachment #1 of agenda report dated October 26, 2016 after the proposed modified project design is permitted; and authorize the Mayor and appropriate staff to execute all necessary documents. The motion passed by unanimous vote.

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

- a) Approve the renewal of the Unified Government of Athens-Clarke County and the University of Georgia (UGA) Transportation Agreement for FY2018 for UGA student, faculty, and staff use of the Athens Transit System as per agenda report dated October 24, 2016;
- b) Authorize a discounted bulk fare rate of \$1.422 per trip for all adult passengers;
- c) Authorize a continuation of a discount of fifty percent of the discounted bulk fare rate per trip for UGA student, faculty, and staff "intra-campus" trips;
- d) Authorize a credit in the amount equal to 60% of the total STIC (Small Transit Intensive Cities) funding received by Athens-Clarke County to reflect University's participation in the National Transit Database Ridership reporting program; and
- e) Authorize the Mayor and appropriate staff to execute the resulting contract between Athens-Clarke County and UGA.

The motion passed by unanimous vote.

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

- a) Upon Georgia Department of Transportation's bid review and contract award authorization, award a unit price construction services contract in the amount of \$2,988,888 to Astra Group, Inc. as the lowest responsive and responsible bidder for the North Oconee Rivers Greenway Program – Easley's Mill Section - Segments 1, 3, & 5 (SPLOST 2005 Project #25 and SPLOST 2011 Project #09) as generally shown on Attachment #1 of agenda report revised December 1, 2016;
- b) Designate the North Oconee Rivers Greenway Program – Easley's Mill Section as Sub-Project B (SPLOST 2005 Project #25) a continuation project for inclusion into the Oconee Rivers Greenway Network Connectors Program (Project #09) of the SPLOST 2011 Program to supplement funding of the construction contract efforts; and
- c) 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 Link, to adopt the following resolution approving condemnation of right-of-way and easements on property located at 1695 West Hancock Avenue, Tax Parcel 122D1 D008, for the H. T. Edwards Safe Routes to School Sidewalk Project as shown as on Attachment #1 of agenda report dated October 17, 2016; and authorize the Mayor and appropriate staff to execute any necessary documents to complete the condemnation process. The motion passed by unanimous vote.

**A RESOLUTION OF THE UNIFIED GOVERNMENT OF ATHENS- CLARKE  
COUNTY, GEORGIA TO APPROVE AND DESIGNATE THE LOCATION OF SPLOST  
2011, PEDESTRIAN SAFETY AND SAFE ROUTES PROGRAM, H.T. EDWARDS  
SAFE ROUTES TO SCHOOL PROJECT.**

WHEREAS, the preliminary construction plans and location for this project were voted on and approved by the Mayor and Commission on October 4, 2016, and in order to maintain the projected

schedule of sidewalk construction, the Unified Government of Athens-Clarke County has determined that it is necessary and in the public interest to acquire certain tracts of land to undertake this Project to construct sidewalk for Pedestrian Safety and Safe Routes Program, H. T. Edwards Safe Routes to School Project immediately without delay, such project being in the public interest of the citizens of the Unified Government of Athens-Clarke County, and

WHEREAS, Article 9, Section 2, Paragraph 5 of the Georgia Constitution authorizes municipalities to exercise the power of eminent domain for any public purpose.

WHEREAS, the Mayor and Commission of the Unified Government of Athens-Clarke County desire to formally acknowledge the October 4, 2016, approval of this project known as SPLOST 2011, Pedestrian Safety and Safe Routes Program, H. T. Edwards Safe Routes to School Project, by Resolution; and

WHEREAS, this project is located in the 216th GMD in Athens-Clarke County, Georgia; and

WHEREAS, the plans for the location of this Project have not heretofore been approved by resolution of the Unified Government of Athens-Clarke County; nor has this location been previously designated by resolution as a Project; and

NOW, THEREFORE, BE IT RESOLVED, and it is resolved, that the location shown on the plans of the Pedestrian Safety and Safe Routes Program, H. T. Edwards Safe Routes to School Project, are hereby approved, and further that said location is designated as a sidewalk project and not a highway project.

BE IT FURTHER RESOLVED, that the Unified Government of Athens-Clarke County finds that the Pedestrian Safety and Safe Routes Program, H. T. Edwards Safe Routes to School Project is necessary to serve a public purpose, and in furtherance of that public purpose has determined to use its power of eminent domain to acquire rights to Tax Parcel 122D1 D008, noted as Parcel 45 on project plans, through the condemnation process to acquire title for the required right of way and easements. The acquisition procedure shall proceed under Title 32 of the Official Code of Georgia, as the project schedule of completion requires acquisition of all parcels quickly and without delay. Time is of the essence.

IT IS FURTHER RESOLVED that the plans be kept on file at the Unified Government of Athens-Clarke County, Transportation and Public Works Department, and that any interested party may obtain a copy of same by writing to the Unified Government of Athens-Clarke County, Transportation and Public Works Department at 120 W. Dougherty Street, Athens, Georgia, 30601, and paying a nominal cost therefore.

IT IS FURTHER RESOLVED that the Unified Government of Athens-Clarke County and its employees and agents may negotiate for and acquire the property needed for this project by gift, sale, or condemnation, and that the County Attorney and other proper agents of the County, including but not limited to Special Counsel Thomas Fitzgerald of Hulse, Oliver & Mahar, LLP is hereby directed to prepare the necessary deeds, easements, closing documents, petitions, and/or declarations of taking, and/or orders and any other documents required to effectuate the foregoing.

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

A motion was made by Commissioner Sims, seconded by Commissioner Bailey, to adopt the following resolution authorizing the Athens Housing Authority to acquire the property located at 268 Moreland Avenue by use of eminent domain (condemnation) to clear clouds on the title as per agenda report dated November 2, 2016. The motion passed by unanimous vote.

STATE OF GEORGIA,

ATHENS-CLARKE COUNTY

#### RESOLUTION

BE IT HEREBY RESOLVED by the UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA, that the ATHENS HOUSING AUTHORITY (the "Authority") has found the fee simple title to the below described property necessary for the performance of its duties in the operation of the Authority.



WHEREAS, the Authority has attempted to pay just and adequate compensation for the below described property through negotiation with the owner, but has encountered problems with the record title; and

NOW THEREFORE, BE IT HEREBY RESOLVED that the Authority, in the exercise of its power of eminent domain, is authorized to bring a condemnation action of the below described property at such time as J. Richard Parker, II, the Director of the Authority, deems appropriate in accordance with the State law providing for eminent domain.

All that tract or parcel of land, containing 0.237 acre, more or less, situate, lying and being in the 216<sup>th</sup> District, G.M., Athens-Clarke County, Georgia, as shown on a plat of survey entitled "Survey for Athens Housing Authority," dated August 12, 2016, prepared by Ben McLeroy & Associates, Inc., and being more particularly described as follows:

Beginning at an iron pin found on the southerly side of the right-of-way of Moreland Avenue South 79 Degrees 47 Minutes 37 Seconds East 55.79 feet from intersection of the center line of Booker Street and the centerline of Moreland Avenue; running thence South 37 Degrees 00 Minutes 00 Seconds East 153.95 feet to a point in the centerline of a ditch, the centerline of the ditch being the property line and the traverse of the ditch being North 30 Degrees 15 Minutes 12 Seconds West to a spring; running thence along a branch North 11 Degrees 06 Minutes 41 Seconds East 11.14 feet; running thence North 49 Degrees 06 Minutes 08 Seconds West 5.16 feet to a point in the center line of the branch; running thence North 37 Degrees 00 Minutes 00 Seconds East 107.38 feet to an iron pin on the south side of Moreland Avenue; running thence South 53 Degrees 00 Minutes 00 Seconds East 75.0 feet along Moreland Avenue to the beginning iron pin.

The above described property is known as 268 Moreland Avenue, according to the present system of numbering houses in Athens-Clarke County, Georgia.

A motion was made by Commissioner Sims, seconded by Commissioner Bailey, to adopt the following resolution authorizing the Athens Housing Authority to acquire the property located at 326 Vine Street by use of eminent domain (condemnation) to clear clouds on the title as per agenda report dated November 2, 2016. The motion passed by unanimous vote.

STATE OF GEORGIA,

ATHENS-CLARKE COUNTY

#### RESOLUTION

BE IT HEREBY RESOLVED by the UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA, that the ATHENS HOUSING AUTHORITY (the "Authority") has found the fee simple title to the below described property necessary for the performance of its duties in the operation of the Authority.

WHEREAS, the Authority has attempted to pay just and adequate compensation for the below described property through negotiation with the owner, but has encountered problems with the record title; and

NOW THEREFORE, BE IT HEREBY RESOLVED that the Authority, in the exercise of its power of eminent domain, is authorized to bring a condemnation action of the below described property at such time as J. Richard Parker, II, the Director of the Authority, deems appropriate in accordance with the State law providing for eminent domain.

All that tract or parcel of land, containing 0.412 acre, more or less, situate, lying and being in the 216<sup>th</sup> District, G.M., Athens-Clarke County, Georgia, as shown on a plat of survey entitled "Survey for Athens Housing Authority 326 Vine Street, Athens," dated August 15, 2016, prepared by Ben McLeroy & Associates, Inc., and being more particularly described as follows:

BEGINNING at an iron pin on the south side of Vine Street, at the intersection of the Asphalt Drive on the property of East Athens Development Corp. running thence along Vine Street south 36 degrees 43 minutes 11 seconds east 72 feet to an iron pin; running thence south 43 degrees 19 minutes 49 seconds west 201.27 feet to an iron pin; running thence north 37 degrees 35 minutes 40 seconds west 108 feet to 5/8" spindle; running thence north 53 degrees 37 minutes 37 seconds east 199.90 feet to the point of beginning.

The above described property is known as 326 Vine Street, according to the present system of numbering houses in Athens-Clarke County, Georgia.

A motion was made by Commissioner Link, seconded by Commissioner Sims, to adopt the following resolution authorizing the Athens Housing Authority to acquire the property located at 1000 W. Henderson Extension by use of eminent domain (condemnation) to clear clouds on the title as per agenda report dated November 2, 2016. The motion passed by unanimous vote.

STATE OF GEORGIA,

ATHENS-CLARKE COUNTY

RESOLUTION

BE IT HEREBY RESOLVED by the UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA, that the ATHENS HOUSING AUTHORITY (the "Authority") has found the fee simple title to the below described property necessary for the performance of its duties in the operation of the Authority.

WHEREAS, the Authority has attempted to pay just and adequate compensation for the below described property through negotiation with the owner, but has encountered problems with the record title; and

NOW THEREFORE, BE IT HEREBY RESOLVED that the Authority, in the exercise of its power of eminent domain, is authorized to bring a condemnation action of the below described property at such time as J. Richard Parker, II, the Director of the Authority, deems appropriate in accordance with the State law providing for eminent domain.

ALL THAT TRACT OR PARCEL OF LAND situate, lying and being in the 216<sup>th</sup> District, G.M., Athens-Clarke County, Georgia encompassing 0.201 acres, more or less, as shown on a plat of survey entitled "Survey for Stacey & Melinda Bell," prepared by Paul & Evans Land Surveying, Inc., certified by Thomas R. Paul, Georgia RLS No. 2474, dated July 31, 2000, and being recorded in Plat Book 36, page 12, in the office of the clerk of Superior Court of Athens-Clarke County, which plat and the recording thereof are by reference incorporated herein for a more detailed and complete description.

The above described property is known as 1000 W. Henderson Extension, according to the present system of numbering houses in Athens-Clarke County, Georgia.

A motion was made by Commissioner Girtz, seconded by Commissioner Herod, to adopt ordinance as recommended by the Legislative Review Committee with reference to animal control ordinance in relation to fencing requirements by adding the following words to Section 4-1-2: a domestic animal is not attended by the owner within the confines of the system or if.

A substitute motion was made by Commissioner Dickerson, seconded by Commissioner Bailey, to adopt the ordinance as recommended by the Legislative Review Committee with a provision for review as to the effectiveness in 12 months.

The substitute motion passed by roll call vote with Commissioners Dickerson, Sims, Link, Wright, Bailey, NeSmith, Bell, and Hamby voting YES; and Commissioners Herod and Girtz voting NO. (8 YES; 2 NO) The following ordinance (#16-12-72) which was presented by title only was declared adopted.

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

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

SECTION 1. Section 4-1-1 entitled "*Definitions*" of the Code of Athens-Clarke County, Georgia, is hereby amended by adding thereto the following definition of electronic confinement system: *Electronic confinement system* is a system designed to confine a domestic animal in a designated area within the property limits of the animal's owner or keeper using an electronic signal from a transmitter to a receiver worn by the animal that provides a shock, or other behavior correction method, to the confined animal when the animal approaches the perimeter of the confinement area. Such behavior correction method shall be of sufficient effect to prevent the animal from leaving the confinement area.

SECTION 2. Section 4-1-2 entitled "*Keeping domestic animals under control*" of the Code of Athens-Clarke County, Georgia, subsection (a) thereof is hereby amended by deleting therefrom the

words “in a” and “intrusion or escape by any dog”, and by adding thereto the words “kept within an electronic confinement system”, “escape by a domestic animal” and “*Electronic Confinement Systems*: An electronic confinement system shall not be considered an adequate means of confinement if the system is improperly installed, malfunctioning, in disrepair, damaged, switched off, or otherwise deactivated or nonoperational. Any domestic animal confined by means of electronic confinement system must wear at all times an appropriate and properly functioning receiving device while within the confines of the system. Signage indicating the presence of an electronic confinement system must be placed around the perimeter of the system at regular intervals in sufficient quantity and of sufficient size so as to be clearly visible to anyone approaching the property. No animal which has been classified or is currently being reviewed for classification as a dangerous, potentially dangerous, or vicious dog pursuant to State or local law may be confined by means of an electronic confinement system.” so that subsection (a) of section 4-1-2 is:

*Sec. 4-1-2. - Keeping domestic animals under control.*

(a) It shall be unlawful for any owner of a domestic animal not to control the animal at all times through one of the following means:

- (1) On a leash when off the property of the owner;
- (2) Within the passenger area of a vehicle driven or parked on the streets;
- (3) Within the property limits of its owner and attended by its owner; or
- (4) Confined within the property limits of its owner or of another with the permission of the person in control of the property.

*Confined* means kept within an electronic confinement system, building, pen or fenced area or other structure built to prevent escape by a domestic animal.

*Electronic Confinement Systems*: An electronic confinement system shall not be considered an adequate means of confinement if the system is improperly installed, malfunctioning, in disrepair, damaged, switched off, or otherwise deactivated or nonoperational. Any domestic animal confined by means of electronic confinement system must wear at all times an appropriate and properly functioning receiving device while within the confines of the system. Signage indicating the presence of an electronic confinement system must be placed around the perimeter of the system at regular intervals in sufficient quantity and of sufficient size so as to be clearly visible to anyone approaching the property. No animal which has been classified or is currently being reviewed for classification as a dangerous, potentially dangerous, or vicious dog pursuant to state or local law may be confined by means of an electronic confinement system.

SECTION 3. Section 4-1-14 entitled “*Penalty*” of the Code of Athens-Clarke County, Georgia is hereby amended by adding thereto subsection (c) as follows:

*Sec. 4-1-14. – Penalty*

(c) Anyone convicted of a violation of section 4-1-4(b) shall be prohibited from confining any domestic animal by means of an electronic confinement system for a period of six months after the date of conviction.

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

A motion was made by Commissioner Wright, seconded by Commissioner Sims, to approve the Mayor and Commission FY18 Budget Goals and Strategies as per agenda report dated November 10, 2016. The motion passed by unanimous vote.

New business – Consider under suspension of Rules

A motion was made by Commissioner Sims, seconded by Commissioner Bailey, to suspend Rules of Commission for consideration of two items of new business. The motion passed by unanimous vote.

A motion was made by Commissioner Wright, seconded by Commissioner Sims, to ratify implementation of the State of Georgia’s Drought Response Level 2 as authorized by executive action of Mayor Denson on November 21, 2016 as per Attachment A of agenda report dated November 22, 2016 and as required by the State of Georgia’s Drought Management Rule 391-3-30. The motion passed by unanimous vote.

A motion was made by Commissioner Sims, seconded by Commissioner NeSmith, to adopt the following report from the Nominating Committee. The motion passed by unanimous vote.

Athens-Clarke County Industrial  
Development Authority

Kenneth Parris  
Two-year term expiring 12-31-18

Athens-Clarke County Library Board

Julie Darnell - reappointment  
Five-year term expiring 12-31-21

Alice Hunt  
Five-year term expiring 12-31-21

Annice Ritter  
Five-year term expiring 12-31-21

Marty Winkler  
Partial term expiring 12-31-17

Board of Elections

Charles Knapper - reappointment  
Four-year term expiring 12-31-20

Jesse Evans  
Four-year term expiring 12-31-20

Board of Health

Patricia Moore – reappointment  
Six-year term expiring 12-31-22  
Advocate for consumers

Betsy Pless  
Six-year term expiring 12-31-22  
Licensed nurse

Citizen input on items other than those listed on this agenda

The following citizen input was received.

1. Abigail West, 149 Morton Avenue – supported fee on use of plastic bags.

FROM MAYOR DENSON:

1. Thanked everyone who made the recent Holiday Parade a huge success.
2. Announced the appointment of Ashley Na to the 2017 TSPLOST Citizens Advisory Committee.
3. Announced last month two Leisure Services staff members and one volunteer were honored with awards from the Georgia Recreation and Park Association (GRPA).

Keith Kirkland, Leisure Services Department Maintenance Supervisor, received the District 7 “Facilities and Grounds Professional Award” and the State Parks Maintenance/Operations Network “Distinguished Professional Award”. This is the highest award given by the network.

Marci Summer, Rocksprings Park Facility Supervisor, was honored with the “Roy Hammond Leadership Award” which recognizes outstanding staff for their contributions in the field of recreation within the professional organization.

Dr. Maurice Snook received the GRPA State Programmer’s Network “Volunteer Award” and the District 7 “Volunteer Award” for his support of programming at Sandy Creek Nature Center and Sandy Creek Park.

4. Announced the following appointments to the Comprehensive Economic Development Strategy Committee through the Northeast Georgia Regional Commission.

Jared Bailey - Commissioner  
Elka McConnell –Vice-President for Economic Development, Athens Technical College

FROM MANAGER WILLIAMS:

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

2. Announced a new monthly report, Snapshot, will be implemented in December.

FROM COMMISSIONER HAMBY:

1. Expressed appreciation to everyone who assisted the Rutherford Street historic designation.
2. Stated during upcoming budget work sessions consideration be given to the coroner's request for a morgue.

FROM COMMISSIONER HEROD:

1. Requested information as to when enforcement will begin on the signage requirement for an electronic confinement system.
2. Stated he and Commissioner Dickerson recently met with a UGA landscape design class to review proposals for improvements at the Lexington/Barnett Shoals/Cherokee Roads intersection.

FROM COMMISSIONER DICKERSON:

1. Stated she recently attended the ribbon cutting for the new Barnett Shoals Elementary School.
2. Encouraged everyone to see the Winterville mural.

FROM COMMISSIONER SIMS:

1. Stated he recently represented Mayor Denson at the ribbon cutting of the new Barnett Shoals Elementary School. The former school had been in use for 50 years.

FROM COMMISSIONER GIRTZ:

1. Invited everyone to attend the Foothills High School graduation Friday, December 9, 7:00 p.m., at the H. T. Edwards complex.
2. Encouraged participation in the Bethel Midtown Village children/adult literacy program.

FROM COMMISSIONER LINK:

1. Stated she has recently worked with several University of Georgia practicums – all with good ideas.
2. Requested exception to the Neighborhood Traffic Management Program for Evans Street.

FROM COMMISSIONER BAILEY:

1. Thanked Commissioners Herod and Girtz for their work on the electronic fence ordinance.

FROM COMMISSIONER NESMITH:

1. Announced his retirement from University of Georgia effective December 31.
2. Invited everyone to attend a public meeting on the Tallassee Forest Master Plan on Tuesday, December 13, 6-8:00 p.m., 120 Dougherty Street.
3. Stated MSN.com recently reported Athens-Clarke County as the #1 city in which to retire.

FROM COMMISSIONERS BELL, HEROD, AND LINK:

1. Expressed appreciation to an excellent group of citizens who recently applied for openings on various boards.

The meeting adjourned at 9:20 p.m.

---

Clerk of Commission