

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, January 3, 2017
7:00 p.m.
City Hall

The Mayor and Commission of the Unified Government of Athens-Clarke County met this date in regular monthly session.

Mayor Nancy Denson welcomed the audience.

Probate Judge Susan Tate administered the Athens-Clarke County Oath of Office to returning Commissioners for four-year terms.

District 2 Commissioner Harry Sims

District 4 Commissioner Allison Wright

District 6 Commissioner Jerry NeSmith

District 8 Commissioner Andy Herod

District 10 Commissioner Mike Hamby

Judge Tate stated both the Official Oath of County Commissioner and the Loyalty Oath as required by the State of Georgia were administered to the above Commissioners at 6:30 p.m., City Hall Room 103.

Mayor Denson asked for the roll call. Present: Commissioners Dickerson, Sims, Link, Wright, Bailey, NeSmith, Bell, Herod, and Hamby. Absent: Commissioner Girtz.

A motion was made by Commissioner Sims, seconded by Commissioner Bailey, to approve Minutes of meetings of Tuesday, December 6; Monday, December 12; and Tuesday, December 20, 2016. The motion passed by unanimous vote.

Written communications

There were no written communications.

A motion was made by Commissioner Sims, seconded by Commissioner Hamby, to elect Commissioner Allison Wright as Mayor Pro tem for 2017. The motion passed by unanimous vote.

A motion was made by Commissioner Wright, seconded by Commissioner NeSmith, to adopt an ordinance establishing date, time, and place of regular Mayor and Commission meetings with a beginning time of 6:00 p.m. The motion passed by unanimous vote. The following ordinance (17-01-01) which was presented by title only was declared adopted.

AN ORDINANCE ESTABLISHING THE DATE, TIME AND PLACE OF REGULAR MEETINGS OF THE COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

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

SECTION 1. The Mayor and Commission of Athens-Clarke County, Georgia shall hold its regular monthly business meeting on the first Tuesday of every month at 6:00 p.m. in the Commission Chamber of City Hall, 301 College Avenue, Athens, Georgia, or at any other such locations as the Commission may, from time to time, decide. When the regularly scheduled business meetings of the Mayor and Commission fall on a Tuesday during which any election or run-off election for the election of the Mayor or a Commissioner of Athens-Clarke County is scheduled, the Mayor and Commission of Athens-Clarke County, Georgia shall hold its business meeting on the Wednesday immediately following such run-off or election day at 6:00 p.m. in the Commission Chamber of City Hall, 301 College Avenue, Athens, Georgia, or at any other such locations as the Mayor and Commission may, from time to time, decide. The Mayor has the discretion to make a public announcement regarding the postponement of regularly scheduled meetings based on dangerous weather conditions or other emergencies that make it necessary to postpone the regularly scheduled meeting. The rescheduling of the postponed meeting by the Mayor shall be as soon as practicable thereafter, but no later than a date within the same calendar month.

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

Recognitions

Keep Georgia Beautiful Waste Reduction/Recycling First Place Award to the ACC Recycling Division for the opening of the Center for Hard to Recycle Materials (CHaRM)

In early December the Athens-Clarke County Recycling Division was honored at the statewide Keep Georgia Beautiful Foundation Awards Ceremony, receiving 1st place Waste Reduction/Recycling Award for the CHaRM.

The CHaRM opened on Monday, November 9, 2015 during the America Recycles Week celebrations in Athens. The ACC CHaRM's mission is - To pursue a commitment to provide a safe, efficient, and effective collection and diversion system for hard-to-recycle materials that protects the natural environment, citizens of Athens-Clarke County and that preserves the quality of life of our citizens and their environs today and into the future. Since the opening of the CHaRM over 5,000 residents have delivered material to the CHaRM for reuse, recycling or proper disposal contributing to the over 300,000 lbs of hard to recycle materials diverted from our local landfill.

Margie Lawrence, Willie "Kemp" Williams (in lieu of Chris Griffin), and Cleveland Lawrence accepted the award. All are part time employees at the CHaRM.

Keep Georgia Beautiful Community Improvement Award Second Place for the Loop 10 Daffodil Project

In early December, Keep Athens-Clarke County Beautiful was honored at the statewide Keep Georgia Beautiful Foundation Awards Ceremony, receiving a 2nd place Community Improvement Award for the Loop 10 Daffodil Project.

On the 2016 MLK Day of Service, 223 volunteers, 7 site leaders, 4 police officers, and 6 planning committee members spent 4 hours planting 25,000 bulbs on the heavily trafficked state corridor that serves as one of the gateways into the Athens community.

The collaboration is celebrated for being a successful collaboration between Keep Athens-Clarke County Beautiful, the Georgia Department of Transportation the ACC government, and community volunteers.

Keep ACC Beautiful Daffodil representative Stacey Farrell, Executive Director of KACCB, accepted the award.

Georgia Transit Association's 2016 Outstanding Manager Award

Athens Transit Director, Butch McDuffie, accepted the Georgia Transit Association's 2016 Outstanding Manager Award. He has been named the 2016 Outstanding Manager of the Year by the Georgia Transit Association for his efforts to improve public transportation in Athens and throughout the state. For the last 15 years, McDuffie has worked with local elected officials and state legislators to improve awareness of public transportation opportunities, develop legislation, and identify alternative funding sources for all public transit systems across Georgia.

"Butch is an industry leader who is called upon by his peers from around the state and the nation for impute and insight into the day to day challenges of operating a public transit system," said Robert Hiatt, President of the Georgia Transit Association. "His leadership while providing public transportation service that is integral to the community led to Athens Transit being selected as the 2016 Community Transportation System of the Year by the Community Transportation Association of America (CTAA). He has instituted policies and procedures, developed budgets, and sought out grant opportunities that make Athens Transit one of the most efficient transit systems in the county."

McDuffie is a three-time past President of the Georgia Transit Association, a Georgia State Delegate to the Community Transportation Association of America, and a founding member of CTAA's rapidly growing Small Urban Network (SUN). He has continually worked with the Georgia state legislature, the Federal Transit Administration, the Georgia Department of Transportation, and many local communities to develop new governance policies, procedures, and guidelines to help improve public transportation in the state of Georgia. He has served 15 consecutive years on the Board of Directors of the Georgia Transit Association.

Old business – Consent

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

Citizen input

There was no citizen input.

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

1. ADOPT: The following ordinance (#17-01-02) which was presented by title only.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO PARKING RESTRICTIONS ON 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, parking is hereby prohibited on the west side of South Harris Street between its intersection with West Broad Street and its intersection with Dearing Street, as more fully delineated on the drawing attached hereto labeled Attachment #1, entitled "S. Harris St. Yellow Curb", and incorporated herein by reference.

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

2. ADOPT: The following ordinance (#17-01-03) which was presented by title only.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO PARKING ON DEARING 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, parking is hereby permitted on the north side of Dearing Street beginning at a point approximately 50 feet more or less west of its intersection with South Milledge Avenue and continuing therefrom in a westerly direction to a point approximately 140 feet, more or less, from said beginning point, as more fully delineated on the drawing attached hereto labeled Attachment #1, entitled "Dearing St. Yellow Curb", and incorporated herein by reference.

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

3. ADOPT: The following ordinance (#17-01-04) which was presented by title and the following resolution as to which Sunday alcohol sales will be permitted per Senate Bill 103.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO SALE OF ALCOHOLIC BEVERAGES ON A DESIGNATED SUNDAY; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 6-3-5 entitled "*General regulations pertaining to all licenses*" of the Code of Athens-Clarke County, Georgia, subsection (i) thereof entitled "*Hours of operation.*" is hereby amended by adding a new paragraph (9) as follows:

"(9) Notwithstanding subparagraphs (3), (4) and (6) above, the sale of alcoholic beverages by Class D, E or F licensees shall be lawful from 12:30 p.m. until 12:00 midnight on one Sunday during each calendar year that shall be designated by the Commission by resolution."

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

RESOLUTION

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

WHEREAS, O.C.G.A. § 3-3-7 (r) authorizes the governing authority of a county or municipality to adopt a resolution or ordinance to authorize the sale of alcoholic beverages for consumption on the premises from 12:30 p.m. to 12:00 midnight on one Sunday during each calendar year, and

WHEREAS, § 6-3-5 (i) (9) of the Code of Ordinances of Athens-Clarke County implements the above-described statute, and

WHEREAS, the Mayor and Commission of the Unified Government of Athens-Clarke County desire to so designate one Sunday in 2017 for such purpose,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Commission do hereby declare that Sunday, December 31, 2017, is designated as the Sunday during calendar year 2017 when licensees holding Class D, E or F alcoholic beverages licenses may sell alcoholic beverages for consumption on the premises from 12:30 p.m. to 12:00 midnight on such date.

4. ADOPT: The following ordinance (#17-01-05) which was presented by title only for creation of two fulltime victim advocate positions in the District attorney's office as per agenda report dated November 30, 2016; and authorize the Mayor and appropriate staff to sign all necessary documents.

AN ORDINANCE TO AMEND THE FY2017 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FROM OCONEE COUNTY FOR TWO ADDITIONAL POSITIONS IN THE DISTRICT ATTORNEY'S OFFICE; 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 Special Programs Special Revenue Fund to provide funding from Oconee County for two additional positions in the District Attorney's Office. Said Operating and Capital budget is hereby amended as follows:

Special Programs Special Revenue Fund:

REVENUES:

Increase:

Payments from Oconee County (six months) \$60,000

EXPENDITURES:

Increase:

District Attorney's Office

Personal Services (six months) \$60,000

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

5. ADOPT: The following resolution authorizing Athens Housing Authority use of eminent domain to acquire 400 Bazzelle Avenue as per agenda report dated November 23, 2016.

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, together with all improvements thereon, situate, lying and being in Athens-Clarke County, Georgia and being designated as Lot 4 of Block K of a plat recorded in Plat Book 1, page 371, in the office of the Clerk of Superior Court of Athens-Clarke County, Georgia, which is incorporated herein by reference.

The above described property is known as 400 Bazzelle Avenue, Athens, Georgia according to the present system of numbering houses in Athens-Clarke County, Georgia.

6. APPROVE: Award of a construction contract for the Dr. Martin Luther King, Jr. Parkway Bridge Replacement Project to E.R. Snell Contractor, Inc. for a unit cost not to exceed \$890,135.20 as per agenda report dated November 22, 2016; and authorize the Mayor and appropriate staff to execute all related documents.

Old and new business - Discussion

Citizen input

The following citizen input was received.

1. Ron Thomas, representing the Oconee Rivers Greenway Commission – supported greenway plans.
2. John Rider, 285 Savannah Avenue – supported use of tennis courts for bike polo.

Old business - Discussion

A motion was made by Commissioner Link, seconded by Commissioner Sims, to adopt the following ordinance (#17-01-06) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE WITH RESPECT TO AMENDING THE DEARING STREET RESIDENTIAL PARKING DISTRICT; AND FOR OTHER PURPOSES.

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

SECTION 1. Pursuant to the provisions of Section 3-3-48 of the Code of Athens-Clarke County entitled, "Privileges and restrictions on residential parking permits," the Dearing Street Residential Parking District is hereby amended by adding thereto that portion of South Church Street from its intersection with West Broad Street to its intersection with Dearing Street, as more fully delineated on the drawing attached hereto, labeled Attachment 1, entitled "S. Church St. Permit Parking" and incorporated herein by reference.

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

A motion was made by Commissioner NeSmith, seconded by Commissioner Sims, to adopt the following ordinance (#17-01-07) 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 MOBILE FOOD VENDOR PERMITS; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 6-6-2 entitled "*Administration*" of the Code of Athens-Clarke County, Georgia, subsection (f) thereof entitled "*Duration of permit*:" is hereby amended by deleting from item (4) therein the words "provided, however, that no mobile food vendor unit permits shall be issued for calendar years beginning after December 31, 2016:" so that section 6-6-2, Administration, subsection (f), Duration of permit, item (4) is:

Sec. 6-6-2. - Administration.

(f) Duration of permit:

- (4) A permit for a mobile food vendor unit to engage in street sales shall be issued on an annual basis. No permit shall be issued for more than one year at one time. A permit shall expire on December 31 each year.

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

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

- a) Approve project concepts #8 through #13, as described in Facts and Issues #2 through #8, of the Parks Facilities Improvements Project (SPLOST 2011 Project #16) as per agenda report dated November 21, 2016;
- b) Authorize staff to advance Sub-Projects #8 through #13 to the Bid and Award Phase in accordance with the approved project concepts; and
- c) Declare that these sub-projects are not appropriate for public art elements to be included as part of project concepts, described in Facts and Issues #2 through #8, of the Parks Facilities Improvements Project (SPLOST 2011 Project #16)

The motion passed by unanimous vote.

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

- a) Approve the 24 project concepts developed as part of the Sidewalk Gap Program, as shown in Attachment #1 of agenda report dated November 22, 2016;
- b) Authorize staff to develop preliminary sidewalk construction plans for these 24 roadway sections; and
- c) Deny the project concept for a sidewalk segment along Plaza Street, as shown in Attachment #2 of said agenda report.

The motion passed by unanimous vote.

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

- a) Approve the proposed preliminary plans of the Oconee Rivers Greenway Network Connectors (SPLOST 2011 Project #09) for Sub-Project #5 and Sub-Project #6, as generally described in Facts and Issues #3 and as shown on Attachment #2 (Sub-Project #5) and Attachment #3 (Sub-Project #6) of agenda report dated November 22, 2016;
- b) Approve the proposed prioritization of the Oconee Rivers Greenway Network Connectors (SPLOST 2011 Project #09) Sub-projects #4-6 as generally described in Facts and Issues #4 and as generally shown on Attachment #4 of said agenda report;
- c) Authorize staff to advance Sub-Project #5 and Sub-Project #6 into the bid and award phase in priority order as generally described in Facts and Issues #4 as appropriate funding becomes available; and,
- d) Authorize the Mayor and appropriate staff to execute all related documents.

A motion was made by Commissioner Wright, seconded by Commissioner Bell, to accept the Audit Committee's recommendations concerning the Summer Camp Report as presented in the Attachment of agenda report dated November 15, 2016. The motion passed by unanimous vote.

New business

There was no new business.

Citizen input on items other than those listed on this agenda

The following citizen input was received.

1. Jason Rider , Savannah Avenue – supported bike polo.

FROM MAYOR DENSON:

1. Presented the Nominating Committee report for appointments to the Hospital Authority of Clarke County for six-year terms beginning March 1, 2017.

Alan Reddish
Alex Patterson
Kim Ripps

A motion was made by Commissioner Bell, seconded by Commissioner NeSmith, to approve said appointments. The motion passed by unanimous vote.

2. Recommended the following appointments to the Athens-Clarke County Land Bank Authority for a partial term expiring 10-31-2017.

Melissa Link
Joey Tucker

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

3. Announced the following appointments.

Government Operations Committee

Andy Herod, Chair
Diane Bell
Kelly Girtz
Mike Hamby
Melissa Link

Legislative Review Committee

Jerry NeSmith, Chair
Jared Bailey
Sharyn Dickerson
Harry Sims
Allison Wright

Audit Committee

Diane Bell, Chair
Jared Bailey
Sharyn Dickerson
Kelly Girtz
Allison Wright

4. Referred to the Government Operations Committee a review of the Residential Parking Permit Program.
5. Expressed appreciation to Commissioner Sims for his two years of service as Mayor Pro tem.

FROM MANAGER WILLIAMS:

1. Received for information was a report of contract awards in excess of \$10,000 for November 2016.
2. Received for information was a report of operating contingency transfer of \$15,000 to Municipal Court.

Commissioners Sims, Wright, NeSmith, Herod, and Hamby expressed appreciation for reelection and the opportunity to serve another four years.

FROM COMMISSIONER WRIGHT:

1. Expressed appreciation for her election as Mayor Pro tem.
2. Requested Rules of Commission be amended to provide a starting time of 6:00 p.m. for Committee of the Whole (agenda setting) sessions.

FROM COMMISSIONER LINK:

1. Stated environment must be protected.
2. Stated there are locations which are in dire need of sidewalks.

FROM COMMISSIONER DICKERSON:

1. Invited everyone to attend the Chess and Community Conference Saturday, January 7, 10:00 a.m. at the University of Georgia Tate Center.
2. Encouraged participation in upcoming Envision Athens meetings.

The meeting adjourned at 7:50 p.m.

Clerk of Commission