

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Special Called Session
Tuesday, January 17, 2017
6:00 p.m.
City Hall

The Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia met this date in a special called session. Present: Mayor Denson; Commissioners Dickerson, Sims, Link, Wright, Bailey, NeSmith, Bell, Herod, and Hamby. Absent: Commissioner Girtz.

The purpose of the meeting was to amend term of office for Municipal Court Judge/Administrative Hearing Officer; receive a recommendation from Mayor Nancy Denson for appointment of the Municipal Court Judge/Administrative Hearing Officer; approve an intergovernmental agreement with Athens-Clarke County Industrial Development Authority; and consider any other item in proper order.

Citizen input

There was no citizen input.

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 items on this agenda. The motion passed by unanimous vote.

A motion was made by Commissioner Sims, seconded by Commissioner Bailey, to adopt the following two ordinances (#17-01-08 and #17-01-09) which were presented by title only. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO TERM OF OFFICE OF THE MUNICIPAL COURT JUDGE; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 1-4-17, entitled "Judge – Generally," paragraph (c) of the Code of Athens-Clarke County is hereby amended by deleting said paragraph in its entirety and substituting the following in lieu thereof:

"(c) Except as provided herein, the judge shall be nominated by the Mayor and confirmed or rejected by the Commission on or before the first voting meeting in June of the year the term expires with the appointment to be effective July 1 of said year. Beginning on July 1, 2009, all terms shall be for two (2) years, except that the term of the judge due to expire on June 30, 2017, shall expire on January 31, 2017 at midnight. The next succeeding term shall begin on February 1, 2017 and shall extend through June 30, 2019. The judge for the term beginning February 1, 2017 shall be nominated by the Mayor and confirmed or rejected by the Commission at a special called meeting of the Mayor and Commission on January 17, 2017. Thereafter, all terms shall be for two years, such two-year terms resuming with the term beginning on July 1, 2019. The salary of the judge shall be as set by the Mayor and Commission."

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

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO TERM OF OFFICE OF THE ADMINISTRATIVE HEARING OFFICER; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 1-5-1, entitled "Administrative Hearing Officer," paragraph (1) of the Code of Athens-Clarke County is hereby amended by deleting said paragraph in its entirety and substituting the following in lieu thereof:

"(1) The administrative hearing officer shall be nominated by the mayor and confirmed or rejected by the commission. The initial appointment shall run until the first Tuesday in January 1993. Thereafter, the term of office of the administrative hearing officer shall run concurrently with the term of office of the municipal court judge as prescribed in Section 1-4-17 of this code. The salary of the

hearing officer shall be as set by the mayor. The administrative hearing officer shall be an attorney who is a member in good standing of the State Bar of Georgia Association.”

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

Mayor Denson presented the following nomination.

ATHENS-CLARKE COUNTY

NOMINATION OF MUNICIPAL COURT JUDGE AND NOMINATION OF ADMINISTRATIVE HEARING OFFICER

The undersigned Mayor of the Unified Government of Athens-Clarke County does hereby nominate Ryan Hope, a member of the State Bar of Georgia in good standing, to serve as Judge of the Municipal Court of Athens-Clarke County and as Administrative Hearing Officer for the term beginning on February 1, 2017 and concluding on June 30, 2019. The undersigned requests that she be authorized to execute an employment agreement with Ryan Hope in consultation with the Manager and Attorney.

A motion was made by Commissioner Sims, seconded by Commissioner Wright, to approve appointment of Ryan Hope as Municipal Court Judge and Administrative Hearing Officer as recommended by Mayor Denson and authorize her to execute an employment agreement with Mr. Hope in consultation with the Mayor and Attorney. The motion passed by unanimous vote.

Judge Hope made brief remarks and expressed appreciation for the appointment. He stated the oath of office will be given Tuesday, January 31, 2:30 p.m. in Municipal Court.

A motion was made by Commissioner Wright, seconded by Commissioner NeSmith, to adopt the following resolution and authorize the Mayor and appropriate staff to execute all necessary documents to facilitate the project as per agenda report dated January 17, 2017. The motion passed by unanimous vote.

RESOLUTION OF THE MAYOR AND COMMISSION OF THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA APPROVING AND AUTHORIZING AN AWARD OF A GRANT TO THE ATHENS-CLARKE COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY AND APPROVING AND AUTHORIZING THE EXECUTION, DELIVERY AND PERFORMANCE OF A PERFORMANCE AND ACCOUNTABILITY AGREEMENT

WHEREAS, the Athens-Clarke County Industrial Development Authority is a public body corporate and politic (the “Authority”) created and existing pursuant to a local amendment to the Georgia Constitution, Ga. L. 1960, p. 1379, supplemented by Ga. L. 1981, p. 3972, and continued by Ga. L. 1985, p. 4134 (the “Act”) for the purpose of developing and promoting, for the public good and general welfare, industry and agriculture within Athens-Clarke County; and

WHEREAS, the Act empowers the Authority to acquire, construct and install any “project” (as defined in the Act) for lease or sale to prospective tenants or purchasers in furtherance of the public purpose for which it was created; and

WHEREAS, the definition of “project” in the Act includes the “acquisition of land, properties and improvements for development, expansion and promotion of industry and the construction of buildings and plants or the acquisition of equipment for the purpose of selling, leasing or renting such structures or equipment to private persons, firms or corporations”; and

WHEREAS, Creature Comforts Brewing Company, LLC, a Georgia limited liability company (the “Company”) is considering the acquisition, installation and equipping of a brewing facility in Athens-Clarke County, Georgia, said facility to consist of land, buildings, machinery, equipment and related real and personal property (the “Project”) that will increase employment opportunities in the area served by the Authority, and the Company has indicated that the availability of economic development incentives is an important factor under consideration by the Company in determining the feasibility of the proposed Project from a financial standpoint; and

WHEREAS, after careful study and investigation of the nature of the proposed Project, the Unified Government of Athens-Clarke County, Georgia (the “County”) proposes to grant to the Authority an amount equal to \$475,000 (the “Award”) to enable the Authority to acquire, for lease to the

Company, certain personal property comprising a portion of the Project, in furtherance of developing trade, commerce, industry and employment in Athens-Clarke County; and

WHEREAS, the Authority proposes to accept the Award from the County, to apply said Award funds to the acquisition of such equipment and personal property (the "Equipment"), and to lease the Equipment to the Company, all as more particularly described in the hereinafter defined Lease Agreement; and

WHEREAS, the Authority proposes to enter into a Lease Agreement with the Company (the "Lease Agreement") pursuant to which the Authority will lease the Equipment to the Company for a term of five (5) years; and

WHEREAS, in connection with the foregoing assistance provided to the Company by the County and the Authority, the County, the Authority and the Company propose to enter into a Performance and Accountability Agreement (the "Performance and Accountability Agreement") pursuant to which the Company will agree, among other things, (i) to complete the acquisition and installation of the Equipment and enter into the Lease Agreement with respect thereto on or before December 31, 2017; (ii) to invest a defined amount of new private capital into the Project within a specified period of time; and (iii) to create and/or retain a defined number of jobs at the Project within a specified period of time; all as set forth more fully therein; and

WHEREAS, the County desires that the Mayor, Mayor Pro-Tem, Clerk, Deputy Clerk, and any other member of the Mayor and Commission of the Unified Government of Athens- Clarke County as designated by the County (each an "Authorized Officer") be authorized to take any and all actions and to execute and deliver the Performance and Accountability Agreement and any and all additional documents, instruments, orders, and certificates that may be necessary or desirable to carry out or effectuate the execution of the Performance and Accountability Agreement on terms favorable to the County;

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

Section 1. It is hereby ascertained, determined and declared that the County is authorized to grant the Award to the Authority to enable the Authority to acquire the Equipment for lease to the Company, and that the Award is in furtherance of developing trade, commerce, industry and employment in Athens-Clarke County and that the County has the power and authority to provide such Award to the Authority.

Section 2. The execution, acknowledgement and delivery of the Performance and Accountability Agreement are hereby authorized. The Mayor is hereby authorized to execute, acknowledge and deliver the Performance and Accountability Agreement on behalf of the County.

Section 3. The Mayor and Commission of Athens-Clarke County, Georgia hereby agree to grant the Award to the Authority to enable the Authority to acquire the Equipment for lease to the Company.

Section 4. The Authorized Officers are authorized to approve the terms and provisions of any document or transaction authorized pursuant to this resolution, and that each such Authorized Officer be authorized to execute and deliver any and all documents approved or contemplated by this resolution, and that the execution and delivery by any such Authorized Officer of any such document or instrument shall be conclusive evidence of the approval of the terms thereof.

Section 5. From and after the execution and delivery of the documents herein authorized, the proper officers, agents and employees of the County are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents and certificates as may be necessary to carry out and comply with the provisions of the documents herein authorized and are further authorized to take any and all further actions and to execute and deliver any and all further documents and certificates as may be necessary or desirable in connection the execution, delivery and performance of the documents herein authorized. Without limiting the foregoing, if the Mayor is not available to execute the documents herein authorized, the Mayor Pro-Tem shall execute such documents on the Mayor's behalf.

Section 6. All acts and doings of the officers, agents and employees of the County which are in conformity with the purposes and intents of this resolution and in furtherance of the execution, delivery and performance of the documents authorized herein shall be, and the same hereby are, in all respects, approved and confirmed.

Section 7. This resolution shall take effect immediately upon its adoption. All resolutions or parts thereof in conflict with this resolution are hereby repealed.

The meeting adjourned at 6:15 p.m.