
Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, May 2, 2017
6:00 P.M.
City Hall

The Mayor and Commission of 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. Commissioner Girtz came in at 6:09 p.m.

A motion was made by Commissioner Sims, seconded by Commissioner Bailey, to approve Minutes of meetings of Tuesday, April 4 and Thursday, April 13, 2017. 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 Herod, to consent to action on the following seven items. The motion passed by unanimous vote.

1. ADOPT: The following ordinance (#17-05-25) which was presented by title only authorizing additional local matching funds in the amount of \$135,880 for the Georgia Department of Transportation (GDOT) FY17 Bus and Bus Facilities Capital Program Grant (Title 49 U.S. C. Section 5339) #C0731 as per agenda report dated March 21, 2017; authorize acceptance of the additional grant funding; and authorize the Mayor and appropriate staff to execute the resulting contract amendment between the Unified Government of Athens-Clarke County and GDOT.

AN ORDINANCE TO AMEND THE FY2017 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, SO AS TO PROVIDE GRANT FUNDING, IF APPROVED, FROM THE FEDERAL TRANSIT ADMINISTRATION (FTA) THROUGH THE GEORGIA DEPARTMENT OF TRANSPORTATION (GDOT) BUS AND BUS FACILITIES CAPITAL PROGRAM GRANT FOR BUS STOP AND BUS STOP FACILITY IMPROVEMENT PROJECTS; 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 FY2017 Annual Operating and Capital Budget for the Grants Special Revenue Fund to provide grant funding from GDOT/FTA Bus and Bus Facilities Capital Program Grant for Bus Stop and Bus Stop facility improvements.

Said Operating and Capital Budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:

FTA Capital Grant \$543,518

EXPENDITURES:

Increase:

Transit – Capital Grants \$543,518

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 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

2. APPROVE: Ratification of implementation of the State of Georgia's Drought Responses Level I as authorized by executive action of Mayor Denson on March 13, 2017 as per Attachment #1 of agenda report dated March 28, 2017 and as required by the State of Georgia's Drought Management Rule 391-3-30.
3. APPROVE: Appropriation in the amount of \$2,043,000 for the removal and disposal of sludge from the J. G. Beacham Water Treatment Plant (WTP) settling lagoon; award a unit price contract in the amount of \$1,857,312 to BioNomic Services, Inc. for the removal and disposal of sludge from the J. G. Beacham lagoon as per agenda report dated March 28, 2017; and authorize the Mayor and appropriate staff to execute the related contract documents.
4. APPROVE: Application for and, if awarded, acceptance of a Justice and Mental Health Collaboration Program (JMHCPC) FY2017 grant for the Athens-Clarke County Police Department (ACCPD) in the amount of \$300,000 as per agenda report dated March 29, 2017; and authorize the Mayor and appropriate staff to execute all related documents.
5. APPROVE: Declaration of the 2017 Nulla bona properties list shown as Attachment #1 of agenda report dated March 27, 2017 of real and personal properties uncollectable; and authorize removal of these accounts from the Unified Government of Athens-Clarke County Tax Commissioner's active receivable accounts in accordance with O.C.G.A. 44-14-11.
6. APPROVE: Grant of a permanent encroachment into the right-of-way of Baxter Street to allow the University of Georgia (UGA) to install an underground electric duct bank to serve the Terry

College Business Learning Community as per agenda report dated March 1, 2017; and authorize the Mayor and appropriate staff to execute all necessary documents associated with granting the permanent encroachment, including any agreements outlining compensation or granting of right-of-way by UGA to the Unified Government for the lost use of a portion of the right-of-way on these roads.

7. APPROVE: Appointments to the Athens Cultural Affairs Commission.

Andrew Salinas	three-year term expiring 3-31-20
Grace Huang	two-year term expiring 3-31-19
Matthew Justus	reappointment three-year term expiring 3-31-20
Linda Ford	reappointment three-year term expiring 3-31-20
Helen Kuykendall	reappointment three-year term expiring 3-31-20

Old/new business – Discussion

Citizen input

The following citizen input was received.

- 1, Mike Morris, 598 Fortson Drive – supported quit claim of alleyway off Prince Avenue.
2. Briana Boivens, 335 North Pope Street – opposed jail health services contract.
3. Tim Denson, 290 Midway Road – opposed jail health services contract.

A motion was made by Commissioner Dickerson, seconded by Commissioner Sims, to approve award of a contract for inmate health care for FY18 to Armor Correctional Health Services, Inc. in the amount of \$1,671,393 as per agenda report dated March 29, 2017; and authorize the Mayor and appropriate staff to execute all related documents. The motion passed by unanimous vote.

A motion was made by Commissioner Bailey, seconded by Commissioner NeSmith, to authorize execution of a quitclaim deed to the alleyway behind 2003 Prince Avenue and 1999 Prince Avenue as shown on Attachment #1 of agenda report dated April 4, 2017; and authorize the Mayor and appropriate staff to execute quitclaim deeds in response to any future requests for quitclaim relative to this alleyway for any of the other adjacent property owners. The motion passed by unanimous vote.

A motion was made by Commissioner Hamby, seconded by Commissioner Link, to DENY a revision to Policy/Procedure Statement WS-011: Water and/or Sanitary Sewer Services as per agenda report dated March 27, 2017 to allow limited administrative approval of exceptions. The motion passed by roll call vote with Commissioner Dickerson, Sims, Link, NeSmith, Bell, Herod, Girtz, and Hamby voting YES; and Commissioners Wright and Bailey voting NO. (8 YES; 2 NO)

A motion was made by Commissioner Hamby, seconded by Commissioner Link, to DENY a request for delegation of authority from the mayor to the Public Utilities Director to execute utility encroachment agreements and railroad crossing agreements for public water and sanitary sewer lines within Athens-Clarke County as per agenda report dated March 28, 2017. The motion passed by roll call vote with Commissioner Dickerson, Sims, Link, NeSmith, Bell, Herod, Girtz, and Hamby voting YES; and Commissioners Wright and Bailey voting NO. (8 YES; 2 NO)

A motion was made by Commissioner Hamby, seconded by Commissioner Herod, to DENY request for delegation of authority from the mayor to the Public Utilities Director to execute utility contracts for developer installations of public water and sanitary sewer lines within Athens-Clarke County as per agenda report dated March 27, 2017. The motion passed by roll call vote with Commissioner Dickerson, Sims, Link, NeSmith, Bell, Girtz, Herod, and Hamby voting YES; and Commissioners Wright and Bailey voting NO. (8 YES; 2 NO)

New business – Consider under suspension of Rules

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

A motion was made by Commissioner Nesmith, seconded by Commissioner Sims, to approve a request for a quitclaim deed for portion of abandoned Georgia Drive as per memorandum dated April 21, 2017. The motion passed by roll call vote with Commissioners Dickerson, Sims, Wright, Bailey, NeSmith, Bell, Herod, Girtz, and Hamby voting YES; and Commissioner Link voting NO. (9 YES; 1 NO)

A motion was made by Commissioner Sims, seconded by Commissioner Dickerson, to approve the Nominating Committee report for appointments to various boards, authorities, and commissions. The motion passed by unanimous vote.

Airport Authority	David Asman – four-year term expiring 6-30-21 Lester Shindelman – four-year term expiring 6-30-21
Development Authority of the Unified Government of Athens-Clarke County	Bonnie Chastain- four-year term expiring 6-30-21 Susie Haggard – four-year term expiring 6-30-21 Virginia Patel – four-year term expiring 6-30-21 (reappointment) Gregory Waddell - four-year term expiring 6-30-21
Hearings Board	Jonathan Biron – four-year term expiring 6-30-21 John Gazlay – four-year term expiring 6-30-21 Michael Lord – four-year term expiring 6-30-21 (reappointment)
Historic Preservation Commission	Megan Morgan – three-year term expiring 6-30-20 Jared Peden – three-year term expiring 6-30-20
Planning Commission	Sara Beresford – partial term expiring 6-30-20 James Anderson – five-year term expiring 6-30-22 (reappointment) Kristen Morales – five-year term expiring 6-30-22

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

A public hearing was held on request of James C. Warnes, for Episcopal Diocese of Atlanta, for rezoning from C-O (Commercial-Office) to C-N (PD) (Commercial-Neighborhood, Planned Development) on 1.130 acres known as 980-994 South Lumpkin Street. Proposed uses are residential, retail, and institutional. This will require an amendment to the Future Development Map from Community Institutional to Main Street Business. Type I

Planning Commission recommendations:

Future Development Map – Approve (unanimous)
Rezoning – Approve (5-1)

Citizen input

The following citizen input was received.

1. Alison McCullick, UGA Community Relations Coordinator – opposed
2. Jimmy Williamson, Chief University of Georgia Police Department - opposed
3. Jim Warnes, representing petitioner – supported a return to the Planning Commission
4. Canon Lang Lowrey, Episcopal Church – supported
5. Chaplain Chris Cole, Episcopal Center on campus – supported
6. Ralph Edwards, realtor, Lindberg Drive, Atlanta – supported

A motion was made by Commissioner Bell, seconded by Commissioner Link, to approve proposed amendment to the Future Development Map from Community Institutional to Main Street Business.

A substitute motion was made by Commissioner Wright, seconded by Commissioner Bailey, to DENY proposed amendment to the Future Development Map from Community Institutional to Main Street Business. The motion passed by roll call vote with Commissioner Wright voting YES; and Commissioners Dickerson, Sims, Link, Bailey, NeSmith, Bell, Herod, Girtz, and Hamby voting NO. (1 YES; 9 NO)

Jim Warnes, representing the petitioner, was recognized. He requested on behalf of the petitioner that they be allowed to withdraw their rezoning request.

A substitute motion was made by Commissioner NeSmith, seconded by Commissioner Bailey, to approve withdrawal of the request of Episcopal Diocese of Atlanta, for rezoning from C-O (Commercial-Office) to C-N (PD) (Commercial-Neighborhood, Planned Development) on 1.130 acres known as 980-994 South Lumpkin Street. The substitute motion passed by unanimous vote.

A public hearing was held on request of Charles S. Armentrout, for HP Athens LLC, for rezoning from C-D (ED) (Commercial-Downtown, East Downtown Design Area) to C-D (ED) (PD) (Commercial-Downtown, East Downtown Design Area, Planned Development) on 1.11 acres known as 412 North Thomas Street. Proposed use is hotel with rooftop bar. Type II

Planning Commission recommendation: Approve (unanimous)

Citizen input

The following citizen input was received.

1. Charles Armentrout, 996 Riverbend Parkway, for petitioner – supported.

A motion was made by Commissioner Link, seconded by Commissioner Wright, to adopt the following ordinance (#17-05-26) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO REZONING A PARCEL OF LAND AT 412 NORTH THOMAS STREET FROM C-D (ED) (COMMERCIAL DOWNTOWN, EAST DOWNTOWN DESIGN AREA) TO C-D (ED) (PD) (COMMERCIAL DOWNTOWN, EAST DOWNTOWN DESIGN AREA, PLANNED DEVELOPMENT); AND FOR OTHER PURPOSES.

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

SECTION 1. The map constituting the component part of the Zoning Ordinance of Athens-Clarke County, Georgia, by virtue of and in compliance with Section 9-3-3 and Section 9-3-6 thereof, is hereby amended by changing the zoning of the parcel of land at 412 North Thomas Street from C-D (ED) (Commercial Downtown, East Downtown Design Area) to C-D (ED) (PD) (Commercial Downtown, East Downtown Design Area, Planned Development) said parcel being an approximate 1.11-acre tract of land as shown on Attachment A hereto. Said tract of land is more fully described in the drawing entitled, "Preliminary Overall Site Plan, Athens Hyatt Place Hotel, 412 North Thomas Street, Athens, Georgia 30601" dated March 2, 2017, prepared by Armentrout Matheny Thurmond, Charles S. Armentrout, Georgia registered engineer, on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

The subject 1.11-acre tract of land is also known as parcel number 171B1 C003 on the Athens-Clarke County tax maps, being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia. The date of this amendment to the Official Zoning Map of Athens-Clarke County as shown by Attachment A shall be noted on said Official Zoning Map in the Clerk of Commission's Office at 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

SECTION 2. The binding master plans associated with this ordinance and incorporated herein by reference consist of nine sheets, sheet 1 of which being entitled "Preliminary Overall Site Plan, Athens Hyatt Place Hotel, 412 North Thomas Street, Athens, Georgia 30601" dated March 2, 2017, prepared by Armentrout Matheny Thurmond, Charles S. Armentrout, Georgia registered engineer; sheet 2 of which being entitled "C8.05, A-CC Code Compliance, Tree Management and Landscape Plan," Athens Hyatt Place Hotel, 412 North Thomas Street, Athens, Georgia 30601", dated May 23, 2016, prepared by Armentrout Matheny Thurmond, Charles S. Armentrout, Georgia registered engineer; sheet 3 of which being entitled "Existing Condition, Athens Hyatt Place Hotel, 412 North Thomas Street, Athens, Georgia 30601" dated March 2, 2017, prepared by Armentrout Matheny Thurmond, Charles S. Armentrout, Georgia registered engineer; sheet 4 of which being entitled "A-201, Exterior Elevation—West, dated March 1, 2016, last revision date October 7, 2016, made by Wakefield Beasley & Associates, John B. Beasley, Georgia registered architect; sheet 5 of which being entitled "A-202, Exterior Elevation—East," dated March 1, 2016, last revision date February 20, 2017, made by Wakefield Beasley & Associates, John B. Beasley, Georgia registered architect; sheet 6 of which being entitled "A-203, Exterior Elevations—North + South," undated, made by Wakefield Beasley & Associates, John B. Beasley, Georgia registered architect; sheet 7 of which being entitled "Proposed Condition," dated March 2, 2017, last revised March 20, 2017, prepared by Armentrout Matheny Thurmond, Charles S. Armentrout, Georgia registered engineer; sheet 8 of which being entitled "Binding Elevation Plan (West), dated March 2, 2017, last revised March 20, 2017, prepared by Wakefield Beasley & Associates; and sheet 9 of which being entitled "Binding Concept Plan," dated March 2, 2017, last revised March 20, 2017, prepared by Wakefield Beasley & Associates, all of which being stamped, "Binding, 4/11/17", and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

The binding written report associated with this ordinance and incorporated herein by reference consists of six pages and is entitled "Planned Development Application Report, Hyatt Place Hotel, 412 N. Thomas Street, Athens, GA 30606," dated March 3, 2017 and being stamped, "Binding, 4/11/17" and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

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

A public hearing was held on request of Michael B. Thurmond, for Lambda Housing Association, for special use in C-O (MAC) (Commercial-Office, Milledge Avenue Corridor) on 0.97 acres known as 930 South Milledge Avenue. Proposed use is a fraternity. Type II

Planning Commission recommendations:

Variance #1 – Approve (4-2)
Variance #2 - Deny (4-3)
Special use – Deny (unanimous)

Citizen input

There was no citizen input.

A motion was made by Commissioner Hamby, seconded by Commissioner Sims, to hold this request until the June 6 Mayor and Commission meeting. The motion passed by unanimous vote.

A public hearing was held on proposed text amendments on site design and standards applicability.

Planning Commission recommendation: Approve (unanimous)

Citizen input

There was no citizen input.

A motion was made by Commissioner NeSmith, seconded by Commissioner Sims, to adopt the following ordinance (#17-05-27) which was presented by title only. The motion passed by roll call vote with Commissioners Dickerson, Sims, Wright, Bailey, NeSmith, Bell, Herod, Girtz, and Hamby voting YES; and Commissioner Link voting NO. (9 YES; 1 NO)

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO SITE DESIGN AND USE STANDARDS; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 9-25-2 entitled "*Application*" of the Code of Athens-Clarke County, Georgia, subsections D., E., F., and G. thereof are hereby amended by deleting subsections D., E., F., and G. in their entirety and substituting the following subsections D., E., F., and G. in lieu thereof:

"Sec. 9-25-2. - Application.

"D. Except for single-family uses, any additional structural or site improvement square footage added to an existing structure or site improvement in any AR, RS, RM, C (other than C-G on an undesignated corridor as described in Sec. 9-25-8. J), IN, or E zone that is greater than ten percent of the existing building square footage for structural improvements or ten percent of the existing site improvement square footage for site improvements.

"E. Except for single-family uses, any additional structural or site improvement square footage added to an existing structure or site improvement in any C-G zone on an undesignated corridor as described in Sec. 9-25-8. J that is greater than 25 percent of the existing building square footage for structural improvements or 25 percent of the existing site improvement square footage for site improvements.

"F. Any new construction in an I zone within 500 feet of any RS or RM zone as measured from the zone boundary.

"G. Any preliminary plat that:

1. Contains more than ten lots; or
2. Covers more than two acres; or
3. Contains attached single-family units; or
4. Creates lots equal to or less than 8,000 square feet; or
5. Creates residential subdivisions platted with an overall density exceeding 2.5 dwelling units per acre."

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

A public hearing was held on proposed text amendment to Milledge Avenue Overlay permitted uses.

Planning Commission recommendation: Approve (unanimous)

Citizen input

There was no citizen input.

A motion was made by Commissioner Hamby, seconded by Commissioner Girtz, to adopt the following ordinance (#17-05-28) 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 SPECIAL DISTRICT OVERLAYS – MILLEDGE AVENUE CORRIDOR SPECIAL DISTRICT OVERLAY; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 9-12-7 entitled "*Milledge Avenue Corridor Special District Overlay*" of the Code of Athens-Clarke County, Georgia, subsection C. thereof is hereby amended by deleting subsection C. in its entirety and substituting the following subsection C. in lieu thereof:

"Sec. 9-12-7. – Milledge Avenue Corridor Special District Overlay.

"C. *Uses.* Uses in the Milledge Avenue Corridor Special District Overlay are permitted according to the use table in Section 9-10-2."

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

Citizen input on items other than those listed on this agenda

The following citizens spoke against demolition of 398 Milledge Circle, in support of creation of historic district for Milledge Circle and/or support of a demolition moratorium for Milledge Circle.

1. Claudio Saunt, 403 Milledge Circle – presented petition for demolition moratorium and creation of Milledge Circle historic district
2. Cordula Schulz, 184 Highland Terrace, Biology Professor at University of Georgia
3. Drew Dekle Chairperson Historic Preservation Commission, 194 Westview Drive
4. Kim Klonowski, 125 Wilcox Street
5. Kristen Morales, 338 Satula Avenue
6. Amy Kissane, Executive Director of the ACC Heritage Foundation, 526 Highland Avenue
7. Rachel Gabara, 403 Milledge Circle
8. Melanie Wilson Daniel, 662 Milledge Circle
9. Scott Reed, 420 South Milledge Avenue
10. Peter Rice, 386 Milledge Circle
11. Barbet Houser, 141 Westview Drive
12. Russell Edwards, 400 Duncan Springs Road
13. Brian Hutto, 595 Milledge Circle
14. Barbara Grossman, 237 Highland Avenue

The following persons opposed moratorium on Milledge Circle.

15. Jamie Boswell, property owner of 285 and 287 Milledge Circle
16. Debbie Morris, 652 Milledge Circle

The following persons spoke in favor of anti-discrimination or civil rights committee.

17. Richard Banton, 185 S. Finley Street
18. Erin Stacer, 125 Childs Street
19. Moca Jasmine Johnson, 651 Lakeland Way
20. Starjabria Farrington, 109 College Station Road
21. Tim Denson, 290 Midway Road
22. Michael Smith 147 First Street – also supported overlay zone for Bryan Street area

Input on other items

23. Paula Loniak, Arnoldsville – supported affordable housing and tiny houses
24. Gretchen Elsner, P.O. Box. 562 – supported solar panels and projects
25. Abigail West, 149 Morton Avenue – opposed single use plastic and ban on plastic bags
26. Bob Gadd, 134 Milton Road – concerned about EMS response times
27. Sam Rafal, 230 Spalding Circle – concerned about EMS response times

FROM MANAGER WILLIAMS:

1. Received for information was a report of contract awards in excess of \$10,000 for March 2017.

FROM MAYOR DENSON:

1. Announced a special called session will be held Thursday, May 4, 120 West Dougherty Street, to conduct public hearing #1 on the FY18 budget as required by the Taxpayer Bill of Rights.

FROM COMMISSIONER LINK:

1. Supported sustainable energy.
2. Milledge Circle neighborhood should be protected.

FROM COMMISSIONER GIRTZ:

1. Supported safe pedestrian crosswalks similar to those in Aiken, S. C.

FROM COMMISSIONER SIMS:

1. Announced the ACTION Building (former Oconee Street Elementary School) has been sold and ACTION, Inc. has moved from a \$1.6 million debt to a \$325,000 surplus.

FROM COMMISSIONER DICKERSON:

1. Reminded everyone of the Marigold Festival, Saturday, May 20; and that Little Miss Marigold Laura Plemmons is the daughter of Economic Development employee Denise Plemmons.
2. Stated Envision Athens is still receiving on-line comments.
3. Reminded everyone of the upcoming Trash 2 Treasure event and Human Rights Festival.
4. Reminded everyone the World of Wonder picket-it-up program will continue through May 15.

FROM COMMISSIONER HEROD:

1. Stated anti-discrimination ordinance should require display of dress codes.

FROM COMMISSIONER NESMITH:

1. Stated recently attended conference at ACCG was educational.

FROM COMMISSIONER BAILEY:

1. Stated ACC staff is world class. Expressed appreciation to Manager Williams and Assistant Manager Hiss for recent assistance.

FROM COMMISSIONERS HEROD, HAMBY, AND NESMITH:

1. Thanked Athens Banner Herald reporter Jim Thompson for his reporting on local events.

FROM COMMISSIONERS HAMBY, NESMITH,

1. Thanked retiring Superior Court Judge David Sweat for his service.

FROM COMMISSIONERS WRIGHT, HAMBY, AND NESMITH:

1. Supported consideration of Milledge Circle historic district.

A motion was made by Commissioner Wright, seconded by Commissioner Sims, to enter into executive session for an attorney/client conference to discuss threatened or pending litigation and real estate acquisition or disposal. The motion passed by unanimous vote.

The meeting adjourned at 9:20 p.m.

Clerk of Commission