

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, August 1, 2017
6:00 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.

A motion was made by Commissioner Bailey, seconded by Commissioner Sims, to approve Minutes of meetings of Wednesday, July 5 and Tuesday, July 18, 2017. The motion passed by unanimous vote.

Written communications

There were no written communications.

Public hearing on amendment to extend consolidated plan and revise the Citizen Participation Plan to comply with HUD's affirmatively furthering fair housing regulations

Citizen input

There was no citizen input.

A motion was made by Commissioner Girtz, seconded by Commissioner Sims, to authorize the Department of Housing and Community Development (HCD) to amend and extend its Consolidated Plan from 2018 until 2020, thereby enabling HCD and Athens Housing Authority to jointly submit the U.S. Department of Housing and Urban Development's Assessment of Fair Housing; and authorize HCD to amend the Citizen Participation Plan to include a section regarding public input for the Assessment of Fair Housing. The motion passed by unanimous vote.

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

The following citizen input was received.

1. Marion Cartwright – opposed Barnett Shoals sanitary sewer interceptor project.
2. Carl Jordan, 185 Kings Road – opposed Barnett Shoals sanitary sewer interceptor project.

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

1. ADOPT: The following ordinance (#17-08-43) which was presented by title only; authorize Superior Court to establish a full-time authorized Veterans Court Coordinator position using grant funds awarded by the Criminal Justice Coordinating Council and associated match as per agenda report dated July 12, 2017; and authorize the Mayor, Superior Court Judge and appropriate staff to execute all related documents.

AN ORDINANCE TO AMEND THE FY2018 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FOR THE SUPERIOR COURT (VETERANS COURT); 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 funding for a full-time authorized Veterans Court Coordinator in Superior Court. Said Operating and Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:

FY18 Award Grant from CJCC	\$106,268
Transfer from Special Prog Fd (DATE funds)	\$ 11,808
	\$118,076

EXPENDITURES:

Increase:

Superior Court- Veterans Court	\$118,076
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Special Programs Fund:

EXPENDITURES:

Increase:

Transfer to Grants Fund	\$11,808
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SECTION 2. 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. Michael Crane, President of Athens United Soccer Association – supported Holland Youth Sports Complex
2. Christy Terrell, 1001 Prince Avenue, representing Georgia Power – supported Chase Street modifications
3. Tony Eubanks, 785 North Pope Street – supported Chase Street modifications
4. Clint McCrory, 390 Franklin Street – supported Chase Street modifications
5. Tyler Dewey, 1075 W. Broad Street, Executive Director Bike Athens – supported complete streets analysis
6. Bob Shields, 315 Moss Side Drive, Birch more Shields Pools and Spas – supported Chase Street modifications
7. Mark Bell, 120 Cypress Manor Lane – supported Clayton Street TSPLOST project and proposed changes to alcoholic beverage ordinance; need to review closing time for bars
8. Aubrey Pryor, 655 Milledge Circle, speaking on behalf of some of the residents on the western end of Milledge Circle – wanted to be removed from the study and the moratorium
9. Chuck Jones, President of the Athens Convention and Visitor Bureau, 189 Canterbury Drive – supported CVB matching funds
10. Paul Bukhara, 529 Meigs Street – supported Rails to Trails and railroad trestle
11. Visitor from Germany – supported railroad trestle
12. Tim Denson, 483 Quailwood Drive, Athens 4 Everyone – supported TSPLOST; opposed funding cut from transit
13. Jason Higgins, 399 Milledge Circle – opposed historic district; would like to opt out of study
14. Jamie Boswell, 255 Pendleton Drive – opposed historic district; would like to opt out of study
15. Jason Matherly, 965 North Chase Street – supported Chase Street modifications

16. Bob Birchmore, 154 Oneta Street – supported Chase Street modifications
17. Brad Valentine, 285 Cherokee Avenue – opposed Cherokee Avenue in historic district; would like to opt out of study
18. Henry Opry, Southeastern Color, 195 Newton Bridge Road – supported Chase Street modifications
19. Alison Rosch, 270 Cherokee Avenue – look at options for historic preservation

A motion was made by Commissioner Link, seconded by Commissioner Bailey, to adopt the following ordinance (#17-08-44) 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 PARKING RESTRICTIONS ON SATULA AVENUE; AND FOR OTHER PURPOSES.

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

SECTION 1. Pursuant to Section 3-3-50(a)(1)e of the Code of Athens-Clarke County, Georgia, parking is hereby prohibited on the east side of Satula Avenue from its intersection with Prince Avenue and extending along the easterly side of said street north a distance of 200 feet, as further shown on Attachment 1 incorporated herein by reference:

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

A motion was made by Commissioner Link, seconded by Commissioner Sims, to award a construction contract for the H. T. Edwards Learning Center Safe Routes to School sidewalk project to Georgia Development Partners, LLC for a unit cost not to exceed \$622,461.53 as per agenda report dated June 23, 2017; and authorize the Mayor and appropriate staff to execute all appropriate documents. The motion passed by unanimous vote.

A motion was made by Commissioner NeSmith, seconded by Commissioner Link, to HOLD for 30 days: Barnett Shoals sanitary sewer interceptor and College Station Road greenway connector project. The motion passed by unanimous vote.

A motion on was made by Commissioner NeSmith, seconded by Commissioner Girtz, to:

- a) Approve the TSPLOST 2018 Projects List and associated Initial Project Statements for a program in the amount of \$109,500,000 as per Attachment #1 of agenda report revised July 27, 2017;
- b) Approve the form of a resolution (Attachment #2 of said agenda report) calling for a referendum on November 7, 2017 for the imposition of a TSPLOST tax to begin on April 1, 2018 and authorizing the issuance of general obligation debt in conjunction with the TSPLOST 2018 Program in a total principal amount not to exceed \$95,000,000 (scheduled to be approved at a special called meeting of the Mayor and Commission on August 15, 2017);
- c) Approve an Intergovernmental Agreement with the City of Winterville and with the Town of Bogart (Attachment #3 of said agenda report) relative to sub-projects to be constructed as a part of the TSPLOST 2018 Program; and,
- d) Authorize the Mayor and staff to sign all related documents.

The motion passed by unanimous vote.

A motion was made by Commissioner Hamby, seconded by Commissioner Wright, in regard to local historic designation research and funding for an area centered along Milledge Circle and Castalia Avenue.

- a) Properties on Milledge Circle west of Highland Terrace shall be removed from study and from current moratorium.
- b) Individual properties on Milledge Circle west of Highland Terrace, who agree, shall be surveyed for potential landmark (individual) designation and only those property owners who agree shall be included in the district study for potential landmark designation purposes. Request that the Mayor and Commission authorize the Planning Department to notify and receive confirmation for those individual properties agreeing to participate in the landmark designation study.
- c) Request that the Mayor and Commission authorize the Planning Department to prepare and circulate a Request for Proposals (RFP) for the preparation of a Local Historic District Designation Report for the properties remaining (from Highland Terrace to the Five Points intersection) in the Milledge Circle and Castalia Avenue moratorium.
- d) Adopt the following resolution.

The motion passed by unanimous vote.

AMENDMENT TO RESOLUTION ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR ALL: DEMOLITION REVIEW APPROVALS, DEMOLITION PERMITS, RELOCATION PERMITS OR BUILDING PERMITS FOR EXTERIOR CONSTRUCTION OR RENOVATION, SUBJECT TO LIMITED EXCEPTIONS, FOR STRUCTURES ON EVERY PARCEL OF LAND IDENTIFIED BY MAP KEY AS "PROPOSED MILLEDGE CIRCLE HISTORIC DISTRICT," ON MAP ENTITLED "DESIGNATION REPORT STUDY AREA—COMMISSION DEFINED OPTION 1," ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

Whereas, on May 16, 2017, the Mayor and Commission of the Unified Government of Athens-Clarke County adopted a moratorium resolution (the "Moratorium Resolution") on the acceptance of applications for demolition review approvals, demolition permits, relocation permits or building permits for exterior construction or renovation, subject to limited exceptions for structures on certain parcels of land identified by map key as "Proposed Milledge Circle Historic District on a map entitled "Milledge Circle Moratorium" (the "Original Map"); and

Whereas, in the Moratorium the Commission of Athens-Clarke County, Georgia expressed its desire to consider the adoption of amendments to the Code of Athens-Clarke County concerning regulation of the proposed demolition or relocation of structures within the area described on the Original Map and designated the "Subject Area," including without limitation the inclusion of some or all parcels identified in the Subject Area within a historic district, in order to promote and protect the public health, safety and welfare of the citizens of Athens-Clarke County, to protect the historical character of the Subject Area as further described below, and to provide for the orderly and proper development within the Subject Area; and

Whereas, the Mayor and Commission desire to amend the Moratorium Resolution by deleting the Original Map and substituting a revised map which redefines and renames the Subject Area and excludes certain properties which had previously been included in the Subject Area on the Original Map; and

Now therefore the Commission of Athens-Clarke County, Georgia hereby resolves as follows:

1. The Commission hereby amends the Moratorium Resolution by deleting the Original Map in its entirety and substituting a new map entitled "Designation Report Study Area—Commission Defined Option 1" (the "Revised Map") in lieu thereof. Those properties that are identified by map key as being within the "Milledge Circle Moratorium Area" and within "Designation Report Study Area" as shown on the Revised Map are and remain subject to all of the terms and conditions of the Moratorium Resolution. Those properties that were previously identified as being within the Subject Area on the Original Map but which are not included within the Milledge Circle Moratorium Area and within the Designation Report Study Area as shown on the Revised Map are hereby excluded therefrom, and the terms and conditions of the Moratorium Resolution as amended hereby shall not apply to such excluded properties.

2. Except as amended hereby, all of the terms and conditions of the Moratorium Resolution shall remain in full force and effect.

A motion was made by Commissioner Link, seconded by Commissioner Sims, to approve the implementation of lane configurations on North Chase Street between Boulevard and Newton Bridge Road according to conditions that existed prior to the approved FY17 Pavement Maintenance Project as shown in Attachment #1 of agenda report revised July 27, 2017. The motion passed by unanimous vote.

A motion was made by Commissioner Girtz, seconded by Commissioner NeSmith, to adopt the following ordinance (#17-08-45) which was presented by title only to approve an amendment to the Alcoholic Beverages Ordinance, as noted in Attachment #1 of agenda report dated June 28, 2017, to create a restaurant low alcohol sales tier; eliminate the Sunday sales permit fee; eliminate the gross sales fee on all alcoholic beverage license holders; eliminate the Class A Employee Charge and Class A Occupational Tax exclusion; modify package beer and wine license fees; modify retail and package liquor license fees; modify brewery and distillery license fees; modify the after hours permit renewal fee; modify and add definitions; and modernize definition of payments accepted. The motion passed by unanimous vote.

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

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

SECTION 1. Section 6-3-1 entitled "*Definitions*" of the Code of Athens-Clarke County, Georgia, the definition therein entitled "*Alcoholic Treatment Center*" is hereby deleted in its entirety and the following new definition is inserted in lieu thereof:

"Sec. 6-3-1. – Definitions.

"Alcoholic Treatment Center: Any state, county, or municipal government-owned or operated hospital, community mental health center, or other facility utilized for the diagnosis, care, treatment, or hospitalization of persons who are alcoholics."

SECTION 2. Section 6-3-1 entitled "*Definitions*" of the Code of Athens-Clarke County, Georgia, the definition therein entitled "*Grocery store*" is hereby deleted in its entirety and the following new definition is inserted in lieu thereof:

"Sec. 6-3-1. – Definitions.

"Grocery Store: A retail establishment which has a total retail floor space of at least 10,000 square feet of which at least 85 percent is reserved for the sale of food and other nonalcoholic items and conducts all of its sales inside the building containing its retail floor space."

SECTION 3. Section 6-3-1 entitled "*Definitions*" of the Code of Athens-Clarke County, Georgia, is hereby amended by adding thereto the following definitions:

"Sec. 6-3-1. – Definitions.

"Housing Authority Property: any property containing 300 housing units or fewer owned or operated by a housing authority created by Article 1 of Chapter 3 of Title 8, of the Official Code of Georgia, known as the 'Housing Authorities Law.'"

"Restaurant, low volume: A restaurant as defined in this section that has gross annual alcoholic beverages sales of less than \$25,000.01."

SECTION 4. Section 6-3-2 entitled "*License – Required; classes; fees*" of the Code of Athens-Clarke County, Georgia, subsection (b) thereof entitled "*Classes*" is hereby deleted in its entirety and the following new subsection (b) is inserted in lieu thereof

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

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

- (1) Class A, retail liquor package;
- (2) Class B, retail beer package;
- (3) Class C, retail wine package;
- (4) Class D, retail liquor by the drink;
- (5) Class D1, retail liquor by the drink, low volume restaurant;
- (6) Class E, retail beer by the drink;

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

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

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

SECTION 5. Section 6-3-2 entitled “*License – Required; classes; fees*” of the Code of Athens-Clarke County, Georgia, subsection (c) thereof entitled “*Fees*” is hereby deleted in its entirety and the following new subsection (c) is inserted in lieu thereof:

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

“(c) *Fees.* The basic fees for each type of license listed in paragraph (b) hereinabove shall be as follows except that private clubs as defined in section 6-3-1 shall pay 70 percent of the basic fee.

- Class A, retail liquor package \$5,000.00
- Class B, retail beer package 1,000.00
- Class C, retail wine package 1,000.00
- Class D, retail liquor by the drink 5,000.00
- Class D1, retail liquor by the drink, low volume restaurant..... 2,500.00
- Class E, retail beer by the drink 1,000.00
- Class F, retail wine by the drink 1,000.00
- Class G, wholesale liquor 5,000.00
- Class H, wholesale beer 1,140.00
- Class I, wholesale wine 1,140.00
- Class J, licensed alcoholic beverage caterer 600.00
- Class K, brewer, manufacturer of malt beverages only 2,600.00
- Class L, brew pub operator 600.00
- Class M, broker 600.00
- Class N, importer 600.00
- Class O, Hotel in-room service liquor, beer, and wine 600.00
- Class P, Manufacturer of wine only 600.00
- Class Q, Manufacturer of distilled spirits only 5,000.00

Wine-tasting permit and growler tasting permit fees. All licensees who engage in wine-tastings as permitted under section 6-3-6(c) shall pay, in addition to the above fees, a fee of \$250.00. All licensees who engage in growler-tastings as permitted under section 6-3-6(f) shall pay, in addition to the above fees, a fee of \$250.00.”

SECTION 6. Section 6-3-2 entitled “*License – Required; classes; fees*” of the Code of Athens-Clarke County, Georgia, subsection (e) thereof entitled “*Payment*” is hereby deleted in its entirety and the following new subsection (e) is inserted in lieu thereof:

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

“(e) *Payment.* The fees referred to in this section shall be payable annually on a calendar-year basis except for the initial year when they will be prorated for the number of quarters remaining in the calendar year at the time the license was purchased. If the license is purchased and is not used for the full calendar year or if the license is revoked or suspended following issuance thereof, there shall be no refunds for any portion of the fees. All new licenses must be paid and received by the business not later than 30 days from notification of approval. If not received, the license granted shall be considered void and treated as if denied. Payment shall be made by means of a check, credit card or United States currency.”

SECTION 7. Section 6-3-5 entitled “*General regulations pertaining to all licenses*” of the Code of Athens-Clarke County, Georgia, subsection (c) thereof entitled “*Location*” is hereby amended by deleting the sixth unnumbered paragraph that begins with the words “No licenses for consumption on the premises of alcoholic beverages shall be issued...” and substituting the following new sixth unnumbered paragraph in lieu thereof:

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

“No licenses for consumption on the premises of alcoholic beverages shall be issued under this chapter for any location within 100 yards of any housing authority property. This prohibition shall not apply at any location for which a license has been issued prior to July 1, 2000, nor to the renewal of such license. Nor shall this prohibition apply at any location for which a new license is applied for if the sale of alcoholic beverages for consumption on the premises was lawful at such location at any time during the 12 months immediately preceding such application.”

SECTION 8. Section 6-3-5 entitled “*General regulations pertaining to all licenses*” of the Code of Athens-Clarke County, Georgia, subsection (c) thereof entitled “*Location*” is hereby amended by deleting the seventh unnumbered paragraph that begins with the words “At the time of application, a plat from a registered surveyor shall be attached ...” and substituting the following new seventh unnumbered paragraph in lieu thereof:

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

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

SECTION 9. Section 6-3-5 entitled “*General regulations pertaining to all licenses*” of the Code of Athens-Clarke County, Georgia, paragraph (5) of subsection (i) thereof entitled “*Hours of operation*” is hereby deleted in its entirety and the following new subsection paragraph (5) is inserted in lieu thereof:

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

(5) Class D, E, and F licenses eligible for Sunday sales permit when “New Year’s Eve is on Sunday shall be authorized to sell, offer for sale, serve and/or permit the consumption of alcoholic beverages upon the licensed premises between the hours of 12:00 a.m. (midnight) and 2:30 a.m. on New Year’s Day;”

SECTION 10. Section 6-3-5 entitled “*General regulations pertaining to all licenses*” of the Code of Athens-Clarke County, Georgia, paragraph (9) of subsection (i) thereof entitled “*Hours of operation*” is hereby deleted in its entirety and the following new subsection paragraph (9) is inserted in lieu thereof:

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

“(9) Notwithstanding subparagraphs (3), (4) and (6) above, the sale of alcoholic beverages by Class D, E, or F licensees not eligible for Sunday sales 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 11. Section 6-3-5 entitled “*General regulations pertaining to all licenses*” of the Code of Athens-Clarke County, Georgia, subsection (j) thereof entitled “*Time limit for clearing patrons from premises*,” sub-paragraph d. of paragraph (3) thereof entitled “*After-hours service permit required*” is hereby deleted in its entirety and the following new sub-paragraph d. is inserted in lieu thereof:

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

d. All permits shall be issued on a calendar basis and shall come up for renewal each year after issuance. Each applicant shall make a written application for renewal following issuance on a form approved by the Director of Finance. The \$60.00 fee shall be tendered with the application for renewal. If a permit renewal application is not filed by December 31, the permit shall be declared abandoned, and any permit thereafter shall require a new application.”

SECTION 12. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

10. A motion was made by Commissioner Bailey, seconded by Commissioner Link, with regard to Holland Youth Sports Complex athletic field lights as follows:

- a) Approve the acceptance of a donation for \$165,000 from Athens United Soccer Association to install athletic field lights on soccer fields #1 and #2 at the Holland Youth Sports Complex;
- b) Authorize the expenditure of \$125,000 from the Leisure Services capital improvement funds to complete payment of the athletic field lighting project;
- c) Adopt the following ordinance (#17-08-46) which was presented by title only;
- d) Award a contract in the lump sum amount of \$229,000 to the Musco Lighting Company for the installation of athletic field lighting at the Holland Youth Sports Complex; and
- e) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE FY2018 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FROM DONATIONS TO THE LEISURE SERVICES DEPARTMENT FOR ATHLETIC FIELD LIGHTING AT HOLLAND YOUTH SPORTS COMPLEX; 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 General Capital Projects Fund to establish funding from donations to provide athletic field lighting at Holland Youth Sports Complex. Said Operating and Capital budget is hereby amended as follows:

General Capital Projects Fund:

REVENUES:

Increase:	
Other Rev – Donations	\$165,000

EXPENDITURES:

Increase:	
Leisure Services Department:	
Capital Expenditures	\$165,000

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

A motion was made by Commissioner Wright, seconded by Commissioner Girtz, to accept the Audit Committee's report entitled *Review of the ACC Boards, Authorities, and Commissions* prepared by the Office of Operational Analysis as per agenda report dated July 14, 2017. The motion passed by unanimous vote.

A motion was made by Commissioner Sims, seconded by Commissioner Dickerson, to accept the report entitled *Performance Audit of the Leisure Services Department* prepared by the Office of Operational Analysis as per agenda report dated July 14, 2017. The motion passed by unanimous vote.

New business – Consider under suspension of Rules

A motion was made by Commissioner Sims, seconded by Commissioner Girtz, to suspend Rules of Commission for consideration of one item of new business. The motion passed by unanimous vote.

A motion was made by Commissioner Sims, seconded by Commissioner Wright, to:

- a) Approve the Unified Government of Athens-Clarke County participation in the amount of \$17,916 of matching funds for the Georgia Tourism Foundation (GTF) marketing assistance grant;
- b) Adopt the following ordinance (#17-08-47) which was presented by title only; and
- c) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE FY2018 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING TO THE CONVENTION AND VISITOR’S BUREAU FOR MATCHING ASSISTANCE FOR A STATE TOURISM MARKETING 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 General Fund Budget so as to provide funding to the Convention and Visitor’s Bureau for matching assistance for a state tourism marketing grant. Said Operating and Capital budget is hereby amended as follows:

General Fund:

EXPENDITURES:

Other General Administration:

Decrease:

Operating Contingency	(\$17,916)
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Increase:

Other Expenditures (CVB grant match)	\$17,916
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SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

A public hearing was held on request of Lori Bork Newcomer/Bork Design for Thomas and Ann Wilkins for special use in the C-0 (MAC) (Commercial-Office, Milledge Avenue Corridor) on 1.483 acres known as 387 South Milledge Avenue. Proposed use is a sorority. Type II

Planning Commission recommendations:

- Variance #1 Approval (4-3)
- Variance #2 Approval (4-3)
- Variance #3 Approval (4-3)
- Variance #4 Approval (4-3)
- Special use: Approval w/condition (4-3)

Citizen input

The following citizen input was received.

1. Lori Bork Newcomer, 150 Pulaski Heights – supported.
2. John Koons, 205 Clover Street – supported.
3. Karl Kechtreck, 138 Henderson Avenue – opposed.
4. Lila Gardner Massey, housemother – supported.
5. Mike Morris, 598 Fortson Road, attorney representing petitioner – supported.
6. Gary Beutsch, 228 Henderson Avenue – supported.

A motion was made by Commissioner Bell, seconded by Commissioner Hamby, to approve a variance from the requirement of Section 9-30-2(D)(9) to reduce the required number of parking spaces from 134 to 87, with 55 of the parking spaces being on-site and 32 part-time parking spaces off-site. The motion passed by unanimous vote.

A motion was made by Commissioner Bell, seconded by Commissioner Hamby, to approve a variance from the requirement of Section 9-25-8(G)(2) to reduce the required parking lot screening depth from 10 feet to 5.9 feet along the northern property line. The motion passed by unanimous vote.

A motion was made by Commissioner Bell, seconded by Commissioner Hamby, to approve a variance from Section 9-30-9(A) to reduce the parking lot design requirements from stall depth of 18 feet to 16 feet and for aisle width of 24 feet to 20 feet. The motion passed by unanimous vote.

A motion was made by Commissioner Bell, seconded by Commissioner Sims, to approve a variance from Section 9-30-6 to increase the allowable percentage of compact parking spaces from 30% of the lot to 62% of the lot. The motion passed by unanimous vote.

A motion was made by Commissioner Bell, seconded by Commissioner Sims, to adopt the following ordinance (#17-08-48) 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 USE APPROVAL IN THE C-O (MAC) (COMMERCIAL-OFFICE, MILLEDGE AVENUE CORRIDOR) DISTRICT ON THE APPROXIMATE 1.483-ACRE PARCEL OF LAND LOCATED AT 387 SOUTH MILLEDGE AVENUE; AND FOR OTHER PURPOSES.

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

SECTION 1. The current C-O (MAC) (Commercial-Office, Milledge Avenue Corridor) district in which is located an approximate 1.483-acre parcel of land at 387 South Milledge Avenue, Athens, Georgia, is hereby amended to provide for Special Use approval to permit the conversion of a single-family residence into a sorority house with a major addition to the existing residence. The subject parcel is more fully described as follows:

All that approximate 1.483-acre parcel of land as described in that certain drawing entitled "Alpha Phi Sorority House," dated April 28, 2017 and last revised July 29, 2017, prepared by Joshua H. Koons, Georgia registered landscape architect, and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia.

Said approximate 1.483-acre parcel of land at 387 South Milledge Avenue is designated as tax parcel number 171C1 D008 on the Athens-Clarke County tax map, being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia. The date of this amendment to the Official Zoning Map of Athens-Clarke County as shown by Attachment A hereto shall be noted on said Official Zoning map in the Clerk of Commission's Office and duly noted in the minutes of the Commission meeting.

SECTION 2. The binding plans associated with this ordinance and incorporated herein by reference consist of six sheets, the first sheet of which being labeled "Alpha Phi Sorority House," dated April 28, 2017 and last revised July 29, 2017, prepared by Joshua H. Koons, Georgia registered landscape architect, the second sheet of which being labeled "Milledge Ave. Elevation & Perspectives," dated May 22, 2017, and such sheet being prepared by Bork Design, Inc., the third sheet of which being labeled "South Elevation," dated May 22, 2017, and such sheet being prepared by Bork Design, Inc., the fourth sheet of which being labeled "Harris Street Elevations and Perspectives," dated May 22, 2017, and such sheet being prepared by Bork Design, Inc., the fifth sheet of which being labeled "North Elevation," dated May 22, 2017, and such sheet being prepared by Bork Design, Inc., and sheets one through five of such binding plans being stamped "Binding 7-11-17" and the sixth sheet of which being labeled "Parking Lot Screening," prepared by Koons Environmental Design, Inc., dated July 29, 2017, and such sixth sheet being stamped "Binding 7-31-17" and all of such binding plans being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia.

The binding written report associated with this ordinance and incorporated herein by reference consists of twenty-two pages in total, being entitled "Application Report for the Special Use of 387 S. Milledge Avenue by Alpha Phi Sorority," dated June 9, 2017, and stamped "Binding 7-11-17" and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia.

SECTION 3: The conditions of zoning and variances associated with this ordinance are as follows:

1. A variance from the requirement of Section 9-30-2(D)(9) to reduce the required number of parking spaces from 134 to 87, with 55 of the parking spaces being on-site and 32 part-time parking spaces off-site, is hereby approved.
2. A variance from the requirement of Section 9-25-8(G)(2) to reduce the required parking lot screening depth from 10 feet to 5.9 feet along the northern property line is hereby approved.
3. A variance from Section 9-30-9(A) to reduce the parking lot design requirements from stall depth of 18 feet to 16 feet and for aisle width of 24 feet to 20 feet is hereby approved.
4. A variance from Section 9-30-6 to increase the allowable percentage of compact parking spaces from 30% of the lot to 62% of the lot is hereby approved.
5. The site plan shall be revised in the following manner prior to the issuance of development permits: the exit drive shall be designed for left-turn-only movement onto Harris Street.
6. Design and alteration of existing wall parallel to Harris Street to be approved by Director of Department of Transportation and Public Works to assure appropriate vision clearance.
7. Brick wall separating site from residential properties on Henderson Avenue will be extended to meet the wall adjacent to S. Harris Street as shown on the first sheet of the binding plans, as described above. Completion of this wall shall be staged to precede other site construction activities.
8. Parking lot lighting will be limited to two ten-foot poles otherwise compliant with the Athens-Clarke County code of ordinances. Any future lighting needs are subject to review by Planning Director and notice of proposed administrative action to the Mayor and Commission.
9. Exterior construction activity shall be limited to the periods of 7:00 a.m. to 7:00 p.m. Monday through Friday.
10. Construction vehicle use shall be prohibited on Henderson Avenue.

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

A public hearing was held on request of Williams & Associates for Athens Student Apartments, LLC for rezoning from RS-8 (Single-Family Residential) to RM-1 (Mixed Density Residential) on 1.194 acres known as 125, 135, 145, 155, and 165 Wynter Court. Proposed use is multi-family dwellings. Type II

Planning Commission recommendation: Approval w/condition (unanimous)

Citizen input

The following citizen input was received.

1. Kevin Baer, 1030 Chestnut Lane, Williams and Associates – supported.

A motion was made by Commissioner Girtz, seconded by Commissioner NeSmith, to adopt the following ordinance (#17-08- 49) 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 REZONING FIVE PARCELS OF LAND COMPRISING 1.194 ACRES LOCATED AT 125, 135, 145, 155, AND 165 WYNTER COURT FROM RS-8 (SINGLE-FAMILY RESIDENTIAL) TO RM-1* (MIXED DENSITY RESIDENTIAL WITH CONDITION) 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 Sections 9-3-3 and 9-3-6 thereof, is hereby amended by changing the zoning of five parcels of land comprising 1.194 acres located at 125, 135, 145, 155, and 165 Wynter Court from RS-8 (Single-Family Residential) to RM-1* (Mixed Density Residential with Condition) as shown on Attachment A hereto.

Said parcels are more particularly described according to that certain document entitled "Archer on North, Conceptual Site Plan," dated May 31, 2017, and made by Jon M. Williams, Georgia registered landscape architect, reference being made for the metes and bounds description of the perimeter of said five parcels only, and otherwise such site plan is non-binding, and no internal lot configurations, recombinations, or lines have been approved or are approved by adoption of this ordinance. Said parcels are also known as parcel numbers 163B4 A027, 163B4 A028, 163B4 A029, 163B4 A030, and 163B4 A031 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 W. 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 office of the Clerk of Commission, 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

SECTION 2. A condition of zoning associated with this ordinance is as follows:

Any future development of the subject parcels shall provide a minimum 20-foot vegetative screening buffer per the standards set forth in Section 9-15-3.

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

Citizen input on items other than those listed on this agenda

There was no citizen input.

FROM MAYOR DENSON:

1. Recommended the reappointment of James Gaudin to the Department of Family and Children Services for a term expiring June 30, 2022. A motion was made by Commissioner Herod, seconded by Commissioner Sims, to approve said recommendation. The motion passed by unanimous vote.
2. Reminded everyone of the special called session Tuesday, August 8, 4:30 p.m. for purpose of hearing an appeal of a Historic Preservation Commission decision.
3. Referred to Government Operations Committee a review of historic preservation ordinance and associated policies and procedures.
4. Referred to Government Operations Committee a review of process for interview and selection of candidates for various boards, authorities, and commissions.

FROM MANAGER WILLIAMS:

1. Received for information was a report of contract awards in excess of \$10,000 for June.
2. Received for information was a report of Manager budget transfers for July.

FROM COMMISSIONER DICKERSON:

1. Thanked all who served on the 2017 TSPLOST Citizens Advisory Committee.
2. Reminded everyone input on the comprehensive plan will be received Thursday, August 3.

FROM COMMISSIONER SIMS:

1. Announced Action, Inc. is now operating \$300,000+ in the black.
2. Announced his "shadow" student is now a proud graduate of Piedmont College.

FROM COMMISSIONER NESMITH:

1. Requested clarification as to who is responsible for cutting grass in front of residences.

FROM COMMISSIONER LINK:

1. Stated development of TSPLOST policies is needed.

FROM COMMISSIONER HEROD:

1. Expressed appreciation to the District 8 representatives to the 2017 TSPLOST Committee.

FROM COMMISSIONERS GIRTZ, BAILEY, AND NESMSITH:

1. Requested review of mowing of rights-of-way to provide for more frequent service especially in heavy growing season and in areas without sidewalks, perhaps on-call contract crews.

FROM COMMISSIONERS WRIGHT, BAILEY, AND NESMITH:

1. Requested clarification as to actions that can be taken regarding littering/advertising circular distribution.

A motion was made by Commissioner Herod, seconded by Commissioner Sims, to enter into executive session for discussion of real estate acquisition and/or disposal and an attorney/client conference. The motion passed by unanimous vote.

The meeting adjourned at 9:45 p.m.

Clerk of Commission