

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, November 7, 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. Commissioner NeSmith came in at 6:07 p.m.

A motion was made by Commissioner Sims, seconded by Commissioner Bailey, to approve Minutes of meetings of Tuesday, October 3; Tuesday, October 17; and Monday, October 23, 2017. The motion passed with nine yes votes. Commissioner NeSmith was absent.

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 Bailey, to consent to action on the following 10 items. The motion passed with nine yes votes. Commissioner NeSmith was absent.

1. ADOPT: The following ordinance (#17-11-71) which was presented by title only.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO PARKING RESTRICTIONS ON WEYMANDA CIRCLE; 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 west side of Weymanda Circle from its intersection with Weymanda Court and extending along the westerly side of said street north a distance of 165 feet to the dead end of said street, as further shown on Attachment 1 incorporated herein by reference.

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 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

2. ADOPT: The following resolution authorizing the submission of an application for and the acceptance of the annual Transit Planning Assistance Grant (Title 49 USC Section 5303) for FY 2019 (July 1, 2018 – June 30, 2019,) if awarded, in the estimated amount of \$76,000 as per agenda report dated September 26, 2017; and authorize the Mayor and appropriate staff to execute the resulting contract between the Unified Government of Athens-Clarke County (ACCUG) and the Georgia Department of Transportation (GDOT).

AUTHORIZING RESOLUTION

Resolution authorized the execution of contracts between the Department of Transportation, United States of America, the Georgia Department of Transportation, and the Unified Government of Athens-Clarke County, for a grant under the title 49 U.S.C., Section 5303, for FY 2019 (July 1, 2018 through June 30, 2019.)

WHEREAS, the Secretary of Transportation and the Commissioner of the Georgia Department of Transportation are authorized to make grants for mass transportation projects;

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local project costs; and

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Title 49 U.S.C the applicant gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and other pertinent directives and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the Applicant that minority Business Enterprise, Disadvantaged Business Enterprise and Women Business Enterprise be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts and purchase orders when procuring construction contracts, supplies, equipment contracts, or consultant and other services; and

WHEREAS, the Federal Government and the State of Georgia will provide approximately \$76,000 of the funding for the Transit Planning (Section 5303) contract expenses incurred by the Unified Government subject to a maximum local match of \$19,000.

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

That the Mayor is authorized to execute and file an application on behalf of the Unified Government of Athens-Clarke County with the Georgia Department of Transportation to aid in the financing of a technical study grant to implement specific items of the FY 2019 Madison Athens-Clarke Oconee Regional Transportation Study (MACORTS) Unified Planning Work Program.

That the Mayor is authorized to execute and file with such application an assurance or any other document required by the U.S. Department of Transportation and Georgia Department of Transportation effectuating the purpose of this grant;

That the Planning Director of Athens-Clarke County is authorized to furnish such additional information as the U.S. Department of Transportation and the Georgia Department of Transportation may require in connection with the application or the project;

That the Mayor is authorized to set forth and execute Minority Business Enterprise, DBE (Disadvantaged Business Enterprise,) and WBE (Women Business Enterprise) policies and procedures in connection with the projects procurement needs.

That the Mayor and appropriate staff is authorized to apply for a grant, accept such grant if awarded, and execute these grant agreements on behalf of the Unified Government of Athens-Clarke County with the Georgia Department of Transportation to aid in the financing of a technical study grant to implement specific items of the MACORTS Unified Planning Work Program.

3. ADOPT: The following resolution for Metropolitan Transportation Planning (PL) Grant for FY2019 (July 1, 2018 – June 30, 2019) authorizing the application for and acceptance of the federal PL contract associated with the annual Metropolitan Transportation Planning Grant for FY 2019 (July 1, 2018 – June 30, 2019), if awarded as per agenda report dated September 26, 2017; and authorize the Mayor and appropriate staff to execute the resulting contract between the Unified Government of Athens-Clarke County (ACCUG) and the Georgia Department of Transportation (GDOT).

AUTHORIZING RESOLUTION

Resolution authorizing the execution of contracts between the Department of Transportation, United States of America, the Georgia Department of Transportation, and the Unified Government of Athens-Clarke County for the FY 2019 (July 1, 2018 – June 30, 2019) Planning (PL) Contract.

WHEREAS, the Federal Government requires that Urbanized Areas such as Athens have a formal planning process as it relates to the planning of transportation projects; and

WHEREAS, the Federal Government will not authorize the expenditure of funds for said transportation projects unless they come out of this formal transportation planning process; and

WHEREAS, the formal transportation planning process is organized around what is commonly known as the Madison Athens-Clarke Oconee Regional Transportation Study (MACORTS);

WHEREAS, the staff of the Unified Government of Athens-Clarke County Planning Department provides support for MACORTS planning efforts;

WHEREAS, the Federal Government will provide up to an estimated amount of \$190,000 of the funding for the transportation planning (PL) contract expenses incurred by the Unified Government of Athens-Clarke County subject to a 20% local match of the funded amount (estimated to be approximately \$47,500);

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

That the Mayor and appropriate staff are authorized to apply for a grant, accept such grant if awarded, and execute an associated contract with the Georgia Department of Transportation (GDOT) for the FY 2019 Transportation Planning (PL) Contract Funds.

4. APPROVE: Traffic calming plan to install four radar speed signs on Ashton Drive under the Neighborhood Traffic Management Program as shown in Attachment #1 of agenda report dated September 27, 2017 revised.

5. APPROVE: The 2018 LMIG Project Report, as shown in Attachment #1 of agenda report dated September 27, 2017, which will partially comprise the FY19 Pavement Management Program; authorize the Mayor and appropriate staff to apply for the \$1,312,617 Local Maintenance Improvement Grant (LMIG) funds that are anticipated to be available by Georgia Department of Transportation (GDOT) in accordance with the Transportation Investment Act using the GDOT application shown in Attachment #2 of said agenda report; and authorize the Mayor and appropriate staff to sign all related applications, contracts, documents, and certifications associated with funding for these projects.

6. APPROVE: Preliminary construction plans for three MMSAG (Multimodal Safety and Access Grant) Program sidewalk projects along Lexington Road (Attachment #1 of agenda report dated September 27, 2017 revised), West Broad Street (Attachment #2 of said agenda report), and South Milledge Avenue (Attachment #3 of said agenda report); authorize the Mayor and appropriate staff to execute any necessary utility relocation agreements and all other project related documents; and authorize staff to acquire the necessary right-of-way and easements, prepare final construction plans, and subsequently complete the bid phase for this project.

7. APPROVE: Selection of Wachs Water Services to provide water distribution system leak detection services for the Public Utilities Department (PUD) for a period of one year with up to four annual renewals as per agenda report dated September 25, 2017; and authorize the Mayor and appropriate staff to execute all contract documents.

8. APPROVE: A new travel policy as per Attachment #1 of agenda report dated September 21, 2017 to replace the existing travel policy adopted October 1, 1991.

9. APPROVE: Recommendation from Keep Athens-Clarke County Beautiful Board for appointment of Davin Welter for a term expiring June 20, 2020.

10. APPROVE: Recommendation from the Oconee Rivers Greenway Commission for appointment of Erin Cork for a term expiring December 31, 2019.

Old and new business – Discussion

Citizen input

The following citizen input was received.

1. Jim Warnes, 244 East Washington Street – supported Elbert Street abandonment process.
2. Michael Smith, 147 Bryan Street – supported legislative item regarding monuments.

Commissioner NeSmith came in at 6:07 p.m.

3. Noah Johnson, 651 Lakeland Way – supported legislative item regarding monuments.

A motion was made by Commissioner Girtz, seconded by Commissioner Sims, to adopt the following ordinance (#17-11-72) 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 ALL-WAY STOP CONTROL AT THE INTERSECTION OF COLLEGE AVENUE AND WILLOW STREET/CLEVELAND AVENUE; 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, stop control is hereby required for all four approaches to the intersection of College Avenue, Willow Street, and Cleveland Avenue, as shown on Attachment #1 hereto, incorporated herein by reference.

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 adopt the following funding resolution for the Georgia Environmental Finance Authority to obtain a \$500,000 low-interest loan to acquire the Matthews Motors property (Parcel 121 001) as per agenda report dated September 27, 2017; adopt the following budget amendment ordinance (#17-11-73); which was presented by title only; authorize staff to accept loan principal forgiveness up to \$125,000 from the Georgia Environmental Finance Authority; and authorize the Mayor and appropriate staff to execute all necessary documents. The motion passed by unanimous vote.

RESOLUTION OF GOVERNING BODY

Recipient: Athens-Clarke County Unified Government
Loan Number: (to be provided by GEFA)

At a duly called meeting of the governing body of the Borrower identified above (the "Borrower") held on the 7th day of November, 2017, the following resolution was introduced and adopted.

WHEREAS, the governing body of the Borrower has determined to borrow but not to exceed **\$500,000** from **CLEAN WATER STATE REVOLVING FUND, ADMINISTERED BY GEORGIA ENVIRONMENTAL FINANCE AUTHORITY** (the "Lender") to finance a portion of the costs of acquiring, constructing, and installing the environmental facilities described in Exhibit A to the hereinafter defined Loan Agreement (the "Project"), pursuant to the terms of a Loan Agreement (the "Loan Agreement") between the Borrower and the Lender, the form of which has been presented to this meeting; and

WHEREAS, the Borrower's obligation to repay the loan made pursuant to the Loan Agreement will be evidenced by a Promissory Note (the "Note") of the Borrower, the form of which has been presented to this meeting;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borrower that the forms, terms, and conditions and the execution, delivery, and performance of the Loan Agreement and the Note are hereby approved and authorized.

BE IT FURTHER RESOLVED by the governing body of the Borrower that the terms of the Loan Agreement and the Note (including the interest rate provisions, which shall be as provided in the Note) are in the best interests of the Borrower for the financing of the Project, and the governing body of the Borrower designates and authorizes the following persons to execute and deliver, and to attest, respectively, the Loan Agreement, the Note, and any related documents necessary to the consummation of the transactions contemplated by the Loan Agreement.

AN ORDINANCE TO AMEND THE FY2018 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, SO AS TO PROVIDE GRANT AND LOAN FUNDING THROUGH THE GEORGIA DEPARTMENT OF NATURAL RESOURCES' LAND CONSERVATION PROGRAM FOR ACQUISITION OF PROPERTY FOR THE GREENSPACE PROGRAM; 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 Purpose Local Option Sales Tax 2011 Capital Projects Fund to provide grant and loan funding through the Georgia Department of Natural Resources' Land Conservation Program for acquisition of property for the Greenspace Program.

Said Operating and Capital Budget is hereby amended as follows:

Special Purpose Local Option Sales Tax 2011 Capital Projects Fund:

REVENUES:

| | | |
|---|-------|------------------|
| Increase: | | |
| Other Financing Sources: GEFA Loan Proceeds | | \$375,000 |
| Intergovernmental: Ga. Dept. Nat. Resources | | <u>\$125,000</u> |
| | Total | \$500,000 |

EXPENDITURES:

| | | |
|---|--|-----------|
| Increase: | | |
| Capital Expenditures: | | |
| Proj. #28: Greenspace Acquisition Program | | \$500,000 |

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

A motion was made by Commissioner Wright, seconded by Commissioner Nesmith, to approve a one-year unit-price contract with up to four annual renewals with Denali Water Solutions, LLC for biosolids hauling and disposal; as per agenda report dated September 27, 2017; amend the operating budget by adding \$269,092 transferred to Water and Sewer Fund reserves; and authorize the Mayor and appropriate staff to sign all documents related to the contract. The motion passed by unanimous vote.

A motion was made by Commissioner Sims, seconded by Commissioner NeSmith, to authorize staff to initiate the process to abandon the public roadway on Elbert Street as shown in Attachment #1 of agenda report dated September 27, 2017. The motion passed by unanimous vote.

A motion was made by Commissioner Girtz, seconded by Commissioner Sims, to approve the designation of EnvisionWare, Inc. as the firm with the best quality and price proposal for the automated materials handling system (AMH) replacement; and authorize staff to negotiate the terms of an agreement with EnvisionWare, Inc. with a cost not to exceed \$500,000 for the automated materials handling system (AMH), SPLOST 2011 Project #11 Athens-Clarke County Library improvements. The motion passed by unanimous vote.

A motion was made by Commissioner NeSmith, seconded by Commissioner Dickerson, to approve the Right of Way License Agreement with Mobilitie as shown in Attachment #1 of agenda report dated September 15, 2017 authorizing the Unified Government of Athens-Clarke County to permit

Mobilitie to install, maintain, and operate small cell communications facilities within the right of way. The motion passed by unanimous vote.

A motion was made by Commissioner Wright, seconded by Commissioner Nesmith, to approve the following 2018 legislative items for discussion with the local legislative delegation. The motion passed by unanimous vote.

A. Issue: Local Elections

1. **Vacating office after qualifying-** Revise the Georgia Constitution so that a county or consolidated government commissioner does not have to vacate his or her post to run for another elected position. Currently in Athens-Clarke County a Commissioner of even numbered district must vacate office upon qualifying for Mayor, since the terms of office overlap. By contrast, an odd numbered district commissioner may maintain his or her seat while running for Mayor, since the terms of office conclude at the same time. Adverse effects include the even numbered district not having representation until a special election is held to select a new Commissioner. The cost to the county for a special election is also problematic.
2. **November Local Elections-**Move Unified Government Mayor and Commissioner elections to November.

B. Issue: Personal Care Homes

Evaluate state staffing levels for inspections of licensed personal care homes to adequately monitor compliance with regulations and onsite condition standards for the health and safety of personal care home residents.

C. Issue: Sales Tax Reform

Local sales tax is the second largest revenue source for counties but most counties have not experienced growth in this revenue since the recession ended. Counties use sales tax revenue primarily for capital infrastructure and reducing their reliance on property taxes. To help make this revenue source a viable alternative to the property tax, THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY asks the General Assembly to make the following reforms:

1. **Expand the sales tax base** -THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY asks the General Assembly to help counties reduce their reliance on property tax by expanding the existing sales tax base through reductions in exemptions and including in the tax base additional services and digital goods such as digital music, books, and video. THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY also strongly suggests that the General Assembly create a legal nexus for out of state businesses selling to customers in Georgia.
 - a. **The service sector is the fastest growing segment of the economy, yet it is largely exempt from sales tax.** Georgia currently has approximately 110 exemptions in the sales tax code and only taxes approximately 36 services out of a potential 168.
 - b. **Digital goods and many other items paid for through online platforms are also not taxed.** There are many businesses that do not have a physical presence in Georgia and have decided not to collect our state and local sales tax. As more products are purchased online, this legal loophole is contributing to a significant loss in sales tax revenue.
2. **Flexible use of local sales tax** – grant county commissioners greater flexibility to determine the appropriate local sales tax referendums for their county. This should include the ability to take an existing local sales tax and ask the voters for approval to convert it to a different use that is locally determined to be essential to a specific county's environment. Enable counties to use a portion of their capital sales tax for maintenance on capital facilities.
3. **Disclosure of local sales tax information** - confidentiality laws greatly limit the information that the Department of Revenue can share with local governments about their sales tax collections. Without this sharing of information between the state and local levels of government, it is difficult to determine when errors, under reporting, misuse of exemptions, and tax avoidance occur. Local officials and staff are the most knowledgeable about their local businesses and the local economy and should be able to work in partnership with the Department of Revenue to make sure local sales taxes are collected and remitted accurately. To create this partnership, THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY asks the General Assembly to expand the scope of taxpayer information that can be shared with designated local officials that have entered into a confidentiality contract with the department. These records would continue to be exempt from public disclosure and could only be discussed with local elected officials in executive session.

4. Accurate Disbursement of Local Sales Tax - for businesses to accurately determine the proper sales tax allocation to each county, state law should clearly prescribe a uniform method for businesses to inform the county where the transaction occurs. To provide clear guidance in the law, THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY asks the General Assembly to make the following amendments:

- a. Require the Department of Revenue rate and boundary database to include information at the street address level in addition to the nine-digit zip code when this information is provided to DOR by a county or city in an approved format.
- b. Require the vendor to use the customer's physical address instead of a P.O. Box.

D. Issue: Stormwater Management

Adequate funding is necessary in order for local governments to meet federal and state mandates in operating, maintaining, and improving stormwater infrastructure and management practices. To provide watershed protection, ACC opposes any restrictions on a local government's ability to implement stormwater utilities; assess stormwater utility fees; create stormwater authorities; and state- or federally-imposed exemptions on a stormwater utility fee's applicability. This is not a tax, but a fee, for mandatory stormwater management services provided and every entity contributing to stormwater runoff must pay their fair share rather than shift the cost to other businesses and property owners.

E. Issue: Public Monuments

Allow local governments to make their own decisions about the relocation of monuments on public property within their county or city.

F. Issue: Affordable Housing

Assist local governments to further affordable housing with more options to successfully engage public/private partnerships.

G. Issue: Enforcement of Speed Ordinances in Neighborhoods

Provide options for local governments to address neighborhood speeding issues.

H. Issue: Telecommunications Excise Tax

Telecommunication service is a rapidly growing and evolving sector of the economy. Local government revenues on telecommunication companies have been flat or in decline because they have not adequately captured many of the newly emerging technologies. Legislation is needed to reduce distortions in the marketplace and to provide for a tax base that grows with the economy and the corresponding increased demands on local government services. The current tax structure does not provide equity among service providers because they are taxed differently based upon the type of technology they use to deliver their service. THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY asks the General Assembly to eliminate the current franchise fees and taxes on telecommunication service providers and replace these revenues with a local telecommunications excise tax at a rate up to 3.5 percent of gross receipts. The local revenues should be split between counties and local municipalities based upon a population formula or other formula agreed on by THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY and the Georgia Municipal Association. The county's share of the excise tax should be used to fund services that primarily benefit the unincorporated area.

I. Issue: Fees on Property Tax Bills

Local elected officials and their citizens should control the substance of what will or will not be placed on a local property tax bill. The potential use of fees allows county governments to pay for some services in a manner that more closely approximates the users' demand and usage of the service. Most of those services could be paid for through property tax but the financial burden could only be distributed based upon the value and taxability of a person's property. Charging a fee for services allow the financial burden to be spread more equitably. The charging of fees for particular services, through the creation of Special Tax Districts or otherwise, has long been an appropriate legal manner to fairly distribute costs for services to specific users of a provided service. To make fees a viable option to the property tax, they must be easy to administer and collect. Having the option to collect fees on the property tax bill ensures that the fees can be collected efficiently. THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY asks the General Assembly to protect this important local tool for charging a fee for service as an alternative to the property tax. THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY does not support the placing of liens on any property for failure to pay a fee unless it has been authorized in state law.

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 Herod, seconded by Commissioner Girtz, to approve the following report from the Nominating Committee. The motion passed by unanimous vote.

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| Athens-Clarke County Industrial Development Authority | Robert Synk (reappointment) Two-year term expiring 12-31-19 |
| Athens-Clarke County Library Board | Erin Boydston (reappointment) Five-year term expiring 12-31-22 Courtney Brown Five-year term expiring 12-31-22 Stephanie Hall Five-year term expiring 12-31-22 |
| Clarke County Board of Health | Six-year term expiring 12-31-23 Family nurse practitioner |
| Division of Family and Children Services | Shiolah Wilson Partial term expiring 06-30-19 |
| Historic Preservation Commission | Janet Parker Partial term expiring 06-30-19 |

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 Athens Banjo Properties, LLC for rezoning from C-G, A (Commercial-General, Airport Overlay) and RM-2, A (Mixed Density Residential, Airport Overlay) to C-G*, A (Commercial-General Zoning with Conditions, Airport Overlay) on 1.20 acres known as 410 Oak Street and 448 Georgia Drive. Proposed use is commercial. This will require amendment to the Future Development Map from Main Street Business and Neighborhood Mixed Use to Corridor Business. Type I

| | |
|-------------------------------------|-----------------------------------|
| Planning Commission recommendation: | |
| Future Development Map | Approval (unanimous) |
| Rezoning | Approval w/conditions (unanimous) |

Citizen input

The following citizen input was received.

1. Jim Warnes for petitioner – supported.
2. Gary Armour, 220 Sunny Hills Drive, petitioner – supported.

A motion was made by Commissioner Wright, seconded by Commissioner Sims, to adopt the following ordinance (#17-11-74) 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 AMENDING THE OFFICIAL FUTURE DEVELOPMENT MAP OF ATHENS-CLARKE COUNTY BY CHANGING THE DESIGNATION OF TWO PARCELS OF LAND COMPRISING APPROXIMATELY 1.20 ACRES, THE FIRST PARCEL LOCATED AT 410 OAK STREET FROM MAIN STREET BUSINESS TO CORRIDOR BUSINESS AND THE SECOND PARCEL LOCATED AT 448 GEORGIA DRIVE FROM NEIGHBORHOOD MIXED USE TO CORRIDOR BUSINESS; AND FOR OTHER PURPOSES.

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

SECTION 1. The Official Future Development Map referred to in the Zoning Ordinance of Athens-Clarke County, Georgia, as specifically identified in Section 9-3-3(A)(2) thereof, is hereby amended by changing the future development map designation of the two parcels of land located at 410 Oak Street and 448 Georgia Drive, Athens-Clarke County tax parcel numbers 172C1 F001 and 172C1 E001, as described in Sections 2 and 3 below and as more particularly shown on Exhibit A, which is attached hereto and incorporated herein by reference.

The date of this amendment to the Official Future Development Map of Athens-Clarke County as shown by Exhibit A shall be duly noted in the minutes of the Commission meeting. The Official Future Development Map and Exhibit A hereto are available for inspection in the office of the Clerk of Commission, 301 College Avenue, Athens, Georgia.

SECTION 2. The Future Development Map designation of the parcel located at 410 Oak Street, Athens, Georgia (Tax Parcel No. 172C1 F001) shall be changed from Main Street Business to Corridor Business.

SECTION 3. The Future Development Map designation of the parcel located at 448 Georgia Drive, Athens, Georgia (Tax Parcel No. 172C1 E001) shall be changed from Neighborhood Mixed Use to Corridor Business.

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

A motion was made by Commissioner Wright, seconded by Commissioner Sims, to adopt the following ordinance (#17-11-75) 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 TWO PARCELS OF LAND COMPRISING APPROXIMATELY 1.20 ACRES, THE FIRST PARCEL LOCATED AT 410 OAK STREET FROM C-G, A (COMMERCIAL-GENERAL, AIRPORT OVERLAY) TO C-G*, A (COMMERCIAL-GENERAL WITH CONDITIONS, AIRPORT OVERLAY), AND THE SECOND PARCEL LOCATED AT 448 GEORGIA DRIVE FROM RM-2, A (MIXED DENSITY RESIDENTIAL, AIRPORT OVERLAY) TO C-G*, (A) (COMMERCIAL GENERAL WITH CONDITIONS, AIRPORT OVERLAY); 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 two parcels of land comprising approximately 1.20 acres located at 410 Oak Street, Athens, Georgia, and 448 Georgia Drive, Athens, Georgia as set forth in Sections 2 and 3 below. Said affected parcels of land being more fully described in that certain site plan prepared by Jason Lawson, Georgia registered engineer, first dated March 31, 2017 and revised September 12, 2017, 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.

The two parcels comprising the subject property are also known as parcel numbers 172C1 F001 and 172C1 E001 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 at 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

SECTION 2. The zoning of the parcel located at 410 Oak Street, Athens, Georgia (Tax Parcel No. 172C1 F001) shall be changed from C-G, A (Commercial-General, Airport Overlay) to C-G*, A (Commercial-General with Conditions, Airport Overlay).

SECTION 3. The zoning of the parcel located at 448 Georgia Drive, Athens, Georgia (Tax Parcel No. 172C1 E001) shall be changed from RM-2, A (Mixed Density Residential, Airport Overlay) to C-G*, A (Commercial-General with Conditions, Airport Overlay).

SECTION 4. The conditions of zoning associated with this ordinance are as follows:

1. A plat combining the two subject parcels shall be recorded in the real property records of the Clerk of the Superior Court of Athens-Clarke County prior to the issuance of any permits.
2. Additional frontage along Oak Street shall be conveyed to the Georgia Department of Transportation for a street frontage sidewalk to be constructed by the developer in compliance with the standards of the Unified Government of Athens-Clarke County.

3. An undisturbed 20-foot vegetative buffer shall be maintained along Oconee Street.
4. The maximum building height on the existing parcel at 448 Georgia Drive shall be 30 feet, as measured from the adjacent existing grade of the Oconee Street frontage.

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

A public hearing was held on request of Koons Environmental Design for Unitarian Universalist Fellowship of Athens for special use permit in RS-25 (Single-Family Residential) District on 4.84 acres known as 780 Timothy Road. Proposed use is church expansion. Type II

Planning Commission recommendation:

| | |
|--------------------|----------------------|
| Variances | Approval (unanimous) |
| Special use permit | Approval (unanimous) |

Citizen input

The following citizen input was received.

1. Josh Koons, 205 Clover Street, for petitioner – supported.
2. Rev. Alison Eskildsen - supported.

A motion was made by Commissioner Hamby, seconded by Commissioner NeSmith, to approve a variance from the requirement of Section 9-25-8(E)(3)(a) to allow for the extension of an existing parking lot in front of the building. The motion passed by unanimous vote.

A motion was made by Commissioner Hamby, seconded by Commissioner NeSmith, to approve a variance from the requirement of Section 9-15-3(B)(1) to allow for reduction of the road frontage buffer along Timothy Road from 15 feet to an average of 5.8 feet along a 174-foot portion of the road. The motion passed by unanimous vote.

A motion was made by Commissioner Hamby, seconded by Commissioner NeSmith, to approve a variance from the requirement of Section 9-7-3 to allow for an increase in the maximum lot coverage from 25% to 30%. The motion passed by unanimous vote.

A motion was made by Commissioner Hamby, seconded by Commissioner NeSmith, to approve a variance from the requirement of 9-25-8(E)(1)(a) for the construction of a public sidewalk adjacent to the frontage along Timothy Road. The motion passed by unanimous vote.

A motion was made by Commissioner Hamby, seconded by Commissioner Sims, to adopt the following ordinance (#17-11-76) 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 RS-25 (SINGLE-FAMILY RESIDENTIAL) DISTRICT ON THE APPROXIMATE 4.84-ACRE PARCEL OF LAND LOCATED AT 780 TIMOTHY ROAD; AND FOR OTHER PURPOSES.

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

SECTION 1. The current RS-25 (Single-Family Residential) district in which is located an approximate 4.84-acre parcel of land at 780 Timothy Road, Athens, Georgia, is hereby amended to provide for Special Use approval to permit the renovation and expansion of the existing church building, as well as the addition of a new parking lot to be accessed from Cheatham Drive. The subject parcel is more fully described as follows:

All that approximate 4.84-acre parcel of land as described in that certain drawing entitled "Unitarian Universalist Fellowship of Athens," dated September 1, 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 4.84-acre parcel of land at 780 Timothy Road is designated as tax parcel number 131B1 A001 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 office of the Clerk of Commission 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 two sheets, the first sheet of which being labeled "Special Use Site Plan," dated September 1, 2017, prepared by Joshua H. Koons, Georgia registered landscape architect, the second sheet of which being labeled "Building Elevations," dated August 30, 2017, such sheet being prepared by Frank Houser, Georgia registered architect, both aforementioned sheets being stamped "Binding 10-10-17," 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.

The binding written report associated with this ordinance and incorporated herein by reference consists of eleven pages in total, being entitled "Unitarian Universalist Fellowship of Athens, 780 Timothy Road, Special Use Permit Application," dated September 1, 2017 and last revised on October 9, 2017, stamped "Binding 10-10-17" 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 variances associated with this ordinance are as follows:

1. A variance from the requirement of Section 9-25-8(E)(3)(a) to allow for the extension of an existing parking lot in front of the building is hereby approved.
2. A variance from the requirement of Section 9-15-3(B)(1) to allow for reduction of the road frontage buffer along Timothy Road from 15 feet to an average of 5.8 feet along a 174-foot portion of the road is hereby approved.
3. A variance from the requirement of Section 9-7-3 to allow for an increase in the maximum lot coverage from 25% to 30% is hereby approved.
4. A variance from the requirement of 9-25-8(E)(1)(a) for the construction of a public sidewalk adjacent to the frontage along Timothy Road is hereby approved.

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 James and Jessica Whitley for Special Use in C-O (MAC) (Commercial-Office, Milledge Avenue Corridor Overlay) on 1.28 acres known as 1070 South Milledge Avenue. Proposed use is single-family residential. Type II

Planning Commission recommendation: Approval (unanimous)

Citizen input

The following citizen input was received.

1. Scott Haines, Williams & Associates, for petitioner – supported.

A motion was made by Commissioner Bell, seconded by Commissioner Hamby, to adopt the following ordinance (#17-11-77) 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 1.28-ACRE PARCEL OF LAND LOCATED AT 1070 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 1.28-acre parcel of land at 1070 South Milledge Avenue, Athens, Georgia, is hereby amended to provide for Special Use approval to permit the subdivision of the existing lot into two parcels and the construction of a single-family residence on the new parcel. The subject parcel is more fully described as follows:

All that approximate 1.28 acre parcel of land as described by that certain drawing entitled "Whitley Residence," dated July 20, 2017, prepared by Jon M. Williams, 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 1.28-acre parcel of land at 1070 South Milledge Avenue is designated as tax parcel number 124B2 F001 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 office of the Clerk of Commission and duly noted in the minutes of the Commission meeting.

SECTION 2. The binding site plan associated with this ordinance and incorporated herein by reference consists of one sheet, being labeled "Whitley Residence," dated July 20, 2017, prepared by Jon M. Williams, Georgia registered landscape architect, such binding site plan being stamped "Binding 10-10-17" 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.

The binding written report associated with this ordinance and incorporated herein by reference consists of seven pages in total, being entitled "Special Use Permit Narrative," dated September 1, 2017, stamped "Binding 10-10-17," 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. A condition of the Special Use permit associated with this ordinance is as follows:

Architectural details of elevations and hardscapes related to the single-family residence referenced herein are subject to final approval of the Historic Preservation Commission and any changes resulting from the Historic Preservation Commission review process.

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

Citizen input on items other than those listed on this agenda

The following citizen input was received.

1. Noah Johnson, 651 Lakeland Way - bars not complying with anti-discrimination ordinance.
2. Mocha Johnson, 651 Lakeland Way - bars not complying with anti-discrimination ordinance.

FROM MAYOR DENSON:

1. Congratulated Athens-Clarke County resident Jamie Boswell for his recent election as Chair of the State Transportation Board.

FROM MANAGER WILLIAMS:

1. Received for information was a report of purchases over \$10,000 for month of October 2017.

FROM COMMISSIONER WRIGHT:

1. Thanked Scott Morrissey for assistance with a solution to distribution of unsolicited "The Shopper" magazine. Those wanting to opt out can call 208-2378.

FROM COMMISSIONER LINK:

1. Stated anti-discrimination ordinance should be revised to include restaurants.

FROM COMMISSIONER SIMS:

1. Requested crosswalk on Nellie B Avenue near the triangle be repainted.

FROM COMMISSIONER DICKERSON:

1. Thanked citizens who recently applied for vacancies on various boards.
2. Announced America Recycles week will begin Monday, November 13.

FROM COMMISSIONER HEROD:

1. Requested Manager and Chief of Police consider undercover activity to monitor downtown anti-discrimination.
2. Thanked Public Utilities Director Frank Stephens for his recent assistance.

FROM COMMISSIONER NESMITH:

1. Requested status report on repaving of Deerfield Run.
2. Suggested a revision of the sign ordinance may need to be referred to committee.

The meeting adjourned at 7:15 p.m.

Clerk of Commission