

Unified Government of Athens-Clarke County, Georgia  
Mayor and Commission  
Tuesday, December 5, 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, Girtz, and Hamby. Absent: Commissioner Herod.

A motion was made by Commissioner Sims, seconded by Commissioner Bailey, to approve Minutes of meeting(s) of Tuesday, October 10; Tuesday, November 7; Tuesday, November 14; Tuesday, November 21; and Tuesday; November 28, 2017. The motion passed by unanimous vote.

### Recognitions

For the second time in four years, the Leisure Services Department received the prestigious Georgia Recreation and Park Association (GRPA) District 7 "Agency Award" for populations of 50,000 and larger and covers Northeast Georgia. The award is based on outstanding programs and accomplishments over the past year. This recognition is particularly significant because it is voted on by recreation professionals. Interim Director Kent Kilpatrick accepted the award.

The GRPA Marketing and Visibility Section selected the Lyndon House Arts Center's "Art Passport" for a Publication Award which is based on visual appeal and creativity. The 28-page publication is full of activities that provide the visitor an opportunity to think more deeply about visual art, learn about the artist's life, and experience a visit to a gallery in a more creative and informative way. Didi Dunphy, Lyndon House Arts Center Facility Supervisor, accepted the award.

Additionally, the Leisure Services Department has been further honored by Keep Georgia Beautiful. The Weed Warriors are a group of hard working volunteers who have spent the last eight years taking on the invasive plants at Memorial Park. They have contributed thousands of hours of service and their work is readily visible upon visiting the park. The Keep Georgia Beautiful Foundation has recognized this devoted volunteer group with the "Distinguished Service" in the Community Beautification Award category. This is the second time the Weed Warriors have been recognized for their work. In 2010, the Weed Warriors received the Georgia Recreation and Park Association Volunteer Award for their commitment to park beautification. Linda Chafin, Gary Crider, Dorothy O'Neil, Ed Wilde, and Sue Wilde accepted the award.

### 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

The following citizen input was received.

1. Eric Krasle, 190 Hickory Pointe – supported Trail Creek Master Plan revision.

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

1. ADOPT: The following resolution authorizing the submission of an application to the Georgia Department of Transportation (GDOT) for Federal Transit FY19 (July 1, 2018-June 30, 2019) Formula Operating, \$2,563,000 and FY19 (July 1, 2018-June 30, 2019) Capital, \$2,354,000 funding assistance) for a total amount of \$4,973,000; authorize the acceptance of the grant at the currently projected level or alternative level, if awarded; and authorize the Mayor and appropriate staff to

execute the resulting contract between the Unified Government of Athens-Clarke County (ACCUG) and GDOT.

#### AUTHORIZING RESOLUTION

Resolution authorizing the filing of an application with the Department of Transportation, United States of America, and Georgia Department of Transportation, for a grant under Title 49 U.S.C., Section 5307.

WHEREAS, the Secretary of the US Department 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;

WHEREAS, it is required by the U.S. Department of Transportation in accord 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 Title 49 U.S.C. Section 5303 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 there under; and

WHEREAS, it is the goal of the Applicant that Minority Business Enterprise (Disadvantaged Business Enterprise and Women's 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 business 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.

NOW, THEREFORE, BE IT RESOLVED by the Unified Government of Athens – Clarke County, Georgia

1. That the Designated Official Nancy B. Denson, Mayor, is authorized to execute and file an application on behalf of the Unified Government of Athens-Clarke County, Georgia, with the Georgia Department of Transportation, to aid in the purchase of bus transit vehicles and/or the planning development, and construction of bus transit-related facilities.
  2. That the Official is authorized to execute and file with such application and assurance or any other document required by U.S. Department of Transportation and Georgia Department of Transportation.
  3. That the Official 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.
  4. That the Official 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 project's procurement needs.
  5. That the Official is authorized to execute a grant agreement on behalf of the Unified Government of Athens-Clarke County, Georgia, with the Georgia Department of Transportation to aid in the purchase of bus transit vehicles and/or the planning, development, and construction of bus transit-related facilities.
- 
2. APPROVE: Award of a construction contract for three MMSAG (GDOT Multimodal Safety & Access Program Grant) sidewalk projects along Lexington Road, West Broad Street, and South Milledge Avenue to Georgia Development Partners, LLC for a unit cost not to exceed \$770,294 as per agenda report dated October 30, 2017; and authorize the Mayor and appropriate staff to execute all related documents.
  3. APPROVE: Award a contract for the Stormwater Funding Review (RFP#0862) with Stantec Consulting Services Inc. at a cost not to exceed \$145,832 as per agenda report dated October 30, 2017; and authorize the Mayor and appropriate staff to execute all related documents.
  4. APPROVE: As per agenda report dated October 31, 2017:

- a. Reject the selection of and the contract award to Journal Technologies for the development and implementation of new Case Management Systems for Magistrate, Probate, and Juvenile Courts (SPLOST 2011 Sub-Project #04-04, #04-05, #04-06);
  - b. Approve the selection of Pioneer Technology Group as the most responsive proposal for the development and implementation of new Case Management Systems for Magistrate, Probate, and Juvenile Courts (SPLOST 2011 Sub-Project #04-04, #04-05, #04-06);
  - c. Authorize Magistrate, Probate, and Juvenile Court Judges and appropriate staff to negotiate the contract amount and annual maintenance fees; and,
  - d. Authorize the Mayor and Magistrate, Probate, and Juvenile Court Judges and appropriate staff to award the contract for software and professional services to Pioneer Technology Group for an amount not to exceed \$350,000.
5. APPROVE: Lease agreement with The Cottage, Sexual Assault Center and Children's Advocacy Center, Inc. (The Cottage) as per Attachment #1 of agenda report dated November 1, 2017 for the use of property located at 3019 Lexington Road for ten years beginning January 1, 2018; authorize The Cottage to build an expansion on the facility at 3019 Lexington Road at the expense of The Cottage following Athens-Clarke County's staff approval of plans; and authorize the Mayor and appropriate staff to execute all necessary documents.
  6. APPROVE: Proposed revisions to the Trail Creek Park Master Plan as per Attachment #1 of agenda report dated November 1, 2017 for the relocation of proposed park amenities in order to add a pump track as per Attachment #2 of said agenda report to the master plan; authorize staff to update the "Memorandum of Understanding" between the Unified Government of Athens-Clarke County (ACCUG) and the Southern Off Road Bicycle Association (SORBA) Athens Chapter for the construction and ongoing maintenance of the subject pump track; and authorize the Mayor and appropriate staff to execute all related documents.
  7. APPROVE: Purchase and installation of rectangular rapid flashing beacons (RRFBs) at the bus stop on South Milledge Avenue, north of Henderson Avenue, as shown in Attachment #1 of agenda report dated October 30, 2017; and authorize the Mayor to sign the Georgia Department of Transportation (GDOT) Traffic Signal Permit Application to install the RRFBs.
  8. APPROVE: Award contract to purchase air light truck to Custom Truck & Body Works, Inc. for \$211,000; as per agenda report dated October 30, 2017; and authorize the Mayor and appropriate staff to execute all related documents.
  9. APPROVE: Policy/Procedure Statement COM-002 Revised entitled Naming and Renaming of Public Facilities, Parks, Natural Areas, and Amenities as per Attachment #1 of Government Operations Committee report dated November 20, 2017.

#### Old and new business – Discussion

#### Citizen input

There was no citizen input.

A motion was made by Commissioner NeSmith, seconded by Commissioner Sims, to adopt the following ordinance (#17-12-78) which was presented by title only and the following resolution as recommended by the Legislative Review Committee. The motion passed by unanimous vote.

**AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO PRETREATMENT OF WASTEWATER—HAULED WASTEWATER AND FOR OTHER PURPOSES.**

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

SECTION 1. Paragraph (4) of Subsection (e) of Section 5-1-3 of the Code of Athens-Clarke County, Georgia is hereby amended by deleting the text of such Paragraph (4) and inserting the following text in lieu thereof:

“(4) *Septage and portable toilets*: No person, firm or corporation shall discharge or empty any matter or contents of a septic tank or portable toilets into the wastewater system of Athens-Clarke County without paying the charge as established by resolution of the Mayor and Commission and discharging the same at the point hereinafter indicated. The public utilities director shall have the authority to limit or prohibit the disposal of wastes generated outside of Athens-Clarke County if such disposal would interfere with the treatment plant operations.

The method of payment for utilizing this service shall be based on procedures as approved by the director of public utilities. The point of emptying of the same shall be at the Cedar Creek Water Reclamation Facility or as directed by the public utilities director. A manifest system will be utilized for each truckload of septage to document where the septage was generated.”

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

**RESOLUTION**

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

WHEREAS, the Unified Government of Athens-Clarke County (the “Unified Government”) by and through its Public Utilities Department (the “Department”) owns and operates a wastewater collection and reclamation system; and

WHEREAS, septage and portable toilet fees have not been updated since 2002 and do not currently generate sufficient revenues to cover the cost of the septage and portable toilet receiving and treatment program; and

WHEREAS, Athens-Clarke County Code Section 5-1-3(e) describes and delineates the conditions whereby hauled waste may be accepted and requires payment of fees for hauled waste delivered to an Athens-Clarke County Water Reclamation Facility; and

WHEREAS, the Mayor and Commission of the Unified Government of Athens-Clarke County desire to ameliorate the current subsidization of the septage and portable toilet program by setting fees commensurate with program costs.

NOW, THEREFORE, BE IT RESOLVED, and it is resolved, that the following schedule of fees shall apply to hauled waste for the calendar years 2018 through 2023. All such fees are expressed as dollars per gallon.

	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
Portable toilets	0.06	0.09	0.11	0.12	0.12	0.13
Holding tanks	0.06	0.09	0.11	0.12	0.12	0.13
Domestic septage from Athens-Clarke County (ACC)	0.06	0.09	0.11	0.12	0.12	0.13
Domestic septage from Jackson, Barrow, Oconee, Oglethorpe and Madison Counties (JBOOM)	0.15	0.23	0.28	0.30	0.31	0.33
Nonresidential waste from ACC	0.06	0.09	0.11	0.12	0.12	0.13

If these fees are not further adjusted after December 31, 2023, the 2023 fees shall remain in effect.

IT IS FURTHER RESOLVED that the Unified Government finds that these fees are necessary to serve a public purpose, and in furtherance of that public purpose, that the fees shall take effect on January 1, 2018.

A motion was made by Commissioner Link, seconded by Commissioner Sims, to adopt the following ordinance (#17-12-79) 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 STORMWATER MANAGEMENT; AND FOR OTHER PURPOSES

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

SECTION 1. Section 5-4-2 entitled "*Definitions.*" of the Code of Athens-Clarke County, Georgia, the definition therein of "*Land Development*" is hereby amended by deleting from said definition the second usage of the word "and" and substituting therefor the word "or" so that the definition *Land Development* is:

**"Sec. 5-4-2. – Definitions.**

"*Land development* means any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, building construction, paving, or any other installation of impervious cover."

SECTION 2. Section 5-4-2 entitled "*Definitions.*" of the Code of Athens-Clarke County, Georgia, is hereby amended by adding a new definition, entitled "*Previously developed site*" so that said definition is:

**"Sec. 5-4-2. – Definitions.**

"*Previously developed site* means a site that has been altered by paving, construction, and/or land use that would typically have required regulatory permitting to have been initiated (alterations may exist now or in the past)."

SECTION 3. Section 5-4-2 entitled "*Definitions.*" of the Code of Athens-Clarke County, Georgia, the definition therein of "*Redevelopment*" is hereby amended by deleting such definition in its entirety and substituting a new definition so that the definition *Land Development* is:

**"Sec. 5-4-2. – Definitions.**

"*Redevelopment* means the creation or addition of impervious surfaces, replacement of impervious surface not as part of routine maintenance, and land development activities associated with impervious development on a previously developed site. Redevelopment does not include such activities as exterior remodeling."

SECTION 4. Section 5-4-2 entitled "*Definitions.*" of the Code of Athens-Clarke County, Georgia, the definition therein of "*Site*" is hereby amended by deleting such definition in its entirety and substituting a new definition so that the definition *Site* is:

**"Sec. 5-4-2. – Definitions.**

"*Site* means that portion of a parcel or parcels of land on which the land development project is located."

SECTION 5. Section 5-4-3 entitled "*Applicability.*" of the Code of Athens-Clarke County, Georgia, is hereby amended by deleting paragraph (b) of such Section 5-4-3 in its entirety and renaming the following paragraphs as (b) and (c) respectively, so that Section 5-4-3 is:

**"Sec. 5-4-3. – Applicability.**

"This article shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, and land disturbance activity applications, unless exempt pursuant to section 5-4-4.

"(a) *New development and redevelopment sites.* These standards apply to any new development or redevelopment site that meets one or more of the following criteria:

“(1) New development that involves the creation of 5,000 square feet or more of impervious cover, or that involves other land development activities of 5,000 square feet or greater;

“(2) Redevelopment that includes the creation or addition of 5,000 square feet or more of impervious cover, or that involves replacement of one acre or more of impervious cover or other land development activity of one acre or more, including projects less than one acre if they are part of a larger common plan of development or sale;

“(3) Any new development or redevelopment, regardless of size, that is determined by the transportation and public works director to be a hotspot land use; or

“(4) Any development or redevelopment project that is upstream of a known public flooding problem as identified by the Department of Transportation and Public Works in the Area-Wide Stormwater Master Plan, as amended from time to time, on file and available for public inspection at the Department of Transportation and Public Works.

“(b) *Compatibility with other regulations.* This article is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this article are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive shall control.

“(c) *Stormwater design manual.* The Department will utilize the policy, criteria and information including technical specifications and standards in the *Georgia Stormwater Management Manual* and any relevant local requirements, for the proper implementation of the requirements of this article. This includes any addenda or updates to the *Georgia Stormwater Management Manual* or local design guidelines as approved by the Department.”

SECTION 6. Section 5-4-7 entitled “*Post-development stormwater management performance criteria.*” of the Code of Athens-Clarke County, Georgia, is hereby amended by amending sub-paragraph b. of paragraph (3) of such Section 5-4-7 by adding the words “all stormwater runoff generated from a site by” to such sub-paragraph so that such sub-paragraph b is:

**“Sec. 5-4-7. – Post-development stormwater management performance criteria.**

“b. 24-hour extended detention storage of all stormwater runoff generated from a site by the one-year, 24-hour return frequency storm event; and”

SECTION 7. Section 5-4-7 entitled “*Post-development stormwater management performance criteria.*” of the Code of Athens-Clarke County, Georgia, is hereby amended by amending paragraph (4) of such Section 5-4-7 by adding the word “site’s” to such paragraph so that such paragraph (4) is:

**“Sec. 5-4-7. – Post-development stormwater management performance criteria.**

“(4) *Overbank flood protection.* Downstream overbank flood protection and property protection shall be provided by controlling the site’s post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour return frequency storm event. If control of the one-year, 24-hour storm under section 5-4-7(3) is exempted, then peak discharge rate attenuation of the two-year through the 25-year return frequency storm event must be provided.”

SECTION 8. Section 5-4-7 entitled “*Post-development stormwater management performance criteria.*” of the Code of Athens-Clarke County, Georgia, is hereby amended by amending paragraph (5) of such Section 5-4-7 by adding the word “site’s” to such paragraph so that such paragraph (5) is:

**“Sec. 5-4-7. – Post-development stormwater management performance criteria.**

“(5) *Extreme flooding protection.* Extreme flood and public safety protection shall be provided by controlling and safely conveying the site’s 100-year, 24-hour return frequency storm event such that flooding is not exacerbated.”

SECTION 9. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner Dickerson, seconded by Commissioner Sims, to approve submission of an application by the Athens-Clarke County Police Department (ACCPD) for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program Existing Local Project Grant as per agenda report dated October 27, 2017; accept the grant funds, if awarded; authorize the continuation of four Athens-Clarke County Police Department (ACCPD) sworn officer positions in the Northeast Georgia

Regional Drug Task Force, consistent with the grant award; and authorize the Mayor and appropriate staff to execute all documents associated with the grant. The motion passed by unanimous vote.

A motion was made by Commissioner Wright, seconded by Commissioner NeSmith, to declare surplus the two parcels (waterworks dam and adjacent properties) owned by the Unified Government of Athens-Clarke County shown in Attachment #1 of agenda report dated November 1, 2017; authorize staff to begin the process to dispose of said property; and designate the proceeds of the sale to the Water and Sewer Enterprise Fund.

A substitute motion was made by Commissioner Dickerson, seconded by Commissioner Hamby, to declare surplus the two parcels (waterworks dam and adjacent properties) owned by the Unified Government of Athens-Clarke County shown in Attachment #1 of agenda report dated November 1, 2017; authorize staff to begin the process to dispose of said property; and designate the proceeds of the sale to the Housing Trust Fund.

The substitute motion passed by roll call vote with Commissioners Dickerson, Sims, Link, Bailey, NeSmith, Bell, Girtz, and Hamby voting YES; and Commissioner Wright voting NO (8 YES; 1 NO)

A motion was made by Commissioner Link, seconded by Commissioner Girtz, to authorize execution of the Intergovernmental Agreement with the Clarke County School District through its Board of Education for acquisition of the North Athens School property as per Attachment #1 of agenda report dated November 1, 2017; and authorize the Mayor and appropriate staff to execute all related documents including closing documents. The motion passed by unanimous vote.

A motion was made by Commissioner Bell, seconded by Commissioner Hamby, to adopt the following resolutions. The motion passed by unanimous vote.

SECOND 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," DESCRIBED IN AMENDED MAYOR AND COMMISSION RESOLUTION ADOPTED AUGUST 1, 2017.

**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**, on August 1, 2017, the Mayor and Commission of the Unified Government of Athens-Clarke County adopted a first amendment to the Moratorium Resolution adopting a revised map amending the Original Map and describing those properties that are subject to the Moratorium Resolution; and

**Whereas**, the Mayor and Commission desire to further amend the Moratorium Resolution by revising numbered item (iii) of Paragraph 3 of the Moratorium Resolution regarding applicability thereof to certain elements of structures; and

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

1. The Commission hereby amends the Moratorium Resolution, as amended, by the first amendment, to delete the phrases "or side" as used in item (iii) of Paragraph 3 of the Moratorium Resolution so that the revised item (iii) shall read as follows: "(iii) or demolition review approvals, demolition permits, or building permits for alteration, repair, or construction with respect to building elevations other than front building elevations and rooflines associated with front building elevations,".
2. Except as amended hereby, all of the terms and conditions of the Moratorium Resolution shall remain in full force and effect.

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 CASTALIA AVENUE HISTORIC DISTRICT," ON MAP ENTITLED "CASTALIA AVENUE MORATORIUM," DESCRIBED IN MAYOR AND COMMISSION RESOLUTION ADOPTED MAY 16, 2017

**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 Castalia Avenue Historic District on a map entitled "Castalia Avenue Moratorium"; and

**Whereas**, the Mayor and Commission desire to amend the Moratorium Resolution by revising numbered item (iii) of Paragraph 3 of the Moratorium Resolution regarding applicability thereof to certain elements of structures; and

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

1. The Commission hereby amends the Moratorium Resolution to delete the phrases "or side" as used in item (iii) of Paragraph 3 of the Moratorium Resolution so that the revised item (iii) shall read as follows: "(iii) or demolition review approvals, demolition permits, or building permits for alteration, repair, or construction with respect to building elevations other than front building elevations and rooflines associated with front building elevations,".
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 Wright, seconded by Commissioner Sims, to

- Adopt the following ordinance (#17-12-80) which was presented by title only to amend the FY 2018 Annual Operating and Capital Budget to establish the 2018 TSPLOST budget in the amount of \$109,500,000 and establish a budget for each TSPLOST project as per Attachments #1 and #1A of agenda report dated November 1, 2017;
- Adopt the following ordinance (#17-12-81) which was presented by title only approving a contract with Jacobs Project Management Company, in a not-to-exceed amount of \$3,463,805 and for an initial term of six years, for professional services related to program/management activities associated with the TSPLOST 2018 Program;
- Authorize the Mayor and appropriate staff to execute all related documents; and
- HOLD: A five-year project funding schedule for the TSPLOST 2018 Program.

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 ESTABLISH THE BUDGET FOR THE TRANSPORTATION SPECIAL PURPOSE LOCAL OPTION SALES TAX (TSPLOST 2018) PROGRAM; TO ESTABLISH A BUDGET FOR EACH PROJECT; TO AMEND THE PROJECT BUDGETS TO REFLECT THE ALLOCATION OF FUNDS FOR PROGRAM ADMINISTRATION EXPENSE; TO AUTHORIZE A BUDGET TRANSFER TO CONSOLIDATE THE FUNDING FOR PROGRAM ADMINISTRATION; 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 TSPLOST 2018 Capital Projects Fund of the fiscal year 2018 operating and capital budget of Athens-Clarke County to establish the budget for Transportation Special Purpose Local Option Sales Tax (TSPLOST) 2018 projects and program administration. Said operating and capital budget is hereby amended as follows:

TSPLOST 2018 Capital Projects Fund: REVENUES

Trans. Special Purpose Local Option Sales Taxes	\$109,500,000
---	---------------

EXPENDITURES



Capital Project Expenditures:	
Various Projects (see attached Listing #1A)	\$106,252,200
Program Management	<u>\$ 3,247,800</u>
	\$109,500,000

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

Attachment 1A

<u>Proj#</u>	<u>TSPLOST 2018 Project Name</u>	<u>Project Budget</u>	<u>Adjust for Program Administration</u>	<u>Revised Project Budget</u>
01	Airport CIP Matching Funds	\$1,531,000	(\$45,930)	\$1,485,070
02	Transit Vehicle Replacements & Spare	\$4,000,000	(\$120,000)	\$3,880,000
03	Bus Stop & Transfer Facilities Improvements	\$500,000	(\$15,000)	\$485,000
04	Transit Service Expansion Project	\$940,000	(\$28,200)	\$911,800
05	Oconee Rivers Greenway Program	\$10,000,000	(\$300,000)	\$9,700,000
06	Firefly Trail Project	\$16,752,000	(\$502,560)	\$16,249,440
07	Pavement Rehabilitation	\$25,600,000	(\$768,000)	\$24,832,000
08	Tallassee Road Bridge Replacement Project	\$6,000,000	(\$180,000)	\$5,820,000
09	Downtown Transportation Imp. Program	\$7,097,000	(\$212,910)	\$6,884,090
10	Whitehall Road at South Milledge Avenue	\$2,500,000	(\$75,000)	\$2,425,000
11	Bicycle Improvement Program	\$6,000,000	(\$180,000)	\$5,820,000
12	Pedestrian Improvement Program	\$11,000,000	(\$330,000)	\$10,670,000
13	W Broad Pedestrian Improvements	\$4,000,000	(\$120,000)	\$3,880,000
14	Lexington Highway Corridor Improvements	\$4,000,000	(\$120,000)	\$3,880,000
15	Atlanta Highway Corridor Improvements	\$4,000,000	(\$120,000)	\$3,880,000
16	Prince Avenue Corridor Improvements	\$4,000,000	(\$120,000)	\$3,880,000
17	Acquisition of Private Streets Project	\$340,000	(\$10,200)	\$329,800
18	Winterville	\$969,000	\$0	\$969,000
19	Bogart	\$271,000	\$0	\$271,000
	Program Administration	<u>\$0</u>	<u>\$3,247,800</u>	<u>\$3,247,800</u>
	<b>Total</b>	<b>\$109,500,000</b>	<b>\$0</b>	<b>\$109,500,000</b>

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO APPROVING A CONTRACT WITH JACOBS PROJECT MANAGEMENT COMPANY FOR PROFESSIONAL SERVICES FOR THE ATHENS-CLARKE COUNTY 2018 TRANSPORTATION SPECIAL PURPOSE LOCAL OPTION SALES TAX PROGRAM; AND FOR OTHER PURPOSES.

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

SECTION 1. A contract with Jacobs Project Management Company, in a not-to-exceed amount of \$3,463,805 for an initial term of six (6) years for professional services related to Program/Project Management activities associated with the Transportation Special Purpose Local Option Sales Tax (TSPLOST) 2018 Program is hereby approved.

SECTION 2. The Mayor and appropriate staff shall execute such contract and related documents.

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

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 Wright, seconded by Commissioner Girtz, to authorize proceeding with construction of the Barnett Shoals sanitary sewer project beyond station 52+50 once access is obtained as per agenda report dated December 1, 2017; and authorize the Mayor and appropriate staff to execute all related documents.

A substitute motion was made by Commissioner Bailey, seconded by Commissioner Link, to authorize proceeding with construction of the Barnett Shoals sanitary sewer project beyond station 52+50 once access is obtained; exercise eminent domain for the College Station Road Greenway project; and authorize the Mayor and appropriate staff to execute all related documents.

After discussion a motion was made by Commissioner Bailey, seconded by Commissioner Wright, to call the question. The motion passed by roll call vote with Commissioners Dickerson, Sims, Link, Wright, Bailey, Bell, and Girtz voting YES; and Commissioners Nesmith and Hamby voting NO. (7 YES; 2 NO)

The substitute motion failed by roll call vote with Commissioner Bailey voting YES; and Commissioners Dickerson, Sims, Link, Wright, NeSmith, Bell, Girtz, and Hamby voting NO. (1 YES; 8 NO)

The original motion passed by roll call vote with Commissioners Dickerson, Sims, Link, Wright, Bailey, and Girtz voting YES; and Commissioners NeSmith, Bell, and Hamby voting NO. (6 YES; 3 NO)

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

A public hearing was held on request of Michael S. Burk/QuikTrip Corporation, James C. Warnes for Tweedell & Van Buren; RTSH Holding, LLC for rezoning from C-G, A (Commercial-General, Airport Overlay) to C-G, A (PD) (Commercial-General, Airport Overlay, Planned Development) on 3.02 acres known as 1321 Oconee Street and 170-184 Elbert Street. Proposed use is a fuel center. This will require an amendment to the Future Development Map from Main Street Business 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, representing petitioner – supported.

A motion was made by Commissioner Sims, seconded by Commissioner Dickerson, to adopt the following ordinance (#17-12-82) 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 THREE PARCELS OF LAND COMPRISING APPROXIMATELY 3.02 ACRES LOCATED AT 1321 OCONEE STREET AND 170 THROUGH 184 ELBERT STREET FROM MAIN STREET BUSINESS TO CORRIDOR BUSINESS; AND FOR OTHER PURPOSES.

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

SECTION 1. On September 5, 2017, the Commission of Athens-Clarke County, Georgia approved an amendment to the Official Future Development Map of Athens-Clarke County, Georgia by changing the future development map designation of the three parcels of land comprising approximately 2.78 acres located at 1321 Oconee Street and 170 through 184 Elbert Street, Athens-Clarke County tax parcel numbers 172C4 D001 (part), 172C4 D002, and 172C4 D003, from Main Street Business to Corridor Business. Such amendment to the Official Future Development Map became effective on September 7, 2017 and is hereby reapproved and reaffirmed.

SECTION 2. 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 three parcels of land comprising approximately 3.02 acres located at 1321 Oconee Street and 170 through 184 Elbert Street, Athens-Clarke County tax parcel numbers 172C4 D001 (entire parcel), 172C4 D002, and 172C4 D003 to Corridor Business as more particularly shown on Exhibit A, which is attached hereto and incorporated herein by reference. Specifically, the portion of tax parcel number 172C4 D001 that was not changed from Main Street Business to Corridor Business effective September 7, 2017 shall now be changed through this amendment to the Official Future Development Map.

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

A motion was made by Commissioner NeSmith, seconded by Commissioner Link, to approve rezoning request with the additional condition:

Outdoor lighting fixtures will produce light in the 2700k to 3500k color temperature range

A substitute motion was made by Commissioner Sims, seconded by Commissioner Dickerson, to approve zoning as originally recommended. The motion passed by roll call vote with Commissioners Dickerson, Sims, Link, Wright, Bailey, Bell and Girtz voting YES; and Commissioners NeSmith and Hamby voting NO (7 YES; 2 NO). The following ordinance (#17-12-83) which was presented by title only was declared adopted.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO REZONING THREE PARCELS OF LAND COMPRISING APPROXIMATELY 3.02 ACRES LOCATED AT 1321 OCONEE STREET AND 170 THROUGH 184 ELBERT STREET FROM C-G, A (COMMERCIAL-GENERAL, AIRPORT OVERLAY) TO C-G, A (PD) (COMMERCIAL-GENERAL, AIRPORT OVERLAY, 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 three parcels of land comprising approximately 3.02 acres located at 1321 Oconee Street and 170 through 184 Elbert Street from C-G, A (Commercial-General, Airport Overlay) to C-G, A (PD) (Commercial-General, Airport Overlay, Planned Development) as shown on Attachment A hereto. Said affected parcels of land being more fully described in the master site plan entitled "QuikTrip No. 0826, Sheet Title: Master Site Plan, Sheet Number 2," said site plan having an original issue date of December 15, 2016, being last revised November 6, 2017, prepared by Matthew J. Meo, registered engineer, of Wolverton & Associates, 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 three parcels comprising the subject 3.02-acre tract of land are also known as parcel numbers 172C4 D001, 172C4 D002, and 172C4 D003 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 binding master site plan associated with this ordinance and incorporated herein by reference consists of one sheet entitled "QuikTrip No. 0826, Sheet Title: Master Site Plan, Sheet Number 2," said site plan having an original issue date of December 15, 2016, being last revised November 6, 2017, prepared by Matthew J. Meo, registered engineer, of Wolverton & Associates, stamped "Binding 11-7-17," 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 master landscape plan associated with this ordinance and incorporated herein by reference consists of one sheet entitled "QuikTrip No. 0826, Sheet Title: Master Landscape Plan, Sheet Number L100," said landscape plan having an original issue date of December 15, 2016 and being last revised November 6, 2017, prepared by Matthew J. Meo, registered engineer, of Wolverton & Associates, stamped "Binding 11-7-17," 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 by reference herein consists of forty pages entitled "QuikTrip No. 826 Master PD Report," revised November 6, 2017, prepared by Michael S. Burk, Real Estate Project Manager, QuikTrip Corporation, stamped "Binding 11-7-17," 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 associated with this ordinance are as follows:

1. Abandonment of a portion of Elbert Street by the Commission of Athens-Clarke County, Georgia in accordance with the laws of the State of Georgia and confirmation of QuikTrip Corporation's ownership of the abandoned portion. No permits, except permits for demolition of existing structures, shall issue until the abandonment and confirmation of QuikTrip Corporation's ownership are complete.
2. As shown on the binding master site plan, QuikTrip Corporation shall install a driveway across the subject property that shall intersect with U.S. Highway 78 (Oconee Street) directly across from the exit ramp for Georgia State Route 10 Loop.
3. The intersection of the driveway with U.S. Highway 78 (Oconee Street) shall be a full multi-modal intersection with traffic and pedestrian signal upgrades.
4. All lighting shall be in compliance with the standards of Athens-Clarke County as set by ordinance, except that amber lighting shall not be required.
5. All signs shall be in compliance with the standards of Athens-Clarke County as set by ordinance.
6. QuikTrip Corporation shall coordinate improvements associated with the proposed Firefly Trail connection with the appropriate staff of the Unified Government of Athens-Clarke County.

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

A public hearing was held on request of Smith Planning Group for Barrett Nation Investment Properties, LLC, for rezoning from C-O (Commercial-Office) to C-N (PD) (Commercial-Neighborhood, Planned Development) on 0.362 acres known as 1331 South Milledge Avenue. Proposed use is a restaurant. Type II

Planning Commission recommendation: Approval (unanimous)

#### Citizen input

The following citizen input was received.

1. Bob Smith, representing petitioner – supported.
2. Scott Parrish – supported.

A motion was made by Commissioner Wright, seconded by Commissioner Bailey, to adopt the following ordinance (#17-12-84) 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 COMPRISING APPROXIMATELY .362 ACRES LOCATED AT 1331 SOUTH MILLEDGE AVENUE FROM C-O (COMMERCIAL-OFFICE) TO C-N, PD (COMMERCIAL-NEIGHBORHOOD, 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 a parcel of land comprising approximately .362 acres located at 1331 South Milledge Avenue from C-O (Commercial Office) to C-N, PD (Commercial-Neighborhood, Planned Development) as shown on Attachment A hereto. Said parcel of land being more fully described in the site plan entitled "1331 S. Milledge Ave, Sheet Title: Master PD Site Plan, Sheet No. MPD-1" said site plan having an issue date of September 28, 2017, prepared by Charles R. Smith, registered landscape architect, of Smith Planning Group, stamped "Binding 11-7-17," 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 subject parcel is also known as parcel number 173A3 H011 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 binding master site plan associated with this ordinance and incorporated herein by reference consists of three sheets, the first of which is entitled "1331 S. Milledge Ave, Sheet Title: Master PD Site Plan, Sheet No. MPD-1" said sheet having an issue date of September 28, 2017, prepared by Charles R. Smith, registered landscape architect, of Smith Planning Group, and stamped "Binding 11-7-17"; the second sheet of which is entitled "1331 S. Milledge Ave, Sheet Title: Conceptual Tree Management Plan, Sheet No. L-1," said sheet having an issue date of September 28, 2017, prepared by Charles R. Smith, registered landscape architect, of Smith Planning Group, and stamped "Binding 11-7-17"; and the third sheet of which is entitled "El Barrio Renovation, 1331 S. Milledge Ave, Athens, GA 30605, Proposed Exterior Elevations," said sheet having an issue date of September 28, 2017, prepared by Charles R. Smith, registered landscape architect, of Smith Planning Group, and stamped "Binding 11-7-17." All three sheets are 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 by reference herein consists of nineteen pages, inclusive of exhibits, entitled "1331 S. Milledge Ave. Master Planned Development Report," dated September 29, 2017, stamped "Binding 11-7-17," 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 zoning associated with this ordinance is as follows:

The agreement for off-site parking associated with this planned development shall conform in all aspects with Section 9-30-8(A) of the Code of Ordinances of Athens-Clarke County, Georgia.

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 Oconee School, LLC for special use in the C-G (Commercial-General) and RM-2, A (Mixed Density Residential, Airport Overlay) on 1.68 acres known as 594 Oconee Street. Proposed use is multifamily residential. This will require an amendment to the Future Development Map from Government to Corridor Business and Community Center Mixed Use. Type I

Planning Commission recommendation:	
Future Development Map:	Approval w/condition (unanimous)
Variances:	Approval (unanimous)
Special use:	Approval (unanimous)

#### Citizen input

The following citizen input was received.

1. Scott Haines, representing petitioner – supported.

A motion was made by Commissioner Wright, seconded by Commissioner Sims, to adopt the following ordinance (#17-12-85) 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 AN APPROXIMATE 1.68-ACRE PARCEL OF LAND LOCATED AT 594 OCONEE STREET; 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 an approximate 1.68-acre parcel of land located at 594 Oconee Street, Athens-Clarke County tax parcel number 171D2 F003A, presently designated as Government to Corridor Business and Residential Mixed Use, as further described in Section 2 and Section 3 below and 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. That portion of the subject parcel that is currently zoned C-G (Commercial-General) shall be changed on the Official Future Development Map of Athens-Clarke County from Government to Corridor Business.

SECTION 3. That portion of the subject parcel that is currently zoned RM-2, A (Mixed Density Residential, Airport Overlay) shall be changed on the Official Future Development Map of Athens-Clarke County from Government to Residential Mixed Use.

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 approve a variance from Section 9-25-8(C)(1)(d) of the Code of Ordinances of Athens-Clarke County, which prohibits parking areas in front yards. The motion passed by unanimous vote.

A motion was made by Commissioner Wright, seconded by Commissioner Sims, to approve a variance from Section 9-25-8(G)(2) of the Code of Ordinances of Athens-Clarke County, which requires a ten-foot-deep buffer when parking abuts a property line. The motion passed by unanimous vote.

A motion was made by Commissioner Wright, seconded by Commissioner Sims, to adopt the following ordinance (#17-12-86) 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-G (COMMERCIAL-GENERAL) AND RM-2, A (MIXED DENSITY RESIDENTIAL, AIRPORT OVERLAY) DISTRICTS ON THE APPROXIMATE 1.68-ACRE PARCEL OF LAND LOCATED AT 594 OCONEE STREET; AND FOR OTHER PURPOSES.

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

SECTION 1. The current C-G (Commercial-General) and RM-2, A (Mixed Density Residential, Airport Overlay) Districts, 594 Oconee Street, Athens, Georgia, are hereby amended to provide for Special Use approval to permit ground-floor residential use in lieu of ground-floor commercial space in a commercial zoning district. The subject parcel is more fully described as follows:

All that approximate 1.68-acre parcel of land as described by that certain site plan entitled "Oconee Street School, Special Use Plan" dated September 28, 2017, prepared by Jon M. Williams, Georgia registered landscape architect, stamped "Binding 11-7-17," 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.

Said approximate 1.68-acre parcel of land at 594 Oconee Street is designated as tax parcel number 171D2 F003A 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, entitled "Oconee Street School, Special Use Plan" dated September 28, 2017, prepared by Jon M. Williams, Georgia registered landscape architect, stamped "Binding 11-7-17," 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 thirteen pages in total, being entitled "Special Use Permit and Variance Narrative," dated September 28, 2017, stamped "Binding 11-7-17," 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 Section 9-25-8(C)(1)(d) of the Code of Ordinances of Athens-Clarke County, which prohibits parking areas in front yards.

2. A variance from Section 9-25-8(G)(2) of the Code of Ordinances of Athens-Clarke County, which requires a ten-foot-deep buffer when parking abuts a property line.

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

A public hearing was held on a proposed text amendment reference personal care homes.

Planning Commission recommendation: Approval (unanimous)

#### Citizen input

There was no citizen input.

A motion was made by Commissioner Sims, seconded by Commissioner NeSmith, to adopt the following ordinance (#17-12-87) 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 ZONING AND DEVELOPMENT STANDARDS; AND FOR OTHER PURPOSES

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

SECTION 1. Section 9-2-1 of the Code of Athens-Clarke County, Georgia, entitled "*General*," is hereby amended by deleting from each numbered sub-section of the definition of "*Personal care home*" the words "plus manager\*" and by further deleting therefrom the words "\* *Note to (1) through (4) above*: To avoid being counted as a client the manager must be related to the owner/renter of the structure by blood, marriage, or adoption up to the second degree of consanguinity" so that the definition of "*Personal care home*" of Section 9-2-1 is as follows:

*Personal care home*: A profit or nonprofit facility, home, or structure for the protective care of two or more persons, who need a watchful environment, but do not have an illness, injury, or disability, which requires chronic or convalescent care, including medical and nursing services. Protective care and watchful oversight includes, but is not limited to, a daily awareness by management of the residents' whereabouts, the asking and reminding of residents of their appointments for medical checkups, the ability and readiness of management to intervene if a crisis arises for a resident, and supervision by management in areas of nutrition, medication, and actual provision of transient medical care, with a 24-hour responsibility for the well-being of residents of the facility. For regulations governing "personal care homes" see section 9-15-19 of this title. Personal care homes shall be classified in one of the following ways:

- (1) Individual: Two to three clients
- (2) Family: Four to six clients
- (3) Group: Seven to 15 clients
- (4) Congregate: Sixteen or more clients

SECTION 2. Section 9-15-19 of the Code of Athens-Clarke County, Georgia, entitled "*Personal care homes*," is hereby amended by deleting therefrom sub-section (5) and re-numbering sub-section (6) as sub-section (5) so that Section 9-15-19 is as follows:

Personal care homes are subject to, but not limited to, the following conditions:

1. The personal care home must show evidence of all required State permits prior to operation.
2. At least one employee staffing the personal care home shall be on-site at all times when clients are present.
3. The personal care home shall have a business occupation tax certificate from Athens-Clarke County prior to operation.
4. Personal care homes with more than three clients shall be adequately screened and buffered from residential-zoned properties in compliance with the standards of section 9-15-3, buffer requirements.
5. Personal care homes are exempt from the definition of family restrictions in AR and RS zones in Section 9-15-18.

SECTION 3. Section 9-20-5 of the Code of Athens-Clarke County, Georgia, entitled “*Action by the mayor and commission,*” is hereby amended by adding to sub-section (C) thereof a new number (8) thereto and re-numbering number (8) of that sub-section as number (9) so that Section 9-20-5 is as follows:

The Athens-Clarke County mayor and commission shall consider the following:

- A. Is the proposed use in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant comprehensive plan policies implemented by Athens-Clarke County and with all state or federal laws? The governing authority during the special use process may concurrently review related variance requests to waive or reduce zoning and development standards as they pertain to specific building location, height, and size, lot size, and other space limits of the underlying basic district provided that the spirit and intent of such requirements are complied with in the total plan for the special use. Such variance requests may be authorized after deliberation of the evidence and a finding that all of the circumstances set forth in section 9-21-3 exist.
- B. Is there adequate capacity of Athens-Clarke County facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation that can and will be provided to and through the subject property?
- C. Will the zoning proposal have an adverse impact on the surrounding area? When evaluating the effect of the proposed use on the surrounding area, the following factors shall be considered:
  - 1. Similarity in scale, bulk, and coverage.
  - 2. Character and volume of traffic and vehicular parking generated by the proposed use and the effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
  - 3. Architectural compatibility with the surrounding area.
  - 4. The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality, including the generation of smoke, dust, odors, or environmental pollutants.
  - 5. Generation of noise, light, and glare.
  - 6. The development of adjacent properties compatible with the future development map and the zoning district.
  - 7. Impact on future transportation corridors.
  - 8. Impact on the character of the neighborhood by the establishment or expansion of the proposed use in conjunction with similar uses.
  - 9. Other factors found to be relevant by the hearing authority for review of the proposed use.

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

#### Public hearing

A public hearing was held on the proposed abandonment of Elbert Street and authorization for disposal of associated right of way.

#### Citizen input

There was no citizen input.

A motion was made by Commissioner Sims, seconded by Commissioner Dickerson, to adopt the following resolution. The motion passed by unanimous vote.

A RESOLUTION AUTHORIZING THE CLOSING, VACATING, AND  
ABANDONMENT OF ELBERT STREET AND ANY ASSOCIATED  
INFRASTRUCTURE.



WHEREAS, the Mayor and Commission of Athens-Clarke County, Georgia, after notice and public hearing on December 5, 2017, have determined that the public road and any associated infrastructure in Athens-Clarke County, Georgia, known as Elbert Street, from Old Winterville Road to its dead end at Loop10 right of way, as more fully shown on the plat attached hereto as Exhibit A and incorporated herein by reference, has ceased to be used by the public to the extent that no substantial public purpose is served thereby and therefore should be formally closed, vacated, and abandoned; and

WHEREAS, Athens-Clarke County has complied with all requirements of state law and the Charter of the Unified Government of Athens-Clarke County concerning the abandonment of roads that are part of the county road system; and

WHEREAS, Athens-Clarke County has determined that the abandoned said roads and associated infrastructure shall be disposed of pursuant to the requirements of O.C.G.A. Sections 32-7-2 and 32-7-4;

NOW THEREFORE, The Commission of Athens-Clarke County, Georgia hereby resolves as follows:

1. Elbert Street and any associated infrastructure as described herein above and more fully shown on the attached plat are hereby closed, vacated and abandoned. Hereafter, said Elbert Street and any associated infrastructure shall no longer be a part of the county road system, and the rights of the public in and to this road and associated infrastructure as a public road shall cease; and

2. The Mayor and the Clerk of Commission may execute a quitclaim deed conveying said Elbert Street and any associated infrastructure to the abutting property owner.

Public input on items other than those listed on this agenda

The following citizen input was received.

The following citizens opposed Sheriff's cooperation with ICE.

1. Robert Foster, 350 Forest Drive
2. Leanne Purdum, 455 Scott Street
3. Katie Horton, 145 Mell Street
4. Betina Kaplan, 130 Hope Avenue
5. Broderick Flanagan, 215 Gresham Street
6. Tim Denson, 483 Quailwood Drive
7. Eleanor Davis - 117 Lenoir

The following citizens supported a parallel ordinance.

1. Nathan Wasserman, 200 Old Princeton Road
2. Jan Yoon, 385 River Road

Input other –

1. Christopher Easton– opposed GNETS, segregation of students

FROM MAYOR DENSON:

1. Mayor Denson recommended the following commissioner appointments to the Athens-Clarke County Public Facilities Authority.

Jerry NeSmith  
Mike Hamby

Term expiring 12-31-2018

Jared Bailey

Term expiring 12-31-2019

Harry Sims  
Melissa Link

Term expiring 12-31-2020

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

2. Referred to Legislative Review Committee a review of the food truck ordinance.
3. Referred to Government Operations Committee development and recommendation of a policy for acquisition of private streets.

FROM MANAGER WILLIAMS:

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

FROM COMMISSIONER LINK:

1. Supported retention of federal historic property tax credit.
2. Expressed concern that sheriff is cooperating with ICE.

FROM COMMISSIONER SIMS:

1. Requested consideration to rename Trail Creek Park to Virginia Callaway-Cofer Walker Park.

FROM COMMISSIONER DICKERSON:

1. Noted the recent passing of former Commissioner Charles Carter who was a charter member of the Athens-Clarke County Commission and the Solid Waste Citizens Advisory Committee.
2. Stated work is underway on a \$750,000 grant for the airport.

FROM COMMISSIONER HAMBY:

1. Acknowledged service of former Commissioner Charles Carter.

FROM COMMISSIONER BAILEY:

1. Expressed appreciation to staff who provide assistance with constituent concerns.

FROM COMMISSIONER WRIGHT:

1. Congratulated the SEC Champion UGA Bulldogs and Coach Kirby Smart.

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

The meeting adjourned at 8:15 p.m.

---

Clerk of Commission