

Unified Government of Athens-Clarke County, Georgia  
Mayor and Commission  
Tuesday, March 6, 2018  
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, Link, Wright, Bailey, NeSmith, Bell, Girtz, and Hamby. Absent: Commissioner Herod.

A motion was made by Commissioner Bailey, seconded by Commissioner Girtz, to approve Minutes of meetings of Tuesday, February 6; Tuesday, February 13; and Tuesday, February 27, 2018. The motion passed by unanimous vote.

#### Written communication

For entry into the record, notification was received from Transportation and Public Works Department of acceptance of streets for Discovery Trail Subdivision.

Discovery Trail  
Solhull Lane

#### 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 Wright, seconded by Commissioner Bailey, to consent to action on the following 12 items. The motion passed by unanimous vote.

1. ADOPT: The following ordinance (#18-03-07) which was presented by title only.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO PARKING RESTRICTIONS ON MILLEDGE HEIGHTS; 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 Milledge Heights from its intersection with S. Milledge Avenue and extending along the westerly side of said street south a distance of 110 feet, as further shown on Attachment 1 incorporated herein by reference.

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 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

2. ADOPT: The following ordinance (#18-03-08) which was presented by title only;

APPROVE: Athens-Clarke County Police Department's (ACCPD) acceptance of a continuation grant, if awarded, from the Criminal Justice Coordinating Council (CJCC) in the amount of \$70,000 to provide partial funding for four investigators and one administrative secretary in an effort to prevent and reduce crimes of violence against women as per agenda report dated January 26, 2018;

APPROVE: Continuation of four full-time authorized investigator positions and one administrative secretary position through the remainder of 2018 at a cost of \$46,900 to the General Fund; and

AUTHORIZE: Mayor and appropriate staff to execute all documents related to the grant.

AN ORDINANCE TO AMEND THE FY2018 OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE CONTINUING GRANT FUNDING, IF AWARDED, FROM THE GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL'S (CJCC) STOP VIOLENCE AGAINST WOMEN ACT (VAWA) GRANT PROGRAM FOR EXPENSES RELATED TO FOUR INVESTIGATOR POSITIONS AND ONE ADMINISTRATIVE SECRETARY POSITION DIRECTLY SUPPORTING EFFORTS TO PREVENT AND REDUCE CRIMES OF VIOLENCE AGAINST WOMEN; AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the Grants Special Revenue Fund to provide continuing grant funding, if awarded, from the Georgia Criminal Justice Coordinating Council's (CJCC) Stop Violence Against Women Act (VAWA) Grant Program for expenses related to four Investigator positions and one Administrative Secretary position directly supporting efforts to prevent and reduce crimes of violence against women. Said Operating budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:

CJCC STOP VAWA Grant	\$70,000
----------------------	----------

EXPENDITURES:

Increase:

Police Department: Personal Services	\$70,000
---	----------

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

3. APPROVE: Authorization for the University of Georgia College of Environment and Design to proceed with the development of an Epps Bridge Road corridor study for an amount not to exceed \$8,500 as per agenda report dated January 30, 2018; and authorize staff to execute all related documents.
4. APPROVE: Athens-Clarke County Police Department School Resource Officer (SRO) program contract as per agenda report dated January 26, 2018 with the Clarke County School District for the 2018- 2019 academic year; and authorize the Mayor and appropriate staff to execute the contract and all related documents.
5. APPROVE: Declaration as surplus Unified Government of Athens-Clarke County owned vehicles and equipment described in Facts and Issues #4 of agenda report dated January 31, 2018; and authorize the sale of the vehicles and equipment through an internet auction.
6. APPROVE: Preliminary construction plans for three FY17 Sidewalk Gap projects along Southview Drive, Baxter Street, and Chase Street as per Attachments #1, #2, and #3 of agenda report dated January 23, 2018; 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 enter into the bid phase for this project.
7. APPROVE: Application for and, if awarded, acceptance of the 2018 Road to Zero Grant funds in the amount of \$197,200 to fund the West Broad Neighborhood Traffic Safety Initiative as per Attachment #1 of agenda report dated January 31, 2018; and authorize the Mayor and appropriate staff to execute all related documents.

8. APPROVE: Land acquisition of parcel 172A3 D006 (South Peter Street) for the Rails-to-Trails Network Program (SPLOST 2011 Project #08) and as shown on Attachment #1 of agenda report dated January 31, 2018; and authorize the Mayor and appropriate staff to execute all related documents.
  
9. APPROVE: Renewal of the Unified Government of Athens-Clarke County (ACC) and the University of Georgia (UGA) Transportation Agreement for FY2019 for UGA student, faculty, and staff's use of the Athens Transit System as per agenda report dated January 29, 2018; and authorize the Mayor and appropriate staff to execute the resulting contract between ACC and UGA.
  
10. APPROVE: Government Operations Committee recommendation as per report dated February 6, 2018 that proposed revisions to the historic preservation ordinance and associated policies and procedures be brought before the Mayor and Commission by the Planning Department staff through an agenda report at a future meeting.
  
11. APPROVE: A construction contract change order to John D. Stephens, Inc., in the amount of \$750,000 for the North Oconee River Greenway Bailey Street and Carriage Lane Connectors (SPLOST 2011 Project #09 Sub-Projects #4.1 and #5) as generally described in Facts and Issues #2 and as shown on Attachment #1 of agenda report dated January 31, 2018; and authorize the Mayor and appropriate staff to execute all related documents.
  
12. APPROVE: Proposed project concepts for the Oconee Rivers Greenway project (TSPLOST 2018, Project #05) Sub-Projects #7, 8, 9, 10, and 11 as generally described in the Facts and Issues and as generally shown on Attachment #1 of agenda report dated January 31, 2018;  
  
AUTHORIZE: Staff to immediately advance proposed Sub-Projects #7, 8, and 9 to the preliminary plans phase and to advance the proposed Sub-Projects #10 and 11 to the preliminary plans phase, as funding becomes available;  
  
APPROVE: Recommendation of the Athens Cultural Affairs Commission (ACAC), as noted in Attachment #2 of said agenda report, for TSPLOST 2018, Project #05 to be deemed appropriate for public art with a designated budget as noted in said agenda report; and authorize the Mayor and appropriate staff to execute all related documents.

#### Old and new business – Discussion

#### Citizen input

There was no citizen input.

A motion was made by Commissioner Wright, seconded by Commissioner Girtz, to declare as surplus 12 retired transit buses listed in Attachment #1 of agenda report revised February 28, 2018; approve the sale of ten of the retired transit buses to Rogue Valley Transportation District (RVTD) in Medford, Oregon; approve the sale of two of the retired transit buses to the Classic Center Authority; authorize staff to sell at auction any of the 12 retired transit buses that are not sold to the above entities; and authorize the Mayor and appropriate staff to execute all necessary documents. The motion passed by unanimous vote.

A motion was made by Commissioner Dickerson, seconded by Commissioner Link, to

- a) Approve the proposed Project Concept for Airport Capital Improvements Program (CIP) Matching Funds (TSPLOST 2018 Project #01) Sub-Project #1 – Runway 9-27 Rehabilitation, as described in Facts and Issues #4 of agenda report dated February 1, 2018;
- b) Authorize staff to advance the proposed project concept for Sub-Project #1 – Runway 9-27 Rehabilitation for TSPLOST 2018 Project #01, to the bid and award phase in accordance with the approved project concept;
- c) Declare that Sub-Project #1 – Runway 9-27 Rehabilitation is eligible for public art elements to be included as part of this TSPLOST 2011 Sub-Project; and
- d) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

A motion was made by Commissioner Dickerson, seconded by Commissioner Girtz, to approve the selection of Alliant as the most responsive proposal for the provision of a comprehensive insurance program for Athens-Clarke County's property and liability coverage for a three year contract, with two one year renewal periods; and authorize Mayor and appropriate staff to execute the proper documentation to award the contract for property and liability comprehensive insurance coverage to Alliant for an amount not to exceed \$693,148 for the first year as per agenda report dated February 2, 2018. Premiums in years two and three will be based on the experience in the prior year with an option to renew in years four and five. The motion passed by unanimous vote.

A motion was made by Commissioner Link, seconded by Commissioner Dickerson, to

- a) Approve the list of roadways and associated maintenance activities recommended for the CY18 Pavement Maintenance Project (PMP), as shown in Attachment #1 of agenda report revised February 28, 2018;
- b) Adopt the following project resolution, as shown in Attachment #2, authorizing the Mayor and appropriate staff to sign all related contracts, documents, and certifications associated with funding for this project;
- c) Approve the recommendation of the Athens Cultural Affairs Commission (ACAC) that the project not be designated for the public art components, as described in Attachment #3;
- d) Authorize the Mayor to execute a one-year extension to the construction contract with Pittman Construction Company, Inc. for the CY18 PMP at a cost not to exceed \$7,584,407;
- e) Approve a supplemental agreement to the PMP contract with Pittman Construction Company, Inc. for Leisure Services Department parking lot rehabilitation work at Bishop Park, Holland Park, Satterfield Park, and Sandy Creek Park for a cost not to exceed \$64,208, as shown in Attachment #4; and
- f) Authorize the Mayor and appropriate staff to execute all related documents

The motion passed by unanimous vote.

#### RESOLUTION FY 2019 PAVEMENT MAINTENANCE PROJECT

WHEREAS, The Mayor and Commission of the Unified Government of Athens-Clarke County have specifically determined and found that it is in the public interest to perform preventative maintenance on approximately 23 (Twenty Three) lane miles of locally maintained roads and rehabilitation on approximately 117 (One Hundred Seventeen) lane miles of locally maintained roads (hereinafter referred to as "the project"); and

WHEREAS, the said project will include funding from TSPLOST, General Capital, SPLOST, and LMIG for a total construction budget not to exceed \$7,584,407 and

WHEREAS, The Mayor and Commission of the Unified Government of Athens-Clarke County have further found that the project is necessary and appropriate for the protection of public safety and serves the general welfare of Athens-Clarke County.

NOW THEREFORE BE IT HEREBY RESOLVED that this project is authorized and approved as an official project of the Unified Government of Athens-Clarke County; and

BE IT FURTHER RESOLVED that the Mayor, Clerk of Commission, and Manager, or their lawful designees, are hereby expressly authorized to initiate, certify, and sign all documents and to perform all lawful acts necessary to secure funds from the State of Georgia, or the United States of America, or from any department, agency, or subdivision thereof or from any private individual or entity, to defray, in whole or in part, the cost of the said project; and

BE IT FURTHER RESOLVED that the Manager or his lawful designees are hereby expressly authorized to acquire appropriate interest or title to all real estate necessary for the reasonable execution of said project, by any means allowed by law including, without limitation, the exercise on behalf of the Unified Government of Athens-Clarke County, of the power of eminent domain;

BE IT FURTHER HEREBY RESOLVED that the Manager or his lawful designees are hereby authorized to employ or contract for the professional services of attorneys, accountants, engineers, architects, appraisers, sureties, indemnitors, actuaries, and other professional consultants necessary for the plan, design, construction, execution, and general management of the said project; and,

BE IT FURTHER HEREBY RESOLVED that the Manager or his lawful designees are hereby authorized to seek bids or competitive proposals in the newspaper, on radio stations and television stations, or by other means as they deem appropriate or as may be required by law; and

BE IT FURTHER HEREBY RESOLVED that the Mayor, Clerk of Commission, and Manager or their lawful designees are hereby authorized to execute and file all documents and certifications necessary for the proper completion of the said project.

A motion was made by Commissioner Wright, seconded by Commissioner Bailey, to

- a) Approve the selection of Radiance Solar, LLC for the Cedar Creek Water Reclamation Facility Solar Project as per agenda report dated January 31, 2018;
- b) Approve the Public Utilities Department's participation in Georgia Power Company's Renewable Energy Development Initiative Customer-Sited Distributed Generation Program (REDI) if selected;
- c) Approve, if not selected for REDI, implementation of the Build, Own, Operate, and Offset Option (BO3); and
- d) Authorize the Mayor and appropriate staff to execute all contract documents.

The motion passed by unanimous vote.

A motion was made by Commissioner NeSmith, seconded by Commissioner Hamby, to authorize a bank loan of \$8 million from South State Bank to prefund the TSPLOST 2018 Program as per agenda report dated February 22, 2018; and authorize the Mayor and appropriate staff to execute the following loan resolution and all related documents. The motion passed by unanimous vote.

## **RESOLUTION**

A RESOLUTION OF THE MAYOR AND COMMISSION OF ATHENS-CLARKE  
COUNTY GEORGIA TO REGULATE AND PROVIDE FOR BORROWING UNDER  
AN \$8,000,000 PRINCIPAL AMOUNT UNIFIED GOVERNMENT OF ATHENS-

CLARKE COUNTY, GEORGIA GENERAL OBLIGATION TRANSPORTATION SALES TAX NOTE, AS AUTHORIZED BY A VOTE OF THE QUALIFIED VOTERS OF THE UNIFIED GOVERNMENT IN AN ELECTION HELD NOVEMBER 7, 2017, PURSUANT TO AND IN CONFORMITY WITH THE CONSTITUTION AND STATUTES OF THE STATE OF GEORGIA; TO PROVIDE FOR ANNUAL SUMS TO PAY THE PRINCIPAL OF AND INTEREST ON SAID NOTE; TO PROVIDE FOR THE CLOSING OF THE LOAN REPRESENTED BY SAID NOTE; AND FOR OTHER PURPOSES.

### PREAMBLES

**WHEREAS**, on August 15, 2017, the Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia (the “Mayor and Commission”), the governing body of the Unified Government of Athens-Clarke County, Georgia (the “Unified Government”), a political subdivision of the State of Georgia, adopted, at a meeting duly called and held, a Resolution (the “Referendum Resolution”) calling an election to be held on November 7, 2017 (the “Election”) in all the precincts in the territorial limits of the Unified Government for the purpose of submitting to the voters of Athens-Clarke County, Georgia the question of whether or not to impose a one percent mass transit sales and use tax (the “Transportation Sales Tax”) for the raising of a maximum amount of \$109,500,000 for the purpose of financing certain transportation capital outlay projects, and whether or not to approve issuance of up to \$95,000,000 in aggregate principal amount general obligation debt as authorized by Article 5a of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, as amended (the “Act”); and

**WHEREAS**, that pursuant to the provisions of the Act, the Unified Government, the City of Winterville and the Town of Bogart met and entered into a Transportation Special Purpose Local Option Sales Tax Intergovernmental Agreement, dated as of August 11, 2017 (the “Intergovernmental Contract”), addressing the imposition of the Transportation Sales Tax, the projects and purposes to be funded for each party, and the distribution of proceeds; and

**WHEREAS**, after notice thereof had been given to the qualified voters of Athens-Clarke County, Georgia for the time and in the manner required by law, a majority of the qualified voters of Athens-Clarke County, Georgia voting in the Election voted in favor of the following questions:

- ( ) Yes                      Shall a special one percent (1%) sales and use tax be imposed in the special district of Athens-Clarke County for a period of time not to exceed five years and for the raising of not more than an estimated amount of \$109,500,000 for transportation purposes?
- ( ) No                         If the imposition of the tax is approved by the voters, such vote shall also constitute approval of the issuance of general obligation debt of the Unified Government of Athens-Clarke County, in the principal amount of up to \$95,000,000 for the above purposes.

**WHEREAS**, in accordance with law, the Athens-Clarke County Board of Elections, as election superintendent for the Unified Government (the “Election Superintendent”), canvassed the returns, declared the results of the Election to be in favor of the imposition of the Transportation Sales Tax and the issuance of up to \$95,000,000 of general obligation debt (the “Authorized Debt”), and certified the results to the Secretary of State and to the Commissioner of the Department of Revenue of the State of Georgia, declaring the results of the Election; and

**WHEREAS**, the results of the Election provide authorization to the Unified Government to issue general obligation debt in an amount not to exceed \$95,000,000; and

**WHEREAS**, the Unified Government has determined that it is in the best interests of the Unified Government to borrow as an unbonded loan the principal amount of \$8,000,000, being a portion of the Authorized Debt, in order to provide funds for capital costs of the projects authorized to be funded in the Election question (the “TSPLOST Projects”); and

**WHEREAS**, the Unified Government now desires to borrow the amount of \$8,000,000, such loan (the “Loan”) to be evidenced by its General Obligation Transportation Sales Tax Note (the “Note”), for the purposes of (i) paying capital costs of the TSPLOST Projects, and (ii) paying costs associated with the issuance of the Note; and

**WHEREAS**, as provided by law, the State of Georgia will collect the Transportation Sales Tax and will provide to the Unified Government the proceeds of the Transportation Sales Tax; and

**WHEREAS**, the Unified Government, after consideration of responses to a request for quotations, has determined to obtain the Loan from South State Bank on the terms described herein; and

**WHEREAS**, in compliance with O.C.G.A. § 36-80-14, the Unified Government shall determine the amount necessary for the purpose of paying the principal of and interest on the Note annually and shall provide an amount annually to pay the same; and

**WHEREAS**, the Mayor and Commission and the Election Superintendent have complied with all applicable provisions of O.C.G.A. §§ 36-80-10 through -14 and of the Act, which specifically provide for the use of unbonded debt for the purposes approved by the voters voting in the Election, and the Mayor and Commission and the Election Superintendent have complied with all applicable provisions of the Georgia Election Code in conducting and consolidating the returns of the Election.

**NOW, THEREFORE**, in order to issue the Note and obtain the Loan as a portion of the general obligation debt of the Unified Government authorized by the voters, to adopt the form for said Note, to authorize the execution of the same, to designate the Note as a qualified tax-exempt obligation, to regulate the Loan in accordance with the provisions of law, and for other purposes, be it resolved by the Mayor and Commission in a meeting assembled, and it is hereby resolved by authority of the same, that:

## **ARTICLE I DEFINITIONS; RULES OF CONSTRUCTION**

**Section 1.01 Definitions.** In addition to the words and terms elsewhere defined in this Resolution, the following words and terms used herein shall have the following meanings:

“**Act**” means Article 5a of Chapter 8 of Title 48 of the O.C.G.A., as amended.

“**Authorized Debt**” means the Note and the remaining portion of the \$95,000,000 principal amount of general obligation debt authorized to be issued by the Election.

“**Business Day**” means a day which is not a Saturday, a Sunday or a legal holiday on which banking institutions in the State of Georgia are authorized by law or executive order to close.

“**Closing Costs**” means the reasonable and necessary costs and expenses incurred by the Unified Government with respect to the authorization and closing of the Loan.

“**Closing Date**” means the date of initial issuance and delivery of the Note.

“**Code**” means the Internal Revenue Code of 1986, as amended.

“**Debt Service**” means the principal of and interest due on the Note and/or any other

Authorized Debt.

**“Election”** means the election regarding the issuance of general obligation debt which was duly called and held in the Unified Government on November 7, 2017.

**“Federal Tax Certificate”** means a certificate executed by the appropriate officer of the Unified Government, dated the date of issuance and delivery of the Note, containing, among other expectations, provisions, representations to the effect that on the basis of facts and estimates set forth therein (i) it is not expected that the proceeds of the Note will be used in a manner that would cause said Note to be an “arbitrage bond” within the meaning of Section 148 of the Code and applicable regulations thereunder, and (ii) to the best knowledge and belief of said officer, such expectations are reasonable.

**“Interest Payment Date”** means each January 1 and July 1, commencing July 1, 2018.

**“Lender”** means South State Bank or any subsequent registered owner of the Note, as shown on the registration books maintained by the Clerk of the Athens-Clarke County Commission.

**“Loan”** means the borrowing evidenced by the Note.

**“Mayor and Commission”** means the Mayor and Commission of Athens-Clarke County, Georgia, and any successor or successors in office to the present Mayor and Commission.

**“Note”** means the Unified Government of Athens-Clarke County General Obligation Transportation Sales Tax Note to be made and issued in the principal amount of \$8,000,000, in accordance with the provisions of this Resolution.

**“O.C.G.A.”** means Official Code of Georgia Annotated.

**“Resolution”** means this Resolution, including any supplements or amendments hereto.

**“State”** means the State of Georgia.

**“Transportation Sales Tax”** shall mean the one percent mass transit sales and use tax authorized by the Act.

**“TSPLOST Fund”** means the Athens-Clarke County, Georgia TSPLOST Fund authorized to be established pursuant to Section 5.01 of this Resolution, consisting of a General Account and a Debt Service Account.

**“TSPLOST Projects”** means projects and purposes authorized by the Election to be funded with the Transportation Sales Tax.

**“TSPLOST Projects Fund”** means the fund authorized to be established by Section 4.01 of this Resolution.

**“TSPLOST Year”** means each one-year period that begins on July 2 and ends on July 1 of the next ensuing year.

**Section 1.02 Rules of Construction.** Unless the context clearly indicates to the contrary:

(a) “herein,” “hereby,” “hereunder,” “hereof,” “hereinbefore,” “hereinafter” and other equivalent words refer to this Resolution and not solely to the particular portion thereof in which any such word is used.

(b) any pronoun used herein shall be deemed to cover all genders;

(c) all references herein to particular Articles or Sections are references to Articles or Sections of this Resolution; and

(d) the titles preceding each Section of this Resolution are for convenience of reference only and are not intended to define, limit or describe the scope or intent of any provisions of this Resolution.

[END OF ARTICLE I]

**ARTICLE II**  
**AUTHORIZATION, TERMS AND FORM OF NOTE**

**Section 2.01 Authorization.** The Note, constituting unbonded general obligation debt in the principal amount of \$8,000,000, is authorized to be made and issued by the Unified Government for the purpose of funding capital costs of TSPLOST Projects. Said debt is authorized pursuant to the Constitution, the general laws of the State, the aforesaid Election and vote. The Note shall be made and issued in the principal amount of \$8,000,000, the remaining portion of the Authorized Debt being reserved, and this Resolution and all the covenants, agreements and provisions of this Resolution shall be for the equal and proportionate benefit and security of all Authorized Debt that may be issued from time to time, as may be determined by the Mayor and Commission, without preference, priority or distinction as to the charge, lien or otherwise of any one debt over any other debt.

**Section 2.02 General Obligation.** The Note shall constitute debt of the Unified Government within the meaning of Article IX, Section V, Paragraph I of the Constitution of the State of Georgia, and shall constitute the full faith and credit general obligation of the Unified Government.

**Section 2.03 Designations of Particulars of the Note.**

(a) The Note authorized hereby shall be designated Unified Government of Athens-Clarke County, Georgia General Obligation Transportation Sales Tax Note. The Note is further designated as a “qualified tax-exempt” obligation for the purpose of Section 265(b) of the Code.

(b) The Note shall bear interest at the rate of 2.28% per annum, calculated on the basis of a 360-day year of twelve 30-day months, payable on January 1 and July 1 (each an “Interest Payment Date”) in each year, beginning July 1, 2018, and shall mature in installments to be paid on the dates and in the principal amounts as follows:

<u>Date</u>	<u>Principal Amount</u>
July 1, 2019	\$1,926,500
July 1, 2020	1,974,700
July 1, 2021	2,024,100
July 1, 2022	2,074,700

(c) The Debt Service on the Note shall be payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts. The principal and interest on the Note shall be paid by check or draft mailed by first-class mail to the Lender at its address submitted by the Lender to the Clerk of the Athens-Clarke County Commission (or by wire transfer to the Lender at a wire transfer address which said Lender has provided to the Clerk of the Athens-Clarke County Commission not less than five business days prior to an Interest Payment Date, which wire instructions shall remain in effect until the Clerk of the Athens-Clarke County Commission is notified to the contrary).

**Section 2.04 Execution of Note.** The Note will be executed with the signature of the Mayor or Mayor Pro Tem of the Unified Government, and the seal of the Unified Government will be impressed, imprinted or otherwise reproduced thereon, and said signature shall be attested by the signature of the Clerk of the Athens-Clarke County Commission.

**Section 2.05 Person Treated as Owner of Note.** The Unified Government and its agents may deem and treat the registered owner of the Note as the absolute owner of the Note for the purpose of receiving payment of the principal thereof and the interest thereon and for all other purposes whatsoever. All such payments of principal and interest made to any owner or upon such owner’s

order shall be valid and effectual to satisfy and discharge the liability upon the Note to the extent of the sum or sums so paid.

**Section 2.06 Registration; Transfer of Note.** The Note shall be registered as to both principal and interest on registration books to be kept for that purpose by the Clerk of the Athens-Clarke County Commission. The Clerk of the Athens-Clarke County Commission will keep proper registration and transfer records in which it shall register the name and address of the owner of the Note. No transfer of the Note shall be permitted except upon presentation and surrender of the Note at the office of the Clerk of the Athens-Clarke County Commission with a written assignment signed by the Lender in person or by a duly authorized attorney.

**Section 2.07 Form of Note.** The Note shall be in substantially the form attached hereto as Exhibit A and made a part hereof by this reference, with such variations, omissions, substitutions and insertions as may be required, in accordance with this Resolution, to satisfy the approved quotation of the Lender and as may be approved by the officer or officers executing the Note, which approval shall be conclusively evidenced by such execution.

[END OF ARTICLE II]

### ARTICLE III APPLICATION OF PROCEEDS OF NOTES; PREPAYMENT OF NOTE BEFORE MATURITY

**Section 3.01 Application of Proceeds of Note.** Unless different amounts for the same purposes are prescribed in a certificate delivered by the Mayor of the Unified Government, the proceeds derived from the sale of the Note shall be applied concurrently with the delivery of the Note as follows:

(a) Closing Costs shall be paid at closing directly to those persons who shall be entitled to the same (or an amount sufficient to pay all or a portion of the same may be withdrawn from time to time from the TSPLOST Projects Fund).

(b) The balance of the proceeds from the sale of the Note shall be deposited in the TSPLOST Projects Fund.

**Section 3.02 Prepayment Prior to Maturity.** The Note is subject to prepayment prior to maturity without premium or penalty. The Unified Government shall provide the Lender not less than five (5) days' written notice at its registered address of any prepayment, specifying that date and amount of the prepayment, and in the case of prepayment in part, which installment payments are prepaid and in what amounts.

[END OF ARTICLE III]

### ARTICLE IV APPLICATION OF TSPLOST PROJECTS FUND

**Section 4.01 Application of TSPLOST Projects Fund.** The Unified Government may withdraw and apply amounts derived from the Note in the TSPLOST Projects Fund for Closing Costs and for payment or reimbursement of any costs chargeable to capital accounts for the TSPLOST Projects. The Unified Government shall keep appropriate records of the application of such funds.

**Section 4.02 Other Disbursements from the TSPLOST Projects Fund.** If the United States of America or the State, or any department, agency or instrumentality of either, agrees to allocate moneys to be used to defray any part of the cost of the TSPLOST Projects upon the condition that the Unified Government appropriate a designated amount of money for said specified purpose or purposes, and the Unified Government is required to withdraw any sum so required from the TSPLOST Projects Fund for deposit in a special account, the Unified Government shall have the right to withdraw any sum so required from the TSPLOST Projects Fund by appropriate transfer and to deposit the same in a special account for that particular purpose; provided, however, that all payments

thereafter made from said special account may be made only in accordance with the requirements set forth in this Article.

[END OF ARTICLE IV]

**ARTICLE V**  
**APPLICATION OF TRANSPORTATION SALES TAX**

**Section 5.01 Application of Transportation Sales Tax Proceeds.** The qualified voters of the Unified Government in the Election approved the imposition of the Transportation Sales Tax and the use of proceeds of the Transportation Sales Tax for the purpose of funding the TSPLOST Projects. For each TSPLOST Year, the Unified Government will apply all proceeds it receives of the Transportation Sales Tax collected in such TSPLOST Year, up to sums required to pay the Debt Service on the Note and any other Authorized Debt coming due in such TSPLOST Year, as is more particularly set out below in this Section.

Within the TSPLOST Fund there is created and established two separate accounts, designated as the “Debt Service Account” (the “Debt Service Account”) and the “General Account” (the “General Account”). The Unified Government shall credit all proceeds of the imposition of the Transportation Sales Tax to the TSPLOST Fund. Moneys deposited in the TSPLOST Fund shall be segregated from other funds of the Unified Government and used only for the purposes authorized by law, including the payment of the Debt Service on the Note as the same becomes due and payable, all as hereinafter provided.

All proceeds of the Transportation Sales Tax shall be credited to the Debt Service Account until there shall be on deposit in the Debt Service Account an amount sufficient to pay the Debt Service on the Note and any other Authorized Debt issued and outstanding coming due in such TSPLOST Year. Payment of Debt Service on the Note shall be made from the Debt Service Account.

Amounts of such Transportation Sales Tax in the Debt Service Account shall be used exclusively for paying Debt Service on the Authorized Debt or to reimburse the Unified Government’s general fund for Debt Service on the Authorized Debt theretofore paid in anticipation of the receipt of the proceeds of such Transportation Sales Tax.

No part of the proceeds of the Transportation Sales Tax received by the Unified Government shall be applied to costs of the TSPLOST Projects or provided to the City of Winterville or the Town of Bogart under the Intergovernmental Contract until there is on deposit in the Debt Service Account an amount sufficient to pay the Debt Service on the Note and any other Authorized Debt issued and outstanding becoming due and payable in the then-current TSPLOST Year.

After such time as there is on deposit in the Debt Service Account an amount sufficient to pay the Debt Service on the Note and any other Authorized Debt issued and outstanding becoming due and payable in such TSPLOST Year, any excess amounts in the Debt Service Account and amounts thereafter received during such TSPLOST Year shall be deposited in the General Account and shall be used for the other purposes for which the Transportation Sales Tax is being imposed and otherwise as provided by law.

Any moneys remaining in the TSPLOST Fund after the payment in full of the Note and any other Authorized Debt issued and outstanding and after paying the costs of the other authorized purposes of the Transportation Sales Tax shall be used solely for the purpose of reducing any other indebtedness of the Unified Government. If there is no such other indebtedness or, if the excess proceeds exceed the amount of any such other indebtedness, then the excess proceeds shall next be transferred to the Unified Government’s general fund for use as prescribed by Georgia law.

**Section 5.02 Funds Pledged for Payment of Authorized Debt.** The Debt Service Account is pledged irrevocably to and appropriated for the payment of the Debt Service on the Note and any other Authorized Debt issued and outstanding so that the Note and any other Authorized Debt issued and outstanding, as to both principal and interest, shall be fully paid as the same mature and

become due. The Unified Government shall provide an annual sum sufficient in amount to pay the principal and interest of the Note, and any other Authorized Debt issued and outstanding, from said Debt Service Account or, if the Debt Service Account is insufficient, from all other sources lawfully available, including ad valorem taxes.

[END OF ARTICLE V]

**ARTICLE VI  
INVESTMENTS; TAX COVENANT;  
MISCELLANEOUS PROVISIONS**

**Section 6.01 Authorized Investments.**

(a) TSPLOST Projects Fund Moneys. Subject to the provisions of this Resolution, moneys in the TSPLOST Projects Fund may be invested and reinvested by the Unified Government in any of the following investments allowed by O.C.G.A. § 36-82-7, as amended, if and to the extent the same are at the time legal for investment of Note proceeds:

(i) The local government investment pool created in O.C.G.A. § 36-83-8; or

(ii) The following securities and no others:

(A) Note or obligations of such county, municipal corporation, school district, political subdivision, authority or body or bonds or obligations of the State or other states or of other counties, municipal corporations and political subdivisions of the State;

(B) Note or other obligations of the United States or of subsidiary corporations of the United States government which are fully guaranteed by such government;

(C) Obligations of and obligations guaranteed by agencies or instrumentalities of the United States government, including those issued by the Federal Land Bank, Federal Home Loan Bank, Federal Intermediate Credit Bank, Bank for Cooperatives and any other such agency or instrumentality now or hereafter in existence; provided, however, that all such obligations shall have a current credit rating from a nationally-recognized rating service of at least one of the three highest rating categories available and have a nationally recognized market;

(D) Note or other obligations issued by any public housing agency or municipal corporation in the United States, which such bonds or obligations are fully secured as to the payment of both principal and interest by a pledge of annual contributions under an annual contributions contract or contracts with the United States government, or project notes issued by any public housing agency, urban renewal agency or municipal corporation in the United States which are fully secured as to payment of both principal and interest by a requisition, loan or payment agreement with the United States government;

(E) Certificates of deposit of national or state banks located within the State which have deposits insured by the Federal Deposit Insurance Corporation and certificates of deposit of federal savings and loan associations and state building and loan or savings and loan associations located within the State which have deposits insured by the Savings Association Insurance Fund of the Federal Deposit Insurance Corporation or the Georgia Credit Union Deposit Insurance Corporation. The portion of such certificates of deposit in excess of the amount insured by the Federal Deposit Insurance Corporation, the Savings Association Insurance Fund of the Federal Deposit Insurance Corporation or the Georgia Credit Union Deposit Insurance Corporation, if any, shall be secured by deposit, with the Federal Reserve Bank of Atlanta, Georgia, or with any national or state bank or federal savings and loan association or state building and loan or savings and loan

association located within the State or with a trust office within the State, of one or more of the following securities in an aggregate principal amount equal at least to the amount of such excess: direct and general obligations of the State or other states or of any county or municipal corporation in the State, obligations of the United States or subsidiary corporations included in paragraph (A) of above, obligations of the agencies and instrumentalities of the United States government included in paragraph (B) above, or bonds, obligations or project notes of public housing agencies, urban renewal agencies or municipalities included in paragraph (C) above;

(F) Securities of or other interests in any no-load, open-end management type investment company or investment trust registered under the Investment Company Act of 1940, as from time to time amended, or any common trust fund maintained by any bank or trust company which holds such proceeds as trustee or by an affiliate thereof so long as:

- (1) The portfolio of such investment company or investment trust or common trust fund is limited to the obligations referenced in paragraphs (A) and (B) above and repurchase agreements fully collateralized by any such obligations;
- (2) Such investment company or investment trust or common trust fund takes delivery of such collateral either directly or through an authorized custodian;
- (3) Such investment company or investment trust or common trust fund is managed so as to maintain its shares at a constant net asset value; and
- (4) Securities of or other interests in such investment company or investment trust or common trust fund are purchased and redeemed only through the use of national or state banks having corporate trust powers and located within the State.

(G) Interest-bearing time deposits, repurchase agreements, reverse repurchase agreements, rate guarantee agreements or other similar banking arrangements with a bank or trust company having capital and surplus aggregating at least \$50 million or with any government bond dealer reporting to, trading with, and recognized as a primary dealer by the Federal Reserve Bank of New York having capital aggregating at least \$50 million or with any corporation which is subject to registration with the Board of Governors of the Federal Reserve System pursuant to the requirements of the Bank Holding Company Act of 1956, provided that each such interest-bearing time deposit, repurchase agreement, reverse repurchase agreement, rate guarantee agreement or other similar banking arrangement shall permit the moneys so placed to be available for use at the time provided with respect to the investment or reinvestment of such moneys.

(b) Transportation Sales Tax Fund. Moneys in the Transportation Sales Tax Fund may be invested in the following investments allowed by O.C.G.A. § 36-80-3 and § 36-83-4, as amended, if and to the extent the same are at the time legal for investment of such moneys.

Pursuant to O.C.G.A. § 36-80-3, the Unified Government may invest and reinvest money subject to its control and jurisdiction in:

- (i) obligations of the United States and of its agencies and instrumentalities or obligations fully insured or guaranteed by the United States government or by one of its agencies;
- (ii) bonds or certificates of indebtedness of the State and of its agencies and instrumentalities; and

(iii) certificates of deposit of banks which have deposits insured by the Federal Deposit Insurance Corporation; provided, however, that portion of such certificates of deposit in excess of the amount insured by the Federal Deposit Insurance Corporation must be secured by direct obligations of the State or the United States which are of a par value equal to that portion of such certificates of deposit which would be uninsured.

(iv) The local government investment pool established by O.C.G.A. § 36-83-8.

Pursuant to O.C.G.A. § 36-83-4, the Unified Government may invest and reinvest money subject to its control and jurisdiction in:

- (i) obligations of the State or of other states;
- (ii) obligations issued by the United States government;
- (iii) obligations fully insured or guaranteed by the United States government or by one of its agencies;
- (iv) obligations of any corporation of the United States government;
- (v) prime bankers' acceptances;
- (vi) the local government investment pool established by O.C.G.A. § 36-83-8;
- (vii) repurchase agreements; and
- (viii) obligations of other political subdivisions of the State.

(c) Investment Proceeds. Proceeds from the investment of each fund shall accrue to such fund and be used and applied in the same manner as the other amounts in such fund.

**Section 6.02 Resolution Constitutes Contract**. The provisions, terms and conditions of this Resolution shall constitute a contract by and between the Mayor and Commission and the owners of the Authorized Debt, and, after the issuance of the Authorized Debt, this Resolution shall not be repealed or amended in any respect which will adversely affect the rights and interest of the owners of the Authorized Debt nor shall the Mayor and Commission adopt any ordinance or resolution which in any way adversely affects the rights of such owners so long as any of the Authorized Debt or the interest thereon shall remain unpaid, without the consent of holders of a majority of the principal amount of the Authorized Debt outstanding. Nevertheless, this Resolution may be amended or supplemented to correct any error, ambiguity or deficiency or otherwise in a manner not adversely affecting the rights of holders of Authorized Debt.

**Section 6.03 Payments Due on Saturdays, Sundays and Holidays**. In any case where the Interest Payment Date or the date fixed for prepayment of the Note shall be a Saturday, Sunday or a legal holiday or a day on which banking institutions are authorized by law to close in Georgia, then payment of such principal or interest need not be made on such date but may be made on the next succeeding business day with the same force and effect as if made on the Interest Payment Date or the date fixed for prepayment, and no additional interest shall accrue on the Note after such Interest Payment Date.

**Section 6.04 Federal Tax Certificate**. In order to maintain the exclusion from federal gross income of interest on the Note, the Unified Government covenants to comply with the applicable requirements of the Code. In furtherance of this covenant, for the benefit of the Lender, the Unified Government agrees to comply with the provisions of a Tax Certificate to be executed on behalf of the Unified Government and delivered concurrently with the issuance and delivery of the Note.

**Section 6.05 Applicable Provisions of Law**. This Resolution shall be governed by and construed in accordance with the laws of the State.

**Section 6.06 Captions**. The captions or headings in this Resolution are for convenience only and in no way limit or describe the scope or intent of any provisions or sections of this Resolution.

**Section 6.07 Partial Invalidity.** If any one or more of the provisions of this Resolution or of any supplemental Resolution or of the Note shall for any reason be held to be illegal or invalid by a court of competent jurisdiction, such illegality or invalidity shall not affect any other provisions hereof or thereof or of the Note unless expressly so held, but this Resolution, such supplemental Resolution, and the Note shall be construed and enforced as if such illegal or invalid provisions had not been contained herein or therein, and, if any provisions hereof or thereof conflict with any applicable provisions of the laws of the State, the latter as adopted by the legislature and as interpreted by the courts of the State shall prevail and shall be substituted for any provisions hereof or thereof in conflict or not in harmony therewith.

**Section 6.08 General Authorization.** The proper officers of the Unified Government are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of this Resolution and are further authorized to take any and all further actions and execute and deliver any and all other documents as may be necessary in the issuance of the Note.

**Section 6.09 Repealer.** Any and all ordinances or resolutions or parts of ordinances or resolutions in conflict with this Resolution shall be and the same hereby are repealed, and this Resolution shall be in full force and effect from and after its enactment.

[END OF ARTICLE VI]

## **EXHIBIT A**

### **FORM OF NOTE**

THE NOTE HAS NOT BEEN REGISTERED UNDER (i) THE UNITED STATES SECURITIES ACT OF 1933, AS AMENDED, (ii) THE GEORGIA SECURITIES ACT OF 1973, AS AMENDED, OR (iii) UNDER ANY OTHER STATE SECURITIES LAW.

THE NOTE IS NON-TRANSFERABLE EXCEPT AS REQUIRED TO EFFECT ANY TRANSFER TO ANY SUCCESSOR LENDER IN ACCORDANCE WITH THE RESOLUTION REFERRED TO BELOW.

UNITED STATES OF AMERICA  
STATE OF GEORGIA

UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA  
GENERAL OBLIGATION TRANSPORTATION SALES TAX NOTE

Principal Amount:     \$8,000,000

Interest Rate:         2.28%

Dated:                 March \_\_\_\_, 2018

The Unified Government of Athens-Clarke County, Georgia (“Unified Government”), a political subdivision of the State of Georgia, for value received hereby promises to pay to SOUTH STATE BANK or its registered assigns (the “Lender”), the principal sum of \$8,000,000, in installments as set forth below, and interest as provided below, by check or draft mailed by first-class mail (or by wire transfer to the Lender at a wire transfer address which said Lender has provided to the Clerk of the Athens-Clarke County Commission not less than five business days prior to an Interest Payment Date (hereinafter defined), which wire instructions shall remain in effect until the Clerk of the Athens-Clarke County Commission is notified to the contrary), to such Lender at such Lender’s address as it shall appear on the register kept by the Clerk of the Athens-Clarke County

Commission. Interest on such principal sum shall be payable, at the interest rate per annum specified above (calculated on the basis of a 360-day year of twelve 30-day months), on January 1 and July 1 of each year (each an “Interest Payment Date”), beginning July 1, 2018.

The principal of this Note shall mature and be paid in installments on the dates and in the amounts as follows:

<u>Date</u>	<u>Principal Amount</u>
July 1, 2019	\$ 1,926,500
July 1, 2020	1,974,700
July 1, 2021	2,024,100
July 1, 2022	2,074,700

Both the principal of and interest on this Note are payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

This Note (the “Note”) is made under and pursuant to authority of the Constitution and laws of the State of Georgia, and was duly authorized by the qualified voters of the Unified Government in an election held for that purpose on November 7, 2017 (the “Election”), and by a Resolution adopted by the Mayor and Commission on March 6, 2018 (the “Resolution”). The Note is issued to provide funds needed to finance capital costs of projects authorized in the Election (the “TSPLOST Projects”); and (ii) paying costs associated with the closing of the Note.

The Election authorized the Unified Government to issue general obligation debt in the maximum principal amount of \$95,000,000 to finance certain projects. This Note is issued pursuant to said authority. The Unified Government may determine to issue additional portions of such authorized general obligation debt on a parity basis.

Payment of this Note constitutes a full faith and credit general obligation debt of the Unified Government, and the Unified Government shall provide an annual sum sufficient in amount to pay the principal and interest on such debt.

This Note is subject to prepayment in whole or in part at any time without premium or penalty.

This Note is issued with the intent that the laws of the State of Georgia shall govern its construction, and, in the case of default, the Lender shall be entitled to the remedies provided by the Resolution and by all applicable laws.

The Lender in whose name this Note is registered shall be deemed and regarded as the absolute owner hereof for all purposes, and payment of or on account of either principal or interest made to such registered Lender shall be valid and effectual to satisfy and discharge the liability upon this Note to the extent of the sum or sums so paid.

This Note is registrable as transferred by the Lender in person or by such Lender’s attorney duly authorized in writing at the office of the Clerk of the Athens-Clarke County Commission, all subject to the terms and conditions of the Resolution.

It is certified and recited that all acts, conditions and things required by the Constitution or statutes of the State of Georgia to exist, happen or be performed precedent to and in the delivery of this Note, do exist, have happened and have been performed in due and legal time, form and manner as required by law, that provision has been made for the payment of annual amounts sufficient in amount to pay the principal of and interest on this Note in accordance with its terms, and that the total indebtedness of the Unified Government, including this Note, does not exceed any limitation prescribed by said Constitution or statutes.

IN WITNESS WHEREOF, the Unified Government, has caused this Note to be executed by the signature of its Mayor, and its official seal to be hereunto impressed or reproduced and attested by the signature of the Clerk of the Athens-Clarke County Commission, as of the Closing Date set forth above.

**UNIFIED GOVERNMENT OF ATHENS-  
CLARKE COUNTY, GEORGIA**

By: \_\_\_\_\_ (Form)  
Mayor

(S E A L)

Attest: \_\_\_\_\_ (Form)  
Clerk,  
Athens-Clarke County Commission

**ASSIGNMENT**

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

\_\_\_\_\_  
PLEASE INSERT SOCIAL SECURITY OR OTHER  
IDENTIFYING NUMBER OF ASSIGNEE

\_\_\_\_\_  
Please print or typewrite name and address, including postal zip code of transferee.

the within Note and all rights thereunder, and hereby irrevocably constitutes and appoints  
\_\_\_\_\_ Agent to transfer the within Note on the books kept for  
registration thereof, with full power of substitution in the premises.

\_\_\_\_\_  
Assignor

NOTICE: The signature to this Assignment must correspond with the name as it appears upon the face of the within Note in every particular, without alteration or enlargement or any change whatever.

Date: \_\_\_\_\_

**CLERK'S CERTIFICATE**

Now comes the undersigned Clerk of the Athens-Clarke County Commission, keeper of the records and seal thereof, and certifies that the foregoing is a true and correct copy of a Resolution approved and adopted by the Mayor and Commission of Athens-Clarke County in public meeting properly and lawfully held and assembled on March 6, 2018, the original of which Resolution has been entered in the official records under my supervision and is in my official possession, custody and control.

I further certify that the meeting was held in conformity with the requirements of Title 50, Chapter 14 of the Official Code of Georgia Annotated.

This March \_\_\_\_, 2018.

[SEAL]

\_\_\_\_\_  
Clerk of the Athens-Clarke County  
Commission

A motion was made by Commissioner Dickerson, seconded by Commissioner NeSmith, to

- a) Approve the Solicitor General's submission of a Criminal Justice Coordinating Council (CJCC) competitive grant application for and, if awarded, acceptance of S.T.O.P. Violence Against Women (VAWA) grant funds in the amount of \$131,622 to be used to fund one domestic violence prosecutor position and one domestic violence investigator and necessary supplies and training for the prosecution of domestic violence cases in calendar year (CY) 2018 as per agenda report dated February 15, 2018;
- b) Accept grant funds, if awarded;
- c) Approve the continuation of one full-time authorized prosecutor position and one full-time authorized investigator position for the Solicitor General's Office specialized domestic violence prosecution in CY18;
- d) Adopt the following ordinance (#18-03-09) which was presented by title only amending the Solicitor General's Office FY18 budget and related operating expenses for the CJCC Grant amendment. The match requirement to be met by a percentage of the salary of the domestic violence prosecutors is \$43,874 for the term of the grant; and
- e) Authorize the Mayor and appropriate staff to execute all related documents

The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE FY2018 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING FROM THE GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL FOR ONE FULLTIME POSITION AND ASSOCIATED EXPENSES TO SUPPORT DOMESTIC VIOLENCE CASES; AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the Grants Special Revenue Fund to provide grant funding from the Georgia Criminal Justice Coordinating Council for one fulltime position and associated expenses to support domestic violence cases. Said Operating and Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:

Stop Violence Against Women Grant (CJCC) (12 months)	\$131,622
--	-----------

EXPENDITURES:

Increase:

Solicitor General Operating Expenses (12 months)	\$131,622
--	-----------

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

A motion was made by Commissioner Girtz, seconded by Commissioner Wright, to authorize the Mayor to execute an intergovernmental agreement with the Athens-Clarke County Industrial Development Authority for the conveyance of real property located on the easterly side of Commerce Road and the northerly side of the Georgia Highway Loop 10, identified as Tax Map Parcel Number 161 015 (containing 20 acres, more or less) and Tax Map Parcel Number 161D4 C004 (containing 1.98 acres, more or less) – Waterworks Dam and Reservoir as per agenda report dated February 27, 2018. The motion passed by unanimous vote.

New business – Consider under suspension of Rules

There was no new business.

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

A public hearing was held on request of Hank Randolph, for Barrett Nation Investment Properties, LLC, for special use in the C-N (Commercial-Neighborhood) District on 0.39 acres known as 1697-1699 South Lumpkin Street. Proposed use is veterinary clinic and single-family dwelling. Type II

Planning Commission recommendation: Approval w/conditions (unanimous)

Citizen input

The following citizen input was received.

1. Hank Randolph, representing Barrett Nation – supported.

A motion was made by Commissioner Wright, seconded by Commissioner Girtz, to adopt the following ordinance (#18-03-10) 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-N (COMMERCIAL-NEIGHBORHOOD) DISTRICT FOR A PARCEL OF LAND COMPRISING APPROXIMATELY .39 ACRES LOCATED AT 1697-1699 SOUTH LUMPKIN STREET; AND FOR OTHER PURPOSES.

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

SECTION 1. The current C-N (Commercial-Neighborhood) district in which is located a parcel of land comprising approximately .39 acres at 1697-1699 South Lumpkin Street, Athens, Georgia, is hereby amended to provide for Special Use approval to permit a veterinary clinic on the parcel. The subject parcel is more fully described as follows:

All that parcel of land comprising approximately .39 acres as described in that certain site plan entitled "Site Plan for Dr. Robert W. Hall," dated December 27, 2017, prepared by Jerry D. Wood, Georgia registered land surveyor, 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 parcel located at 1697-1699 South Lumpkin Street is designated as tax parcel number 173A3 F006 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 plan associated with this ordinance and incorporated herein by reference consists of one sheet, the site plan entitled "Site Plan for Dr. Robert W. Hall," dated December 27, 2017, prepared by Jerry D. Wood, Georgia registered land surveyor, said site plan stamped "Binding 2-6-18," 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 two pages in total, being entitled "1699 S. Lumpkin St. Special Use Application Report," dated December 27, 2017, submitted by Hank Randolph, as agent for PetLab Express, LLC and Barrett Nation Properties, LLC, stamped "Binding 2-6-18" 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 associated with approval for special use are as follows:

1. A screening buffer meeting all applicable standards of Section 9-15-3 of the Code of Athens-Clarke County, Georgia shall be provided along the rear—i.e., the southeast—property line.
2. A "van accessible" or "universal" parking space meeting all applicable standards of Section 9-30-4 of the Code of Athens-Clarke County, Georgia shall be provided.
3. Permanent edging shall be provided for the existing residential gravel parking area.
4. Street trees meeting all applicable standards of Section 8-7-15 of the Code of Athens-Clarke County, Georgia shall be provided.

5. A pedestrian connection shall be provided from the frontage sidewalk to the entrance of the building housing the proposed veterinary clinic.

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

A public hearing was held on request of Jim Warnes/Timmons Warnes, LLP, for Episcopal Diocese of Atlanta for rezoning from C-O (Commercial-Office) to C-N (PD) (Commercial-Neighborhood, Planned Development) on 1.130 acres known as 980, 984, and 994 South Lumpkin Street. Proposed uses are residential, retail, and institutional. This will require an amendment to the Future Development Map from Community Institutional to Main Street Business. Type I

Planning Commission recommendation:

Future Development Map	Approval (unanimous)
Rezoning	Approval (unanimous)

#### Citizen input

The following citizen input was received.

1. Jim Warnes, representing petitioner – supported.
2. Rev. Lang Lowrey – supported.
3. Ralph Edwards – supported.
4. Alison McCullick, representing University of Georgia – supported, agreement has been approved.

A motion was made by Commissioner Bell, seconded by Commissioner Girtz, to adopt the following ordinance (#18-03-11) 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 1.130 ACRES LOCATED AT 980, 984, AND 994 SOUTH LUMPKIN STREET FROM COMMUNITY INSTITUTIONAL TO MAIN STREET 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 three parcels of land comprising approximately 1.130 acres located at 980, 984, and 994 South Lumpkin Street, Athens-Clarke County tax parcel numbers 173A2 A027, 173A2 A027A, and 173A2 A026, from Community Institutional to Main Street Business 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. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner Bell, seconded by Commissioner Wright, to adopt the following ordinance (#18-03-12) 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 THREE PARCELS OF LAND COMPRISING APPROXIMATELY 1.130 ACRES LOCATED AT 980, 984, AND 994 SOUTH LUMPKIN STREET FROM COMMERCIAL-OFFICE (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 three parcels of land comprising approximately 1.130 acres located at 980, 984, and 994 South Lumpkin Street from C-O (Commercial-Office) to C-N (PD) (Commercial-Neighborhood, Planned Development) as shown on Attachment A hereto. Said affected parcels of land being more fully described in that certain survey entitled "Survey For: Episcopal Student Center," said survey dated January 11, 2017, designated in the lower right-hand corner as sheet "C0.0," prepared by Edward Lane, registered engineer, 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 1.130-acre tract of land are also known as parcel numbers 173A2 A027, 173A2 A027A, and 173A2 A026 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 twelve pages in total, the first sheet of which is entitled "Cover," dated December 28, 2017, and designated in the lower right-hand corner as sheet "CVR"; the second sheet of which is entitled "Floor Plan," dated December 28, 2017, and designated in the lower right-hand corner as sheet "A1.0"; the third sheet of which is entitled "Floor Plan," dated December 28, 2017, and designated in the lower right-hand corner as sheet "A1.1"; the fourth sheet of which is entitled "Floor Plan," dated December 28, 2017, and designated in the lower right-hand corner as sheet "A1.2"; the fifth sheet of which is entitled "Floor Plan," dated December 28, 2017, and designated in the lower right-hand corner as sheet "A1.3"; the sixth sheet of which is entitled "Roof Plan," dated December 28, 2017, and designated in the lower right-hand corner as sheet "A1.4"; the seventh sheet of which is entitled "Building Elevations," dated December 28, 2017, and designated in the lower right-hand corner as sheet "A2.0"; the eighth sheet of which is entitled "Building Elevations," dated December 28, 2017, and designated in the lower right-hand corner as sheet "A2.1"; the ninth sheet of which is entitled "Building Sections," dated December 28, 2017, and designated in the lower right-hand corner as sheet "A3.0"; the tenth sheet of which is entitled "Site Plan," dated December 29, 2017, and designated in the lower right-hand corner as sheet "C1.0"; the eleventh sheet of which is entitled "Site Plan," dated December 29, 2017, and designated in the lower right-hand corner as sheet "C1.1"; the twelfth sheet of which is entitled "Tree Management Plan," dated December 29, 2017, and designated in the lower right-hand corner as sheet "C2.0." All twelve sheets of the binding master site plan are stamped "Binding 2-6-18" and 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 herein by reference is entitled "The Episcopal House, Application Report Revised for the Master Plan," consists of fifteen pages in total, and is stamped "Binding 2-6-18."

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

1. The development shall only be constructed in accordance with Option A as described in the binding written report.
2. The applicant shall enter into a binding agreement with the University of Georgia for access to University Court—i.e., the drive which lies on the south and west sides of the proposed development—prior to the issuance of any permits.

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 citizens expressed concern about EMS response time.

1. Sam Rafal, 230 Spalding Circle
2. Bob Gadd, 134 Milton Road, Winterville

FROM MAYOR DENSON:

1. Recommended appointment of Commissioner Hamby as the Commission representative to the Athens-Clarke County Pension Board. A motion was made by Commissioner NeSmith, seconded by Commissioner Girtz, to approve said recommendation. The motion passed by unanimous vote.
2. Announced appointment of Commissioner Link to the Audit Committee.
3. Announced the appointment of Commissioner NeSmith as chair of the Atlanta Highway Committee.
4. Referred to Government Operations Committee review and development of a uniform policy for organization wide event sponsorship policies.
5. Referred to Government Operations Committee a review of advertisements on transit buses.
6. Referred to Government Operations Committee a review of public input policies, work session location and policies, meeting time.
7. Referred to the Legislative Review Committee senior citizen property tax relief.
8. Referred to Legislative Review Committee motorized vehicles on public property, ex: golf carts, scooters, mopeds, segways.

FROM MANAGER WILLIAMS:

1. Acceptance of grant funding and budget amendment for \$50,000 Riverview Foundation Southeast Clarke Park Loop Trail Bridge.
2. Contract awards in excess of \$10,000 for the month of January 2018.

FROM COMMISSIONER DICKERSON:

1. Stated in December response time to a call for EMS service was 40 minutes; suggested dialogue is needed with service provider Piedmont.
2. Stated her son Joe worked on the Southeast Clarke Park loop trail as part of his Eagle Scout project. Thanked Senior Planner Todd Miller and Assistant Manager Hiss for their assistance.
3. Stated the Envision Athens Implementation and Oversight Committee meeting is upcoming.
4. Reminded everyone of the April 7 Spring Fling at Southeast Clarke Park.

FROM COMMISSIONER BELL:

1. Stated new ATS buses are fantastic and does not support advertising on them.

FROM COMMISSIONER NESMITH:

1. Announced the Athens West Fest will be held Saturday, June 2, at Georgia Square Mall.
2. Stated training of firefighters as EMTs improves response time.

FROM COMMISSIONER BAILEY:

1. Stated the appointment of Fire Chief Jeff Scarbrough to the EMS Review Committee will be beneficial.

FROM COMMISSIONER LINK:

1. Stated comment is currently being accepted on the Clayton Street infrastructure project; expressed appreciation to staff for assistance.

FROM COMMISSIONER GIRTZ:

1. Encouraged participation in both the Southeast Park and Athens West Fest events.
2. Stated consideration of recreational space on the west side could be included in the next SPLOST referendum.
3. Requested Fire Chief Scarbrough provide a report on correlation of EMS outcome v. response and centralized 911 system.

The meeting adjourned at 7:34 p.m.

---

Clerk of Commission