

Unified Government of Athens-Clarke County, Georgia  
Mayor and Commission  
Tuesday, May 1, 2018  
6:00 p.m.  
City Hall

The Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia met this date in regular monthly business session. Present: Mayor Denson; Commissioners Dickerson, Link, Wright, Bailey, NeSmith, Bell, Herod, Girtz, and Hamby. No one was absent.

A motion was made by Commissioner Link, seconded by Commissioner Girtz, to approve Minutes of meetings of Tuesday, April 3 and Wednesday, April 11, 2018. The motion passed by unanimous vote.

#### Written communication

For entry into the record notification was received from Transportation and Public Works of acceptance of Cannon Drive, a street in Cottages at Cannontown.

#### Recognitions

Mayor Denson gave a shout out to Gene Dixon, Athens Orthopedic and all who sponsored, participated in, and attended the Athens Twilight Criterion last week.

She particularly recognized Frank Travisio, one of the twilight riders, who became an American citizen in 2008. He and wife Ashley have opened their home to help young cyclists prepare for nationals and has been an inspiration and mentor to many. For the fourth year, he placed 3<sup>rd</sup> in the men's ride.

#### 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. Meryll Albe – correction is needed on proposed Firefly trail route.

A motion was made by Commissioner Wright, seconded by Commissioner Bailey, to consent to action on the following 10 items. The motion passed by unanimous vote.

1. APPROVE: Athens Creative Development Campus – authorize staff to initiate the process to abandon the public roadway and associated public infrastructure on Strong Street between College Avenue and Jackson Street, as shown in Attachment #1 of agenda report dated March 22, 2018.
2. APPROVE: Updates to the Transit Department's Substance Abuse Policy, as noted in Attachment #1 of agenda report dated March 19, 2018, to maintain compliance with the United States Department of Transportation Workplace Drug and Alcohol Testing Programs.
3. APPROVE: A construction contract for Multimodal Safety & Access Program (MMSAG) sidewalk projects along Prince Avenue to Yashivi Construction, LLC – DBA, McCullough Landscaping for a unit cost not to exceed \$249,911 as per agenda report dated March 22, 2018; and authorize the Mayor and appropriate staff to execute all related documents.

4. APPROVE: Athens Downtown Development Authority request for addition of the LatinX festival, the MLK Day Parade, and the Star Spangled Classic events to the FY18 Community Events Program as per agenda report dated April 11, 2018.
  
5. APPROVE: An exception to Policy/Procedure Statement WS-011: Water and/or Sanitary Sewer Services to allow public water service to be provided to 195 Will Hunter Road, Athens, Georgia as per Attachment #1 of agenda report dated March 28, 2018, subject to the property owner meeting the following conditions:
  - a) Submittal of properly executed private service line easement conveyances in a form acceptable to the Unified Government of Athens-Clarke County Attorney and the Chief Plumbing Inspector; and
  - b) Payment of the appropriate fees as identified under Facts and Issues No. 6 for the property.
  
6. APPROVE: Georgia Accountability Court Funding Program Grants – Western Judicial Circuit as per agenda report dated March 28, 2018.
  - a) Authorize Superior Court to submit an application to the Criminal Justice Coordinating Council for an Accountability Court Grant in an amount of \$100,000 to continue current funding of Felony Drug Court;
  - b) Authorize Superior Court to submit an application to the Criminal Justice Coordinating Council for an Accountability Court Grant in an amount of \$100,000 to continue current funding of Treatment and Accountability Court;
  - c) Authorize Superior Court to submit an application to the Criminal Justice Coordinating Council for an Accountability Court Grant in an amount of \$87,000 to continue current funding of Veterans Court;
  - d) Authorize State Court to submit an application to the Criminal Justice Coordinating Council for an Accountability Court Grant in an amount of \$68,000 to continue current funding of DUI/Drug Court;
  - e) Authorize Juvenile Court to submit an application to the Criminal Justice Coordinating Council for an Accountability Court Grant in an amount of \$145,000 to continue current funding of Family Dependency Treatment Court;
  - f) Authorize staff to accept the grant funds, if awarded; and
  - g) Authorize the Mayor, Superior Court Judges, State Court Judge, Juvenile Court Judge and appropriate staff to execute all related documents.
  
7. APPROVE: Application for and, if awarded, acceptance of the Georgia Department of Transportation (GDOT) FY18 Beautification and Enhancement Program funds including \$22,560 for median landscaping on Lexington Road and \$19,600 for welcome signage on Atlanta Highway, as shown in Attachment #1 and Attachment #2 respectively of agenda report dated March 27, 2018; and authorize the Mayor and appropriate staff to execute all related documents.
  
8. APPROVE: Acceptance of the Memorial Park Master Plan as proposed in Attachment #1 of agenda report dated March 28, 2018.
  
9. APPROVE: The Envision Athens Implementation Memorandum of Agreement as per Attachment #1 of revised agenda report dated April 9, 2018; approve the inclusion of \$75,000 in the FY19 budget towards these purposes; and authorize the Mayor and staff to execute all related documents.
  
10. APPROVE: Appointment recommendations from Athens Cultural Affairs Commission.

Laura Hoffman	term expiring 03-31-21 (reappointment)
Holly Alderman	term expiring 03-31-21 (reappointment)
Jennie Cain	partial term expiring 03-31-19
Beatrice Brown	term expiring 03-31-21

Old and new business – Discussion

Citizen input

There was no citizen input.

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

- a) Approve the preliminary plans for TSPLOST 2018 Project #06 Sub-Project 3.1 for the Firefly Trail Project, Winterville Section as generally shown on Attachment #1 of agenda report revised April 26, 2018 and address the additional ownership concerns related to Parcel 291B 007 which shows Winter Street (unopened) as an unopened public path;
- b) Authorize staff to advance the proposed preliminary plans for TSPLOST 2018 Project #06 Sub-Project #3.1 for the Firefly Trail Project (TSPLOST 2018 Project #06) to the Bid & Award Phase;
- c) Adopt the following resolution as shown on Attachment #2 to authorize the acquisition of right-of-ways by eminent domain, as necessary; and
- d) Authorize the Mayor and appropriate staff to execute all related documents.

RESOLUTION

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

WHEREAS, on February 6, 2018, Mayor and Commission of the Unified Government of Athens-Clarke County (“Mayor and Commission”) approved project concept for Sub-Project #3.1 of the Firefly Trail Project (Winterville Section) (TSPLOST 2018 Project #06) and, with respect to Sub-Project #3.1, directed staff of the Unified Government to begin Preliminary Plan Phase necessary for right-of-way acquisition, all pursuant to an agenda report with attachment presented to the Mayor and Commission at such meeting, such agenda report and the minutes of such meeting being incorporated herein by reference; and

WHEREAS, the improvements to be constructed in accordance with Sub-Project #3.1 as described hereinabove are for transportation purposes and are intended to be used for enjoyment by the public and for the passage of vehicles, excluding motorized vehicles with certain exceptions; and

WHEREAS, the Mayor and Commission of Athens-Clarke County, Georgia have specifically determined and found that it is in the public interest and for a public purpose to construct Sub-Project #3.1 (the “Firefly Trail – Winterville Sub-Project”) as described hereinabove; and

WHEREAS, the Unified Government shall engage in negotiations with all of the property owners whose property or interests therein is needed for construction of the Firefly Trail Sub-Project and desires to acquire such rights-of-way and easements through voluntary conveyance from such owners where reasonably possible; and

WHEREAS, construction of the Rails-to-Trails Sub-Project cannot proceed without the necessary rights-of-way and easements from all property owners, and

WHEREAS, the Mayor and Commission further find that the acquisition of the necessary rights-of-way and easements is an integral component of the Firefly Trail Sub-Project and such acquisition is necessary and appropriate to meet the needs of the citizens of Athens-Clarke County and that the use of eminent domain to acquire the necessary rights-of-way and easements is required for the completion of the Firefly Trail Sub-Project; and

WHEREAS, Article 9, Section 2, Paragraph 5 of the Georgia Constitution authorizes local governments to exercise the power of eminent domain for any public purpose; and

WHEREAS, the Mayor and Commission have determined that in order to accomplish the public purpose of the Rails-to-Trails Sub-Project it is necessary to exercise the right of eminent domain to acquire such rights-of-way and easements; and

WHEREAS, all questions of necessity, public purpose and public convenience with respect to the acquisition and construction of the Firefly Trail Sub-Project and the necessity of acquiring through eminent domain the permanent and temporary construction easements hereinabove described are hereby determined and established by the Mayor and Commission of Athens-Clarke County;

WHEREAS, the necessary permanent and temporary construction easements are more specifically shown on plans entitled "City of Winterville – Firefly Trail (Athens-Clarke County TSPLOST 2018 Project No. " consisting of 44 sheets, dated March 13, 2018, made by W&A Engineering, as may be amended from time to time for corrections and technical adjustments, attached hereto as Exhibit A; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that condemnation of the above-described easements for the public purpose stated hereinabove as shown on the Preliminary Plans is hereby approved and authorized and that the acquisition procedure shall proceed under Title 32 of the Official Code of Georgia, as the Rails-to-Trails Sub-Project's schedule of completion requires acquisition of such easements quickly and without delay. Time is of the essence.

IT IS FURTHER RESOLVED that the plans be kept on file at the Unified Government of Athens-Clarke County, SPLOST Program Management Office, and that any interested party may obtain a copy of same by writing to the Unified Government of Athens-Clarke County, SPLOST Program Management Office at 300 College Avenue, Athens, Georgia, 30601, and paying a nominal cost therefor.

IT IS FURTHER RESOLVED that the Unified Government of Athens-Clarke County and its employees and agents may negotiate for and acquire the property needed for this project by gift, sale, or condemnation, and that the County Attorney and other proper agents or attorneys of the County, including but not limited to Special Counsel Gregory C. Sowell, Cook & Tolley, LLP, are hereby directed to prepare the necessary deeds, easements, closing documents, petitions, and/or declarations of taking, and/or orders and any other documents required to effectuate the foregoing.

IT IS FURTHER RESOLVED that the Mayor of the Unified Government of Athens-Clarke County, the Manager, the County Attorney, Special Counsel, and other agents as aforesaid, are authorized to sign any of the documents referenced in the preceding paragraph on behalf of the governing authority of the Unified Government of Athens-Clarke County, Georgia to complete the acquisition of the property required for the Firefly Trail Sub-Project.

A motion was made by Commissioner Girtz, seconded by Commissioner Hamby, to approve preliminary construction plans for the Shoal Creek Farms Dam Renovation, as shown in Attachment #1 of agenda report dated March 26, 2018. The motion passed with eight YES votes. Commissioner Dickerson abstained.

A motion was made by Commissioner Wright, seconded by Commissioner NeSmith, to award a construction contract for the FY18 Bridge Maintenance Project to Sun Coast Restoration & Waterproofing, LLC for a unit cost not to exceed \$200,193 as per agenda report revised April 26, 2018; and 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 Bell, to authorize staff to sell a permanent utility easement at 284 North Avenue to Georgia Power for construction of a transmission line from 950 Danielsville Road to the substation at 478 Strong Street, as shown in Attachment #1 of agenda report dated March 27, 2018 and direct the proceeds to the Special Revenue Fund for Affordable Housing. The motion passed by unanimous vote.

A motion was made by Commissioner NeSmith, seconded by Commissioner Bailey, to authorize the submittal of an FY19 grant application in the amount of approximately \$150,000 to continue evidence-based or evidence-informed program models that have been shown to reduce juvenile recidivism as per

agenda report dated April 5, 2018; authorize staff to accept the grant funds, if awarded; and authorize the Mayor, Juvenile Court Judge, and appropriate staff to execute all related documents. The motion passed by unanimous vote.

A motion was made by Commissioner Wright, seconded by Commissioner Bailey, to accept the FY2018-2022 "Transit Development Plan" (TDP) Update as the basic guidance and direction for use in evaluating future service options and development of the Transit system as per agenda report dated March 20, 2018.

A substitute motion was made by Commissioner NeSmith, seconded by Commissioner Link, to accept the FY2018-2022 "Transit Development Plan" (TDP) Update as the basic guidance and direction for use in evaluating future service options and development of the Transit system as per agenda report dated March 20, 2018 but delay route change implementation until review at a work session.

Commissioner NeSmith amended his motion to read: accept the FY2018-2022 "Transit Development Plan" (TDP) Update as the basic guidance and direction for use in evaluating future service options and development of the Transit system as per agenda report dated March 20, 2018 but delay route change implementation for any route other than those involving Sanford Drive until review at a work session. The amendment was accepted by Commissioner Link.

The substitute motion as amended passed by unanimous vote.

A motion was made by Commissioner Herod, seconded by Commissioner Bell, to approve recommendations from the Government Operations Committee for proposed revisions to the Bus Stop Improvement Program as per Attachment #1 of report dated March 28, 2018. The motion passed by unanimous vote.

Mayor and Commission HELD: Red light camera program: Reconditioning of system at West Broad Street and Alps Road (Tuesday, March 20, 2018)

#### New business – Consider under suspension of Rules

A motion was made by Commissioner Girtz, seconded by Commissioner Dickerson, 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 Girtz, seconded by Commissioner Dickerson, to approve recommendations from the Nominating Committee for the following appointments. The motion passed by unanimous vote.

Airport Authority	Robert Miles Four-year term expiring 06-30-22
Classic Center Authority	Ryan Brinson (reappointment) Four-year term expiring 06-30-22
Historic Preservation Commission	Heather Fletcher Three-year term expiring 06-30-21
	John Hoge Three-year term expiring 06-30-21
	Missy Wilson Three-year term expiring 06-30-21

Planning Commission

Kelli Ogunsanya  
Five-year term expiring 06-30-23

Lucy Rowland (reappointment)  
Five-year term expiring 06-30-23

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

A public hearing was held on request of Smith Planning Group, for GRREA, LLC, for rezoning from RS-8 (RM-LTD) (Single-Family Residential, Mixed Density Residential Limited Overlay) to RM-1 (PD) (Mixed Density Residential Planned Development) on 2.581 acres known as 1804-1826 Cedar Shoals Drive. Proposed use is multi-family residential. Type II

Planning Commission recommendation: Approve w/conditions (unanimous)

Citizen input

The following citizen input was received.

- 1, Bob Smith, Smith Planning Group, representing petitioner – supported.

A motion was made by Commissioner Herod, seconded by Commissioner Dickerson, to adopt the following ordinance (#18-05- ) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO REZONING TWO PARCELS OF LAND TOTALING APPROXIMATELY 2.581 ACRES LOCATED AT 1804-1826 CEDAR SHOALS DRIVE FROM RS-8 (RM-LTD) (SINGLE FAMILY RESIDENTIAL, MIXED DENSITY LIMITED OVERLAY) TO RM-1 (PD) (MIXED DENSITY RESIDENTIAL, 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 two parcels of land from RS-8 (RM-LTD) (Single Family Residential, Mixed Density Limited Overlay) to RM-1 (PD) (Mixed Density Residential, Planned Development) as shown on Attachment A hereto. Said affected parcels of land are more fully described in that certain site plan entitled "Master Development Site Plan," said site plan being initially dated March 2, 2018 and revised on April 6, 2018, designated in the lower right-hand corner as sheet number "MSP-1," prepared by Edward Lane, Georgia registered professional engineer, and being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia.

The subject parcels totaling approximately 2.581 acres are currently also known as parcel numbers 244 014E and 244 014F on the Athens-Clarke County tax maps, being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia. The date of this amendment to the Official Zoning Map of Athens-Clarke County as shown by Attachment A shall be noted on said Official Zoning Map in the 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 two pages in total, the first sheet of which is entitled "Master Development Site Plan," said sheet being initially dated March 2, 2018 and revised on April 6, 2018, designated in the lower right-hand corner as sheet number "MSP-1," and prepared by Edward Lane, Georgia registered professional engineer; the second sheet of which is entitled "Building Elevation," dated March 2, 2018, and designated in the lower right-hand corner as sheet number "A-1." Both sheets of the binding master site plan are stamped "Binding 4-9-18" and are on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia.

The binding written report associated with this ordinance and incorporated herein by reference consists of seven pages in total, entitled "Cedar Shoals Place, Planned Development (RM-1 PD), Master

Development Plan Report,” dated March 2, 2018, stamped “Binding 4-9-18,” and is on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia.

SECTION 3. The condition of zoning associated with this ordinance is as follows:

Applicant shall construct a deceleration lane on Cedar Shoals Drive for the proposed driveway if required by the Transportation & Public Works Department of the Unified Government of Athens-Clarke County, Georgia.

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

Citizen input on items other than those listed on this agenda

The following citizen input was received.

1. Kristen Morales – supported extending the West Hancock Avenue moratorium
2. Julie Darnell – supported moving cooperative extension office to the eastside
3. Kirrena Gallagher – supported a new Grand Slam program
4. Broderick Flanagan– supported a new Grand Slam program
5. Sam Rafal – concerned about EMS response time
6. Alice Hilton – supported extending the West Hancock Avenue moratorium
7. Bob Gadd – concerned about EMS response time
8. Ian M. Casey – concerned about poverty level in Athens
9. Imani Scott-Blackwell – supported a new Grand Slam program
10. Jerry Barber – supported extending the West Hancock Avenue moratorium
11. Aaron Gregory – supported parallel ordinance
12. Agatha Coggins – supported parallel ordinance
13. Imesinica Willis – supported a new Grand Slam program
14. Claire Bolton– supported extending the West Hancock Avenue moratorium

FROM MAYOR DENSON:

1. Congratulated Gene Wright who was recently recognized as the Outstanding Alumni for the Medical Illustration Graduate program at Augusta University.
2. Appointed the following to a Youth and Community Enrichment Facility Partnership Ad hoc Advisory Committee for SPLOST 2011 Project #22:

Commissioner Hamby – Chair  
Commissioner Wright  
Commissioner NeSmith  
Commissioner Herod  
Commissioner Bell  
Manager Williams will assign support staff as needed.

The committee is directed to review intent of project statement approved by the electorate for a Youth and Community Enrichment Facility Partnership and recommend a partner selection method to the Mayor and Commission within the next ninety days.

3. Assigned to Legislative Review Committee – Review of Code Section 6-3-3 Alcohol - Applications procedure.
4. Announced the following reappointments to the Athens Housing Authority.  

Frank Platt, Jr.	five-year term expiring 5-31-23
Patricia Stephens (resident member)	one-year term expiring 5-31-19
5. Reminded everyone early voting is underway.
6. Stated a proclamation will be issued recognizing participation in the Adopt Athens Program.

<u>Adopting Organization</u>	<u>Location</u>
Crossroads Community Church	Highway 29 from Athens Christian School to Harve Mathis Road
Kappa Alpha Psi	Glenhaven Avenue and The Plaza from West Broad Street to North Billups Street

FROM COMMISSIONERS HAMBY, NESMITH, BAILEY, LINK, GIRTZ, DICKERSON:

1. Supported consideration of reestablishment of the Grand Slam Program – does the timing allow? what would be the cost? can the school district provide a location?

FROM COMMISSIONER HAMBY:

1. Requested to look at options for \$25,000 expenditure for Reese Street study.

FROM COMMISSIONER NESMITH:

1. Thanked staff for recent response to neighborhood paving issue.

FROM COMMISSIONER BAILEY:

1. Thanked staff for assistance with ongoing speeding problem in the Piedmont/Athens Regional area.

FROM COMMISSIONER WRIGHT:

1. Thanked Allison McCullick and Emily Pateuk for assistance with upcoming International Town and Gown conference.

FROM COMMISSIONER LINK:

1. Requested update on EMS service.
2. Requested outside consultant be contracted for Reese Street study.

FROM COMMISSIONER GIRTZ:

1. Thanked Transportation and Public Works staff for 1st AME Church problem.
2. Noted recent Twilight Criterion was a success.



FROM COMMISSIONER DICKERSON:

1. Stated Reese Street residents were not asked about possible historic district designation.
2. Invited everyone to the Winterville Marigold Festival Saturday, May 12.

FROM COMMISSIONER HEROD:

1. Stated Eastside Spring Fling was a good sense of community.
2. Requested manager begin preparations for the 2020 census to ensure a complete count.

The meeting adjourned at 7:40 p.m.

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Clerk of Commission