

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, July 3, 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, Parker, Link, Wright, Bailey, NeSmith, Bell, Herod, Girtz, and Hamby. No one was absent.

RECOGNITION

Commissioner Dickerson, Commissioner Herod, and Michelle Roche presented a \$4,500 check to Keep Athens-Clarke County Beautiful for the profits from the 1st Annual Eastside Spring Fling. The funds will be used for Lexington Road corridor improvements from Cornerstone Church to theatre at Lexington/Winterville Roads.

A motion was made by Commissioner NeSmith, seconded by Commissioner Girtz, to approve Minutes of meetings of Tuesday, June 5; Tuesday, June 12; and Tuesday, June 19, 2018. The motion passed by unanimous vote.

Written communications

There were no written communications.

Public hearing on proposed Milledge Circle local historic district designation and approval of associated design guidelines; and on proposed Castalia Avenue local historic district designation and approval of associated design guidelines

Public input

The following citizen input was received.

1. Betty Fowler - supported Milledge and Castalia
2. Dorothy O'Niell – supported Milledge
3. Missy Wilson – supported Castalia
4. Rebecca McCarthy – supported Castalia
5. Brian Carney – supported Milledge
6. Kim Klonosky, Athens-Clarke Heritage Foundation – supported Milledge and Castalia
7. Sharon Wong – opposed Castalia
8. Paul Haver – opposed Castalia
9. Joe Smith – supported Milledge

A motion was made by Commissioner Wright, seconded by Commissioner Hamby, to approve proposed Milledge Circle local historic district designation and associated guidelines as per agenda report dated April 25, 2018 with the following revisions:

The end date of the Milledge Circle Local Historic District period of significance will be changed from 1964 to 1949. The following properties will become noncontributing as a result in the change of date to 1949:

115 Cherokee
285/287 Milledge Circle
441 Milledge Circle
150 Westview Drive

The motion passed by unanimous vote and the following ordinance (#18-07-34) which was presented by title only was declared adopted.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO HISTORIC PRESERVATION - DESIGNATION OF THE MILLEDGE CIRCLE HISTORIC DISTRICT, INCLUDING ADOPTION OF DESIGN GUIDELINES FOR SAID DISTRICT, AND FOR OTHER PURPOSES:

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

SECTION 1. The individual properties located within the boundaries as set forth in Exhibit A, entitled "Proposed Milledge Circle Historic District", attached hereto and incorporated herein by reference, are hereby designated as part of an historic district known as the Milledge Circle Historic District. The parcels included in the Milledge Circle Historic District are delineated as shown in Exhibit A.

Said individual properties are further identified on the Athens-Clarke County tax maps as the tax parcel numbers listed in Exhibit B, entitled "Milledge Circle Historic District Current Property Owners and Tax Parcel Numbers." Said tax maps are on file and available for public inspection in the offices of the Planning Department, 120 W. Dougherty Street, Athens, Georgia.

The Milledge Circle Historic District is also shown on the copy of a portion of the Official Zoning Map of Athens-Clarke County, Georgia, attached hereto as Exhibit C, entitled "Proposed Milledge Circle Historic District Existing Zoning" and incorporated herein by reference. Staff shall include the Milledge Circle Street Historic District on the Official Zoning Map of Athens-Clarke County, Georgia when the Official Map of Athens-Clarke County, Georgia is next submitted for update by the Mayor and Commission.

SECTION 2: A list of the current owner or owners of each of the properties within the Milledge Circle Historic District as listed in the most recent Athens-Clarke County tax digest is included on Exhibit B.

SECTION 3: The design guidelines for the Milledge Circle Historic District, entitled "Athens-Clarke County, Georgia, Design Guidelines for Historic Districts and Landmark Properties" adopted December 6, 2011 are incorporated herein by reference. Pursuant to Sections 8-5-4 and 8-5-5 of the Code of Athens-Clarke County, these design guidelines shall be used by the Historic Preservation Commission in considering applications for certificates of appropriateness for the individual properties located within the historic district boundaries as designated hereby. The guidelines are on file and available for inspection in the offices of the Athens-Clarke County Planning Department at 120 W. Dougherty Street, Athens, Georgia.

SECTION 4: A Certificate of Appropriateness shall be obtained from the Athens-Clarke County Historic Preservation Commission prior to any material change in appearance of designated properties described herein.

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

A motion was made by Commissioner Wright, seconded by Commissioner Hamby, to approve proposed Castalia Avenue local historic district designation and associated guidelines as per agenda report dated April 25, 2018 with the following revisions:

The following properties will be listed as noncontributing:

Duplex located at 517/519 Castalia Avenue
522 Castalia Avenue

The motion passed by unanimous vote and the following ordinance (#18-07-35) which was presented by title only was declared adopted.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO HISTORIC PRESERVATION - DESIGNATION OF THE CASTALIA AVENUE HISTORIC DISTRICT, INCLUDING ADOPTION OF DESIGN GUIDELINES FOR SAID DISTRICT, AND FOR OTHER PURPOSES:

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

SECTION 1. The individual properties located within the boundaries as set forth in Exhibit A, entitled "Proposed Castalia Avenue Historic District", attached hereto and incorporated herein by reference, are hereby designated as part of an historic district known as the Castalia Avenue Historic District. The parcels included in the Castalia Avenue Historic District are delineated as shown in Exhibit A.

Said individual properties are further identified on the Athens-Clarke County tax maps as the tax parcel numbers listed in Exhibit B, entitled "Castalia Avenue Historic District Current Property Owners and

Tax Parcel Numbers.” Said tax maps are on file and available for public inspection in the offices of the Planning Department, 120 W. Dougherty Street, Athens, Georgia.

The Castalia Avenue Historic District is also shown on the copy of a portion of the Official Zoning Map of Athens-Clarke County, Georgia, attached hereto as Exhibit C, entitled “Proposed Castalia Avenue Historic District Existing Zoning,” and incorporated herein by reference. Staff shall include the Castalia Avenue Historic District on the Official Zoning Map of Athens-Clarke County, Georgia when the Official Map of Athens-Clarke County, Georgia is next submitted for update by the Mayor and Commission.

SECTION 2: A list of the current owner or owners of each of the properties within the Castalia Avenue Historic District as listed in the most recent Athens-Clarke County tax digest is included in Exhibit B.

SECTION 3: The design guidelines for the Castalia Historic District, entitled “Athens-Clarke County, Georgia, Design Guidelines for Historic Districts and Landmark Properties” adopted December 6, 2011 are incorporated herein by reference. Pursuant to Sections 8-5-4 and 8-5-5 of the Code of Athens-Clarke County, these design guidelines shall be used by the Historic Preservation Commission in considering applications for certificates of appropriateness for the individual properties located within the historic district boundaries as designated hereby. The guidelines are on file and available for inspection in the offices of the Athens-Clarke County Planning Department at 120 W. Dougherty Street, Athens, Georgia.

SECTION 4: A Certificate of Appropriateness shall be obtained from the Athens-Clarke County Historic Preservation Commission prior to any material change in appearance of designated properties described herein.

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

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 Girtz, seconded by Commissioner NeSmith, to consent to action on the following five items. The motion passed by unanimous vote.

1. ADOPT: The following ordinance (#18-07-36) which was presented by title only;

APPROVE: Acceptance of a FY18 Georgia Governor's Office of Highway Safety (GOHS) Highway Enforcement of Aggressive Traffic (HEAT) grant for the Athens-Clarke County Police Department (ACCPD) in the amount of \$89,371 to enhance traffic safety as per agenda report dated May 29, 2018; and

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

AN ORDINANCE TO AMEND THE FY2018 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING TO THE POLICE DEPARTMENT FROM THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY FOR CONTINUED FUNDING OF TWO GRANT FUNDED FULLTIME POSITIONS AND RELATED OPERATING EXPENSES FOR THE HIGHWAY ENFORCEMENT OF AGGRESSIVE TRAFFIC GRANT; AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the Grants Special Revenue Fund to establish grant funding to the Police Department from the Governor's Office of Highway Safety for continued funding of two grant funded fulltime positions and related operating expenses. Said Operating and Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:
GOHS H.E.A.T. Grant \$89,371

EXPENDITURES:

Increase:
Police Department:
Personal Services \$89,371

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

2. ADOPT: The following ordinance (#18-07-37) which was presented by title only;

APPROVE: Acceptance of a FY19 Georgia Governor's Office of Highway Safety (GOHS) Highway Enforcement of Aggressive traffic (HEAT) FY19 grant continuation in the amount of \$54,408 for the Athens-Clarke County Police Department as per agenda report dated May 29, 2018; and

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

AN ORDINANCE TO AMEND THE FY2019 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING TO THE POLICE DEPARTMENT FROM THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY FOR CONTINUED FUNDING OF ONE GRANT FUNDED FULLTIME POSITIONS AND RELATED OPERATING EXPENSES FOR THE HIGHWAY ENFORCEMENT OF AGGRESSIVE TRAFFIC GRANT ; AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the Grants Special Revenue Fund to establish grant funding to the Police Department from the Governor's Office of Highway Safety for continued funding of a grant funded fulltime position and related operating expenses. Said Operating and Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:
GOHS H.E.A.T. Grant \$54,408

EXPENDITURES:

Increase:
Police Department:
Personal Services \$54,408

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

3. APPROVE: An exception pursuant to Policy/Procedure Statement WS-011: Water and Sanitary Sewer Services as per agenda report dated May 30, 2018 to allow public water and sanitary sewer services to be provided to 0 Harwood Court, subject to the property owner meeting the following conditions: submittal of properly executed private service line easement conveyances in a form acceptable to the Unified Government of Athens-Clarke County Attorney and Chief Plumbing Inspector; and payment of appropriate fees as identified under Facts and Issues No. 6 for the property.
4. APPROVE: The Memorandum of Agreement (MOA), as shown in Attachment #1 of agenda report dated May 29, 2018 authorizing the Unified Government of Athens-Clarke County (ACCGOV) to fund a portion of the project expenses associated with Right of Way Phase, in the amount of \$180,000, to Georgia Department of Transportation (GDOT) for the replacement of the

Belmont Road bridge over Shoal Creek; and authorize the Mayor and appropriate staff to execute all related documents.

5. APPROVE: Preliminary construction plans for the Upper North Oconee Interceptor Phase 2-B as per agenda report dated May 30, 2018; and authorize staff to complete the final construction plans and solicit bids for construction.

Old/new business – Discussion

Citizen input

The following citizen input was received.

1. Carl Jordan – opposed Oconee Rivers Project MLK Greenway Extension
2. Nat Kukyendall – supported Oconee Rivers Project MLK Greenway Extension
3. Sam Massey – supported commission-defined option for private streets acquisition program

A motion was made by Commissioner Dickerson, seconded by Commissioner Bailey, to approve an exception to Policy/Procedure WS-002 Sanitary Sewer Line Connection and WS-011 Water and/or Sanitary Sewer Services to allow sanitary sewer services to be provided to 130 Parkway Drive as per agenda report dated May 30, 2018 and with the condition the applicant pay the \$100 fee required by the Georgia Department of Transportation for the pavement cut and the sanitary sewer stub installation in South Milledge. The motion passed by unanimous vote.

A motion was made by Commissioner Hamby, seconded by Commissioner Girtz, to adopt the following ordinance (#18-07-38) which was presented by title only as requested by the Clarke County School District. The motion passed by unanimous vote.

AN ORDINANCE TO LEVY AND ASSESS TAXES FOR THE CLARKE COUNTY BOARD OF EDUCATION FOR THE CLARKE COUNTY SCHOOL DISTRICT, ATHENS-CLARKE COUNTY, GEORGIA, FOR THE YEAR 2018.

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

SECTION 1. The following tax, as authorized by the Georgia Constitution, Article VIII, Section VI, Paragraph I, is hereby levied and assessed for the year 2018; and the following described property shall be subject to the tax hereinafter prescribed.

SECTION 2. There is hereby levied and assessed for the year 2018 on all of the taxable property in Athens-Clarke County, Georgia, ad valorem taxes for school purposes for maintenance and operation at the rate of 20.00 mills, as certified by the Clarke County Board of Education, upon the value of said property as fixed by the Tax Digest of Athens-Clarke County.

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

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

- a) Approve Oconee Rivers Greenway Project (TSPLOST 2018 project #05) - sub-project #8 MLK Greenway Extension preliminary construction plans as per agenda report revised June 27, 2018;
- b) Authorize staff to advance the proposed preliminary plans for TSPLOST 2018 Project #5 Sub-Project 8 for the MLK Greenway Extension to the Bid and Award Phase;
- c) Adopt the following resolution to authorize the acquisition of right-of-ways by eminent domain, as necessary; and

- d) Authorize the Mayor and appropriate staff to execute all project-related documents.

The motion passed by unanimous vote.

RESOLUTION

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

WHEREAS, on March 6, 2018, Mayor and Commission of the Unified Government of Athens-Clarke County ("Mayor and Commission") approved project concept for MLK Greenway Extension, Sub-Project #8 ("Sub-Project") of the Oconee Rivers Greenway Project (TSPLOST 2018 Project #05) and 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 the Sub-Project 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 the 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 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 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 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 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 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 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 "MLK Greenway Extension (Athens-Clarke County TSPLOST 2018 Project No.5" consisting of 18 sheets, dated May 25, 2018, made by W.R. Toole Engineers, Inc., 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 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 301 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 Sub-Project.

A motion was made by Commissioner Dickerson, seconded by Commissioner Girtz, with reference to incentives to reduce glass bottles in the Commercial Business District (CBD) as per agenda report dated June 8, 2018:

- a) Approve Solid Waste Policy SW-010 revisions (Attachment # 1 of said agenda report);
- b) Approve Solid Waste Policy SW-023 (Attachment #2 of said agenda report) to require a glass bottle reduction reporting form;
- c) Adopt the following ordinance (#18-07-39) which was presented by title only that will establish a glass bottle reduction program with the following amendment to the Glass Bottle Reduction Program Reporting Form:

Delete: Note: Targeted beer brands are the top five domestic sellers in America, as listed by www.statista.com
Add: Note: Targeted beer brands are the top five beer brands sold by licensee
- d) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO COMMERCIAL CURBSIDE COLLECTION FEES; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 5-2-11 entitled "*Commercial Curbside Collection fees*" of the Code of Athens-Clarke County, Georgia, is hereby amended by inserting a new subsection (e) and renumbering the subsequent subsections, so that the new section is:

Sec. 5-2-11. - Commercial curbside collection fees.

(a) The monthly base fees for commercial curbside collection services for all customers receiving commercial solid waste collection services, within the confines of the Urban Service District as defined by [section 7-301\(a\)](#) of the Charter of the Unified Government of Athens-Clarke County, Georgia, shall be as follows:

Class A \$26.60

Class B 32.60

Class 1A 82.60

Class 2A 161.60

Class D 40.60

In addition, customers shall be required to purchase from the solid waste department official garbage bags in which to place their garbage for collection. The fee per bag shall be \$1.50 to cover the cost of purchasing the bag and the cost of disposing of the waste in said bag at the landfill.

The fee system includes a monthly base fee for the collection function and a disposal fee based upon the volume of waste collected. The base fee element of the system shall be based on the following customer classes:

Class A —Customers that have a need for solid waste collection service two times/week, Monday through Saturday. This service classification shall not be made available to restaurants or bars and is only for commercial customers outside the commercial business district.

Class B—Customers that have a need for solid waste collection service three times/week, Monday through Saturday. This service classification shall not be made available to restaurants or bars.

Class 1A—Customers that have a need for solid waste collection service one time/day, Monday through Sunday.

Class 2A—Customers that have a need for solid waste collection services two times/day, Monday through Sunday.

Class 4—Customers that have collection services provided by dumpster service. Such fees for this type service shall be based on the volume of the dumpster and the frequency of collection as set forth in [section 5-2-9](#).

Class D—Residential customers, defined as either owners or tenants occupying a dwelling unit, excluding multifamily residences of 30 or more units, unless approved by the solid waste director, that have a need for solid waste collection service two times/week, Monday through Saturday.

(b) Customers shall be charged \$3.00 per five-gallon container of cooking oil collected.

(c) There shall be a minimum charge of \$75.00 per vehicle load or part thereof plus disposal cost based on the current landfill rates for the type of materials collected by request of the customer as an unscheduled or special service, as herein defined.

The director of solid waste shall charge a customer for collection and disposal expenses associated with the removal of waste which does not comply with the solid waste ordinance or approved policies and procedures and shall charge a minimum of \$75.00 per vehicle load or part thereof plus disposal cost based on the current landfill rates for the type of materials collected.

(d) *Recycling services.* Recycling services shall be exempt from additional charges only if the customer properly registers for the service through the solid waste department. Customers who need unscheduled or special services who are not properly registered with the solid waste department shall be charged as set forth in [section 5-2-11\(c\)](#).

(e) *Glass Bottle Reduction Program.* Bars and restaurants in the commercial business district are eligible to participate in the glass bottle reduction program. Each business that elects to participate shall annually complete and have on file with the Athens-Clarke County Solid Waste Department a Glass Bottle Reduction Program Reporting Form, as set forth in Solid Waste Policy SW-023, a copy of which is available for public inspection and use in the Office of the Clerk of Commission and the Office of the Director of Solid Waste.

(f) Any customer requesting a change in service level or collection schedule over and above the one "free" change allowed to each customer during a calendar year, shall be assessed a fee of \$10.00 per change.

(g) Class D customers shall not be required to purchase official garbage bags for their solid waste; however, they shall be required to place their solid waste in the official garbage bags which shall be made available to them by the Athens-Clarke County Solid Waste Department in accordance with established policies and procedures.

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

A motion was made by Commissioner NeSmith, seconded by Commissioner Bailey, to approve the commission-defined option for the private streets acquisition program policy/procedure statement.

The motion was withdrawn.

A motion was made by Commissioner NeSmith, seconded by Commissioner Herod, to return to the Government Operations Committee the private streets acquisition program policy/procedure statement. The motion passed by unanimous vote.

New business – Consider under suspension of Rules

A motion was made by Commissioner Bailey, seconded by Commissioner Girtz, to suspend Rules of Commission for consideration of two items of new business. The motion passed by unanimous vote.

A motion was made by Commissioner Dickerson, seconded by Commissioner Girtz, to approve the sale of surplus Transit Bus #606 to the City of Rome, Georgia for \$10,000 as per agenda report dated June 20, 2018; and authorize the Mayor and appropriate staff to execute all necessary documents. The motion passed by unanimous vote.

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

Athens Downtown Development Authority

Drew Dekle
Two-year term expiring 07-31-20
Property owner

Jason Leonard
Two-year term expiring 07-31-20
Business owner

Department of Behavioral Health and Developmental
Disabilities Region 2 Advisory Council

Jill Gambill
Three-year term expiring 06-30-21

Division of Family and Children Services

Shea Post
Five-year term expiring 06-30-23

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

A public hearing was held on request of James C. Warnes, for Chestnut Grove Baptist Church; Tyrone M. Barnett for rezoning from RS-25 (Single-Family Residential) and Special Use in RS-25 to RS-8 (PD) (Single-Family Residential, Planned Development) on 30.83 acres known as 240, 230 Swanson Drive, 200 Jones Drive and 610 Epps Bridge Parkway. Type II

Planning Commission recommendation: Denial (6-2)

Citizen input

The following citizen input was received.

1. Jim Warnes, representing petitioner – supported
2. Jane Sullivan, St. Ives Homeowners Association – opposed
3. Abdul Amir, A&R Engineering, representing petitioner – supported
4. Carolyn Abney – supported
5. Pete Konenkamp, Holly Hills Homeowners Association – opposed
6. Joe Wisenbaker – opposed
7. Greg Wohl, applicant – supported
8. William Griswold – opposed
9. Bill Davis – opposed zoning; supported development
10. Greg Simpson, Colleton Oaks Homeowners Association – supported
11. Sarah Baugh – opposed
12. Angela Heard – opposed
13. Barbara Dean – opposed
14. Lakeisha Gantt – opposed
15. Bob Smith, Smith Planning Group – supported
16. Sharon Denero – supported
17. Walter Smith – opposed
18. Carl Jordan – opposed

19. Grant Whitworth – supported
20. Art Crowley – supported
21. Dendi Owens – supported
22. Mike Oaks – opposed
23. Bill Alworth – supported
24. Suzanne Barbour – supported
25. Melanie Parker – opposed
26. Randall Abney – supported
27. Larry Moon – opposed

A motion was made by Commissioner Hamby, seconded by Commissioner NeSmith, to DENY request for rezoning from RS-25 (Single-Family Residential) and Special Use in RS-25 to RS-8 (PD) (Single-Family Residential, Planned Development) on 30.83 acres known as 240, 230 Swanson Dive, 200 Jones Drive and 610 Epps Bridge Parkway.

A substitute motion was made by Commissioner Girtz, seconded by Commissioner Link, to approve request for rezoning from RS-25 (Single-Family Residential) and Special Use in RS-25 to RS-8 (PD) (Single-Family Residential, Planned Development) on 30.83 acres known as 240, 230 Swanson Dive, 200 Jones Drive and 610 Epps Bridge Parkway.

The substitute motion failed by roll call vote with Commissioners Link, Bell and Girtz voting YES; and Commissioners Dickerson, Parker, Wright, Bailey, NeSmith, Herod, and Hamby voting NO. (3 YES; 7 NO)

The original motion to DENY passed by roll call vote with Commissioners Dickerson, Parker, Wright, Bailey, NeSmith, Herod, and Hamby voting YES; and Commissioners Link, Bell, and Girtz voting NO. (7 YES; 3 NO)

Commissioner Bailey was excused at 9:40 p.m.

A public hearing was held on request of Carter Engineering Consultants, Inc. for Chestnut Grove Baptist Church for amendment to special use within RS-25 (Single-Family Residential) special use on 12.178 acres known as 610 Epps Bridge Parkway and 1645 Timothy Road. Type II

Planning Commission recommendation:

Variance:	Approve w/condition (unanimous)
Special use:	Approve w/conditions (unanimous)

Citizen input

There was no citizen input.

A motion was made by Commissioner Hamby, seconded by Commissioner NeSmith, to DENY request from Chestnut Grove Baptist Church for amendment to special use within RS-25 (Single-Family Residential) special use on 12.178 acres known as 610 Epps Bridge Parkway and 1645 Timothy Road. The motion passed by unanimous vote.

A public hearing was held on request of James C. Warnes, W&A Engineering, for High Point Investors, LLC; Bertram S. Boley Trust; ACCUG for rezoning from RS-25 (Single-Family Residential), C-G (Commercial-General), and G (Government) to C-G (PD) (Commercial-General Planned Development) on 86.629 acres known as 200 and 215 Boley Drive and 1180 Commerce Road. This will require an amendment to the Future Development Map from Single-Family Residential, Government and Corridor Business to Corridor Business. Type I

Planning Commission recommendation
Future Development Map: Approve (unanimous)
Rezoning: Approve w/conditions (unanimous)

Citizen input

1. Jon Williams, representing petitioner – supported
2. Jim Warnes, representing petitioner – supported

A motion was made by Commissioner Girtz, seconded by Commissioner Link, to approve an amendment to the Future Development Map from Single-Family Residential, Government and Corridor Business to Corridor Business on 86.629 acres known as 200 and 215 Boley Drive and 1180 Commerce Road.

A substitute motion was made by Commissioner Hamby, seconded by Commissioner Herod, to DENY amendment to the Future Development Map from Single-Family Residential, Government and Corridor Business to Corridor Business on 86.629 acres known as 200 and 215 Boley Drive and 1180 Commerce Road.

The substitute motion failed by roll call vote with Commissioners Dickerson, Herod, and Hamby voting YES; and Commissioners Parker, Link, Wright, NeSmith, Bell, and Girtz voting NO. (3 YES; 6 NO)

The original motion to approve the Future Development Map amendment passed by unanimous vote and the following ordinance (#18-07-40) which was presented by title only was declared adopted.

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 FOUR PARCELS OF LAND COMPRISING APPROXIMATELY 86.629 ACRES LOCATED AT 200 & 215 BOLEY DRIVE, 1180 COMMERCE ROAD, AND THE NORTH BYPASS FROM SINGLE FAMILY RESIDENTIAL, CORRIDOR BUSINESS, AND GOVERNMENT TO CORRIDOR BUSINESS; AND FOR OTHER PURPOSES.

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

SECTION 1. The Official Future Development Map referred to in the Zoning Ordinance of Athens-Clarke County, Georgia, as specifically identified in Section 9-3-3(A)(2) thereof, is hereby amended by changing the future development map designation of the three parcels of land comprising approximately 86.629 acres located at 1180 Commerce Road, 200 & 215 Boley Drive and the North Bypass, otherwise respectively identified as Athens-Clarke County tax parcel numbers 161 015, 161 016, 161 016C, and 161D4 C004, from Corridor Business, Single Family Residential, and Government to Corridor Business.

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 Girtz, seconded by Commissioner Wright, to adopt the following ordinance (#18-07-41) 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 FOUR PARCELS OF LAND COMPRISING APPROXIMATELY 86.629 ACRES LOCATED AT 200 & 215 BOLEY DRIVE, 1180 COMMERCE ROAD, AND THE NORTH BYPASS FROM RS-25 (SINGLE FAMILY RESIDENTIAL), C-G (COMMERCIAL-GENERAL), AND G (GOVERNMENT) TO C-G, PD (COMMERCIAL-GENERAL, 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 four parcels of land comprising approximately 86.629 acres as shown on Attachment A hereto. Said affected parcels are more fully described in that certain site plan page entitled "Athens Amphitheater," said page having an original issue date of May 4, 2018, being last revised June 11, 2018, prepared by Jon M. Williams, registered landscape architect, of W&A Engineering, designated in the lower right-hand corner as "Master PD Plan" and sheet number 1, 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 comprising approximately 86.629 acres are also known as parcel numbers 161 015, 161 016, 161 016C, and 161D4 C004 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 five pages, the first page entitled "Athens Amphitheater," said page having an original issue date of May 4, 2018, being last revised June 11, 2018, prepared by Jon M. Williams, registered landscape architect, of W&A Engineering, designated in the lower right-hand corner as "Master PD Plan" and sheet number 1, and stamped "Binding 6-12-18"; the second page entitled "Athens Amphitheater," said page having an original issue date of May 4, 2018, prepared by Jon M. Williams, registered landscape architect, of W&A Engineering, designated in the lower right-hand corner as "PD Master Plan" and sheet number 2, and stamped "Binding 6-12-18"; the third page entitled "Athens Amphitheater," said page having an original issue date of May 4, 2018, being last revised June 11, 2018, prepared by Jon M. Williams, registered landscape architect, of W&A Engineering, designated in the lower right-hand corner as "PD Master Plan" and sheet number 3, and stamped "Binding 6-12-18"; the fourth page entitled "Athens Amphitheater," said page having an original issue date of May 4, 2018, being last revised June 11, 2018, prepared by Jon M. Williams, registered landscape architect, of W&A Engineering, designated in the lower right-hand corner as "PD Master Plan," and sheet number 4, and stamped "Binding 6-12-18"; the fifth page entitled "Athens Amphitheater," said page having an original issue date of May 4, 2018, being last revised June 11, 2018, prepared by Jon M. Williams, registered landscape architect, of W&A Engineering, designated in the lower right-hand corner as "Pedestrian Circulation Plan," and sheet number 5, and stamped "Binding 6-12-18."

The binding elevations associated with this ordinance and incorporated herein by reference consist of six pages in total, the first page labeled in the lower left-hand corner "A110, Amphitheater – Building Sections," dated May 4, 2018, and stamped "Binding 6-12-18"; the second page labeled in the lower left-hand corner "A111, Amphitheater – Building Sections," dated May 4, 2018, and stamped "Binding 6-12-18"; the third page labeled in the lower left-hand corner "A210, Stage/Backstage – Building Elevations," dated May 4, 2018, and stamped "Binding 6-12-18"; the fourth page labeled in the lower left-hand corner "A211, Stage/Backstage – Building Elevations," dated May 4, 2018, and stamped "Binding 6-12-18"; the fifth page labeled in the lower left-hand corner "A310, Suites – Building Elevations," dated May 4, 2018, and stamped "Binding 6-12-18"; and the sixth page labeled in the lower left-hand corner "A920, Typical Architectural Style for Maintenance Structures," dated May 4, 2018, and stamped "Binding 6-12-18."

The binding written report associated with this ordinance and incorporated herein by reference is entitled "Athens Amphitheater Master Plan Narrative," revised effective June 11, 2018, consists of twenty-five pages in total, and is stamped "Binding 6-12-18."

Said binding site plan, binding building elevations, and binding written report are 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 conditions of zoning associated with this ordinance are as follows:

1. With approval from the Georgia Department of Transportation, the applicant shall be responsible for the installation of a traffic signal at the intersection of Outer Loop 10 and Commerce Road, and any other improvements as required by the Georgia Department of Transportation, prior to the issuance of a certificate of occupancy.
2. The "owner's lodge" as proposed in the site plan shall be a private, non-commercial, single-family dwelling. The size of the parking area associated with said "owner's lodge" shall comply in all aspects with parking area standards for single-family dwellings in the Code of Athens-Clarke County, Georgia.
3. All exterior lighting, excluding any performance area lighting, shall be no great than 4000 degrees Kelvin correlated color temperature.

4. The lighting for overflow parking north of Boley Drive shall remain off except for during events and times of associated ingress and egress. On dates when events are not held, exterior site lighting shall be confined to security and maintenance needs.

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

A public hearing was held on request of W&A Engineering, for Athens Mill Management, LLC, for rezoning from RM-2 and I (PD) (Mixed Density Residential and Industrial Planned Development) to C-N and I (PD) (Commercial-Neighborhood and Industrial Planned Development) on 18.174 acres known as 355 Oneta Street. Type II

Planning Commission recommendation: Approve w/conditions (unanimous)

Citizen input

The following citizen input was received.

1. Jon Williams, representing petitioner – supported.
2. Michael Smith – questioned need for a hotel.

A motion was made by Commissioner Link, seconded by Commissioner Girtz, to approve request for rezoning from RM-2 and I (PD) (Mixed Density Residential and Industrial Planned Development) to C-N and I (PD) (Commercial-Neighborhood and Industrial Planned Development) on 18.174 acres known as 355 Oneta Street.

A motion was made by Commissioner Hamby, to DENY the request. The motion died for lack of a second.

A substitute motion was made by Commissioner Wright, seconded by Commissioner Hamby, to HOLD this request until the Tuesday, August 7, 2018 Mayor and Commission meeting. The motion passed by roll call vote with Commissioners Dickerson, Parker, Wright, NeSmith, Bell, Herod, and Hamby voting YES; and Commissioners Link and Girtz voting NO. (7 YES; 2 NO)

Commissioner Dickerson was excused at 10:35 p.m.

A public hearing was held on revision of Future Development Map in regards to approved future development designations from February 4, 2014 to June 5, 2018, proposed new future development designations in the 2018 Comprehensive Plan, and updated GIS parcel layer data.

Planning Commission recommendation: Approve (unanimous)

Citizen input

There was no citizen input.

A motion was made by Commissioner NeSmith, seconded by Commissioner Girtz, to adopt the following ordinance (#18-07-42) 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 ADOPTION OF A FUTURE DEVELOPMENT MAP; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 8-1-4, entitled "*Land use plan adopted*," of the Code of Athens-Clarke County, is hereby amended by deleting therefrom the words "and the City of Winterville," adding parentheses to "9-3-3A2," and adding a new sentence to the end of said section regarding the phrases "future development map" and "Future Land Use Map" so that it is as follows:

The future development map of Athens-Clarke County, as amended, and *The Athens-Clarke County Comprehensive Plan*, as adopted by resolution of the Mayor and Commission, including amendments, is hereby adopted by reference. *The Athens-Clarke County Comprehensive Plan* is available for public inspection in the office of the Clerk of Commission of Athens-Clarke County, Room 204, City Hall, 301 College Avenue, Athens, Georgia. The future development map is incorporated into the zoning code in subsection 9-3-3(A)(2) and is available for public inspection in the office of the Clerk of Commission of Athens-Clarke County, Room 204, City Hall, 301 College Avenue, Athens, Georgia. For the purposes of this title, the phrase "future development map" is intended to be synonymous with the phrase "Future Land Use Map" as found in the rules and regulations of the Georgia Department of Community Affairs, Chapter 110-12-1 of the Official Compilation of the Rules and Regulations of the State of Georgia.

SECTION 2. Section 9-2-1, entitled "*General*," of the Code of Athens-Clarke County, is hereby amended by adding a new definition thereto of the term "future development map" so that it is as follows:

Future development map: That certain land use plan as described in Section 8-1-4 of the Code of Athens-Clarke County, Georgia. For the purposes of this title, this phrase is intended to be synonymous with the phrase "Future Land Use Map" as found in the rules and regulations of the Georgia Department of Community Affairs, Chapter 110-12-1 of the Official Compilation of the Rules and Regulations of the State of Georgia.

SECTION 3. Section 9-2-1, entitled "*General*," of the Code of Athens-Clarke County, is hereby further amended by changing the definition of "land use plan" by deleting therefrom the word "development" and the phrase "and City of Winterville," and adding a new sentence at the end of said definition so that it is as follows:

Land use plan: The Future Land Use Map adopted by the Athens-Clarke County Commission in conjunction with the Athens-Clarke County Comprehensive Plan. For purposes of this title, this phrase is intended to be synonymous with the phrase "future development map."

SECTION 4. Section 9-3-3, entitled "*Official zoning map*," of the Code of Athens-Clarke County, is hereby amended in sub-section(A), paragraph (2) thereof by capitalizing the word "map," changing "February 4, 2014" to "July 3, 2018," changing "December 4, 2012," to "February 4, 2014," changing "December 10, 2012," to "February 6, 2014," and deleting the phrase "and the City of Winterville" so that it is as follows:

2. Future Development Map, adopted on July 3, 2018, as an integral component of the Athens-Clarke County Comprehensive Plan, and signed by the Athens-Clarke County Mayor and Clerk of Commission, with the following certification: "This is to certify that this is the Official Future Land Use Map of Athens-Clarke County referred to and incorporated in the Zoning Ordinance of Athens-Clarke County, Georgia." This map supersedes the Official Future Development Map adopted February 4, 2014, and certified February 6, 2014. Said map is made a part of the Athens-Clarke County Comprehensive Plan by reference herein and a part of Title 9 of the Code of Athens-Clarke County by reference and incorporation as if fully set forth herein.

SECTION 5. Chapter 9-4 of the Code of Athens-Clarke County, entitled "*Procedures*," is hereby amended by replacing the compatibility matrix therein with the compatibility matrix attached hereto as Exhibit A, said exhibit being incorporated herein by reference.

SECTION 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A public hearing was held on proposed text amendment regarding bars in the C-D (Commercial-Downtown) zoning district.

Planning Commission recommendation: Approve (unanimous)

Citizen input

There was no citizen input.

A motion was made by Commissioner NeSmith, seconded by Commissioner Link, to delay for 30 days action on this item.

This motion was ruled out of order.

A motion was made by Commissioner NeSmith, seconded by Commissioner Link, to DENY the proposed text amendment.

Commissioner NeSmith amended his motion to DENY and refer back to the Planning Commission. The amendment was accepted by Commissioner Link.

Commissioner NeSmith further amended his motion to approve the proposed text amendment and request Mayor Denson refer to committee a review of bars in the C-D (Commercial-Downtown) District. The amendment was accepted by Commissioner Link.

The motion as amended the second time passed by unanimous vote and the following ordinance (#18-07-43) which was presented by title only was declared adopted.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO BARS IN THE C-D (COMMERCIAL-DOWNTOWN) DISTRICT; AND FOR OTHER PURPOSES

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

SECTION 1. Section 9-2-1, entitled "*General*," of the Code of Athens-Clarke County, is hereby amended by deleting therefrom the current definition of the term "Bar" and replacing it with a new definition as follows:

Bar: An establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including, but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

SECTION 2. Section 9-2-1, entitled "*General*," of the Code of Athens-Clarke County, is hereby further amended by changing the current definition of the term "Restaurant" by deleting therefrom the words "A structure" and replacing said words with "An establishment"; adding thereto the phrase "at least one meal per day and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food"; deleting the word "including"; and adding thereto the phrase "For the purposes of this title, this definition may include," so that the definition of "Restaurant" is as follows:

Restaurant: An establishment that prepares and serves food to customers at least one meal per day and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food. For the purposes of this title, this definition may include sit-down, fast food, drive-through, and drive-in facilities.

SECTION 3. Section 9-10-2, entitled "*Permitted uses*," of the Code of Athens-Clarke County, is hereby amended by adding to the chart therein at the intersection of the row entitled "Restaurant or Bar" and the column entitled "C-D Downtown" the phrase "L(16)"; and said Section is further amended by further adding a footnote to the legend below said chart reading "L(16) = A bar, as defined in Sec. 9-2-1, is a permitted use if the maximum occupancy, as determined by the fire marshal, is 100 or fewer persons. A proposed bar occupancy exceeding this maximum occupancy shall be subject to approval under the Special Use procedures section," so that Section 9-10-2 is as follows:

Commercial Zoning Districts	C-G General	C-D Downtown	C-O Office	C-N Neighborhood	C-R Rural
Restaurant or Bar	P	P, L(16)	N	P	P

L(16) = A bar, as defined in Sec. 9-2-1, is a permitted use if the maximum occupancy, as determined by the fire marshal, is 100 or fewer persons. A proposed bar occupancy exceeding this maximum occupancy shall be subject to approval under the Special Use procedures section.

SECTION 4. Section 9-15-8, entitled "*Nonconforming uses and structures*," of the Code of Athens-Clarke County, is hereby amended by adding to sub-section (B) thereto the sentence

“Discontinuance includes the absence of any or all required local permits, for example, an alcoholic beverage license or occupation tax certificate,” so that sub-section (B) now reads as follows:

B. Except as otherwise specifically provided in this title, a legal non-conforming use, in active existence on the effective date of this title, may be continued without interference until such time as the property owner or occupier intentionally relinquishes its right to maintain such use, as evidenced by an overt act, or failure to act, sufficient to support a finding of such intent. For purposes of this section, discontinuance of the use for a period of 12 months or more shall create a rebuttable presumption of the owner or occupier’s intent to abandon the non-conforming use. Discontinuance includes the absence of any or all required local permits, for example, an alcoholic beverage license or occupation tax certificate.

SECTION 5. 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. Sam Rafal – concerned about EMS service
2. Bob Gadd – concerned about EMS service

FROM MAYOR DENSON:

1. Announced a special called session Tuesday, July 10, 2018, 5:30 p.m., 120 West Dougherty Street to consider a resolution regarding the brunch bill, i.e. the legislation that would allow restaurants to begin serving alcoholic beverages on Sundays at 11:00 a.m.
2. Referred to Government Operations Committee a review of bars in the C-D (Commercial-Downtown) District.

FROM MANAGER WILLIAMS:

1. Received for information was a report of contract awards in excess of \$10,000 for May 2018.

FROM COMMISSIONER GIRTZ:

1. Wished everyone a happy 4th of July and expressed appreciation for the work of local government.
2. Stated he would like input from public regarding Mayor and Commission taking off during the month of July.

FROM COMMISSIONER PARKER:

1. Stated she would like to advise the public more regarding emergency medical services.

FROM COMMISSIONER HAMBY:

1. Expressed appreciation to every one for a great 4th of July fireworks celebration.

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

The meeting adjourned at 11:00 p.m.