

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, August 7, 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.

Citizen input

There was no citizen input.

A motion was made by Commissioner NeSmith, seconded by Commissioner Bailey, to approve Minutes of meeting of Tuesday, July 3; Tuesday, July 10; and Tuesday, July 17, 2018. The motion passed by unanimous vote.

Written communications

There were no written communications.

Old business – Discussion - Resolution changing the official flower of the Unified Government of Athens-Clarke County from the Iris to the Daffodil

Citizen input

There was no citizen input.

Commissioner Wright gave a history of the Iris as the official City of Athens flower.

She also read the following resolution changing the official flower of the Unified Government of Athens-Clarke County from the Iris to the Daffodil.

Commissioner Wright made a motion, seconded by Commissioner Dickerson, to adopt said resolution. The motion passed by unanimous vote.

RESOLUTION

A RESOLUTION CHANGING THE OFFICIAL FLOWER OF THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY FROM THE IRIS TO THE DAFFODIL.

WHEREAS, on April 7, 1964 the Mayor and City Council of Athens, GA, passed a motion to name the Iris the city flower of Athens, GA; and

WHEREAS, the Mayor and Commission of the Unified Government of Athens-Clarke County (“Mayor and Commission”) now wish to designate a new flower as the official flower of the Unified Government of Athens-Clarke County; and

WHEREAS, the Daffodil, one of the earliest harbingers of spring, is a symbol of hope, renewal, optimism, rebirth, and new beginnings; and

WHEREAS, the Daffodil, as one of the oldest cultivated plants, has ties to our own historical namesake. It is native to the Mediterranean region, was used ornamentally and medicinally by ancient peoples, and is believed to have received its name from the Greek myth of Narcissus. In a community named after Athens, Greece, the great center of learning in the classical world, it is only fitting that our community should designate an ancient flower, cultivated by the Greeks themselves, as our official flower; and

WHEREAS, the Daffodil is a hardy, self-sufficient plant capable of thriving in the face of almost any obstacle, much like the resilient people of our community; and

WHEREAS, over 100,000 Daffodil bulbs have been planted over the last ten years in the Athens-Clarke County community to beautify our 10 Loop on- and off-ramps and other public spaces as part of a grassroots partnership with Keep Athens-Clarke County Beautiful (“KAACB”), the Unified Government’s Landscape Management Division, the Georgia Department of Transportation (“GADOT”), and citizen volunteers; and

WHEREAS, the grassroots effort to begin our Daffodil planting project and the continued dedication of volunteers and proponents of this project reflect the spirit of community engagement, generosity, and service that is central to our unique local culture; and

WHEREAS, the Mayor and Commission recognize that beautifying our community through the planting of Daffodils makes our community safer, healthier, and more livable.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Daffodil be and it is hereby designated the official flower of the Unified Government of Athens-Clarke County.

Mayor Denson presented Keep Athens-Clarke County Beautiful with a framed copy of the resolution. They in-turn presented to her a framed picture of ACC Daffodils. They also plan to present a framed picture for display in City Hall.

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. Richard Boone – supported Classic Center
2. Charlie Maddox – supported Classic Center

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

1. ADOPT: The following ordinance (#18-08-44) which was presented by title only.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO PARKING RESTRICTIONS ON WEST DOUGHERTY STREET; 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 north side of West Dougherty Street from its intersection with North Hull Street and extending along the northern side of said street east 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 (#18-08-45) which was presented by title only as recommended by the Legislative Review Committee.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO OPERATION OF NON-TRADITIONAL VEHICLES; AND FOR OTHER PURPOSES.

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

SECTION 1. Chapter 3-3 of the Code of Ordinances of Athens-Clarke County, entitled "Parking, Motor Vehicles and Traffic," is hereby amended by adding new code sections 3-3-65 and 3-3-66, to-wit:

"Sec. 3-3-65. – Definitions.

"Whenever in these sections 3-3-65 through 3-3-66 the following words are used, they shall, unless the context requires otherwise, be deemed to have the following meanings:

"*All-terrain vehicle* shall have the same definition as set forth in O.C.G.A. § 40-1-1(3).

"*Government exempt operators* shall include employees and duly authorized agents of the Unified Government of Athens-Clarke County, Clarke County School District, Downtown Athens Development Authority, State of Georgia (including without limitation the Board of Regents of the University System of Georgia and any association or foundation affiliated therewith), and the United States of America.

"*Personal Transportation Vehicle* shall have the same definition as set forth in O.C.G.A. section 40-1-1(43.1).

"Sec. 3-3-66. - Operation of non-traditional vehicles by Government Exempt Operators

"(a) *Use and operation.*

- (1) No person shall operate any personal transportation vehicle or all-terrain vehicle on public property, roadways, or highways within Athens-Clarke County except for:
 - a. Government exempt operators utilizing said vehicles during the course of their official duties; and
 - b. Individuals with a disability as defined by the Americans with Disabilities Act, 42 U.S.C. § 12102, operating a mobility aid or mobility device.
- (2) All authorized users shall exercise reasonable care in the operation of the aforementioned vehicles and devices at all times.

"(b) *Penalty.* Any person violating this chapter shall be punished pursuant to the provisions of section 1-1-5 of the Code of Athens-Clarke County."

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

3. APPROVE: Office of Operational Analysis revised annual work plan as per agenda report dated June 25, 2018.
4. APPROVE: Lease agreement with Athens-Clarke Heritage Foundation, Inc. for the Athens Welcome Center as per Attachment #1 of agenda report revised July 19, 2018 for the property located at 280 East Dougherty Street known as the "Athens Welcome Center" and the "Church-Waddel-Brumby House"; and authorize the Mayor and appropriate staff to execute all necessary documents.
5. APPROVE: The list of events shown in Attachment #1 of agenda report dated June 27, 2018 for the Athens Downtown Development Authority's FY19 Community Events Program.
6. PASS OUT WITH NO ACTION: Report on curfew ordinance as recommended by the Legislative Review Committee.

Old/new business - Discussion

Citizen input

The following citizen input was received.

1. Tim Denson – opposed sign-up cards; supported countdown clock, work sessions at City Hall

2. Chris Dowd – supported work sessions at City Hall
3. Morgan Teachey, Upper Oconee Watershed Network - supported vacuum pump for Boley Drive
4. Scott Haines – supported Oneta Street rezoning
5. Russ Crump - supported Oneta Street rezoning
6. Jon Williams – supported Oneta Street rezoning
7. Peter Norris – supported Bishop Park master plan

A motion was made by Commissioner NeSmith, seconded by Commissioner Girtz, to approve the Classic Center Authority to secure a loan in the amount of \$1.469 million to fund a GESPC (Guaranteed Energy Savings Performance contract) project to improve energy efficiency of the Classic Center facilities through lighting retrofitting, water system improvements, HVAC/chiller replacement, air handling and controls, and other energy efficiency initiatives as per Attachment A of agenda report revised July 18, 2018; authorize staff to prepare an intergovernmental agreement to back and co-sign the GESPC project, if it is determined such backing will improve the financial agreement's interest rate.; and authorize the Mayor and appropriate staff to execute all necessary documents. The motion passed by unanimous vote.

A motion was made by Commissioner Girtz, seconded by Commissioner Herod, to approve through task no. 7 the proposed implementation schedule for the 2020 SPLOST program as per agenda report dated June 27, 2018 with the provision management return to Mayor and Commission a review of staff submitted projects. The motion passed by unanimous vote.

A motion was made by Commissioner NeSmith, seconded by Commissioner Girtz, to reconsider the above action. The motion passed by unanimous vote.

A motion was made by Commissioner Girtz, seconded by Commissioner NeSmith, to approve through task no. 6 the proposed implementation schedule for the 2020 SPLOST program as per agenda report dated June 27, 2018 with the provision management return an alternate schedule to Mayor and Commission for a review of staff submitted projects to be presented at a subsequent meeting. The motion passed by unanimous vote.

A motion was made by Commissioner Link, seconded by Commissioner Wright, to adopt the commission-defined ordinance 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 substitute motion was made by Commissioner Dickerson, seconded by Commissioner Hamby, to adopt ordinance as recommended with the following additional condition.

The applicant shall develop a plan within twenty-four months, but by no later than October 1, 2020, to address workforce housing at the proposed development and shall work with the Georgia Initiative for Community Housing ("GICH") and the Athens Land Bank Authority ("ALBA") to identify potential incentives to support such housing.

The substitute motion passed by unanimous vote and the following ordinance (#18-08-46) which was presented by title only was declared adopted.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO REZONING A PARCEL OF LAND COMPRISING APPROXIMATELY 18.174 ACRES LOCATED AT 355 ONETA STREET FROM RM-2, I (PD) (MIXED DENSITY RESIDENTIAL & INDUSTRIAL, PLANNED DEVELOPMENT) TO C-N, I (PD) (COMMERCIAL-NEIGHBORHOOD & INDUSTRIAL, PLANNED DEVELOPMENT); AND FOR OTHER PURPOSES.

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

SECTION 1. The map constituting the component part of the Zoning Ordinance of Athens-Clarke County, Georgia, by virtue of and in compliance with Section 9-3-3 and Section 9-3-6 thereof, is hereby

amended by changing the zoning of a parcel of land comprising approximately 18.174 acres located at 355 Oneta Street from RM-2, I (PD) (Mixed Density Residential & Industrial, Planned Development) to C-N, I (PD) (Commercial-Neighborhood & Industrial, Planned Development) as shown on Attachment A hereto. Said affected parcel of land being more fully described in the master site plan entitled "Millworks," said site plan having an original issue date of May 7, 2018, being last revised June 8, 2018, prepared by Jon M. Williams, registered landscape architect, of W&A Engineering, designated in the lower right-hand corner as "Master Plan," 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 parcel comprising approximately 18.174 acres is also known as parcel number 114B 019 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 one sheet entitled "Millworks," said site plan having an original issue date of May 7, 2018, being last revised June 8, 2018, prepared by Jon M. Williams, registered landscape architect, of W&A Engineering, designated in the lower right-hand corner as "Master Plan," and stamped "Binding 6-12-18." The binding elevations associated with this ordinance and incorporated herein by reference are comprised of ten pages in total, the first page showing the north elevation and west elevation for Building A, dated April 3, 2018, and stamped "Binding 6-12-18"; the second page showing the south elevation and east elevation for Building A, dated April 3, 2018, and stamped "Binding 6-12-18"; the third page showing the north, south, east, and west elevations for Building B, dated April 30, 2018, and stamped "Binding 6-12-18"; the fourth page showing the north elevations for Building C, dated April 30, 2018, and stamped "Binding 6-12-18"; the fifth page showing the east and west elevations for Building C, dated April 30, 2018, and stamped "Binding 6-12-18"; the sixth page showing the south elevations for Building C, dated April 30, 2018, and stamped "Binding 6-12-18"; the seventh page showing the south elevations for Building D, dated April 30, 2018, and stamped "Binding 6-12-18"; the eighth page showing the north elevations for Building D, dated April 30, 2018, and stamped "Binding 6-12-18"; the ninth page showing the east and west elevations for Building D, dated April 30, 2018, and stamped "Binding 6-12-18"; and the tenth page showing the alternate west, north, and south elevations for Building D, dated April 30, 2018, and stamped "Binding 6-12-18." The binding written report associated with this ordinance and incorporated herein by reference is entitled "Millworks Planned Development Amendment Narrative," dated May 4, 2018, comprised of five pages in total, and is stamped "Binding 6-12-18." The binding master site plan, binding elevations, and binding written report associated with this ordinance are all 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. Any amplified music emanating from event spaces within either Buildings A, B, or C shall be restricted in accordance with the noise control ordinance in the Code of Athens-Clarke County, Georgia.
2. The final determination on parking allocation shall be made upon adequate demonstration of compliance with the standard ratios for each individual tenant during the time of permitting.
3. Due to inadequate sight distance at both proposed driveways, the applicant shall install an all-way stop at the intersection of Oneta Street and Bryan Street.
4. The applicant shall provide a traffic signal analysis for the intersection of Oneta Street and Chase Street.
5. The applicant shall cause the binding master site plan to be amended so that it indicates partial zoning of I (Industrial).
6. The three additional uses as requested in the binding written report—i.e., indoor recreation, event space, and light manufacturing—shall be approved; however, the following uses are specifically prohibited:
 - Hostels
 - Hotels larger than 10,000 square feet
 - Vehicle repair facilities larger than 2,500 square feet
 - Laundry facilities
 - Schools
 - Personal care homes
 - Nursing homes
 - Hospitals
 - Medical centers

- Cemeteries
 - Mortuaries
7. The applicant shall develop a plan within twenty-four months, but by no later than October 1, 2020, to address workforce housing at the proposed development and shall work with the Georgia Initiative for Community Housing (“GICH”) and the Athens Land Bank Authority (“ALBA”) to identify potential incentives to support such housing.

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

A motion was made by Commissioner Girtz, seconded by Commissioner Wright, to approve a connection to the Unified Government of Athens-Clarke County (ACCGOV) sanitary sewer system by means of a private sewage pumping station and public force main to provide wastewater service to property located at 215 Boley Drive as per Attachment #1 of agenda report dated June 27, 2018. Use of this pump station and associated force main by additional properties shall be subject to approval by the Mayor and Commission.

The motion was withdrawn.

A motion was made by Commissioner NeSmith, seconded by Commissioner Bailey, to hold this item for 30 days with the request management explore alternate pumping methods. The motion passed by unanimous vote.

A motion was made by Commissioner Dickerson, seconded by Commissioner NeSmith, to approve a lease agreement with Advantage Behavioral Health Systems (ABHS) for property located at 250 North Avenue as per Attachment #1 of agenda report revised July 19, 2018 and replacing the following from Section 9 of the lease: “Lessee is fully responsible for their solid waste” with the following: “Lessee shall also be fully responsible for paying for solid waste and recycling collection services and obtaining and coordinating these services through the Athens-Clarke County Solid Waste Department.”; 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 NeSmith, to award a construction contract to Vertical Earth, Inc. for a unit cost not to exceed \$1,913,443 for Whitehall Road at South Milledge Avenue Improvements as per agenda report revised July 31, 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 Wright, seconded by Commissioner Bell, to approve the preliminary engineering plans for the intersection of South Lumpkin Street at Baxter Street, as shown in Attachment #1 of agenda report dated June 26, 2018. The motion passed by unanimous vote.

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

- Approve the removal of the existing Red-Light Running Photo Enforcement System at the West Broad Street and Alps Road intersection;
- Authorize Transportation and Public Works (TP&W) Department staff to apply to the Georgia Department of Transportation (GDOT) for a permit to install a Red-Light Running Photo Enforcement System at the intersection of US 29 and Hull Road;
- Authorize Police Department staff to contract with American Traffic Solutions, in the estimated amount of \$300,000 to provide installation, maintenance, and operation of a Red-Light Running Photo Enforcement System for the US 29 and Hull Road intersection, as shown in Attachment #1 of agenda report dated June 26, 2018; and

- Adopt the following ordinance (#18-08-47) which was presented by title only.

The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE FY2019 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING TO THE POLICE DEPARTMENT FROM THE REDLIGHT CAMERA PROGRAM FUND BALANCE TO FUND THE RECONDITIONING OF THE SYSTEM AT WEST BROAD AND ALPS ROAD; AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the Special Programs Special Revenue Fund to establish funding to the Police Department from fund balance for the funding of the reconditioning of the system at West Broad and Alps Road and related operating expenses. Said Operating and Capital budget is hereby amended as follows:

Special Programs Special Revenue Fund:

EXPENDITURES:

Decrease:

Fund Balance (Red light Camera Program)	\$299,250
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Increase:

Police Department: Capital	\$299,250
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SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner Bailey, seconded by Commissioner Bell, to accept the Bishop Park Master Plan as per agenda report dated June 27, 2018.

A substitute motion was made by Commissioner NeSmith, seconded by Commissioner Dickerson, to accept the plan without the proposed 15,000 sq. ft. plans for a gymnasium/wellness center.

The substitute motion passed by roll call vote with Commissioner Dickerson, Link, NeSmith, Bell, Herod, and Hamby voting YES; and Commissioners Parker, Wright, Bailey, and Girtz voting NO. (6 YES; 4 NO)

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

- Approve the revisions to Project Concepts for Sub-Projects #13 and #15 as described in Facts and Issues #2 and #3 of agenda report revised July 25, 2018, of the Parks Facilities Improvements Project (SPLOST 2011 Project #16);
- Approve the Project Concepts for Sub-Projects #17 through #20, as described in Facts and Issues #4 through #7 of said agenda report, of the Parks Facilities Improvements Project (SPLOST 2011 Project #16);
- Authorize staff to advance Sub-Projects #17 through #20 to the bid and award phase in accordance with the approved project concepts; and
- Declare that these Sub-Projects #17 through #20 are not appropriate for public art elements to be included as part of project concepts, described in Facts and Issues #4 through #7, of the Parks Facilities Improvements Project (SPLOST 2011 Project #16).

The motion passed by unanimous vote.

A motion was made by Commissioner Dickerson, seconded by Commissioner Bailey, to award a unit price contract in an amount of \$4,247,722 to Cooper, Barnette and Page for construction of Athens-Clarke County landfill Phase V Cell 1A-1B as illustrated in Attachment #1 of agenda report dated June 27,

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 Parker, seconded by Commissioner NeSmith, to adopt recommendations of the Government Operations Committee report on review of public input policies and revisions to Commission Rules of Procedure with amendments.

- a. Adopt the same policy for commissioner comments at the agenda setting meetings as the voting meetings. This policy limits the time that a Commissioner can speak on a subject to no more than 3 times for no more than 5 minutes each time.
- b. In lieu of purchase and installation of a countdown clock, install a flat screen monitor to advise audience what item is under discussion and the appropriate time for public input.
- c. Require speakers to complete comment cards before speaking in order to capture accurate spelling of names and addresses.
- d. Amend the zoning ordinance and the Commission Rules of procedure to allow public comment at agenda setting meetings on zoning related items. Comments to be taken after Planning Department staff's presentation on each item. Direct staff to bring forward the necessary text amendments to the Procedures Chapter of the zoning ordinance to make such change.
- e. Direct staff to move work sessions to Chambers in City Hall effective for the work session in January, 2019; to adopt and follow for work sessions the same process used for airing live and recorded video of regular Mayor and Commission meetings and agenda setting sessions; and to maintain an archive of such recordings.
- f. Direct the Attorney to amend the Commission Rules of Procedure accordingly.

Commissioner Herod offered an amendment to item c. as follows: Provide comment cards that speakers are encouraged to complete before speaking.

He also offered an amendment to item e. to change January, 2019 to October, 2018.

Commissioner Wright offered an amendment to purchase and install a countdown clock while researching the use of video.

Commissioners Parker and NeSmith accepted the amendments and Commissioner Parker restated the amended motion as follows.

- a. Adopt the same policy for commissioner comments at the agenda setting meetings as the voting meetings. This policy limits the time that a Commissioner can speak on a subject to no more than 3 times for no more than 5 minutes each time.
- b. Purchase and install a countdown clock, and have a video display researched by staff.
- c. Provide comment cards that speakers are encouraged to complete before speaking, in order to capture accurate spelling of names and addresses.
- d. Amend the zoning ordinance and the Commission Rules of procedure to allow public comment at agenda setting meetings on zoning related items. Comments to be taken after Planning Department staff's presentation on each item. Direct staff to bring forward the necessary text amendments to the Procedures Chapter of the zoning ordinance to make such change.
- e. Direct staff to move work sessions to Chambers in City Hall effective for the work session in October, 2018, but no later than January, 2019; to adopt and follow for work sessions the same process used for airing live and recorded video of regular Mayor and Commission meetings and agenda setting sessions; and to maintain an archive of such recordings.
- f. Direct the Attorney to amend the Commission Rules of Procedure accordingly.

The amended motion passed by unanimous vote.

Commissioner Bailey exited the chamber at 8:12 p.m.

New business – Consider under suspension of Rules

A motion was made by Commissioner Herod, seconded by Commissioner Dickerson, to suspend Rules of Commission for consideration of one item of new business. The motion passed with nine YES votes. Commissioner Bailey was absent.

A motion was made by Commissioner Bell, seconded by Commissioner Dickerson, to approve the Nominating Committee report for various appointments. The motion passed with nine YES votes. Commissioner Bailey was absent.

Athens-Clarke County Library Board	Jane Russell Partial term expiring 12-31-19
	Kenneth White Partial term expiring 12-31-19
Georgia's Innovation Corridor Joint Development Authority	Susan Bogardus Four-year term expiring 05-18-22
Hearings Board	Materance Jordan Partial term expiring 06-30-20
Historic Preservation Commission	Cameron Yearty Partial term expiring 06-30-19
Vision Committee	Taneisha Brooks Three-year term expiring 06-30-21
	Imani Carter Three-year term expiring 06-30-21
	Mumbi Okundaye Three-year term expiring 06-30-21

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

A public hearing was held on request of Michael B. Thurmond, for Centurion Investments, LLC, for an amendment to C-N (PD) (Commercial-Neighborhood, Planned Development) on 1.97 acres known as 155 and 305 Westpark Drive. Proposed use is commercial and/or residential development. Type II

Planning Commission recommendation: Denial (5-4)

Citizen input

There was no citizen input.

A motion was made by Commissioner Girtz, seconded by Commissioner Wright, to approve request from applicant for withdrawal. The motion passed with nine YES votes. Commissioner Bailey was absent.

A public hearing was held on request of W&A Engineering, for Hope Haven of Northeast Georgia, Inc., for special use in C-R (Commercial-Rural) on 5.82 acres known as 200 Vincent Drive. Proposed use is a family personal care home. Type II

Planning Commission recommendation: Approval (unanimous)

Citizen input

The following citizen input was received.

1. Scott Haines, representing petitioner – supported.

A motion was made by Commissioner Link, seconded by Commissioner Bell, to adopt the following ordinance (#18-08-48) which was presented by title only. The motion passed with nine YES votes. Commissioner Bailey was absent.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA, WITH RESPECT TO SPECIAL USE APPROVAL IN THE C-R (COMMERCIAL-RURAL) DISTRICT FOR A PARCEL OF LAND AT 200 VINCENT DRIVE COMPRISING APPROXIMATELY 5.82 ACRES; AND FOR OTHER PURPOSES.

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

SECTION 1. The current C-R (Commercial-Residential) District, 200 Vincent Drive, Athens, Georgia, is hereby amended to provide for special use approval of a family personal care home. The subject parcel is more fully described as follows:

That certain parcel of land comprising approximately 5.82 acres as described by that certain document entitled "SUP," dated March 29, 2018, prepared by Jon M. Williams, Georgia registered landscape architect, designated in the lower right-hand corner as page number "01," 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.

Said parcel comprising approximately 5.82 acres is also designated as tax parcel number 104 001F 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 West 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 site plan associated with this ordinance and incorporated herein by reference consists of one sheet, entitled "SUP," dated March 29, 2018, prepared by Jon M. Williams, Georgia registered landscape architect, designated in the lower right-hand corner as page number "01," stamped "Binding 7-10-18," 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 binding written report associated with this ordinance and incorporated herein by reference consists of five pages in total, being entitled "Special Use Permit Narrative," dated March 2, 2018, stamped "Binding 7-10-18," 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.

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

1. The operator of the personal care home at 200 Vincent Drive, Athens, Georgia shall, so long as this special use permit remains in effect, provide to the Director of the Athens-Clarke County Planning Department a copy of its most recent inspection report from the Georgia Department of Community Health within thirty (30) days of its receipt of such report, and such report shall be available for inspection Monday through Friday during the hours of 9:00 a.m. to 5:00 p.m.
2. The operator of the personal care home shall at all times be a non-profit institutional entity that regularly provides support services to adults with developmental disabilities and has all necessary permits or licenses from the Georgia Department of Community Health.

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

A public hearing was held on a proposed text amendment regarding rural event facility.

Planning Commission recommendation: Approval (unanimous)

Citizen input

There was no citizen input.

A motion was made by Commissioner NeSmith, seconded by Commissioner Dickerson, to adopt the following ordinance (#18-08-49) which was presented by title only. The motion passed with nine YES votes. Commissioner Bailey was absent.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO ZONING AND DEVELOPMENT STANDARDS FOR RURAL EVENTS FACILITIES; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 9-2-1 of the Code of Athens-Clarke County, Georgia, entitled "*General*," is hereby amended by adding thereto a new definition for "rural events facility" as follows:

Rural events facility: A facility located on land zoned AR (Agricultural Residential) that provides a commercial facility for use by various private groups, not exceeding 300 persons, for meetings, weddings, receptions, and other similar events.

SECTION 2. Section 9-5-2 of the Code of Athens-Clarke County, Georgia, entitled "*Permitted Uses*," is hereby amended by changing footnote L(2) in the legend below the chart in said section to reference special use approval and rural event facilities so that it now reads as follows:

L(2) = Limited to a retail sales area of no more than 2,500 square feet without special use approval. No convenience stores or gas stations are permitted. A rural events facility, as defined in section 9-2-1, is permitted only as a special use permit. Refer to section 9-15-26 for regulations governing a rural events facility.

SECTION 3. There is hereby added to Chapter 9-15 of the Code of Athens-Clarke County, Georgia, entitled "*General Regulations*," a new Section 9-15-26. Said new section shall be entitled "*Rural events facility*," and it shall read as follows:

Sec. 9-15-26. – Rural events facility.

A rural events facility, as defined in section 9-2-1, shall be subject to approval under the Special Use procedures section and the following conditions:

- A. The rural events facility shall have direct frontage on and access from an arterial or collector street.
- B. Rental of overnight accommodations shall be prohibited.
- C. Restaurants, bars, and commercial kitchens shall be prohibited; however, catering is allowed and a space may be provided for caterers to store and clean dishware and to warm and serve food items. A properly-licensed caterer may serve alcohol during an event, provided that the caterer complies in all aspects with Chapter 6-3 of this Code and the laws of the State of Georgia.
- D. Events shall be restricted to hours between 8:00 a.m. and 11:00 p.m.
- E. The rural events facility shall be exempt from the site design and use standards in Chapter 9-25 of this Code and the parking standards in Chapter 9-30 of this Code, except for the following requirements:
 1. Trash storage area and dumpster enclosures, mechanical equipment, and similar areas are not permitted to be visible from the street nor are permitted between the building and the street. Dumpsters and refuse or recycling containers shall be screened with a gated enclosure constructed of wood or masonry that must at least be the height of the dumpsters and refuse or recycling containers. Gated enclosures are required in order to conceal the containers and assist in controlling any loose debris.
 2. Accessible parking shall be provided per section 9-30-4.
 3. Parking areas shall be provided with adequate aisles or turn-around areas so that all vehicles may enter the street in a forward manner. In no case shall a two-way driveway be less than 20 feet in width, nor a one-way driveway less than 12 feet in width.

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

A public hearing was held on a proposed text amendment regarding halfway houses.

Planning Commission recommendation: Approval (unanimous)

Citizen input

There was no citizen input.

A motion was made by Commissioner Girtz, seconded by Commissioner NeSmith, to adopt the following ordinance (#18-08-50) which was presented by title only. The motion passed with nine YES votes. Commissioner Bailey was absent.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO ZONING AND DEVELOPMENT STANDARDS FOR HALFWAY HOUSES; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 9-15-21 of the Code of Athens-Clarke County, Georgia, entitled "*Halfway houses*," is hereby amended by deleting from sub-section (A) thereof Paragraph (2) and by re-numbering Paragraph (3) thereof to Paragraph (2) so that sub-section (A) now reads as follows:

A. Halfway houses are subject to, but not limited to, the following conditions:

1. The facility must show evidence of all required state or federal permits.
2. An application for a zoning decision for a halfway house shall follow the Type I procedure in chapter 9-4 and the hearing provisions set forth in O.C.G.A. § 36-66-4.

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

Citizen input on items other than those listed on the agenda

The following citizen input was received.

1. Tyler Dewey, Bike Athens - supported bicycle safety on Chase Street and Barnett Shoals Road.
Commissioner Bailey returned to the Chamber at 8:43 p.m.
2. Alvin Sheats, representing NAACP – police department should be trained to work with children.
3. Will Eskridge, problem with stormwater on Vincent Drive.
4. Sam Rafal, concerned about EMS response time.

FROM MAYOR DENSON:

1. Announced proclamations will be issued to the following recognizing participation in the Adopt A Highway Program.

Adopting Organization

Location

SheSPEAKS Academy Mentoring Program

Whitehead Road from Jefferson Road to Tallassee Road

Brianna Ellis & Family

Robert Hardeman Road from South Main Street to Lexington Highway

2. Referred to Government Operations Committee a review of HB419 with reference to fireworks and noise.
3. Referred to Government Operations Committee a review of public input procedures for the Planning Commission.

FROM MANAGER WILLIAMS:

1. Received for information was a report of contract awards in excess of \$10,000 for June 2018.
2. Received for information was a report of proposed operating transfer to Juvenile Court.
3. Received for information was a report of acceptance of grant funding – Georgia Department of Natural Resources Wildlife Viewing Grant.

FROM COMMISSIONER PARKER:

1. Stated additional information is needed regarding emergency medical services response time.

FROM COMMISSIONER DICKERSON:

1. Thanked Leisure Services for their assistance with the East Athens Spring Fling.
2. Announced the East Athens Business Leaders Association will meet August 14 at Tuckston United Methodist Church.
3. Stated solid waste fees will be on the Tuesday, August 14 work session.
4. Stated a public meeting on the stormwater program will be held Thursday, August 16.
5. Expressed appreciation to fire, police and transportation and public works who assisted during the recent hail storm.
6. Requested an update on out-of-county septage fees.

FROM COMMISSIONER HEROD:

1. Stated the Daffodil is the official flower of Wales.

FROM COMMISSIONER HAMBY:

1. Stated he is ready to move forward with Chase Street project.

FROM COMMISSIONER WRIGHT:

1. Stated on August 24 the State Historic Preservation Commission will submit the Oconee Street School building at 594 Oconee Street to the Department of Natural Resources for historic designation.
2. Stated she has much information to discuss as a result of a recent town and gown out-of-state meeting which she attended along with University of Georgia representatives.

FROM COMMISSIONER LINK:

1. Requested more public input on Chase, Boulevard, and Oneta Street projects.
2. Requested review of reduced frequency of Athens Transit service to Prince Avenue.
3. Stated she plans to request SPLOST funding for sidewalks and stormwater improvements along Vincent Drive.

FROM COMMISSIONER GIRTZ:

1. Stated he wishes to move forward with Chase Street project.
2. Stated stormwater funds may be available to address Vincent Drive issue.
3. Requested update of lighting ordinance, specifically spotlights and color temperature.

4. Stated he will participate in several upcoming community events: Children First, Over the Edge, and Project Safe.

A motion was made by Commissioner Girtz, seconded by Commissioner Dickerson, to enter into executive session for discussion of real estate acquisition and/or disposal and an attorney/client conference to discuss threatened or pending litigation. The motion passed by unanimous vote.

The meeting adjourned at 9:20 p.m.

Clerk of Commission