

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, September 4, 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.

RECOGNITIONS

Mayor Denson recognized Vince Dauro – Regional Program Manager for the Commission on Accreditation for Law Enforcement Agencies (CALEA). Mr. Dauro stated the Athens-Clarke County Police Department has received the 10th Accreditation Award and has been CALEA accredited for over 30 years. This cycle ACCPD was awarded the special distinction of “Accreditation with Excellence”. The goal of accreditation is to improve the delivery of public safety services, primarily by: maintaining a body of standards, developed by public safety practitioners, covering a wide range of up-to-date public safety initiatives; establishing and administering an accreditation process; and recognizing professional excellence.

The certificate was accepted by ACCPD Chief Scott Freeman; the Police Department Leadership Team; Katrina Taylor, Accreditation Coordinator; and Tiffany Autry, Assistant Accreditation Coordinator.

Mayor Denson announced the Association of Marketing and Communication Professionals recently awarded two Hermes Awards to videos produced by the Public Information Office. The Hermes Awards is an international competition for creative professionals involved in the concept, writing, and design of marketing and communication programs and print, visual, and audio materials.

The Public Information Office’s “Readying Downtown Athens, GA for the Holidays” video about the ACC Landscape Management Division’s efforts in 2017 to install the community Christmas tree and decorate downtown received a Gold Hermes Award.

The Public Information Office’s “Athens, GA is Bulldog City” video featuring Unified Government employees showing their support for the UGA Bulldogs ahead of the national championship game was awarded a prestigious Platinum Hermes Award. The video also featured the community’s musical creative talents through the song “Bulldog City” from local artist B.J. Hardy.

Accepting the awards was TV/Video Media Analyst Todd Dickey, who filmed and edited both videos.

A motion was made by Commissioner Girtz, seconded by Commissioner Dickerson, to approve Minutes of meeting of Tuesday, August 7; and Tuesday, August 21, 2018. The motion passed by unanimous vote.

Written communications

There were no written communications.

Old business – Consent Items under this section were discussed at prior public meetings and were presented for consideration as a single item. Only one vote was taken

Citizen input

There was no citizen input.

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

- ADOPT: The following ordinance (#18-09-51) which was presented by title only appropriating General Fund Contingency funds for Juvenile Court, Fees – Court Ordered and Court Appointed Indigent Defense as per agenda report revised August 21, 2018.

AN ORDINANCE TO AMEND THE FY2018 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FOR OPERATING EXPENSES RELATED TO JUVENILE COURT; 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 General Fund to provide funding operating expenses for Fees – Court Ordered and Fees – Court Appointed Indigent Defense. Said Operating and Capital budget is hereby amended as follows:

General Fund:

EXPENDITURES:

Decrease:	
General Fund Contingency	\$52,800
Increase:	
Juvenile Court- Fees – Court Ordered	\$9,800
Juvenile Court – Fees – Court Appointed	<u>\$ 43,000</u>
Indigent Defense	
Total	\$ 52,800

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

- ADOPT: The following resolution regarding the Hazard Mitigation Plan Adopt the 2018 Hazard Mitigation Plan Update; as per agenda report dated July 20, 2018; and authorize Mayor and staff to execute all related documents.

RESOLUTION – ATHENS-CLARKE COUNTY, GEORGIA

ATHENS-CLARKE COUNTY HAZARD MITIGATION PLAN UPDATE 2018-2023

WHEREAS, Athens-Clarke County and its municipalities recognize that it is threatened by a number of different types of natural and man-made hazards that can result in loss of life, property loss, economic hardship and threats to public health and safety; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has required that every county and municipality have a pre-disaster mitigation plan in place, and requires the adoption of such plans in order to receive funding from the Hazard Mitigation Grant Program; and

WHEREAS, a Hazard Mitigation Plan is a community’s plan for evaluating hazards, identifying resources and capabilities, selecting appropriate actions, and developing and implementing the preferred mitigation actions to eliminate or reduce future damage in order to protect the health, safety and welfare of the residents in the community; and

WHEREAS, the Athens-Clarke County Hazard Mitigation Plan Update 2018 - 2023 has been prepared in accordance with FEMA requirements at 44 CFR 201.6; and

WHEREAS, the Plan will be updated every five years;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia, that:

1) Athens-Clarke County, Georgia, has adopted the Athens-Clarke County Hazard Mitigation Plan Update 2018 - 2023; and

2) It is intended that the Plan be a working document and is the first of many steps toward improving rational, long-range mitigation planning and budgeting for Athens-Clarke County.

3. APPROVE: Acceptance of the Continuum of Care (CoC) Homeless Assistance Grant for the 2018-2019 program year as per agenda report dated July 31, 2018, if awarded; authorize appropriate amendments to agency grants based upon the amount of the actual grant award; and authorize the Mayor and appropriate staff to execute the HUD grant agreements and all related documents.
4. APPROVE: Policy for use of government owned special event equipment on private property as recommended by the Government Operations Committee in report dated August 1, 2018.
5. APPROVE: Revisions to the Athens-Clarke County travel policy as per Attachment #1 of agenda report dated July 11, 2018 to incorporate necessary changes to the November 7, 2017 adopted policy.

Old/new business – Discussion

Citizen input

The following citizen input was received.

1. Tyler Dewey – supported Chase Street and Barnett Shoals Road
2. Mark Beattley – supported Barnett Shoals Road
3. Carol Myers – supported Chase Street and Barnett Shoals Road
4. John Jefferson – supported Chase Street
5. Megan Teachey, representing UOWN – supported Boley Drive
6. Michael Songster – supported Chase Street and Barnett Shoals Road

Old business – Discussion

A motion was made by Commissioner NeSmith, seconded by Commissioner Link, to adopt the following ordinance (#18-09-52) which was presented by title only updating and revising the discrimination and harassment Code Section 1-17 in accordance with changes in federal law; and adopt a revised Discrimination and Harassment Policy as per agenda report dated August 1, 2018. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO DISCRIMINATION AND HARRASSMENT; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 1-17-1 of the Code of Athens-Clarke County, Georgia, entitled "*Prohibited*," is hereby deleted in its entirety and replaced with the following:

Sec. 1-17-1. - Prohibited.

- (a) It is a violation of this code section to discriminate against any employee of the Unified Government or any applicant for employment with the Unified Government in the terms or conditions of employment, the provision of employment opportunities, benefits, or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's sex (including pregnancy), sexual orientation, gender identity, race, color, religion, disability, national origin, citizenship, military or veteran status, genetic information, age, or any other status or classification protected by applicable federal or state laws.
- (b) It is a violation of this code section to harass any employee of the Unified Government or any applicant for employment with the Unified Government on the basis of their sex (including

pregnancy), sexual orientation, gender identity, race, color, religion, disability, national origin, citizenship, military or veteran status, genetic information, age, or any other status or classification protected by any applicable federal or state laws.

- (1) For the purpose of this code section, harassment may take the form of verbal, physical, or visual conduct and is prohibited if (A) enduring the conduct is made either an explicit or implicit term or condition of employment, or (B) the conduct is severe or pervasive enough to create a work environment that a reasonable person would find intimidating, hostile, or abusive. Harassing conduct may include, but is not limited to, offensive jokes, slurs, epithets or name-calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and/or interference with work performance. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of a violation under this section. To be a violation of this section, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.
 - (2) Sexual harassment is prohibited under this code section and is made unlawful by Title VII of the Civil Rights Act of 1964. Sexual harassment may include unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal, physical, or visual conduct of a sexual nature. Verbal sexual harassment may include offensive jokes, name-calling, or unwanted sexual advances. Physical sexual harassment may include unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, or forced sexual intercourse or assault. Visual sexual harassment may include offensive objects or images, whether in print or on a screen of any type.
 - (3) This code section is intended to prohibit the harassment of the Unified Government's employees by elected officials, appointed officials, constitutional officers, charter officers, supervisory or management personnel, or other employees.
- (c) For the purposes of this code section, the terms "sexual orientation" and "gender identity" shall have the following meanings:
- (1) "Sexual orientation" shall mean the condition of being heterosexual, bisexual, or homosexual, or the perception that an individual is heterosexual, bisexual, or homosexual, or the perception that an individual is associated with individuals who maintain such orientation; and
 - (2) "Gender identity" shall mean self-perception as male or female, and shall include a person's identity, expression, or physical characteristics, whether or not traditionally associated with one's biological sex or one's sex at birth, including transsexual, transvestite, and transgender, and including a person's attitudes, preferences, beliefs, and practices pertaining thereto, including, but not limited to, assumption of male or female identity by appearance or medical treatment.
- (d) No employee, applicant, or other covered person who, in good faith, makes a complaint about discrimination or harassment will be subjected to any retaliation or incur any penalty or adverse consequence for making a complaint.
- (e) The manager shall implement this chapter by instituting policies and procedures for the purpose of permitting an employee or applicant who feels that he or she has a complaint under this chapter or that some employee has violated the mandates of this chapter to make that complaint known to the appropriate officer or authority within the Unified Government. Additionally, the manager shall set up a procedure for investigating and responding to said employee or applicant's complaint.

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

A motion was made by Commissioner Girtz, seconded by Commissioner NeSmith, 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 adding the following conditions.

The force main and pump station will comply with the following requirements:

- a) The force main will be constructed using High Density Polyethylene (HDPE) pipe.
- b) The 20-inch raw water line will serve as a second wall in which the HDPE is line inserted.
- c) The pump station will be a duplex submersible system, using two alternating pumps.
- d) A spare pump will be maintained on-site for replacement of a malfunctioning pump.
- e) The pump system will include a telemetry system for reporting malfunctions real-time to persons designated to monitor the system.
- f) An adjunct well with a capacity of at least 10,000 gallons will be included in the system.

- g) A person responsible for monitoring the system, monitoring equipment, a spare pump, staff trained to implement the spare pump, and the equipment required to implement the spare pump will be on-site during every public event.
- h) The pump system will be inspected annually and a report of its condition will be provided to Athens-Clarke Public Utilities Department in a timely manner.

Item b) was amended to read "The 20-inch abandoned raw water line"

The motion passed by unanimous vote.

A motion was made by Commissioner Link, seconded by Commissioner NeSmith, to:

- a. Accept Chase St Corridor Plan with the following amendments:
 - 1. Rename this document the "Chase St. Area Corridor Concept Plan"
 - 2. Delay approval of the Boulevard segment of the plan for redesign pending a traffic analysis, data presentation, and direct input from residents of Boulevard (the street) to consider alternative bike, pedestrian, & traffic-calming infrastructure possibilities. This traffic analysis is already scheduled for Sept 2018. This process should include a reconsideration of Boulevard's classification as an Urban Collector Street &/or the local policy regarding speed limits & speed tables on streets of this classification.
 - 3. Separate the Barber St. segment of the plan into two segments including Boulevard-to-Oneta, and Oneta-to-Newton Bridge Rd.
 - 4. Transportation & Public Works shall return to the Mayor & Commission within one year with a feasibility study for bicycle infrastructure improvements along the full length of Chase St. from Boulevard to Newton Bridge Rd. This will include consideration of a shared-use path along some portion(s) of Chase St.
 - 5. Before any elements of projects presented as concepts in this plan move forward toward final design phase, they should be publicly presented in interactive public input sessions to which all property owners within 400 ft of the project as well as employers on adjacent streets (within a .5 mile radius) are directly invited. These presentations/input sessions should occur before any final design proposals are presented to the Mayor & Commission and the M&C should be provided with any public comments resulting from aforementioned sessions prior to the work session presentation.
- b. Approve the permanent striping of Chase Street between Boulevard and Newton Bridge Road according to existing lane configurations with the exception of traffic calming at the railroad bridge, as shown in Attachment #2, and with the assurance that the center lane remains accessible in front of the driveway at 965 North Chase.

A substitute motion was made by Commissioner Girtz, seconded by Commissioner Hamby, to accept the Chase Street Corridor Plan as shown in Attachment #1 of agenda report dated June 26, 2018 with the exception of Boulevard which shall be returned to the Mayor and Commission upon completion of the neighborhood traffic management program study scheduled for fall 2018; and approve the permanent striping of Chase Street between Boulevard and Newton Bridge Road according to existing lane configurations with the exception of traffic calming at the railroad bridge as shown in Attachment #2 of said agenda report, and with the assurance that the center lane remains accessible in front of the driveway at 965 North Chase.

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

A motion was made by Commissioner Herod, seconded by Commissioner Dickerson, to approve the temporary lane reconfiguration to Barnett Shoals Road between Forest Road and Whitehall Road for approximately 30 days, as shown in Attachment #1 of agenda report revised August 28, 2018; and extend the limits of resurfacing in the CY18 Pavement Maintenance Project on Barnett Shoals Road from Security Circle to Whitehall Road. The motion passed by unanimous vote.

A motion was made by Commissioner Wright, seconded by Commissioner NeSmith, to approve the Memorandum of Understanding with AT&T, as shown in Attachment #1 of agenda report dated July 30, 2018, authorizing the Unified Government of Athens-Clarke County to permit AT&T to own, construct, maintain, operate, and control telecommunication and small cell equipment within the Right of Way. The motion passed by unanimous vote.

A motion was made by Commissioner NeSmith, seconded by Commissioner Hamby, to adopt the following ordinance (#18-09-53) which was presented by title only as recommended by the Legislative Review Committee report dated August 1, 2018. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO MOBILE FOOD VENDOR UNITS; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 6-6-1 of the Code of Athens-Clarke County, Georgia, entitled "*Definitions*," is hereby amended by deleting the words "The term 'itinerant merchant' shall include door to door sales," so that the definition for itinerant merchant is:

"Sec. 6-6-1. - Definitions.

Itinerant merchant: Any person or persons who engages in the sale of any goods, merchandise or services to the public on private property, whether in a commercial or residential area, on a temporary itinerant basis."

SECTION 2. Section 6-6-1 of the Code of Athens-Clarke County, Georgia, entitled "*Definitions*," is hereby amended by adding the words "or on private property when approved by the property owner," so that the definition for mobile food vendor unit is:

"Sec. 6-6-1. - Definitions.

Mobile food vendor unit: A motorized vehicle or trailer licensed to travel on public roads that is used for selling food and/or non-alcoholic beverage items to the general public from within the designated vehicle parking spaces along that portion of the south side of East Hancock Avenue between College Avenue and North Lumpkin Street and that portion of the west side of College Avenue between East Hancock Avenue and East Washington Street, or from any other designated public area as determined by the manager, or on private property when approved by the property owner."

SECTION 3. Section 6-6-2, entitled "*Administration*," of the Code of Athens-Clarke County, Georgia, subsection (f), entitled "*Duration of permit*," paragraph (4) is hereby amended by adding the words "A permit shall also authorize the holder to engage in sales of food and/or non-alcoholic beverage items to the general public on private property from such unit without otherwise being required to obtain an itinerant merchant permit," so that said paragraph is:

"Sec. 6-6-2. – Administration.

(f) *Duration of Permit:*

(4) A permit for a mobile food vendor unit to engage in street sales shall be issued on an annual basis. No permit shall be issued for more than one year at one time. A permit shall expire on December 31 each year. A permit shall also authorize the holder to engage in sales of food and/or non-alcoholic beverage items to the general public on private property from such unit without otherwise being required to obtain an itinerant merchant permit."

SECTION 4. Section 6-6-2, entitled "*Administration*," of the Code of Athens-Clarke County, Georgia, subsection (g), entitled "*Fees*," is hereby amended by deleting the chart entitled "Type of Permit/Fee" in its entirety and the following new chart is inserted in lieu thereof:

"Sec. 6-6-2. – Administration.

(g) *Fees.* Permit fees for street sales are based on the cost of regulation and/or additional charge for the use of public right-of-way. Permit fees for itinerant merchants and sidewalk sales are regulatory fees only. The fee for a permit is set forth below. Said permit shall not be prorated or refundable:

Type of Permit/Fee	Fee
Farmers Market assigned locations	\$100.00
Mobile food vendor unit	515.00
Street merchant-assigned location not otherwise specified	100.00
Itinerant merchant (includes mobile food vendors operating solely on private property)	75.00
Sidewalk sale	25.00
Individual merchant identification/ badge	20.00
Replacement merchant identification/badge	15.00

SECTION 5. Section 6-6-7, entitled “*Street Sales – Assigned locations,*” of the Code of Athens-Clarke County, Georgia, subsection (a), paragraph (5) is hereby amended by adding the words “on public property,” so that said paragraph is:

“Sec. 6-6-7. – Street Sales – Assigned locations.

(a) Intent. The Commission of Athens-Clarke County finds and declares that a regulatory scheme for street sales by street merchants in the Athens Downtown Tax District, Farmers Market assigned locations, mobile food vendor unit designated areas, and on certain sections of Baldwin Street, Jackson Street, Baxter Street or other designated assigned areas would promote the public interest in that:

(5) The mobile food vendor unit designated areas on public property, as defined in this chapter, are located in the Athens Downtown Tax District adjacent to City Hall in an area that is central to the downtown area, and at other designated public areas, that have frequent pedestrian activity; mobile food vendors in those areas will provide a service to the public seeking additional wholesome food and beverage options; and that specific regulations and restrictions for mobile food vendor units would further promote the safety and welfare of persons in those areas.”

SECTION 6. Section 6-6-8, entitled “*Sales on Baldwin Street, Baxter Street and Jackson Street; Farmers Market Assigned Locations; Mobile Food Vendor Units,*” of the Code of Athens-Clarke County, Georgia, subsection C entitled “*Mobile food vendor units,*” is hereby amended by adding the words “when operating in such public areas,” so that said subsection is:

“Sec. 6-6-8. – Sales on Baldwin Street, Baxter Street and Jackson Street; Farmers Market Assigned Locations; Mobile Food Vendor Units.

C. *Mobile food vendor units.* In addition to the provision regulating all street sales, mobile food vendors may operate only from designated mobile food vendor unit area on College Avenue and East Hancock Avenue, the park and ride lot on Lexington Road at Loop 10, and other public areas designated by the manager, subject to the following additional restrictions when operating in such public areas:”

SECTION 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

- a) Approve the SPLOST 2020 Program Goals and Project Selection Criteria as noted in Attachment #1 of agenda report dated August 10, 2018 as revised below and with no changes to the designated funding for the SPLOST 2020 Program;
- b) Approve the Revised Implementation Schedule and Task List for the proposed SPLOST 2020 program as per Attachment #2 of said agenda report and;
- c) Approve the “charge” to the SPLOST 2020 Citizens Advisory Committee as noted in Attachment #3 of said agenda report.

The motion passed by unanimous vote.

Program Goals

Hold a SPLOST 2020 referendum on November 5, 2019 in order to avoid a break in collections from SPLOST 2011, thereby avoiding additional expenses to local businesses that could result from adjusting sales tax rates at the point of sale.

Develop a fixed amount SPLOST program similar to SPLOST 2011, generating \$248 million over an

estimated nine (9) year period and authorize some short-term debt as required by Georgia law (O.C.G.A. 48-8-111.1).

Maintain and enhance community services by providing funding for citizen identified capital projects that are economically, environmentally and socially sustainable. Overall Projects will be broken down within one of three (3) broad categories based on the Projects primary focus being to improve: economic prosperity, social well-being, or environmental protection.

In total, the projects selected should not result in a net increase of the annual General Fund operating expenditures by more than \$4 million.

Project Selection Criteria:

Projects are to be evaluated based on their long-term and ongoing contribution county-wide to equity, as defined below and to the sustainability of Athens-Clarke County and its resources. Project applications should address sustainability by identifying components within the proposed project that will accomplish one or more of the following:

Economic Prosperity

- Provide new or maintain existing infrastructure needed to grow equitable economic development as may be identified in previously adopted plans (e.g. Madison Athens-Clarke County Oconee Regional Transportation Study, the Public Utilities Service Delivery Plan, etc.).
- Provide facilities for youth development, job training, business incubators, or other similar functions, especially those serving historically marginalized populations.
- Provide funding for Capital Improvements Projects that are typically funded out of the General Fund.
- Reduce existing and/or future operating cost.
- Support other capital expenses needed to achieve action items identified in previously adopted plans for Land Use, Economic Development, Transportation, and/or Infrastructure elements (e.g. Comp. Plan, Envision Athens Action Agenda, etc.).

Social Wellbeing

- Provide funding for infrastructure or incentives needed to increase access to workforce and low-income housing.
- Maintain, expand, or improve equitable access to public facilities and infrastructure across the community.
- Support other capital expenses needed to achieve action items identified in adopted master planning documents (e.g. Leisure Services master plans, Greenway Network Plan, Comp. Plan, and/or Housing, Health, Safety, and/or Social Services elements from the Envision Athens Action Agenda, etc.).

Environmental Protection

- Provide and promote the use of alternative modes of transportation.
- Maintain or improve systems for conserving energy or reducing the use of fossil fuels.
- Maintain or improve resources associated with stormwater management and improved water quality.
- Improve waste diversion through recycling, composting, and/or materials reuse.
- Protect and enhance quality natural areas that provide for recreation, clean water, and habitat preservation.
- Install, maintain, improve, and increase access to environmental infrastructure and greenspace in historically marginalized communities.
- Support other capital expenses needed to achieve action items identified in the Environment, Transportation, and/or Agriculture elements from previously adopted plans (e.g. Stormwater Master Plan, Comp Plan, Envision Athens, etc.).

- Consideration should be given to the selection of projects that would accomplish the next level of multi-phased projects initiated in one or more of the earlier SPLOST programs.

Attachment:

Definition of Equity and Equitable Development for purposes of SPLOST 2020 Project Selection Criteria:

Equity is defined as redress for historical and current socioeconomic, racial, age- and/or ability-related inequality. Equitable development is defined as development which prioritizes historically marginalized and disadvantaged populations such as low-income communities, communities of color, persons with disabilities, children and/or older adult (elderly) populations.

New business – Consider at suspension of Rules

A motion was made by Commissioner Girtz, seconded by Commissioner NeSmith, to suspend Rules of Commission for consideration of one item of new business. The motion passed by unanimous vote.

A motion was made by Commissioner Wright, seconded by Commissioner Girtz, to approve the final construction plans for the Barber Street emergency culvert replacement, as shown in Attachment #1 of agenda report dated August 22, 2018; ratify the award of a construction contract under emergency authorization for the Barber Street emergency culvert repair to E.R. Snell Contractor, Inc. for an itemized cost not to exceed \$898,714; and authorize the Mayor and appropriate staff to execute all related documents. The motion passed by unanimous vote.

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

A public hearing was held on request of Carter Engineering Consultants, Inc. for Living Hope Church for an amendment to RS-5 (PD) (Single-Family Residential Planned Development) on 5.058 acres known as 2150 Lexington Road. Proposed use is a church. This will require an amendment to the Future Development Map from General Business and Traditional Neighborhood to Traditional Neighborhood. Type I District 2

Planning Commission recommendation:

Future Development Map	Approval (unanimous)
Amendment to RS-5 (PD)	Approval w/conditions (unanimous)

Citizen input

There was no citizen input.

A motion was made by Commissioner Parker, seconded by Commissioner NeSmith, to adopt the following ordinance (#18-09-54) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO AMENDING THE OFFICIAL FUTURE DEVELOPMENT MAP OF ATHENS-CLARKE COUNTY BY CHANGING THE DESIGNATION OF A PARCEL OF LAND COMPRISING APPROXIMATELY 5.058 ACRES AND LOCATED AT 2150 LEXINGTON ROAD FROM GENERAL BUSINESS AND TRADITIONAL NEIGHBORHOOD TO TRADITIONAL NEIGHBORHOOD; AND FOR OTHER PURPOSES.

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

SECTION 1. The Future Development Map referred to in the Code 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 a parcel of land comprising approximately 5.058 acres and located at 2150 Lexington Road, Athens, Georgia, otherwise identified as Athens-Clarke County tax parcel number 233A1 A001, from General Business and Traditional Neighborhood to *solely* Traditional Neighborhood.

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 Parker, seconded by Commissioner NeSmith, to adopt the following ordinance (#18-09-55) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO AMENDING A PLANNED DEVELOPMENT COMPRISING APPROXIMATELY 5.058 ACRES AND LOCATED AT 2150 LEXINGTON ROAD IN THE RS-5 (PD) (SINGLE-FAMILY, PLANNED DEVELOPMENT) DISTRICT; 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 5.058 acres, located at 2150 Lexington Road, Athens, Georgia, and shown on Attachment A hereto. Said affected parcel is more fully described in that certain site plan entitled "Revised Planned Development for Living Hope Church," having an original issue date of March 30, 2018, being amended on June 29, 2018, prepared by James J. Carter, registered professional engineer, designated in the lower right-hand corner as sheet number "PDP," 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 5.058 acres is also known as parcel number 233A1 A001 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 site plan associated with this ordinance and incorporated herein by reference is comprised of one page. Said page is entitled "Revised Planned Development for Living Hope Church," has an original issue date of March 30, 2018 and a revision date of June 29, 2018, was prepared by James J. Carter, registered professional engineer, is designated in the lower right-hand corner as sheet number "PDP," and is stamped "Binding 8-7-18."

The binding written report associated with this ordinance and incorporated herein by reference is entitled "Living Hope Church, Athens-Clarke County, Georgia, Project Narrative," is dated June 29, 2018, consists of eight pages in total, and is stamped "Binding 8-7-18."

Said binding site plan 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 following conditions of zoning are associated with this ordinance:

1. In compliance with Section 9-15-3(B) of the Code of Athens-Clarke County, Georgia, the applicant shall maintain the existing fifteen-foot-deep landscaped buffer and shall provide appropriate hedge screening along the Lexington Heights right-of-way.
2. The applicant shall meet the following conditions within twenty-four months of the effective date of this ordinance:
 - a. The applicant shall revise the site plan to denote the use of Building 1 as a duplex.
 - b. The applicant shall bring the existing privacy fence along the eastern side of the front parking area into conformance with the Code of Athens-Clarke County, Georgia.
 - c. The applicant shall remove the currently-existing parking lot entrances on Lexington Road as shown in the binding site plan.

3. The applicant shall request approval of the drug rehabilitation use on the subject parcel under a separate planned development application that applicant shall file no later than thirty days from the effective date of this ordinance.

SECTION 4. Except as specifically modified or amended herein, that certain ordinance entitled "An Ordinance to Amend a Code of Ordinances for Athens-Clarke County with Respect to HB (Highway Business) and RG-15 (General Residential) to OI (PD) (Office Institutional Planned Development on 5.028 Acres of Land Located at the Easternmost Intersection of Lexington Road and Lexington Heights; and for Other Purposes," which the Commission of Athens-Clarke County, Georgia approved during its meeting on March 2, 1993, is hereby saved from repeal and shall remain in full force and effect.

SECTION 5. Except as set forth in Section 4 above, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

A public hearing was held on request of Dan Rusu Tabrea for RTSH Holding, LLC for rezoning from RS-8 (Single-Family Residential) to E-I (Employment-Industrial) on 1.614 acres known as 5378 Atlanta Highway. A proposed use is not denoted. Type II District 6

Planning Commission recommendation: Approval w/condition (7-1)

Citizen input

The following citizen input was received.

1. Kevin Lamons – opposed
2. Dan Rusu, petitioner – supported

A motion was made by Commissioner NeSmith, seconded by Commissioner Link, to adopt the following ordinance (#18-09-56) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA, WITH RESPECT TO REZONING A PARCEL OF LAND COMPRISING APPROXIMATELY 1.614 ACRES LOCATED AT 5378 ATLANTA HIGHWAY FROM RS-8 (SINGLE-FAMILY RESIDENTIAL) TO E-I (EMPLOYMENT-INDUSTRIAL); 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 Sections 9-3-3 and 9-3-6 thereof, is hereby amended by changing the zoning of a parcel of land comprising approximately 1.614 acres located at 5378 Atlanta Highway from RS-8 (Single-Family Residential) to E-I (Employment-Industrial).

Said parcel is more particularly described according to that certain document entitled "Survey for RTSH Holding, LLC," dated November 3, 2006, made by Ben McLeroy, Georgia registered land surveyor, 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 is also known as parcel number 043 002G 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, 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

SECTION 2. The conditions of zoning associated with this ordinance are as follows:

1. Driveway access to the subject parcel shall be restricted to Fowler Mill Road.
2. The uses for the subject parcel shall be limited to:
 - a. Professional services and office;
 - b. Quick vehicle servicing;
 - c. Vehicle repair;
 - d. Auto and RV sales, provided that parking areas comply with footnote L(5) in the legend to Section 9-11-2 of the Code of Athens-Clarke County, Georgia;
 - e. Bottling plant;

- f. Administrative or research facility;
- g. Light manufacturing;
- h. Wholesale sales;

- i. Broadcasting or production studio; and
- j. Church.

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

A public hearing was held on request of Freedom From Bondage, Inc. for special use in RM-1 (Mixed Density Residential) on 0.38 acres known as 190, 192, and 194 Highland Park Drive. Proposed use is halfway houses. Type I District 8

Planning Commission recommendation: Approval (unanimous)

Citizen input

The following citizen input was received.

- 1. Chris Church, project manager – supported.

The Mayor and Commission received this report for information. 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, which require that the public hearing be held at least six months and not more than nine months prior to the date of final action on the zoning decision. Therefore, the Mayor and Commission vote on all three proposed halfway houses would be scheduled no sooner than March 2019.

Citizen input on items other than those listed on this agenda

The following citizen input was received.

- 1. Joseph Schmucker – concerned about voter fraud.

FROM MAYOR DENSON:

- 1. Announced proclamations will be issued to the following recognizing participation in the Adopt Athens Program.

<u>Adopting Organization</u>	<u>Location</u>
Cedar Creek Civic Association	Four entrances to Cedar Creek and green spaces within the subdivision
Athens X3 Sports	Athena Drive from Olympic Drive to Springvalley Road

- 2. Announced the following appointments to the SPLOST 2020 Citizens Advisory Committee.

Mayor	Carl Blount Robert Miles
District 1	Laura W. Carter Ani Fischer
District 2	Frances Berry Lora Thompson
District 3	David Griffin Adam Shirley

District 4	Sara Beresford Amy Stone
District 5	Katrina Evans
District 6	Jennifer Zwirn John Aitkens Jim Weck
District 7	Denny Galis Thomas P. Lauth
District 8	Rob Trevena Dr. Shannon Wilder - Chair
District 9	Shane Blackwell Tracy Davenport
District 10	Dr. Lakeisha Gantt Dr. Marilyn Wolf-Ragatz

FROM MANAGER WILLIAMS:

1. Received for information was a proposed operating transfer of \$15,000 to the Solicitor's Office

FROM COMMISSIONER DICKERSON:

1. Expressed sympathy to family of Mrs. Mary Whitehead who at age 98 passed away.
2. Noted several upcoming community events: Water Festival, September 8 a Sandy Creek Park; recycling shred event, September 22 at Georgia Square Mall; and Leisure Services Hot Air Balloon September 22 at Sandy Creek Park.
3. Stated she and Mayor Denson recently attended graduation for the Institute of Public Health Care Institute. Mayor Denson stated all 30 who were awarded diplomas now are gainfully employed.
4. Stated until September 14 online comments can be made regarding the Atlanta Highway and Lexington Road corridors

FROM COMMISSIONER HEROD:

1. Gave kudos to the Cedar Creek Civic Association for participate in the Adopt Athens Program.
2. Requested attorney opinion on local options for changes to election process. Attorney Berryman stated any change in the methods (such as optical ballots) for elections would first have to approved by the office of the Secretary of State.

FROM COMMISSIONER HAMBY;

1. Requested continued discussion on food trucks.

FROM COMMISSIONERS NESMITH AND BELL

1. Expressed concern about voter security.

FROM COMMISSIONER NESMITH:

1. Stated site work has begun at the future site on Cleveland Road of the cooperative extension and fire department on Cleveland Road.

FROM COMMISSIONER WRIGHT:

1. Clarified authorship of the recently adopted daffodil resolution is credited to Assistant ACC Attorney Sherrie Hines.
2. Announced Keep Athens-Clarke County Beautiful will have a daffodil disco at the Hot Air Balloon Festival September 22 at Sandy Creek Park.

FROM COMMISSIONER LINK:

1. Requested information from Attorney Berryman as to process for asking state for change in voting procedures.
2. Requested information as to how the \$4 million TSPLOST funds for West Broad Street will be allocated.

FROM COMMISSIONER PARKER:

1. Invited everyone to the Rise for Justice, Climate, and Jobs event on September 8 at the West Broad Farmer's Market.

A motion was made by Commissioner Herod, seconded by Commissioner Girtz, 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 8:25 p.m.

Clerk of Commission