

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

The Unified Government of Athens-Clarke County, Georgia met this date in regular monthly session. Present: Mayor Denson; Commissioners Dickerson, Parker, Link, Wright, NeSmith, Bell, Herod, Girtz, and Hamby. Absent: Commissioner Bailey.

### Recognition

The Athens Transit System has received the METRO Innovative Solutions Award. The award is a result of ACC Transit's innovative use of solar energy for amenities like safety lighting and development of smart phone charging stations at bus stops. ATS will be featured in an upcoming issue of Metro Magazine. Director, Butch McDuffie accepted the award at BusCon's Award Breakfast on October 3, 2018 in Indianapolis.

The award was accepted by

Pat Hale – Superintendent of Operations  
Jennifer Hood- Transit Vehicle Operator  
Felipe Max – Transit vehicle operator  
Aftab Fazal – Route supervisor  
Victor Pope – Route supervisor

A motion was made by Commissioner Dickerson, seconded by Commissioner Herod, to reconsider action of Tuesday, October 2 (book 15, page 31) with reference to the Bicycle and Pedestrian Master Plan. The motion passed by roll call vote with Commissioners Dickerson, Parker, NeSmith, Bell, Herod, and Hamby voting YES; and Commissioners Link, Wright, and Girtz voting NO. (6 YES; 3 NO)

A motion was made by Commissioner Herod, seconded by Commissioner Girtz, to approve Minutes of meetings of Tuesday, October 2; Tuesday, October 9; Tuesday, October 16, 2018 and executive sessions of Tuesday, September 18; and Tuesday, October 9, 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

The following citizen input was received.

1. Sydney Baccus – opposed Tanyard Creek project.

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

1. ADOPT: The following resolution authorizing the application for and acceptance of the federal (PL) contract associated with the annual Metropolitan Transportation Planning Grant for FY 2020 (July 1, 2019 – June 30, 2020), if awarded; and authorize the Mayor and appropriate staff to execute the resulting contract between the Unified Government of Athens-Clarke County (ACCGOV) and the Georgia Department of Transportation (GDOT) as per agenda report dated September 21, 2018.

## AUTHORIZING RESOLUTION

Resolution authorizing the execution of contracts between the Department of Transportation, United States of America, the Georgia Department of Transportation, and the Unified Government of Athens-Clarke County for the FY 2020 (July 1, 2019 – June 30, 2020) Planning (PL) Contract.

WHEREAS, the Federal Government requires that Urbanized Areas such as Athens have a formal planning process as it relates to the planning of transportation projects; and

WHEREAS, the Federal Government will not authorize the expenditure of funds for said transportation projects unless they come out of this formal transportation planning process; and

WHEREAS, the formal transportation planning process is organized around what is commonly known as the Madison Athens-Clarke Oconee Regional Transportation Study (MACORTS);

WHEREAS, the staff of the Unified Government of Athens-Clarke County Planning Department provides support for MACORTS planning efforts;

WHEREAS, the Federal Government will provide up to an estimated amount of \$196,000 of the funding for the transportation planning (PL) contract expenses incurred by the Unified Government of Athens-Clarke County subject to a 20% local match of the funded amount (estimated to be approximately \$49,000);

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

That the Mayor and appropriate staff are authorized to apply for a grant, accept such grant if awarded, and execute an associated contract with the Georgia Department of Transportation (GDOT) for the FY 2020 Transportation Planning (PL) Contract Funds.

2. ADOPT: The following resolution authorizing the submission of an application for and the acceptance of the annual Transit Planning Assistance Grant (Title 49 USC Section 5303) for FY 2020 (July 1, 2019 – June 30, 2020,) if awarded, in the estimated amount of \$76,000 and authorize the mayor and appropriate staff to execute the resulting contract between the Unified Government of Athens-Clarke County (ACCGOV) and the Georgia Department of Transportation (GDOT) as per agenda report dated September 24, 2018.

## AUTHORIZING RESOLUTION

Resolution authorized the execution of contracts between the Department of Transportation, United States of America, the Georgia Department of Transportation, and the Unified Government of Athens-Clarke County, for a grant under the title 49 U.S.C., Section 5303, for FY 2020 (July 1, 2019 through June 30, 2020.)

WHEREAS, the Secretary of Transportation and the Commissioner of the Georgia Department of Transportation are authorized to make grants for mass transportation projects;

WHEREAS, the contract for financial assistance will impose certain obligations upon applicant, including the provision of the local share of project costs; and

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Title 49 U.S.C the applicant gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and other pertinent directives and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the Applicant that minority Business Enterprise, Disadvantaged Business Enterprise and Women Business Enterprise be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts and purchase orders when procuring construction contracts, supplies, equipment contracts, or consultant and other services; and

WHEREAS, the Federal government and the State of Georgia will provide approximately \$76,000 of the funding for the Transit Planning (Section 5303) contract expenses incurred by the Unified Government subject to a maximum local match of \$19,000.

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

That the Mayor is authorized to execute and file an application on behalf of the Unified Government of Athens-Clarke County with the Georgia Department of Transportation to aid in the financing of a technical study grant to implement specific items of the FY 2020 Madison Athens-Clarke Oconee Regional Transportation Study (MACORTS) Unified Planning Work Program.

That the Mayor is authorized to execute and file with such application an assurance or any other document required by the U.S. Department of Transportation and Georgia Department of Transportation effectuating the purpose of this grant;

That the Planning Director of Athens-Clarke County is authorized to furnish such additional information as the U.S. Department of Transportation and the Georgia Department of Transportation may require in connection with the application or the project;

That the Mayor is authorized to set forth and execute Minority Business Enterprise, DBE (Disadvantaged Business Enterprise,) and WBE (Women Business Enterprise) policies and procedures in connection with the projects procurement needs.

That the Mayor and appropriate staff is authorized to apply for a grant, accept such grant if awarded, and execute these grant agreements on behalf of the Unified Government of Athens-Clarke County with the Georgia Department of Transportation to aid in the financing of a technical study grant to implement specific items of the MACORTS Unified Planning Work Program.

3. ADOPT: The following resolution for Firefly Trail Project – land acquisition – SPLOST 2011 Project #8, Sub-Project #3 to authorize the acquisition of rights-of-way by eminent domain, as necessary as per agenda report dated October 1, 2018; and authorize the Mayor and appropriate staff to execute all related documents.

## RESOLUTION

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

WHEREAS, on July 5, 2016, Mayor and Commission of the Unified Government of Athens-Clarke County (“Mayor and Commission”) approved project concept for Sub-Project #3 of the Firefly Trail Project and, with respect to Sub-Project #3, directed staff of the Unified Government to facilitate land acquisition related to Sub-Project #3 necessary for right-of-way acquisition, all pursuant to an agenda report with attachment presented to the Mayor and Commission at such meeting, such agenda report and the minutes of such meeting being incorporated herein by reference; and

WHEREAS, the improvements to be constructed in accordance with Sub-Project #3 as described hereinabove are for transportation purposes and are intended to be used for enjoyment by the public and for the passage of vehicles, excluding motorized vehicles with certain exceptions; and

WHEREAS, the Mayor and Commission of Athens-Clarke County, Georgia have specifically determined and found that it is in the public interest and for a public purpose to construct Sub-Project #3 (the “Firefly Trail”) as described hereinabove; and

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

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

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

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

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

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

WHEREAS, the necessary properties are more specifically shown on a boundary survey for "Unified Government of Athens-Clarke County" consisting of 1 sheet, dated March 26, 2018, made by W&A Engineering, John Mark Dunlap, Land Surveyor, with subject properties being labeled Lot 4, Lot 5, and Lot 6 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 property for the public purpose stated hereinabove as shown on the Survey is hereby approved and authorized and that the acquisition procedure shall proceed under Title 32 of the Official Code of Georgia, as the Rails-to-Trails Sub-Project's schedule of completion requires acquisition of such property quickly and without delay. Time is of the essence.

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

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

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

4. APPROVE: Dudley Park Improvements (SPLOST 2011 Project #17) – Prioritized project elements and Sub-Project #1 as described in Attachment #1 and shown on Attachment #2 of agenda report dated September 26, 2018; and authorize staff to advance the three prioritized "Must Have" project elements and the first "Highly Wanted" item to the schematic design phase, as Sub-Project #1, based on funding availability and in accordance with the approved project concept for SPLOST 2011 Project #17.
  
5. APPROVE: a) the concept of gridding large-diameter transmission lines to improve the reliability of continuous water service and fire protection as per agenda report dated September 25, 2018;
  - b) Reallocate \$1,200,000 from Sewer Rehabilitation & Replacement carry over to Transmission Line Grid Phase I Transit Facility Connection design and construction; and
  - c) Approve preliminary plan of Phase I; and
  - d) Authorize staff to complete design and construction of Phase I and to initiate preliminary design of Phase II.
  
6. APPROVE: a) The Unified Government of Athens Clarke County to apply for and accept a US Department of Transportation Small Community Air Service Development Grant in an amount up to \$750,000 as per agenda report revised October, 30, 2018;
  - b) Approve the re-appropriation of \$40,000 from the Governance Study account to Air Service Development for potential grant matching funds and;

- c) Authorize the Mayor and appropriate staff to sign all documents related to this request.
  
7. APPROVE: An exception pursuant to Policy/Procedure Statement WS-011: Water and/or Sanitary Sewer Service to allow public water and sanitary sewer services to be provided to 190 Cleveland Avenue as per agenda report dated September 25, 2018, subject to the property owner meeting the following conditions:
  - a) Submittal of properly executed private service line easement conveyances in a form acceptable to the ACCGOV Attorney and Chief Plumbing Inspector; and
  - b) Payment of the appropriate fees as identified under Facts and Issues No. 6 for the property.
  
8. APPROVE: Proposed Air Service Development Incentive Program as per agenda report revised October 30, 2018.
  
9. APPROVE: Preliminary construction plans for the Tankard Creek Interceptor Improvements as per agenda report dated September 25, 2018; and authorize staff to complete the final construction plans and solicit bids for construction.
  
10. APPROVE: Staff to apply for, and if awarded, accept a grant in an amount up to \$35,000 from the Riverview Foundation to fund native forest and habitat restoration activities in concert with the construction of the TSPLOST funded North Oconee River Greenway path along Martin Luther King, Jr. Parkway from approximately College Avenue to North Avenue as per agenda report dated September 26, 2018; and authorize the Mayor and staff to execute the necessary documents to accept the grant.

#### Old and new business – Discussion

#### Citizen input

The following citizen input was received.

1. Tyler Dewey – supported Barnett Shoals reconfiguration
2. Scott Akins – opposed Barnett Shoals reconfiguration
3. Carol Myers – supported Barnett Shoals reconfiguration
4. Michael Marlock – supported traditional bike lanes for Barnett Shoals Road

#### Old/new business - Discussion

A motion was made by Commissioner Dickerson, seconded by Commissioner Herod, with regard to Barnett Shoals Road between Forest Road and Whitehall Road.

- 1) Mayor and Commission approve the immediate repaving of the section of Barnett Shoals between Forest Road and Whitehall Road and return the lane configuration to its 4-lane previous pre-demonstration state;
- 2) Direct staff to petition the Federal Highway Administration for approval, and subsequently to install if approved, bike sharrow lane markings with green thermoplastic under the symbols only within the outside travel lane on both the Northbound and Southbound lanes of Barnett Shoals Road between the Whitehall

Road intersection and the Cedar Shoals Drive intersection as shown on Attachment #1. The funding (as calculated on Attachment #1) for this would come from one or a combination of the following sources:

- a) a reallocation of approximately \$15,040 from presently available SPLOST 2011 Project #06 (Bicycle Improvement Program) funds;
- b) a reallocation of approximately \$15,040 from projects identified for funding using TSPLOST funds in Tier 1 of the Bicycle and Pedestrian Master Plan;
- c) some other source to be identified by the Manager's Office.

3) Retain the option to build, at some point in the future to be determined by the Mayor & Commission, the separated facility as included in and recommended by the Bicycle and Pedestrian Master Plan (page C-13, Project ID 66 Barnett Shoals Road/Whitehall Road).

A substitute motion was made by Commissioner Wright, seconded by Commissioner Link, to preserve the demonstrated three-lane vehicular section and add bike lanes on either side of the roadway. No flex posts between bicycle traffic and vehicular traffic. Installation of roll-over curb to assist the large vehicle eastbound right turn from College Station Road.

A motion was made by Commissioner Dickerson, seconded by Commissioner Herod, to call the question. Commissioner Dickerson withdrew her motion.

The substitute motion failed by roll call vote with Commissioners Parker, Link, Wright, and Girtz voting YES; and Commissioners Dickerson, NeSmith, Bell, Herod, and Hamby voting NO. (4 YES; 5 NO)

The original motion passed by roll call vote with Commissioners Dickerson, NeSmith, Bell, Herod, and Hamby voting YES and Commissioners Parker, Link, Wright, and Girtz voting NO. (5 YES; 4 NO)

A motion was made by Commissioner Wright, seconded by Commissioner NeSmith to, approve Athens-Clarke County to apply for, and if awarded, accept the Southeast Sustainable Communities Fund Grant in the amount of \$300,000 to enhance energy conservation, water conservation, and resiliency in the West Broad Neighborhood; approve an allocation of \$25,000 from the ACC Public Utilities Enterprise Fund to the ACC Sustainability Office to establish a community-wide plumbing fixture replacement program as per agenda report revised October 19, 2018; and authorize the Mayor and appropriate staff to execute all related documents. The motion passed by unanimous vote.

A motion was made by Commissioner Dickerson, seconded by Commissioner Girtz, to approve the project concepts and preliminary design for Winterville Elementary School Safe Routes to School projects, as shown in Attachment #1 of agenda report revised October 29, 2018 to also include the sidewalk gap on the northern side of Moore's Grove Road between the City limits of Winterville and Oakmont subdivision at an additional estimated cost of \$12,400 for ACC crews to construct. The motion passed by unanimous vote.

A motion was made by Commissioner Herod, seconded by Commissioner Parker, to approve installation of a midblock crosswalk across Gaines School Road, approximately 250 feet south of Briarcliff Lane, as shown in Attachment #1 of agenda report revised October 30, 2018 for the duration described in Facts & Issues #6. The motion passed by unanimous vote.

A motion was made by Commissioner NeSmith, seconded by Commissioner Parker, to approve the following Items for discussion with 2019 local legislative delegation. The motion passed by unanimous vote.

1. Change date of nonpartisan elections for Mayor and Commissioners to November
2. Inclusionary zoning (affordable housing)

3. Localized speed enforcement
4. Criminal justice reform (marijuana decriminalization/bail bond)
5. Public transit operational funding
6. Broadband funding
7. Redistrict to eight single member districts and two super districts
8. Allow local governments to move monuments
9. Local regulations of installed septic tanks
10. Allow non-conforming and/or non-contributing properties within a historically designated district to receive the same preferential tax assessment as properties designated as historic
11. Provide means for accurate disbursement of local sales tax

New business – Consider under suspension of Rules

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

At the request of Mayor Denson, Commissioner Herod read a resolution honoring former Tax Commissioner Mitch Schrader and renaming the tag office at 3025 Lexington Road in his memory.

A motion was made by Commissioner Herod, seconded by Commissioner Dickerson, to adopt the resolution. The motion passed by unanimous vote.

**RESOLUTION**

**WHEREAS**, Mitch Schrader was born in Statesboro, Georgia and grew up in Dublin, Georgia. He studied Computer Science at the University of Georgia; and

**WHEREAS**, Mitch joined the Clarke County Tax Commissioner's Office as a Delinquent Tax Officer in November of 1985 at age 24. He was promoted to Motor Vehicle Manager in May of 1986; Property Tax Division Manager in June of 1992; and sworn in as Deputy Tax Commissioner on June 30, 2010; and

**WHEREAS**, Mitch excelled in every position, was loved, and respected by all who worked with him. When he came to work in the Clarke County Tax Commissioner's Office, customized technology programs were non-existent in most County offices. Mitch was instrumental in computerization of both Property Tax and Motor Vehicle Operations, working with software companies to develop programs that were efficient and legally compliant. He also worked on a Task Force with the County to develop an integrated computer information system; and

**WHEREAS**, he was a team player in every way such as being involved in the County Golf Tournaments with colleagues and numerous County charity drives; and

**WHEREAS**, Mitch fell in love with a beautiful lady, Gail Humphries, who worked in the Elections Office across the hall from the Tax Office. They married in 1991 and became proud parents of Evan in 1997. They were a great team, Gail eventually became the Manager of the Elections Office and Mitch was elected Tax Commissioner in 2010 and re-elected in 2012. They were both devoted to Athens-Clarke County and the community; and

**WHEREAS**, Mitch received the most prestigious award in 2015 by being named Georgia Association of Tax Officials' Tax Commissioner of the Year; and

**WHEREAS**, sadly Mitch was diagnosed with Cancer and died on May 30, 2016. His greatest concern, next to Gail and Evan, were the employees of the Tax Offices; and

**WHEREAS**, after Mitch's death the Western Judicial Circuit Bar Association presented a joint award to Mitch and Gail Schrader for their commitments to the overall community and specifically to the legal Community.

**NOW THEREFORE** in recognition of his three decades of service to Athens-Clarke County and in gratitude for the love and commitment he had for his fellow employees, Athens-Clarke County citizens and other Tax Offices throughout the State through the Association of Tax Commissioners, the Mayor

and Commission of Athens-Clarke County, Georgia hereby resolves that the Motor Vehicle Office located at 3025 Lexington Road shall be known as the **Mitch Schrader Motor Vehicle Office**.

A motion was made by Commissioner Herod, seconded by Commissioner Parker, with reference to proposed settlement of class action lawsuit regarding retiree health insurance benefits. The motion passed by unanimous vote.

- a) Approve execution of the proposed settlement agreement between the Unified Government of Athens-Clarke County (ACCGOV) and David A. Wood et al. described in Attachment #1 of agenda report dated November 2, 2018, and consent to entry of an order from the United States District Court for the Middle District of Georgia implementing the settlement agreement;
- b) Authorize payment of \$3 million to be disbursed in accordance with the terms of the settlement agreement and order of the court. Based on the current timeline, payment probably will be due in February or March 2019;
- c) Adopt the following budget ordinance (#18-11-65) (Attachment #3 of said agenda) which was presented by title only appropriating funds in the OPEB Trust Fund (retiree health insurance) to pay for the legal settlement;
- d) Adopt the following ordinance (#18-11-66) amending Section 1-9-19 of the ACCGOV Code of Ordinances to implement the settlement (Attachment #2 of said agenda report); and
- e) Authorize the Mayor, Manager, Attorney, and counsel for ACCGOV to take all actions necessary to implement this settlement.

AN ORDINANCE TO AMEND THE FY2019 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FOR THE SETTLEMENT AGREEMENT REGARDING RETIREE HEALTH INSURANCE BENEFITS; 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 Other Post-Employment Benefits Trust Fund to establish funding for the settlement agreement regarding retiree health insurance benefits and related operating expenses. Said Operating and Capital budget is hereby amended as follows:

Other Post-Employment Benefits Trust Fund:

EXPENDITURES:

|                                   |               |
|-----------------------------------|---------------|
| Decrease:                         |               |
| Net Position                      | (\$3,000,000) |
| Increase:                         |               |
| Other Expenses (Legal Settlement) | \$3,000,000   |

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

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO RETIREE HEALTH INSURANCE; AND FOR OTHER PURPOSES

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

SECTION 1. Subsection (c) entitled "*Health Benefits for Retirees age 65 or older*" of section 1-19-9 entitled "*Health Insurance Benefits for employees and retirees*" of the Code of Athens-Clarke County, Georgia, is hereby amended by deleting said subsection (c) in its entirety and substituting a new subsection (c) which is:

**"(c) Health Benefits for Retirees age 65 or older.**

"(1) Retirees (regardless of hire date) who are eligible for or who become eligible for Medicare Parts A and B shall be required to elect Medicare Parts A and B in order to receive the benefits described in this paragraph. Retirees shall be responsible for all premiums associated with Medicare Parts A and B and all costs associated with Medicare Parts A and B not otherwise covered by secondary insurance plans that may be selected by retirees.



“(2) Beginning September 1, 2013, retirees who are age 65 and older and who at the time of retirement have opted into health insurance coverage or the benefits described in this paragraph, as applicable, shall receive the benefits described in this paragraph. From and after the time that a retiree turns 65 and during the lifetime of the retiree, Athens-Clarke County shall make monthly contributions to a Health Reimbursement Arrangement (HRA) (within the meaning of Internal Revenue Service Notice 2002-45) established on behalf of the retiree. For retirees who had spouse coverage provided by Athens-Clarke County at no cost to them, based on a hire date before 1/1/1994, Athens-Clarke County shall make an equivalent contribution to an HRA established for the spouse, and held jointly with the retiree, until the death of the retiree. Except for members of the Settlement Class (as defined below), the amount of contributions will be determined by the Mayor and Commission as set out in the annual budget ordinance and may change from time to time.

“Athens-Clarke County will select and make available to retirees and eligible spouses a marketplace through which individuals may purchase health insurance such as Medigap, Medicare Advantage, and/or Medicare Part D, including one or more plans comparable to the Designated Plan. The marketplace selected by Athens-Clarke County shall consist of multiple carriers offering a variety of plan options (i.e. Medigap, Medicare Advantage, Medicare Part D) available in every United States zip code to meet the needs of retirees.

“For retirees hired on or after July 1, 2002, the amount to be contributed by Athens-Clarke County shall be an amount no less than the monthly premium amount charged, by a provider of Medicare Advantage plans in the marketplace, for one or more plans comparable to the Designated Plan that collaborates with Medicare Parts A and B, described in paragraph (b) and made available to retirees through a marketplace.

“For retirees who are members of a settlement class defined by the United States District Court for the Middle District of Georgia, Athens Division, in a final approval order entered by the court in the case of David Wood, et al. v. Unified Government of Athens-Clarke County, Civil Action No. 3:14-cv-00043-CDL, hereinafter referred to as the "Settlement Class," said order creating the Settlement Class and directing relief to members of the Settlement Class, the amount to be contributed by Athens-Clarke County to the HRAs of members of the Settlement Class (and eligible spouses) shall be no less than \$228.00 per month, beginning with Fiscal Year 2020 (July 1, 2019 -June 30, 2020), during the lifetime of each Settlement Class member and eligible dependent, hereinafter referred to as the "Class Settlement HRA Base Amount." Beginning in Fiscal Year 2021, Athens-Clarke County shall adjust the Class Settlement HRA Base Amount in an amount equal to 50% of the percentage increase or decrease in the federal CPI-U, for the preceding calendar year, published by the U.S. Bureau of Labor Statistics (or any successor agency), up to a maximum HRA increase of 5.0% in any one year, provided that such amount shall never be less than the Class Settlement HRA Base Amount (the "Adjusted Class Settlement HRA Amount"). For each successive fiscal year, ACC will modify the then-current Adjusted Class Settlement HRA Amount by applying 50% of the percentage increase or decrease in the federal CPI-U, for the preceding calendar year, published by the U.S. Bureau of Labor Statistics (or any successor agency), up to a maximum HRA increase of 5.0% in any one year.

“For all retirees (and eligible spouses) receiving a contribution by ACC to an HRA, if the federal or any state government implements some form of universal, premium-free health insurance for which retirees, or certain retirees, are eligible, ACC reserves the right to determine whether its contributions to an HRA — in whole or in part —for each such retiree eligible to receive universal, premium-free health insurance from the federal or a state government should continue, provided that ACC will not reduce, suspend, or terminate contributions to a Settlement Class member's HRA unless the sum of the actuarial value of the universal premium-free health insurance plus the actuarial value of a reduced HRA contribution by ACC, if any, equals or exceeds the actuarial value of the health insurance obtainable with the then-current Adjusted Class Settlement HRA Amount.

“If a retiree chooses to enroll in a plan with premiums higher than the contributions made by Athens-Clarke County, the retiree assumes any additional cost of such coverage. Funds in an HRA may be used for any eligible out-of-pocket medical expenses that a retiree may incur, including, but not limited to payment by the retiree of any plan premiums based on the retiree's plan election. Nothing in this paragraph shall require a retiree to purchase an insurance plan supplemental to Medicare Parts A and B from a marketplace or otherwise, and retirees shall have the ability to use funds in an HRA for any purpose allowed by applicable law. Any existing health insurance coverage provided by Athens-Clarke County to those retirees described in this paragraph (c) terminated on August 31, 2013.”

SECTION 2. Subsection (e) of said section 1-9-19 of the Code of Athens-Clarke County Georgia is hereby deleted in its entirety, and (f) entitled “*Employee eligibility for health benefits upon retirement.*” is hereby designated as subsection (e).

SECTION 3. EFFECTIVE DATE: this ordinance shall become effective only upon the last of the following dates: (i) if no appeal is taken from the final approval order in the case of David Wood, et al. v. Unified Government of Athens-Clarke County, Civil Action No. 3:14-cv-00043-CDL, the day after the

30-day deadline for taking an appeal has passed, or (ii) if any appeal is taken from the final approval order, the date on which all such appeals have been finally disposed and can no longer be appealed or reviewed. In the event that neither (i) nor (ii) occurs before December 31, 2020, then this ordinance shall be void and shall have no force or effect.

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

A motion was made by Commissioner Herod, seconded by Commissioner Bell, to approve the following appointments as recommended by the Nominating Committee. The motion passed by unanimous vote.

|  |  |
|--|--|
| Athens-Clarke County Industrial (Economic) Development Authority | Kenneth Parris - reappointment<br>Two-year term expiring 12-31-20                      |
| Athens-Clarke County Library Board                               | Theresa Cullen – reappointment<br>Five-year term expiring 12-31-23                     |
|  | Meterance Jordan<br>Five-year term expiring 12-31-23                                   |
|  | John Timmons, Jr. – reappointment<br>Five-year term expiring 12-31-23                  |
| Board of Tax Assessors   | Jeb Bradberry – reappointment<br>Six-year term expiring 12-31-24                       |
| Construction Board of Appeals                                    | Smith Wilson – reappointment<br>Five-year term expiring 11-30-23<br>General contractor |
|  | William Belger<br>Five-year term expiring 11-30-23<br>HVAC contractor                  |
| Hospital Authority   | Dr. Karl Barnett<br>Six-year term expiring 2-28-25                                     |
|  | Bill Bland<br>Six-year term expiring 2-28-25   |
|  | Roswell Lawrence<br>Six-year term expiring 2-28-25                                     |

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

A public hearing was held on request of Richard Dwyer for Neal Brothers, LLC for rezoning from RS-15 (Single-Family Residential) to C-R (Commercial-Rural) on 0.72 acres known as 860 Whitehall Road. Proposed use is commercial. Type II

Planning Commission recommendation: Approval w/condition (unanimous)

Citizen input

There was no citizen input.

A motion was made by Commissioner Bell, seconded by Commissioner Dickerson, to adopt the following ordinance (#18-11-67) 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 0.72 ACRES LOCATED AT 860 WHITEHALL ROAD FROM RS-15 (SINGLE-FAMILY RESIDENTIAL) TO C-R (COMMERCIAL-RURAL); 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 0.72 acres located at 860 Whitehall Road from RS-15 (Single-Family Residential) to C-R (Commercial-Rural).

Said parcel is more particularly described according to that certain document entitled "Survey for Pete Dickens-Investment Realty, Inc.," dated June 19, 1973, 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 184C 002C 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. As a condition of zoning associated with this ordinance, kennels shall be prohibited.

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

A public hearing was held on proposed text amendment to Code Section 7-4 Signs/billboards

Planning Commission recommendation: Approval (unanimous)

#### Citizen input

There was no citizen input.

A motion was made by Commissioner Wright, seconded by Commissioner Girtz, to adopt the following ordinance (#18-11-68) 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 BILLBOARDS; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 7-4-20 of the Code of Athens-Clarke County, Georgia, entitled "*Specific provisions for off-site signs and for signs in historic district or historic landmark*," is hereby amended by removing from paragraph (1) of sub-section (a) thereof the date "July 14, 1994," and replacing said date with "September 4, 2018," so that it reads as follows:

- (1) The total number of billboard faces allowed under this chapter shall not exceed the total number of billboard faces and structures in existence as of September 4, 2018, as shown by the planning department inventory. In addition thereto, billboard permits issued on or before September 4, 2018, and constructed prior to the expiration of such permits shall be counted in the total number of billboard faces permitted. A new billboard face may be erected only if an existing billboard face is removed. Replacement billboard faces shall be the same square footage or smaller than the face(s) being removed. In addition, replacement billboard faces/structures may be erected only in accordance with provisions (2) through (8) listed below.

SECTION 2. Section 7-4-22 of the Code of Athens-Clarke County, Georgia, entitled "*Permits*," is hereby amended by adding thereto a new sub-section (e) that shall read as follows:

- (e) *Vouchers for billboards.* Upon proof of ownership of a billboard face or structure and upon proof of removal of such billboard face or structure, the billboard owner will receive a voucher permitting said billboard owner to replace such billboard

face or structure in accordance with all applicable provisions of this Chapter. A voucher shall become void one (1) year after its issuance or upon issuance of a permit to construct a replacement billboard face or structure, whichever occurs first. Upon issuance of a permit to construct a replacement billboard face or structure, the person or entity receiving the permit must completely construct the billboard within six (6) months of issuance or said permit shall become void.

Said section shall be further amended by re-lettering the current sub-section (e) to sub-section (f) and by re-lettering the current sub-section (f) to sub-section (g).

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

#### Reconsideration of bike/pedestrian plan

A motion was made by Commissioner Wright, seconded by Commissioner NeSmith, to place the Bicycle and Pedestrian Master Plan on the January 2019 work session.

The motion was withdrawn.

A motion was made by Commissioner Girtz, seconded by Commissioner NeSmith, to accept the Bicycle and Pedestrian Master Plan, branded Athens in Motion, as shown in Attachment #1 and Appendices A-D of Agenda report revised September 26, 2018; and authorize staff to proceed with concept development of the first phase of bicycle and pedestrian projects, as listed in Facts and Issues #9 and #10 of said agenda report with the understanding said concept developments, and opportunities for future changes to the plan, will be presented to the Mayor and Commission at a work session.

The motion passed by roll call vote with Commissioners Parker, Link, Wright, NeSmith Bell, Herod, Girtz, and Hamby voting YES; and Commissioner Dickerson voting NO. (8 YES; 1 NO)

#### Citizen input on items other than those listed on this agenda

The following citizen input was received.

1. Paula Loniak – supported tiny houses.
2. LaToya Hill, Cheylon Bradford, and Tikica Platt – requested State Street be renamed Jennie L. Mattox Street.
3. Sydney Baccus – electronic submission of SPLOST 2020 items should not be required.
4. Molly Swan - concerned about airport noise.

#### FROM MAYOR DENSON:

1. Reminded everyone of a work session Tuesday, November 13, 5:30 p.m. at City Hall.
2. Reminded everyone of a special called session Tuesday, November 20, 4:30 p.m. at City Hall. Purpose will be to hear an appeal of a Historic Preservation Commission decision.

#### FROM MANAGER WILLIAMS:

1. Entered into the record the following hazard mitigation projects have been included in the SPLOST 2020 requests as per memorandum of November 2, 2018.
  - Replace/install generators at critical facilities
  - Install transfer switches
  - Provide surge protection for government buildings
2. Received for information was a report of bids awarded over \$10,000 for month of September, 2018.
3. Entered into the record acceptance of grant funding and budget amendment for a National Endowment for the Arts grant.

FROM INTERNAL AUDITOR MADDOX:

1. Reported over 1,200 responses were received for the Water Business Office customer satisfaction survey.
2. Stated the audit of the Sheriff's office will be available Wednesday, November 7.

FROM COMMISSIONER WRIGHT:

1. Supported requests for renaming of State Street and requested it move forward for Mayor and Commission consideration.
2. Congratulated University of Georgia football team on their SEC East championship.

FROM COMMISSIONER LINK:

1. Supported affordable housing.

FROM COMMISSIONER PARKER:

1. Supported request for renaming of State Street.

FROM COMMISSIONER DICKERSON:

1. Announced the East Athens Business Leaders Association will meet Tuesday, November 13, 1:00 p.m. at Tuckston United Methodist Church.
2. Stated several bus shelter artists, Robert and Claire Clements, were selected from District 1.
3. Expressed appreciation to Landscape Management staff for plantings in Cedar Shoals refuge islands.
4. Expressed appreciation to citizens who gave input on Barnett Shoals Road project.

A motion was made by Commissioner Dickerson, seconded by Commissioner Herod, to enter into executive session to consider sealed proposals for Youth and Community Enrichment Facility Partnership and discussion of real estate acquisition and/or disposal. The motion passed by unanimous vote.

The meeting adjourned at 7:45 p.m.

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Clerk of Commission