

Unified Government of Athens-Clarke County, Georgia  
Mayor and Commission  
Special Called Session  
Tuesday, November 20, 2018  
6:00 p.m.  
City Hall

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

The purpose of the meeting was to consider an amendment to the alcohol ordinance to permit earlier sales on Sunday; E911 resolutions; and any other item in proper order.

Citizen input

There was no citizen input.

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.

A motion was made by Commissioner Hamby, seconded by Commissioner Wright, to adopt the following ordinance (#18-11-69) 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 SALES OF ALCOHOLIC BEVERAGES ON SUNDAY; AND FOR OTHER PURPOSES.**

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

SECTION 1. Section 6-3-5 of the Code of Athens-Clarke County, Georgia, entitled "*General regulations pertaining to all licenses*" is hereby amended by replacing the phrase "12:30 p.m." with "11:00 a.m." in sub-paragraph (7) of sub-section (i) thereof so that said sub-paragraph now reads as follows:

(7) Notwithstanding subparagraphs (3), (4) and (6) above, the sale of alcoholic beverages shall be lawful on Sundays from 11:00 a.m. until 12:00 midnight in any licensed restaurant as defined in this Chapter and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging.

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 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner NeSmith, seconded by Commissioner Girtz, to adopt the following two resolutions. The motion passed by unanimous vote.

**A RESOLUTION UPDATING AND AUTHORIZING 9-1-1 CHARGES ON TELEPHONE SERVICES AND WIRELESS ENHANCED 9-1-1 CHARGES OTHER THAN PREPAID WIRELESS SERVICES; PROVIDING AN EFFECTIVE DATE; REPEALING PRIOR RESOLUTIONS IN CONFLICT; AND FOR OTHER PURPOSES.**

WHEREAS, the general law regarding 9-1-1 charges has been substantially modernized and revised by Ga. L. 2018, p. 689, HB 751; and

WHEREAS, many of these revisions include oversight and administration of 9-1-1 matters by the Georgia Emergency Communications Authority and the Department of Revenue; and

WHEREAS, the Unified Government of Athens-Clarke County, Georgia desires to update its 9-1-1 charges in accordance with revisions to state law.

NOW, THEREFORE, the Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia, do hereby resolve as follows:

*Section 1. Definitions.* Unless specified otherwise in this resolution, all terms shall be defined in the same manner as specified in O.C.G.A. § 46-5-122.

*Section 2. 9-1-1 Charges on Monthly Services.*

(a) Pursuant to O.C.G.A. § 46-5-133(a), there is imposed a monthly 9-1-1 charge upon each telephone service, subscribed to by a telephone subscriber, whose exchange access lines are in the areas served or which could be served by the 9-1-1 service. Pursuant to O.C.G.A. § 46-5-134(a)(1)(A), the amount of such 9-1-1 charge shall be \$1.50 per month per telephone service provided to the telephone subscriber.

(b) Pursuant to O.C.G.A. § 46-5-133(a), there is imposed a monthly wireless enhanced 9-1-1 charge upon each wireless telecommunications connection, other than a connection for prepaid wireless service, subscribed to by a telephone subscriber whose place of primary use is within the geographic area that is served by Athens-Clarke County, Georgia, or that would be served by Athens-Clarke County, Georgia, for the purpose of such an emergency 9-1-1 system. Pursuant to O.C.G.A. 46-5-134(a)(2)(A), the amount of such enhanced wireless 9-1-1 charge shall be \$1.50 per month per wireless telecommunications connection provided to the telephone subscriber.

(c) The 9-1-1 charges under this section shall commence April 3, 2019.

*Section 3. Collecting and Remitting of 9-1-1 Charges.* All such 9-1-1 charges collected by service suppliers shall be remitted to the Georgia Department of Revenue, as the contracted collection partner of the Georgia Emergency Communications Authority, at the times and in the manner provided by O.C.G.A. § 38-3-185, O.C.G.A. § 38-3-186, and any other Georgia Department of Revenue or Georgia Emergency Communications Authority rule or regulation adopted pursuant to Article 12 of Chapter 13 of Title 38 of the O.C.G.A. and Chapter 13 of Title 50 of the O.C.G.A., the "Georgia Administrative Procedures Act".

*Section 4. Deposit and Use of Proceeds.* Pursuant to O.C.G.A. § 46-5-134, all proceeds received by the Unified Government of Athens-Clarke County from 9-1-1 charges imposed by this resolution shall be deposited in the Emergency Telephone System Fund maintained by the county; kept separate from general revenue of the county; and used exclusively for the statutorily authorized purposes.

*Section 5. Resolution Filing Requirements.* The Clerk of the Unified Government of Athens-Clarke County shall file with the Commissioner of the Georgia Department of Revenue a certified copy of this resolution within ten (10) days of the adoption thereof. Any subsequent amendment to this resolution shall likewise be so filed by the clerk within ten (10) days of the adoption thereof.

*Section 6. Effective Date and Applicability.* This resolution shall become effective on April 3, 2019. Any prior resolution establishing such 9-1-1 charges shall remain in effect until midnight, April 2, 2019. On and after April 3, 2019, such 9-1-1 charges shall be governed by this resolution.

*Section 7. Repealer.* All resolutions, or parts of resolutions, in conflict with this resolution are repealed as of January 1, 2019.

RESOLUTION UPDATING AND AUTHORIZING 9-1-1 CHARGES ON PREPAID WIRELESS SERVICES; PROVIDING AN EFFECTIVE DATE; REPEALING PRIOR RESOLUTIONS IN CONFLICT; AND FOR OTHER PURPOSES.

WHEREAS, the general law regarding 9-1-1 charges has been substantially modernized and revised by Ga. L. 2018, p. 689, HB 751; and

WHEREAS, many of these revisions include oversight and administration of 9-1-1 matters by the Georgia Emergency Communications Authority and the Department of Revenue; and

WHEREAS, the Unified Government of Athens-Clarke County, Georgia desires to update its 9-1-1 prepaid wireless charges in accordance with revisions to state law.

NOW, THEREFORE, the Mayor and Commissioners of Athens-Clarke County, Georgia, do hereby resolve as follows:

*Section 1. Definitions.* Unless specified otherwise in this resolution, all terms shall be defined in the same manner as specified in O.C.G.A. § 46-5-122.

*Section 2. 9-1-1 Charges on Monthly Services.*

(a) Pursuant to O.C.G.A. § 46-5-134.2(b)(1), there is imposed a prepaid wireless 9-1-1 charge and the amount of such 9-1-1 charge shall be \$1.50 per retail transaction occurring within the jurisdiction of public safety answering point.

(b) The 9-1-1 charges under this section shall commence January 1, 2019.

*Section 3. Collecting and Remitting of 9-1-1 Charges.* All such 9-1-1 charges collected by service suppliers shall be remitted to the Georgia Department of Revenue, as the contracted collection partner of the Georgia Emergency Communications Authority, at the times and in the manner provided by O.C.G.A. § 38-3-185, O.C.G.A. § 38-3-186, and any other Georgia Department of Revenue or Georgia Emergency Communications Authority rule or regulation adopted pursuant to Article 12 of Chapter 13 of Title 38 of the O.C.G.A. and Chapter 13 of Title 50 of the O.C.G.A., the "Georgia Administrative Procedures Act".

*Section 4. Deposit and Use of Proceeds.* Pursuant to O.C.G.A. § 46-5-134, all proceeds received by the Unified Government of Athens-Clarke County from 9-1-1 charges imposed by this resolution shall be deposited in the Emergency Telephone System Fund maintained by the county; kept separate from general revenue of the county; and used exclusively for the statutorily authorized purposes.

*Section 5. Resolution Filing Requirements.* The Clerk of the Unified Government of Athens-Clarke County shall file with the Commissioner of the Georgia Department of Revenue a certified copy of this resolution within ten (10) days of the adoption thereof. Any subsequent amendment to this resolution shall likewise be so filed by the Clerk within ten (10) days of the adoption thereof.

*Section 6. Effective Date and Applicability.* This resolution shall become effective on January 1, 2019. Any prior resolution establishing such 9-1-1 charges shall remain in effect until midnight, December 31, 2018. On and after January 1, 2019, such 9-1-1 charges shall be governed by this resolution.

*Section 7. Repealer.* All resolutions, or parts of resolutions, in conflict with this resolution are repealed as of January 1, 2019.

The meeting adjourned 6:05 p.m.

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Clerk of Commission