

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, December 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. Commissioner NeSmith came in at 6:22 p.m.

Mayor Denson gave farewell remarks.

Tonight is my last Business Meeting as Mayor. I want to take a minute to thank my community for the awesome honor of being your Mayor for the last eight years. Serving in elected office for the past 39 years has been meaningful and rewarding. For those too young to remember, I was the first woman elected to the Athens City Council in 1979 served five years, then was elected Tax Commissioner in 1984; after serving in that capacity for 26 years, I resigned to run for Mayor.

As my political career is ending, I am proud of what I have accomplished, which could not have happened, without the help of the many people, who supported me, cheered me on, and put my feet to the fire when needed. Much credit goes to the almost 1,700 dedicated, hard-working professionals employed by ACC.

The primary focus, of my campaign for Mayor was job creation. I believe, most people want to work and employment opportunity is the path to eliminating poverty in our community. When I was sworn in as Mayor eight years ago, our unemployment rate was 9.7%, it's currently 3.4%. As of August, we had added 62,108 jobs and created programs to help the unemployed or under employed, prepare for first or better jobs.

In the last eight years, ACC has dedicated over \$9.5 Million for affordable housing, much in cooperation with Athens Land Trust, Habitat for Humanity and the Athens Housing Authority and ACC has issued building permits, valued at \$1,291,824,339.

This data paints a picture of a community where people want to live, work and invest. I am proud of so much in our community beyond the financial data, but know there is much more to be done. I won't prolong tonight's lengthy agenda any further, except to thank my fellow elected officials, who I know care as much about Athens as I do. We all build on the success of those who came before us and I have certainly benefited from good decisions made in the past.

I am proud to be handing a healthy, fiscally strong ACC, to the next administration and look forward to the great things they will accomplish.

A motion was made by Commissioner Dickerson, seconded by Commissioner Bailey, to approve Minutes of Tuesday, November 6, 2018; Tuesday, November 20, 2018; and executive sessions of May 3, 2016; December 20, 2016; May 2, 2017; October 17, 2017; December 5, 2017; January 2, 2018; and Tuesday, June 5, 2018.. The motion passed with nine YES votes. Commissioner NeSmith was absent.

RECOGNITIONS

Mayor Denson recognized Leisure Services Department for recent awards they received from the Georgia Recreation and Park Association. Each year, GRPA recognizes individuals from across the state for their volunteer service to recreation agencies. This year, Morton Theatre volunteer Bennie Roberson was honored with a GRPA Volunteer Award. Bennie is an institution at events at the Morton Theatre. He is the theatre's most experienced volunteer usher having contributed more than 400 hours of service since he began his tenure.

The Leisure Services Department has been further honored by GRPA with a state wide award. Stacie Norris, an administrative secretary, was recognized with the GRPA Distinguished Administrative Support Staff award. This award honors individuals who have made outstanding and lasting contributions to the administrative aspect of the recreation profession. This is the second time that a Leisure Services employee has received this award.

Bennie Roberson and Stacie Norris accepted the awards along with Leisure Services Director Kent Kilpatrick, and Morton Theatre Facility Supervisor Lynn Green.

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 Bailey, to consent to action on the following 20 items. The motion passed with nine YES votes. Commissioner NeSmith was absent.

1. ADOPT: The following ordinance (#18-12-70) which was presented by title only revising Section 1-9-6 of the ACCGOV Personnel System) to align ordinance with modern Human Resources Department practices regarding the Promotion Review process as per agenda report dated November 9, 2018; adopt the following ordinance (#18-12-71) revising 1-9-1 of the ACCGOV Personnel System to clarify the authority and standards of review of the Personnel Hearing Officer; and authorize staff to prepare a revised Promotion Review Panel policy and procedures based on the above adopted revisions.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO A PROMOTION REVIEW PANEL; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 1-9-6 of the Code of Athens-Clarke County, Georgia, entitled "*Change of employment status*," is hereby amended by deleting therefrom paragraph (2) of sub-section (a) and replacing said paragraph as follows:

- (2) *Basis for awarding promotion; procedures for promotion review panel.* When a vacancy exists, and the department director elects to fill the vacancy from the internal list, and there are two (2) or more qualified employees on the internal list, the personnel director shall convene a promotion review panel. The manager, in consultation with the personnel director, shall have the authority to issue policies and procedures for the promotion review panel.

SECTION 2. Section 1-9-6 of the Code of Athens-Clarke County, Georgia, entitled "*Change of employment status*," is hereby further amended by deleting therefrom paragraph (3) of sub-section (a) and replacing said paragraph as follows:

- (3) *Promotion Review Panel.* The promotion review panel shall generally consist of the following three (3) members:
 - a. The department director for the department in which the vacancy exists or his or her designee;
 - b. An assistant director, division administrator, or other supervisory employee from the department in which the vacancy exists; and
 - c. Either the assistant personnel director or the personnel director.

In the event that any of the persons listed above are unable to attend a meeting of a promotion review panel or for another valid business reason, the personnel director, or in the absence of the personnel director, the assistant personnel director, shall have the authority to name a replacement. The personnel director or the department director may also request that other employees of the personnel department or the department in which the vacancy exists attend the meeting to provide information regarding the vacancy and the internal candidates for such vacancy. A meeting of a promotion review panel is intended to be a collaborative process in which all members of the panel concur as to the top candidate for promotion. If all members of the promotion review panel are unable to concur as to the top candidate, the department director or the personnel director shall have the authority to refer the matter to the manager for resolution.

SECTION 3. 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 APPEALS OF DISCIPLINARY ACTIONS AND CLAIMS OF DISCRIMINATION AND HARASSMENT; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 1-9-1 of the Code of Athens-Clarke County, Georgia, entitled "*General Provisions*," is hereby amended by deleting therefrom paragraph (1) of sub-section (d) and replacing said paragraph as follows:

- (1) *Personnel administration*. The mayor and commission hereby establishes the personnel hearing officer ("PHO"). The PHO shall be an attorney who is a member in good standing of the State Bar of Georgia and is appointed by the mayor and commission after consultation with the manager and attorney regarding the PHO qualifications and duties. Employees who are subject to disciplinary action or who make a claim of illegal discrimination or harassment, as those terms are defined in Chapter 1-17 of this Code, shall have the right to due process through the managerial chain of command, with certain matters appealable to the PHO. The PHO shall have jurisdiction to hear the following matters: (1) appeals of dismissals due to disciplinary action; (2) appeals of demotions due to disciplinary action; (3) appeals of suspensions due to disciplinary action; and (4) appeals involving claims of illegal discrimination or harassment as described in Chapter 1-17 of this Code. The PHO shall exhibit mature reasoning, prudent stewardship of public funds, evidence of good judgment, and impartial and nonpolitical performance of these duties.
 - a. *Personnel hearing officer*. The PHO has final authority within the Unified Government to hear appeals within his or her jurisdiction.
 - b. *Criteria for review*. In an appeal to the PHO, the appellant shall have the burden to establish by a preponderance of the evidence that:
 1. The Unified Government imposed discipline upon the appellant that is not consistent with this Code, the policies, practices, or procedures of the Unified Government, or any applicable laws of the State of Georgia;
 2. The factual basis upon which the Unified Government imposed disciplinary action upon the appellant is not true and correct or was substantially inaccurate in all relevant and material aspects; or
 3. An incident of illegal discrimination or harassment, as described in Chapter 1-17, took place, and the Unified Government failed to address such illegal discrimination or harassment as required by applicable law.
 - c. *Appeal hearings*. In regard to appeals of disciplinary actions, the PHO shall have authority to confirm or rescind the disciplinary action in question, but shall not have authority to substitute an alternative form of discipline. The PHO may provide management with supplementary observations, comments, and recommendations regarding alternative levels of discipline for consideration by management. In regard to claims of illegal discrimination or harassment, the PHO shall have the authority to make factual and legal findings as to whether or not illegal discrimination or harassment occurred, and upon so finding, the PHO may recommend remedies or relief based upon applicable law. The PHO shall adopt procedures for the conduct of appeal hearings. The admissibility of documents or other information and the rules of evidence may be informal as compared to formal judicial proceedings. The PHO shall have the authority to compel attendance of witnesses, rule on motions, grant continuances, and rule on evidentiary matters.
 - d. *Types of cases*. The PHO shall hear those matters appealed in accordance with the applicable procedures and within the PHO's jurisdiction. The PHO shall not hear appeals involving temporary records such as corrective interview documentation, performance evaluations, and notices of reprimands or similar documentation temporarily held in the employee's personnel file, appeals involving promotion decisions, or appeals involving involuntary transfers, unless such appeals are directly related to a claim of illegal discrimination or harassment. Notices of reprimand shall be removed from an employee's file if two years have passed since the issue in question occurred and there have been no problems of a similar nature.
 - e. *Appointment of personnel hearing officer*. The mayor shall make a nomination to the commission for appointment of one attorney as the primary PHO and one or more alternate attorneys who shall be similarly appointed in case the primary PHO is not available when

needed to conduct a hearing. The PHO shall be appointed by a majority vote of the entire commission and may be removed by majority vote of the entire commission. The initial appointment shall be for a two-year term and shall be subject to replacement or reappointment at the end of the term.

- f. *Conduct of hearings.* The PHO shall conduct public hearings and render written decisions on the issues presented. All testimony before the PHO shall be rendered under oath or affirmation, by oral testimony or depositions and with the right of cross-examination.
- g. *Amendments to policies and procedures.* The PHO shall be authorized to make recommendations to the manager as to amendments, additions to, and changes in the Unified Government's employment policy and procedures.
- h. *Appeal hearings and record keeping.* The PHO shall hold appeal hearings as soon as necessary when properly petitioned by an Athens-Clarke County personnel system employee who has a qualified reason for requesting a hearing. All such hearings shall be open to the public. The personnel director shall set the date, time and place of the hearing, providing proper notification to the affected parties. The time and place of each appeal hearing; names of the persons present; and all official acts of the PHO shall be recorded in the minutes, or in the alternative, a licensed court reporter or stenographer shall be present to transcribe the hearing. An agenda, including all items to be presented to the PHO, shall be prepared by the personnel director prior to each appeal hearing, or in the alternative, the PHO may require the parties to submit written position statements setting forth the issues to be heard and their basic contentions. If no licensed court reporter or stenographer is present for the hearing, the minutes shall be transcribed and presented for approval or amendment by the PHO. The minutes, once approved by the PHO, or the hearing transcript shall be open to inspection by the public, employees, and department heads. Within a reasonable time after the hearing's conclusion, the PHO shall issue a written decision to the parties.

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

- 2. ADOPT: The following ordinance (#18-12-72) which was presented by title only adding Martin Luther King, Jr. Day and Memorial Day to the list of holidays on which parking meter fees are not collected as per agenda report dated November 14, 2018; and authorize the Mayor and appropriate staff to execute all necessary documents.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO PARKING, MOTOR VEHICLES AND TRAFFIC; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 3-3-25 entitled "*Definitions with regards to parking meters and meter spaces*" of the Code of Athens-Clarke County, Georgia, is hereby amended by adding a new definition entitled "*Public holidays:*"

Sec. 3-3-25. – Definitions with regards to parking meters and meter spaces.

Public holidays: The holidays of Christmas, Thanksgiving, New Year's Day, the Fourth of July, Labor Day, Martin Luther King, Jr. Day and Memorial Day.

SECTION 2. Section 3-3-27 entitled "*Holidays*" of the Code of Athens-Clarke County, Georgia, is hereby deleted in its entirety and reserved for future use.

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

- 3. APPROVE: The transfer of appropriated but unspent amounts in the capital budget for the completed project titled *Retrofit Clarifiers at Middle Oconee Water Reclamation Facility* to the capital project titled *Wastewater Facilities and Equipment Replacement* as per agenda report dated October 30, 2018; and adopt the following ordinance (#18-12-73) which was presented by title only to amend the capital budget accordingly.

AN ORDINANCE TO AMEND THE FY2019 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FOR THE PUBLIC UTILITIES DEPARTMENT FOR EQUIPMENT REPLACEMENT AT THE MIDDLE OCONEE WATER RECLAMATION FACILITY.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the FY2019 Water and Sewer Enterprise Fund Budget for the purpose of equipment replacement for the Public Utilities Department at the Middle Oconee Water Reclamation Facility. Said Operating and Capital budget is hereby amended as follows:

Water and Sewer Enterprise Fund:

Expenditures:

Increase:

Equipment Replacement- Wastewater	\$526,686
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Decrease:

Equipment & Replacement: Retrofit Clarifiers At Reclamation Facility (WRF)	(\$526, 686)
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SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

4. APPROVE: Superior Court's Criminal Justice Coordinating Council Grant (CJCC) application for, and if awarded, acceptance of S.T.O.P. Violence Against Women (VAWA) grant funds in the amount of \$70,000 to fund for calendar year (CY) 2019 as per agenda report dated November 13, 2018:
- i. one authorized full-time Senior Probation Officer position in Superior Court Probation Services
 - ii. one authorized full-time Clerk position in the Clerk of Courts Office;

ADOPT: The following ordinance (#18-12-74) which was presented by title only amending the FY19 Superior Court (\$25,000) and the Clerk of Courts (\$10,000) budgets for the first six months of the CJCC Grant (January 2019 through June 2019). The matching requirement for the first six months of the grant is met by a portion of the salary and the benefits cost of the two positions estimated to be \$11,500; and

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

AN ORDINANCE TO AMEND THE FY2019 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL FOR PERSONAL SERVICE AND OPERATING EXPENSES FOR DOMESTIC VIOLENCE CASE SUPERVISION; AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the Grants Special Revenue Fund to provide grant funding, if awarded, from the Georgia Criminal Justice Coordinating Council for personal service and operating expenses for domestic violence case supervision and processing. Said Operating and Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:

Stop Violence Against Women Grant (CJCC)	\$35,000
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EXPENDITURES:

Increase:

Superior Court- Personal Services	\$25,000
Clerk of Courts- Personal Services	<u>\$10,000</u>
Total	\$35,000

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

5. APPROVE: the Solicitor General's submission of a Criminal Justice Coordinating Council (CJCC) grant application for and, if awarded, acceptance of S.T.O.P. Violence Against Women (VAWA) grant funds in the amount of \$70,000 to be used to fund one Domestic Violence Prosecutor position and necessary supplies and training for the prosecution of domestic violence cases in calendar year (CY) 2019; as per agenda report dated November 13, 2018;

APPROVE: Continuation of one full-time authorized position for the Solicitor General's Office specialized domestic violence prosecution in CY19;

ADOPT: The following ordinance (#18-12-75) which was presented by title only amending the Solicitor General's Office FY19 Budget (\$35,000) and related operating expenses for the first six months of the CJCC Grant (January through June 2019) in accordance with the budget amendment. The match requirement to be met by a portion of the salary of a current assistant solicitor is \$11,667 for the first six months of the grant; and

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

AN ORDINANCE TO AMEND THE FY2019 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING FROM THE GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL FOR TWO FULLTIME POSITIONS AND ASSOCIATED EXPENSES TO SUPPORT DOMESTIC VIOLENCE CASES; AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the Grants Special Revenue Fund to provide grant funding from the Georgia Criminal Justice Coordinating Council for two fulltime positions and associated expenses to support domestic violence cases. Said Operating and Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:

Stop Violence Against Women Grant (CJCC) \$35,000

EXPENDITURES:

Increase:

Solicitor General Operating Expenses \$35,000

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

6. ADOPT: The following ordinance (#18-12-76) which was presented by title only amending the alcohol license application procedure as recommended by the Legislative Review Committee report dated October 30, 2018.

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

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

SECTION 1. Section 6-3-3 of the Code of Athens-Clarke County, Georgia, entitled "~~Same—Application Procedure,~~" subsection (c), entitled "*Entities – Ownership,*" is hereby deleted in its entirety and the following new subsection is inserted in lieu thereof:

(c) *Entities—Ownership.* All applicants other than individual persons shall list the names and addresses of all individual persons who have an ownership interest in such entity and the percentage ownership of each person, unless:

(1) the applicant's corporate stock or other ownership interest is listed on the stock exchange or available for over the counter sales and subject to regulation by federal and state securities laws; or

(2) the applicant (i) is a privately-owned entity; (ii) seeking a license for retail package sales of liquor, beer, or wine, or is a restaurant seeking a license for retail sales by the drink of liquor, beer, or wine; and (iii) is operating, at the time of its

application, at least 200 (two-hundred) separate retail locations within the United States.

Except as provided above, if a named interest owner therein is another corporation or other entity, the same information shall be given for such corporation or entity. If during the life of the license, the identity of the interest owners or their percentage of ownership should change, that information shall be sent to the Director of Finance or his designated representative for processing. A change in ownership shall require a new application. Corporations or limited liability companies must file a compliance copy from the office of the Secretary of State showing active status as an incorporated business.

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

7. APPROVE: Project Concept, as described in Facts and Issues #5 of agenda report revised November 28, 2018, and designate the Laurel Springs Subdivision as Sub-project #1 of the TSPLOST 2018 Project #17 – Acquisition of Private Streets;

AUTHORIZE: Staff to perform necessary street improvements within Laurel Springs Subdivision to bring streets up to current standards for public roadways, as shown in Attachment #1 of said agenda report; and

AUTHORIZE: Staff to accept the street rights-of-way for public maintenance.
8. APPROVE: Declaration of Unified Government of Athens-Clarke County (ACCGOV)-owned vehicles and equipment described in Facts and Issues #4 of agenda report dated October 31, 2018 as surplus property; and authorize the sale of the vehicles and equipment described in Facts and Issues #4 through an Internet auction.
9. APPROVE: Lease agreement with Town and Gown Players, Inc. as per Attachment #1 of agenda report dated October 31, 2018 for property located at 115 Grady Avenue; and authorize the Mayor and appropriate staff to execute all necessary documents.
10. ADOPT: Updated Policy and Procedure for Solicitation and Consideration of Public Comment for Fare or Major Service Changes for Public Transportation System as per agenda report dated October 24, 2018; and authorize the Mayor to execute the resulting policy.
11. APPROVE: and authorize staff to commit HOME funds (FY18 and FY19) in the amount of \$120,000 for use by the Athens Area Habitat for Humanity for the development of affordable housing as shown in Attachment #1 of agenda report dated October 29, 2018; and authorize the Mayor and ACCGOV staff to execute all related contracts and documents.
12. APPROVE: Phase 1 preliminary construction plans for the Brooklyn Creek Interceptor Improvements as per agenda report dated October 30, 2018; and authorize staff to complete final construction plans, begin easement acquisition and solicit bids for construction.
13. APPROVE: Review of public input procedures for Planning Commission as recommended by the Government Operations Committee report of November 5, 2018: accept Planning Staff's administrative procedure to accept electronic copies of citizen comments in lieu of the current physical copy format.

14. APPROVE: Keep Athens-Clarke County Beautiful appointment:

Lauren Muller – term expiring 06-30-2021

15. APPROVE: The 2019 Georgia Department of Transportation (GDOT) Local Maintenance Improvement Grants (LMIG) Project Report, as shown in Attachment #1 of agenda report dated October 31, 2018, which will partially comprise the CY19 Pavement Maintenance Project;

AUTHORIZE: The Mayor and appropriate staff to apply for the \$1,352,380.99 Local Maintenance Improvement Grant (LMIG) funds that are anticipated to be available by Georgia Department of Transportation (GDOT) in accordance with the Transportation and Investment Act using the GDOT application shown in Attachment #2 of said agenda report; and

AUTHORIZE: The Mayor and appropriate staff to sign all related applications, contracts, documents, and certifications associated with funding for these projects.

16. APPROVE: Preliminary construction plans for three FY17 Sidewalk Gap projects – Phase IV – as per agenda report dated October 25, 2018 and shown in Attachment #1 Magnolia Street, Attachment #2 Holman Avenue, and Attachment #3 Barnett Shoals Road;

AUTHORIZE: The Mayor and appropriate staff to execute any necessary utility relocation agreements and all other project related documents; and

AUTHORIZE: Staff to acquire the necessary right-of-way and easements, prepare final construction plans, and subsequently enter into the bid phase for this project.

17. APPROVE: Acceptance of Feasibility Study of Regional Detention Facilities for Atlanta Highway and Lexington Road, as shown in Attachment #1 of agenda report dated October 31, 2018.

18. APPROVE: Leisure Services pricing policy as per Attachment #1 of agenda report dated October 31, 2018.

19. APPROVE: TSPLOST 2018 Project #06 - Sub-Project #4 Fire Fly Trail Project Trail Creek Crossing: design services contract as per agenda report revised November 29, 2018:
 - a. Designate Trail Creek Crossing as Sub-project #4 of the Firefly Trail Project (TSPLOST 2018 Project #06);
 - b. Accept the Rail to Trail Committee's recommendation (History Item #18) to withdraw the previously approved Mayor and Commission preliminary plans;
 - c. Award a design phase professional services contract to Kimley-Horn and Associates, Inc. for the Firefly Trail Project (TSPLOST 2018 Project #06) Sub-Project #4 Trail Creek Crossing for a contract value amount of \$450,000.00;
 - d. Authorize staff to re-initiate the Preliminary Plan development phase of the project in accordance with the Mayor & Commission approved Project Concept (History Item #1); and
 - e. Authorize the Mayor and appropriate staff to execute all related documents.

20. PASS OUT WITH NO ACTION: Legislative Review Committee Report – Commissary kitchens as home occupation.

A motion was made by Commissioner Wright, seconded by Commissioner Dickerson, to adopt the following resolution designating St. Patrick's Day, Sunday March 17, 2019 as the authorized Sunday for calendar year 2019 for alcohol beverage sales permitted per Senate Bill 103 as per agenda report revised November 30, 2018. The motion passed with nine YES votes. Commissioner NeSmith was absent.

RESOLUTION

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

WHEREAS, O.C.G.A. § 3-3-7 (r) authorizes the governing authority of a county or municipality to adopt a resolution or ordinance to authorize the sale of alcoholic beverages for consumption on the premises from 12:30 p.m. to 12:00 midnight on one Sunday during each calendar year, and

WHEREAS, § 6-3-5 (i) (9) of the Code of Ordinances of Athens-Clarke County implements the above-described statute, and

WHEREAS, the Mayor and Commission of the Unified Government of Athens-Clarke County desire to so designate one Sunday in 2019 for such purpose,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Commission do hereby declare that Sunday, March 17, 2019, is designated as the Sunday during calendar year 2019 when licensees holding Class D, E or F alcoholic beverages licenses may sell alcoholic beverages for consumption on the premises from 12:30 p.m. to 12:00 midnight on such date.

Commissioner NeSmith came in at 6:22 p.m.

A motion was made by Commissioner Link, seconded by Commissioner Parker, to approve acceptance of Mayor's Task Force for Inclusion and Equity Report with a commitment to hold a work session within the next 90 days for the purpose of refining and defining the goals outlined in the agenda report; addressing next steps in recognizing the history and systemic causes of racial inequity and segregation in the Athens community; and determining parameters for selecting the membership and outlining the missions of the ACCGOV Equity and Inclusion Citizen Advisory Board, the Community Equity and Inclusion Partnership Council, and the ACCGOV Equity and Inclusion Leadership Team.

A substitute motion was made by Commissioner Hamby, seconded by Commissioner Dickerson, to approve acceptance of Mayor's Task Force for Inclusion and Equity Report with a commitment to hold a work session in January 2019 for the purpose of refining and defining the goals outlined in the agenda report and addressing next steps in recognizing the history and systemic causes of racial inequity and segregation in the Athens community.

The substitute motion passed by unanimous vote.

Citizen input

The following citizen input was received.

1. Emily Johnson – opposed prohibition of scooters
2. April Brown - opposed moratorium on scooters
3. William Wright – opposed prohibition of scooters
4. Danny Bryant – supported SPLOST 2020 and proposed Classic Center Arena
5. Danny Walker – stated storm water utility fee should be tabled
6. Raymond Winfrey – stated storm water utility fee should be postponed or tabled
7. Donna Ramirez – opposed storm water utility fee
8. Morgan Teachy, Upper Oconee Watershed Network – supported storm water utility program
9. Riley Farrell, Upper Oconee Watershed Network – supported Shoal Creek Farms Dam renovation
10. Kimberly Davis – stated African Americans should be involved in Mack-Burney House decision
11. Carol Myers – opposed SPLOST 2020 program designated projects
12. Tim Denson – opposed SPLOST 2020 program designated projects
13. Chris Dowd – opposed storm water utility fee and SPLOST 2020 designated projects
14. Michelle Berry – stated SPLOST 2020 should be held for new commission

15. Jesse Houle, stated SPLOST 2020 designated projects should be held for new commission and more information needed on storm water utility fee
16. Alvin Sheats – stated African Americas should be involved in Mack-Burney House decision
17. Mark McConnell – supported storm water utility fee review
18. James Forrester – stated SPLOST 2020 designated projects should be held for new commission
19. Cheyenne Woodward, BIRD representative –opposed banning scooters
20. Ken Dious – stated Mack-Burney House should be an African American Culture Center
21. Russell Edwards – opposed SPLOST 2020 designated projects
22. Richard Wingfield – supported BIRD if paying fair wage and has benefits for employees
23. Sidney Bacchus – opposed new judicial center

A motion was made by Commissioner Herod, seconded by Commissioner Girtz, to adopt the following resolution to authorize the acquisition of rights-of-way by eminent domain, as necessary, for the acquisition of Parcel 172A3 D006 for the Rails-to-Trails Network Program SPLOST 2011 Project #08 as per agenda report dated October 31, 2018; and authorize the Mayor and appropriate staff to execute all related documents. The motion passed by unanimous vote.

RESOLUTION

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

WHEREAS, on March 6, 2018, Mayor and Commission of the Unified Government of Athens-Clarke County (“Mayor and Commission”) approved the purchase of real estate property known as Tailgate Station – Phase III (Parcel 172A3 D006) which is located adjacent to the Firefly Trail Project (part of the Rail to Trail Network) and, with respect to Parcel 172A3 D006, directed staff of the Unified Government to facilitate land acquisition related of Parcel 172A3 D006 necessary for rights-of-way/property 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 Parcel 172A3 D006 as described hereinabove are for transportation purposes and are intended to be used for enjoyment by the public to expand access to the Rail to Trail Network of pedestrian and bicycle facilities; 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 expand access to the Rail to Trail network as described hereinabove; and

WHEREAS, the Unified Government has engaged in negotiations with the property owner whose property or interests therein is needed for construction of the Firefly Trail Sub-Project and desires to acquire such rights-of-ways/property through voluntary conveyance from the owner where reasonably possible; and

WHEREAS, construction of access explanation of the Rail to Trail Network cannot proceed without the necessary rights-of-way/property from all property owners, and

WHEREAS, the Mayor and Commission further find that the acquisition of the necessary rights-of-way/property is an integral component of the Rail to Trail Network 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/property is required for the completion of the Rail to Trail Network access expansion; 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 Rail to Trail Network it is necessary to exercise the right of eminent domain to acquire such rights-of-way/property; and

WHEREAS, all questions of necessity, public purpose and public convenience with respect to the acquisition and construction of the Rail to Trail Network and the necessity of acquiring through eminent domain the property 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 "Athens-Clarke County" consisting of 1 sheet, dated April 4, 2018, made by W&A Engineering, John Mark Dunlap, Land Surveyor, with subject property being labeled Parcel 172A3 D006 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 Network'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 Rail to Trail Network expansion project.

A motion was made by Commissioner Bailey, seconded by Commissioner NeSmith, to approve preliminary construction plans for Tallassee Road Bridge Replacement (TSPLOST 2018 Project #08), as shown in Attachment #1 of agenda report dated November 12, 2018; authorize the Mayor and appropriate staff to execute any necessary utility relocation agreements and all other project related documents; and authorize staff to acquire the necessary right-of-way and easements, prepare final construction plans, and subsequently enter into the bid phase for this project. The motion passed by unanimous vote.

A motion was made by Commissioner Herod, seconded by Commissioner Girtz, to adopt commission-defined ordinance with reference to ACCGOV booting policy.

Commissioner NeSmith offered an amendment that uniforms be required so as to readily identify the licensee's vehicle immobilization service and bear the name of the licensee's vehicle immobilization service.

The amendment was accepted. The motion as amended passed by unanimous vote and the following ordinance (#18-12-77) which was presented by title only was declared adopted.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO BOOTING/IMMOBILIZATION OF VEHICLES IN PRIVATE PARKING LOTS; AND FOR OTHER PURPOSES.

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

SECTION 1. Chapter 3-3 of the Code of Ordinances of Athens-Clarke County, entitled "Parking, Motor Vehicles and Traffic," is hereby amended by adding new code sections 3-3-67, to-wit:

"Sec. 3-3-67. - BOOTING/IMMOBILIZATION OF VEHICLES IN PRIVATE PARKING LOTS

(a) Purpose.

The Mayor and Commission of Athens-Clarke County hereby establish the ordinance set forth in this section to provide for the protection of the public health and safety as it relates to the parking of vehicles on private property and to the immobilization of those vehicles by applying an immobilization device, commonly referred to as a "boot," to a vehicle. To this end, this section provides for the regulation of private vehicle immobilization services to be administered in a manner that protects the public health and safety and promotes the public convenience and necessity. Nothing herein shall be interpreted as authorizing or condoning immobilization of vehicles on private property, but this ordinance serves as a regulation of persons as herein defined who elect to engage in booting on private property to prevent or discourage unauthorized cars from parking where prohibited or in violation of published notices.

(b) Definitions.

For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this subsection:

Boot, booting or vehicle immobilization means the act of placing on a parked motor vehicle a lockable vehicle wheel clamp or similar device that is designed to be placed on a parked vehicle to prevent the operation of the vehicle until the device is unlocked and removed. The term "boot" shall include the devices used for this purpose. Such devices shall be a high-visibility color, such as yellow, orange or red. No cables, chains, ropes or other similar means of vehicle immobilization shall be allowed.

Chief of police shall mean the chief of police of Athens-Clarke County or his or her designee.

Immobilize means to place a boot on a parked vehicle to prevent the operation of the vehicle until the boot is unlocked and removed. The term includes any installation or adjustment of a boot.

Owner/operator For the purposes of this section, an owner/operator is defined as a person other than a lienholder, possessing or holding title to a vehicle. The term includes a person authorized to use, operate and possess a vehicle which may be subject to the business or commercial interest of another, permission, rental, lease, or security interest in another person or entity.

Private property owner means a person, or the person's agent or lessee, who holds legal title or the right to occupy or possess private property. The term includes an agent authorized to operate or manage the property but does not include a vehicle immobilization service licensee or an employee or representative of a vehicle immobilization service licensee.

Person shall mean any natural person, firm, partnership, association, company, corporation or other entity of any kind whatsoever.

Private parking lot means private property that is used, wholly or in part, for parking or storing motor vehicles for the residents, tenants, employees, customers, members or guests of an establishment such as, but not limited to, a multi-family dwelling complex, business, or church.

Unauthorized vehicle means a vehicle parked, stored, or located on a parking lot without the consent of the parking lot owner.

Vehicle shall mean an automobile, truck, bus, trailer, semitrailer, truck tractor semitrailer combination, recreational vehicle, camper, motorcycle, moped, golf cart, off road vehicle or any other device used to transport persons or property; provided, however, that the term does not include bicycles.

Vehicle immobilization service or service shall mean a person, including a sole proprietor, independent contractor, corporation, partnership, limited liability company, or similar business entity, offering services anywhere in the territorial limits of Athens-Clarke County whereby vehicles are immobilized by the installation of a vehicle immobilization device. Such term shall not include Athens-Clarke County or any other government entity authorized to enforce parking ordinances or laws.

Vehicle immobilization service operator or service operator shall mean an employee, agent or contractor acting on behalf of a vehicle immobilization service to immobilize vehicles.

(c) Applicability.

This section applies to the process for the immobilization of unauthorized vehicles parked on private property and the fees charged to remove vehicle immobilization devices.

(d) Compliance with article; license or permit required.

(1) It shall be unlawful for any vehicle immobilization service or vehicle immobilization service operator to operate within Athens-Clarke County without first having obtained a vehicle immobilization service license or a service operator license pursuant to this section.

(2) It shall be unlawful for any person to immobilize or boot any vehicle within Athens-Clarke County or to impose or collect a fee for release of a boot without first complying with all applicable provisions of this section.

(3) All services and operators engaged in business in Athens-Clarke County shall comply with licensing requirements imposed by the state or Athens-Clarke County, and shall provide evidence of such upon request by any representative of Athens-Clarke County authorized to enforce the provisions of this section.

(4) No license under this section shall be issued to any person who has been convicted in this or any other state, prior to the application for a license, of any violent crime, crime involving moral turpitude, or any sexual offense as defined by O.C.G.A. § 16-6. Violent crime is defined as murder, nonnegligent manslaughter, forcible rape, robbery and aggravated assault. If at any time during the application process the applicant is charged with any violent crime, consideration of the application shall be suspended until entry of a judgement on or dismissal of the charge.

(5) Vehicle immobilization service license or service operator license application.

a. Every person desiring to obtain a vehicle immobilization service license or service operator license required by this section shall file an application with the Athens-Clarke County police department on forms to be prepared and approved by the department. The application shall state the name, address and telephone number of the applicant; name and telephone number of the owner and/or manager of the vehicle immobilization service; driver's license number or state issued identification number of the applicant; the telephone number that will be used for responding to requests to remove boots; and such other information as may be required by the chief of police or his or her designee.

b. It shall be the responsibility of the chief of police or his or her designee to cause an investigation to be made of the applicant's character, reputation, driving record, record of arrests and convictions, if any, and to secure such information as may be required to insure compliance with the requirement of this section.

c. It shall be the responsibility of the chief of police or his or her designee to issue and receive payment for the vehicle immobilization service license and the service operator's license. The cost of the vehicle immobilization service license shall be \$30.00 plus the actual cost of obtaining necessary state and federal background checks, and the cost of the service operator license shall be \$30.00 plus the actual cost of obtaining necessary state and federal background checks.

d. No vehicle immobilization license referred to in this section shall be issued or continued in effect unless the applicant for or holder of said license has paid for an Athens-Clarke County occupation tax certificate pursuant to the requirements of chapter 6-1 of the Code of Athens-Clarke County. Such occupation tax certificate and vehicle immobilization license shall be for the calendar year and must be renewed prior to the expiration date.

e. Any person aggrieved by the action of the chief of police, in refusing to issue a license may appeal to Athens-Clarke County administrative hearing officer by filing notice of such appeal within five (5) days after receiving notification that such person's vehicle immobilization service license application or service operator's license application has been refused. The administrative hearing officer may issue a license, reissue a license, or affirm the decision of the chief of police.

f. Any change in the information furnished in the application for a license pursuant to this section must be reported to the police department in writing within ten (10) days of the change(s) in business license information. Failure to so report shall be cause for suspension or revocation of the license.

g. It shall be unlawful for any person to procure a vehicle immobilization license by fraudulent conduct or a false statement of material fact and shall be grounds for suspension or revocation of the license.

h. Once issued, service operators shall carry with them and display their license, which shall include a photo of the service operator thereon, at all times when they are in the process of installing or removing a vehicle immobilization device.

(e) Insurance.

(1) No license shall be issued to any vehicle immobilization service applicant and no service operations shall commence until the applicant deposits with the chief of police on the Acord form certificates of insurance written by an insurance company qualified to do business in the state and having an A.M. Best rating not less than A and Financial Size Category not less than Class VII, providing coverage as required by this subsection.

(2) The insured must add Athens-Clarke County and its officers and employees as additional insureds to be endorsed on the policies. The coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a vehicle immobilization service by the licensee, including but not limited to damage to an immobilized vehicle caused directly or indirectly by improper installation or removal of a boot.

(3) Commercial general liability insurance providing liability coverage for property damage or personal injury in an amount not less than one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) annual aggregate covering damages caused by the private property owner, vehicle immobilization service, or any of their employees or agents in the course of conducting vehicle immobilization services for the private property owner.

(4) Automobile liability insurance with a minimum combined single limit of one million dollars (\$1,000,000.00)

(5) Umbrella liability insurance with minimum coverage of one million dollars (\$1,000,000.00).

- (6) Worker's compensation insurance in the minimum coverage required by Georgia law, with Employer's Liability limits of no less than one million dollars (\$1,000,000.00) per accident for bodily injury or disease.
- (7) Failure of a licensee to meet or maintain the insurance requirements of this section, including providing the above-described insurance coverage from the private property owner shall be grounds for suspension or revocation of the license.
- (f) Requirements for posting signs.
 - (1) It shall be unlawful for any person to immobilize or cause the immobilization of a vehicle on private property without signs being posted and maintained on the private property in accordance with this section at the time of immobilization and/or towing. Such signs must have been continuously maintained on the property for not less than twenty-four (24) hours prior to the immobilization, towing or removal of any vehicles.
 - (2) Signs shall be located at each designated entrance to a parking lot or parking area where parking prohibitions are to be effective. Where there is no designated entrance, such signs shall be erected so as to be clearly visible from each and every parking space. There shall be no fewer than one sign erected for every seven (7) parking spaces in the parking lot or parking area.
 - (3) Such signs shall be a minimum of seven and one-half square feet in area (two and one half feet by three feet).
 - (4) Such signs located at a designated entrance to a parking lot shall be at least four feet above the site grade. Where there is no designated entrance, such signs shall be six feet above site grade.
 - (5) Such signs shall state in letters at least three inches high that "Unauthorized vehicles may be impounded (towed or booted) at owner's risk and expense." Such signs shall also include the following language in letters at least two and one-half inches high:
 - a. Cost to remove boot \$50.00 per day;
 - b. Fee payable by cash, check, and credit or debit card.
 - c. Boot Removal—Call 000-000-0000.
 - d. Tow information—Call 000-000-0000.
 - e. Vehicle may not be impounded if owner/operator returns before boot or tow is attached.
 - f. Booted vehicles may be towed after 24 hours.
 - g. Private booting regulated by the Code of Athens-Clarke County.
 - h. Complaints may be made to: Parking Company 000-000-0000 or Athens-Clarke County Police Department 000-000-0000
 - i. This lot is owned and operated by (Name of legal entity owning parking lot/area) and can be reached at 000-000-0000 for resolution of any disputes.
- (g) Vehicle immobilization equipment.
 - (1) Each boot used by a vehicle immobilization service must be maintained in a safe and good working condition.
 - (2) The chief of police or his or her designee may, at any reasonable time, inspect a boot or other equipment used by a licensee for vehicle immobilization to determine whether the equipment complies with this section.
- (h) Apparel to be worn by vehicle immobilization operators.
 - (1) Vehicle immobilization operators must wear apparel of such distinctive and uniform design as to readily identify the licensee's vehicle immobilization service and must bear the name of the licensee's vehicle immobilization service.
 - (2) While on duty, an operator may not wear: apparel with offensive or suggestive language; cut offs; tank tops or halter tops.
 - (3) Shoes must be worn at all times which shall not include sandals or flip flops.
 - (4) A vehicle immobilization operator and the operator's clothing must conform to basic standards of hygiene and be neat, clean, and sanitary at all times.
- (i) Fees charged by vehicle immobilization service.
 - (1) Any vehicle immobilization service engaged in the business of the immobilization of vehicles shall not charge the owner of any immobilized vehicle or personal property in excess of fifty dollars (\$50.00) per day for the removal of the vehicle immobilization device or devices. The fifty dollars (\$50.00) fee shall be all inclusive; no additional fees may be charged for using other equipment or for any other reason.

(2) Fees may be paid by cash, check, credit card, or debit card at no additional charge, and the vehicle immobilization service may not require that fees be paid only in cash. Proof of the ability to accept these forms of payment must be submitted prior to obtaining a license. At each and every location where a booting operation is conducted, the licensee shall have available means of collecting any fees via cash, check, credit card and debit card.

(3) If the means to accept any one form of payment is unavailable at the time of immobilization or release of the vehicle, any immobilized vehicles must be released without charge.

(j) Vehicle not immobilized upon operator of vehicle returning.

(1) The operator of any vehicle immobilization service shall not immobilize a vehicle and shall not charge a fee if the driver of the vehicle returns before the installation of the vehicle immobilization device is complete.

(2) It shall be unlawful to immobilize any motor vehicle occupied by a person without giving the person, if a licensed driver, the opportunity to remove the vehicle from the lot or if requested to do so pay the appropriate fee to park if a pay to park lot.

(3) The operator shall immediately notify the Athens-Clarke County police department of the immobilization of any vehicle occupied by an incapacitated person or a live animal.

(k) Vehicle immobilization generally

(1) It shall be unlawful for any person, his agent or employee, to:

a. engage in vehicle immobilization service within Athens-Clarke County without a valid vehicle immobilization service license or engage as a service operator without a service operator license;

b. Cause a vehicle to be immobilized within Athens-Clarke County by a vehicle immobilization service that does not hold a valid vehicle immobilization service license under this section; or

c. Employ or contact with a vehicle immobilization service not licensed under this section for the purpose of having a vehicle immobilized within Athens-Clarke County.

(2) It shall be unlawful for any person to immobilize a vehicle unless the boot is installed on a tire located on the driver's side of the vehicle.

(3) It shall be unlawful for either a vehicle immobilization service or its service operator, agent or employee to immobilize vehicles on any private property without having a valid written contract specifically for such services entered into with the private property owner or lawful lessee thereof and valid license to operate at said location. A licensee shall conduct booting operations exclusively on private property, and only pursuant to a written agreement with the owner or manager of the property. Said contract must indicate the length of the term of the contract, including the dates that services are to begin and end, and a copy must be deposited with the Athens-Clarke County police department.

(4) A vehicle immobilization service must maintain a twenty-four (24) hour a day, three hundred sixty-five (365) days per year phone number that is staffed by a live operator to communicate immediately with a driver of any vehicle that has been immobilized by the vehicle immobilization service.

(5) Immediately after a vehicle is booted, the person booting such vehicle shall affix at the rearmost portion of the window adjacent to the driver's seat of such vehicle a sequentially numbered notice sticker or decal measuring no less than eight (8) by four (4) inches containing a warning that any attempt to move the vehicle may result in damage to the vehicle, and stating the date and time the vehicle was booted; the name, business address and the permit number of the person who booted such vehicle; the business telephone number which will facilitate the dispatch of personnel responsible for removing the boot; the make, model, color and license tag number of the immobilized vehicle; the reason for immobilization; and the immobilization device number. Provided that the sticker may be affixed in a location that is immediately and reasonably visible to the operator of a motor vehicle if there is no window adjacent to the driver's seat. Such sticker shall be a high-visibility color, such as yellow or orange, and lettering shall be black. The chief of police may prescribe the basic design and format of the notice.

(6) It shall be unlawful for a vehicle immobilization service or service operator to fail to arrive on the site where the vehicle was immobilized within thirty (30) minutes of being contacted by the owner, driver or person in charge of the vehicle.

(7) It shall also be unlawful for either a vehicle immobilization service or a service operator to fail to immediately release vehicles from immobilization after receipt of payment of the fee for removal from the owner, driver or person in charge of a vehicle that has been immobilized by a vehicle immobilization device. It shall be a defense to this subsection if the immediate release cannot be achieved due to a mechanical failure of the device that is outside the control of the vehicle immobilization service or service operator.

(8) It shall be unlawful for a vehicle immobilization service or service operator to fail to provide a signed receipt of payment of the booting fee to the owner, driver or person in charge of a vehicle. Such receipt shall be individually and sequentially numbered and state the name, business address, business telephone number and license number of the person who has booted such vehicle as such information appears on the license to engage in booting, the amount of money received, the method of payment, the location, time of release and identifying information for the vehicle booted, the name of the person from whom the payment was received and shall be signed by the operator receiving such payment. Such receipt shall also include a telephone number for the office within the Athens-Clarke County police department responsible for receiving complaints with respect to booting licensees. The chief of police may prescribe the basic design and format of the receipt. A copy of the signed receipt shall be retained by the vehicle immobilization service.

(9) It shall be unlawful for either a vehicle immobilization service to charge fees in excess of those set out in section 3-3-65(h)(1) or to demand payment for any service or for any other reason than boot removal.

(10) In the event that the application of a vehicle immobilization device damages a vehicle, then the vehicle immobilization service is responsible for the cost of repairs for that damage as well as any damages arising out of said immobilization. Any damage done to a vehicle by a vehicle immobilization device shall be reported to the chief of police or his/her designee and returned to the file of the operator which will be maintained by the chief of police or his/her designee.

(11) In the event that the owner or operator of a vehicle, to which an immobilization device has been applied, attempts to operate said vehicle or remove the device, then the vehicle immobilization service is not liable for any damage to that vehicle. Additionally, the driver or person in charge of the vehicle will be liable to the vehicle immobilization service for the cost of damage to the vehicle immobilization device where the device is rendered unusable; mere cosmetic damage to the device shall not impose liability for the purposes of this section. However, liability may not be imposed when the immobilization device is not readily visible to the driver of the vehicle and/or the sticker notice has not been properly affixed to the rear-most portion of the window adjacent to the driver's seat of the vehicle or other location where the sticker is immediately and reasonably visible to the operator of the vehicle. This subsection shall not be construed to create the right to collect for damage to any immobilization device at the time of the immobilization, and it shall be unlawful to require payment for any such damage as a prerequisite to removal of the immobilization device

(12) No release or waiver of any kind purporting to limit or avoid liability for damages to a vehicle that has been booted shall be valid.

(l) Activity Reports

A vehicle immobilization service shall electronically provide a monthly activity report to the Athens-Clarke County Police Department which shall contain a record of the following for each vehicle immobilization device installed within the calendar month:

- (1) the date, time and location of installation;
- (2) the reason for the installation;
- (3) the date and time of removal; and
- (4) the name of the operator installing and removing the device

(m) Compliance; violations; penalties

(1) *Violations; penalties.* It shall be unlawful for any person to violate the provisions of this section. Upon conviction for the violation thereof each person shall be subject to the punishment allowed under section 1-1-5, after hearing before the judge of municipal court. In addition, upon conviction for the violation thereof by a licensee, the licensee's agents or employees, any license may be revoked, suspended or put on probation under conditions.

(2) *Civil fines; probation, suspension, revocation of license.* Any person holding any license issued pursuant to this section or any employee or agent of such person who violates any provision of this section, or directs, consents to, permits, or acquiesces in such activity either directly or indirectly shall, by such conduct, subject the license to suspension, revocation or probation upon conditions. In addition, a maximum civil fine of \$1,000.00 may be imposed on the licensee for each violation. In considering the amount of the civil fine, if any, the administrative hearing officer shall consider the following factors:

- a. the gravity of the violation;
- b. any previous violations within a two-year period;
- c. the cost to Athens-Clarke County related to compliance or enforcement efforts undertaken by Athens-Clarke County in pursuing the case;

- d. actions of the licensee, its employees, subcontractors or agents in connection with the violation.

The imposition of a civil fine under the provisions of this section shall not prevent the suspension, revocation, or non-renewal of any license issued hereunder or the taking of punitive or remedial action for any other violation of the ordinances of Athens-Clarke County or for subsequent violations of this section. No license shall be renewed if any civil fines imposed pursuant to this section have not been paid by the licensee prior to renewal.

For purposes of administering and enforcing this section, any act committed by an employee, agent or representative of a licensee shall be deemed to be an act of such licensee.”

SECTION 2. This ordinance shall become effective on February 1, 2019.

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

A motion was made by Commissioner Parker, seconded by Commissioner Girtz, to award an on-call construction services contract in the amount of \$740,000 to Structural Resources, Inc. as the lowest responsive and responsible bidder for the SPLOST 2011 Project #07, Bus Stop Improvements Program – On-Call Bus Stop Improvement construction services contract upon concurrence with the Georgia Department of Transportation; and authorize the Mayor and appropriate staff to execute all related documents. The motion passed by unanimous vote.

A motion was made by Commissioner Link, seconded by Commissioner Parker, to table stormwater utility fee review – Phase 1.

A substitute motion was made by Commissioner NeSmith, seconded by Commissioner Dickerson, to accept the Technical Memorandum for Phase I of the Stormwater Funding Review: Stormwater Costs and Funding Strategy, as shown in Attachment #1 of agenda report revised November 29, 2018; and accept Stormwater Management Program funding strategy recommendations as listed in Facts and Issues #9 and #10 of said agenda report.

Commissioner Link offered an amendment to direct staff to develop an implementation plan for a public education process/marketing plan, and pursue a mitigation discount program.

Commissioner Dickerson offered an amendment that a water bill insert be prepared to provide additional public information.

The amendments were accepted and the substitute motion as amended passed by unanimous vote.

A motion was made by Commissioner Hamby, seconded by Commissioner Parker, with reference to SPLOST 2011 Project. #22, Youth & Community Enrichment Facility Partnership contract award and project concept as per agenda report revised November 27, 2018.

- a. Designate the Athens Land Trust proposal as the most responsive proposal for award of the SPLOST Project #22 Youth & Community Enrichment Facility Partnership;
- b. Designate the “West Broad Rising: A Proposed Partnership with the Unified Government of Athens-Clarke County for a Youth and Community Enrichment Facility” and programs as described in Attachment #1 as the Project Concept for the SPLOST 2011 Project #22 Youth & Community Enrichment Facility Partnership;
- c. Authorize staff to implement the site selection activities for the proposed “West Broad Rising” facility in accordance with the Unified Government of Athens-Clarke County (ACCGOV) Major Project Site Selection Process through review of the Mayor and Commission-appointed Site Selection Committee; and,
- d. Authorize appropriate staff to negotiate a final contract and schematic design for future Mayor and Commission consideration.

The motion passed by unanimous vote.

A motion was made by Commissioner Girtz, seconded by Commissioner NeSmith, to designate the projects described below to be funded by the proposed SPLOST 2020 Program, a program designated to provide \$278,000,000 in funds through its completion:

1. An approximately 142,000 square foot (SF) new Judicial Center with approximately 600 parking spaces, sally port, and secure access for judges. The new Judicial Center would house the entire judiciary with related offices in a facility that meets the needs of modern courts and provides appropriate security features and designs. The new facility would meet the immediate needs for three additional courtrooms, a jury assembly area, critical physical security improvements, and additional space for all other judiciary functions including the District Attorney, Solicitor, and Clerk of Courts offices. The facility should provide for the current and 10-year projected space needs of the judiciary. Moving all of the judiciary functions out of the current historic courthouse and annex will allow that space to be repurposed to create a central municipal building that would consolidate many ACCGOV departments to gain operational efficiencies and improve public convenience, and allow the disposal or reuse of several ACCGOV-owned buildings. The new judicial center could be accomplished by either purchasing land and building a new facility or purchasing and renovating an existing building. The estimated cost for the new is \$71,600,000. This preliminary estimate does not include the cost of land or estimated financing cost, but such estimate could include land acquisition based on further refinement of construction costs. Proceeds from the sale of vacated municipal properties may be used to fund the purchase of land for the new judicial center, if necessary. Vacated properties and/or income from their sale will be prioritized for use as mixed-income housing and/or economic development opportunities that will create greater local income and wealth.
2. Historic Courthouse and Annex Renovation, would include renovation of approximately 65,000 SF of space in the existing historic courthouse and annex vacated by the judicial functions to serve as space for municipal functions that could be consolidated into the existing courthouse. Departments that could be moved into the renovated courthouse building could include Planning, Building Inspections, Board of Elections, IT, Transportation & Public Works (partial), Finance, Human Resources, Housing and Community Development, Organizational Development, and Central Services (administration). Tax Assessor and Tax Commissioner would remain in the renovated courthouse building. Consolidating Athens-Clarke County municipal functions into the former courthouse will free up space in other locations currently in use by these departments. The estimated cost for the renovation is \$9,400,000. This estimate does not include any estimated financing cost.
3. The estimated spaces for the designated projects (#1 and #2 above) are from the Space Allocation Study provided by Prime Engineering. The estimated costs for the designated projects are based on the space allocation study, consultant recommendation, and additional information obtained by staff.
4. Affordable Housing Infrastructure would include funding to support land acquisition, and new and upgraded infrastructure construction. The infrastructure would be developed for the purposes of encouraging the private development of mixed-income, mixed-use developments, that may be inclusive of commercial and/or office retail spaces (new construction and/or renovation) and may foster home ownership. Developments should include housing options that reflect the diversity and meet the needs of the community, including housing for families and a diverse workforce. The recommended set-aside for this project would be \$44,500,000, not including any estimated financing cost.
5. Debt Service, set-aside of \$21 million of the program to cover the estimated financing cost on \$115 million. In order for the SPLOST 2020 program to be a fixed dollar amount, versus a fixed time program, at least some of the projects have to be financed by G.O. Bonds. In order to satisfy that requirement, staff is recommending that approximately \$115 million dollars' worth of projects be funded through the G.O. Bonds.
6. SPLOST 2020 funding to the City of Winterville and the Town of Bogart. On November 30, 2018, the Mayor-Elect and Manager met with the Mayors of Winterville and Bogart "to discuss possible projects for inclusion in the referendum and the possible Intergovernmental Agreement with all parties", as required by O.C.G.A. 48-8-111. Current SPLOST, TSPLOST and LOST distributions to Winterville and Bogart are based on the 2010 Census Populations. Based on the current projects for collection of \$278 million dollars over the program life, and a distribution based on the 2010 Census Populations, a total of \$3,006,000 would need to be designated for Winterville and Bogart projects within the SPLOST 2020 Program. From that amount, the breakdown of the funding would be \$2,672,000 for Winterville and \$334,000 for Bogart. The Intergovernmental Agreement and the distribution amounts would ultimately need to be approved by the M&C as well as by the Mayor and City Councils of both Winterville and Bogart.

A substitute motion was made by Commissioner Parker, seconded by Commissioner Link, to HOLD this item until January 2019.

The substitute motion failed by roll call vote with Commissioners Parker and Link voting YES; and Commissioners Dickerson, Wright, Bailey, NeSmith, Bell, Herod, Girtz, and Hamby voting NO. (2 YES; 8 NO)

The original motion passed by roll call vote with Commissioners Dickerson, Link, Wright, Bailey, NeSmith, Bell, Herod, Girtz, and Hamby voting YES; and Commissioner Parker voting NO;. (9 YES; 1 NO)

A motion was made by Commissioner NeSmith, seconded by Commissioner Parker, to adopt the following ordinance (#18-12-78) 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 SHAREABLE DOCKLESS MOBILITY DEVICES, AND FOR OTHER PURPOSES.

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

SECTION 1. Findings. Dockless electric scooters and bicycles, available to be rented on demand from unstaffed locations, have suddenly and unexpectedly appeared in municipalities throughout the country, including Athens-Clarke County, and have rapidly proliferated in an unregulated environment without adequate safeguards for the individual users or the greater community. Frequently, they are abandoned by users on streets, sidewalks and other public places creating safety concerns, especially for vulnerable and disabled pedestrians. Due to the spontaneous appearance of these rentals and their appeal to young people, shareable dockless mobility devices are nearly always operated by users—often minors—without helmets, in contravention of state law, which has resulted in injuries to operators of these devices. For the immediate preservation of the public peace, health, and safety, the Mayor and Commission has initiated emergency legislation to address the hazards posed by shareable dockless mobility devices placed in and operated on public property until a more permanent solution involving a pilot franchise program may be put in place to safeguard the traveling public and ensure compliance with all local and state laws.

SECTION 2: Chapter 3.3, Parking, Motor Vehicles, and Traffic, of Title 2, Public Safety, of the Code of Athens-Clarke County, Georgia is hereby amended by inserting a new Section 3-3-67 entitled “Shareable Dockless Mobility Devices”, as follows:

Section 3-3-67. Shareable Dockless Mobility Devices.

(a) Purpose. The purpose of this ordinance is to prohibit Shareable Dockless Mobility Devices from being placed in the public right-of-way or on public property, operated in the public right-of-way or on public property, or offered for use anywhere in Athens-Clarke County, for a maximum period of twelve (12) months. This will allow for adequate pedestrian traffic flow and will protect the traveling public until additional regulations can be put in place through a franchise or licensing system to safeguard the community and establish a pilot program to test the operation of these devices within Athens-Clarke County in a controlled and safety-conscious manner that ensures compliance with all local and state laws.

(b) Definitions. For purposes of this ordinance, the following terms, phrases, words, and their derivatives shall have the meanings set forth in this section.

(1) “Shareable Dockless Mobility Device” means any dockless wheeled device, whether it be human-powered, electric, or otherwise motorized, that permits an individual to move or be moved freely, including but not limited to a bicycle, scooter, or skateboard; is accessed via an on-demand portal, whether a smartphone application, membership card, or similar method; is operated by a private entity that owns, manages, and maintains devices for shared use by members of the public; and is available to members of the public in unstaffed, self-service locations.

(2) “Dockless” means that the device does not require the individual user to return and lock the device to an authorized fixed station once the user has completed their use of the device.

(c) General Requirements. It is unlawful to park, leave standing, leave lying, abandon, or otherwise place a shareable dockless mobility device in a public right-of-way or on public property anywhere within Athens-Clarke County. It is unlawful to operate a shareable dockless mobility device in a public right-of-way or on public property anywhere within Athens-Clarke County. It is unlawful to provide or offer for use a shareable dockless mobility device anywhere within Athens-Clarke County.

(d) Notice. Notice shall be mailed by certified mail to the registered agents of any and all companies currently operating shareable dockless mobility devices within Athens-Clarke County upon the adoption of this ordinance. Said companies shall be given 10 days to remove all shareable dockless

mobility devices, after which, any such devices found in the public right-of-way or on public property shall be in violation of this ordinance.

(e) Violations; Impoundment. Violations of this ordinance shall be punishable as provided for in Title 1, Chapter 1, Section 1-1-5 of this Code. Police officers, parking enforcement officers, code enforcement officers, those county officials otherwise designated by the Manager, and any party contracted by the Athens-Clarke County to specifically impound shareable dockless mobility devices are authorized to impound any shareable dockless mobility device that has been offered for use, placed in a public right-of-way or on public property, or operated in a public right-of-way or on public property in violation of this ordinance. The impoundment shall be subject to an initial impound fee of \$40.00 and a daily storage and administration fee, as applicable, of \$5.

(1) Once a shareable dockless mobility device has been impounded as provided for in subsection (e), Athens-Clarke County or a designated officer shall make a good-faith attempt to determine the name and address of the owner of such device by serial number, vehicle identification number (VIN), or such other means as are reasonably ascertainable through inspection of the exterior of such device. In those cases where the name and address of the owner of the subject vehicle are determined, written notice shall be sent to said owner by certified mail, return receipt requested, or by personal service acknowledged by signature of the registered owner or other responsible party. Notice by certified mail as described herein shall be deemed given as of the postmark date. The written notice required by this section shall contain the following:

- a. A description of the subject vehicle, including serial numbers, vehicle identification number, or other identifying information;
- b. The name and address of the owner of such vehicle;
- c. The dates and descriptions of the parking violations that establish the grounds for impoundment, the unpaid amounts of the civil penalties for each violation, and the process by which the device(s) may be reclaimed. A copy of each parking ticket or other document providing the required information attached to the notice shall be sufficient to satisfy this requirement. Where multiple devices owned by the same company are impounded on a single day, a single notice listing all impounded devices is sufficient;
- d. A date and time at least seven days from the postmark date of the notice in which the registered owner or other responsible party may appear in Athens-Clarke County Municipal Court to demand a bench trial to contest the impoundment.

(2) Vehicles towed and impounded under sub-section (e) may be released from such impoundment only upon payment in full of all impound and storage fees accrued. After paying such fees, a registered owner or other responsible person may contest the validity of the towing and impoundment of his or her vehicle by submitting in writing a Request for Reimbursement of Towing and Impoundment Fees to the Athens-Clarke County Administrative Hearing Officer on a form available from the Clerk of the Athens-Clarke County Municipal Court. Such notice shall either be filed in person at the office of the Clerk of Athens-Clarke County Municipal Court, or sent by certified mail, return receipt requested, in either case no later than 30 days following the release from impoundment of his or her vehicle. Only requests for reimbursement of impoundment fees meeting the requirements of this section shall be adjudicated by the Administrative Hearing Officer. If the Administrative Hearing Officer finds in accordance with the procedures set forth in Section 1-5-1 of this Code that the towing and impoundment was not authorized or that the provisions of this Code were not followed, he or she shall issue an order for reimbursement. Such reimbursement shall be limited to the fees actually paid for release of the subject vehicle from impoundment, plus certified mailing fees, if any.

(3) Shareable dockless mobility devices that are not reclaimed within 120 days of impound pursuant to the procedures outlined in sub-paragraph (2) shall be deemed at that time to be abandoned and discarded by the owner thereof and shall thereafter be disposed of pursuant to written policies established by the Manager.

SECTION 3: If any section, subsection, subdivision, sentence, clause, phrase or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this ordinance shall be and remain in full force and effect.

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

A motion was made by Commissioner Dickerson, seconded by Commissioner Herod, to award a construction contract for the Shoal Creek Farms Dam Renovation to Structural Resources, Inc. for a unit

cost not to exceed \$257,900 as per agenda report revised November 28, 2018; and authorize the Mayor and appropriate staff to execute all related documents. The motion passed by unanimous vote.

A motion was made by Commissioner Wright, seconded by Commissioner Hamby, to approve the exemption of marked handicap parking spaces from the use of parking meters as per agenda report dated November 14, 2018, and authorize the Mayor and appropriate staff to execute all necessary documents. The motion passed by unanimous vote.

A motion was made by Commissioner NeSmith, seconded by Commissioner Bailey, to HOLD Review of Boards, Authorities and Commissions handbook. The motion passed by unanimous vote.

New business – Consider under suspension of Rules

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

A motion was made by Commissioner Girtz, seconded by Commissioner Parker, to approve the proposed Boundary Line Agreement between the Unified Government of Athens-Clarke County and Little Cloud, LLC as per Attachment #1 of agenda report dated November 29, 2018; and authorize the Mayor and appropriate staff to execute all project-related documents. The motion passed by unanimous vote.

A motion was made by Commissioner NeSmith, seconded by Commissioner Bailey, to approve the Donation Agreement between Evelyn and Frank Gordy Family, L.P. as Donor, Athens Land Trust, Inc. as Donee, and the Unified Government of Athens-Clarke County, Georgia, for property identified in Attachment #1 of agenda report dated November 28, 2018 subject to approval of the West Broad Street Special District Overlay; and authorize the Mayor and appropriate staff to execute all related documents. The motion passed by unanimous vote.

A motion was made by Commissioner NeSmith, seconded by Commissioner Girtz, to approve the execution of a donation agreement between Ricky H. Chastain and Russ Crump and the Unified Government of Athens-Clarke County for 10 tracts of land located in Coggins Park containing in the aggregate 87.0 acres, more or less, and being particularly described as Exhibit A to the proposed donation agreement as per Attorney Berryman memo dated November 30, 2018; and direct that the Mayor, Manager, and Attorney take the actions necessary to complete the transaction. The motion passed by unanimous vote.

A motion was made by Commissioner Link, seconded by Commissioner Parker, to table proposed temporary construction easement and execution of a donation agreement for The Mark Development (East Broad and Oconee Street) as per Attorney Berryman memo dated November 30, 2018.

A substitute motion was made by Commissioner Girtz, seconded by Commissioner Wright, to approve said temporary construction easement and execution of a donation agreement; and direct the Mayor, Manager, and Attorney to take the actions necessary to complete the transaction.

The substitute motion passed by roll call vote with Commissioners Dickerson, Wright, Bailey, NeSmith, Bell, Herod, Girtz, and Hamby voting YES; and Commissioners Parker and Link voting NO. (8 YES; 2 NO)

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

A public hearing was held on request of Bret Thurmond/Armentrout Matheny Thurmond, PC for Athens First Methodist Church for special use in the C-D DS (Commercial Downtown; Dougherty Street Downtown Design Area) on 0.57 acre known as 110 West Hancock Avenue. Proposed use is a parking lot. This will require an amendment to the Future Development Map from Government to Downtown. Type II

Planning Commission recommendation: Denial (5-3)

Citizen input

The following citizen input was received.

1. Bret Thurmond, representing petitioner – requested petitioner be allowed to withdraw the special use request.

A motion was made by Commissioner Link, seconded by Commissioner Bailey, to approve request for withdrawal of request of Bret Thurmond/Armentrout Matheny Thurmond, PC for Athens First Methodist Church for special use in the C-D DS (Commercial Downtown; Dougherty Street Downtown Design Area) on 0.57 acre known as 110 West Hancock Avenue. The motion passed by unanimous vote.

A public hearing was held on request of Planning Department, Unified Government of Athens-Clarke County, for rezoning from G (Government) to C-D (DS) (Commercial-Downtown, Dougherty Street Downtown Design Area) on 0.28 acres known as 130 West Hancock Avenue and 135 West Dougherty Street. Present and proposed use is a parking lot. This will require an amendment to the Future Development Map from Government to Downtown. Type I

Planning Commission recommendation
Future Development Map: Approval (unanimous)
Rezoning: Approval (unanimous)

Citizen input

There was no citizen input.

A motion was made by Commissioner Link, seconded by Commissioner Girtz, to adopt the following ordinance (#18-12-79) 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 TWO PARCELS OF LAND COMPRISING APPROXIMATELY .028 ACRES IN TOTAL LOCATED AT 130 WEST HANCOCK AVENUE & 135 WEST DOUGHERTY STREET FROM GOVERNMENT TO DOWNTOWN; AND FOR OTHER PURPOSES.

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

SECTION 1. The Official Future Development Map referred to in the Zoning Ordinance of Athens-Clarke County, Georgia, as specifically identified in Section 9-3-3(A)(2) thereof, is hereby amended by changing the future development map designation of two parcels of land comprising approximately .028 acres in total located at 130 West Hancock Avenue and 135 West Dougherty Street, Athens, Georgia, from Government to Downtown. Said parcels are also known as tax parcel numbers 171A6 C001 (135 West Dougherty Street) and 171A6 C006 (130 West Hancock Avenue) 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 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 Link, seconded by Commissioner Girtz, to adopt the following ordinance (#18-12-80) 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 TWO PARCELS OF LAND COMPRISING APPROXIMATELY 0.28 ACRES IN TOTAL LOCATED AT 130 WEST HANCOCK AVENUE & 135 WEST DOUGHERTY STREET FROM G (GOVERNMENT) TO C-D (DS) (COMMERCIAL-DOWNTOWN, DOUGHERTY STREET DOWNTOWN DESIGN AREA); 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 two parcels of land comprising approximately 0.28 acres in total located at 130 West Hancock Avenue and 135 West Dougherty Street, Athens, Georgia from Government (Government) to C-D (DS) (Commercial-Downtown, Dougherty Street Downtown Design Area).

Said parcels are more particularly described in that certain limited warranty deed recorded on January 17, 2008 with the Clerk of the Superior Court of Athens-Clarke County in Deed Book 3445, pages 540 and 541. Said parcels are also known as tax parcel numbers 171A6 C001 (135 West Dougherty Street) and 171A6 C006 (130 West Hancock Avenue) 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. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A public hearing was held on request of Planning Department, Unified Government of Athens-Clarke County, for amendment to the Future Development Map from Rural to Single Family Residential on 148 parcels located on Cherokee Road, Beaverdam Road, Beaverdam Drive, Crossbow Circle, Candy Circle, Crossbow Place, Hillview Terrace, Overlook Drive, and Candy Court. Type I

Planning Commission recommendation: Approval (unanimous)

Citizen input

There was no citizen input.

A motion was made by Commissioner Dickerson, seconded by Commissioner Herod, to adopt the following ordinance (#18-12-81) 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 ONE-HUNDRED FORTY-EIGHT PARCELS OF LAND LOCATED ON CHEROKEE ROAD, BEAVERDAM ROAD, BEAVERDAM DRIVE, CROSSBOW CIRCLE, CANDY CIRCLE, CROSSBOW PLACE, HILLVIEW TERRACE, OVERLOOK DRIVE, AND CANDY COURT FROM RURAL TO SINGLE-FAMILY RESIDENTIAL; 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 one-hundred forty-eight (148) parcels of land from Rural to Single-Family Residential. The subject parcels are designated by their respective tax parcel numbers and addresses in the list attached as part of Exhibit A.

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.

EXHIBIT A

LIST OF PARCELS SUBJECT TO FUTURE DEVELOPMENT MAP CHANGE FROM RURAL TO SINGLE-FAMILY RESIDENTIAL

FILE NO.: ZONE-2018-10-2795

TAX PARCEL NO.	PARCEL ADDRESS	TAX PARCEL NO.	PARCEL ADDRESS
232D1 A001	150 BEAVERDAM DR	232D1 B011	165 CROSSBOW PL
232D1 A002	170 BEAVERDAM DR	232D1 B012	175 CROSSBOW PL
232D1 A003	190 BEAVERDAM DR	232D1 B013	185 CROSSBOW PL
232D1 A004	210 BEAVERDAM DR	232D1 B014	195 CROSSBOW PL
232D1 A005	220 BEAVERDAM DR	232D1 B014A	200 CROSSBOW PL
232D1 A006	230 BEAVERDAM DR	232D1 B014B	0 CROSSBOW PL
232D1 A008	250 BEAVERDAM DR	232D1 B015	101 CROSSBOW CIR
232D1 A009	260 BEAVERDAM DR	232D1 B016	107 CROSSBOW CIR
232D1 A010	270 BEAVERDAM DR	232D1 B017	113 CROSSBOW CIR
232D1 A011	280 BEAVERDAM DR	232D1 B018	117 CROSSBOW CIR
232D1 B001	105 BEAVERDAM DR	232D1 B019	121 CROSSBOW CIR
232D1 B002	125 BEAVERDAM DR	232D1 B020	127 CROSSBOW CIR
232D1 B003	145 BEAVERDAM DR	232D1 B021	131 CROSSBOW CIR
232D1 B004	165 BEAVERDAM DR	232D1 B022	137 CROSSBOW CIR
232D1 B005	105 CROSSBOW PL	232D1 B022A	157 CROSSBOW CIR
232D1 B006	115 CROSSBOW PL	232D1 B023	177 CROSSBOW CIR
232D1 B007	125 CROSSBOW PL	232D1 B023A	0 CROSSBOW CIR
232D1 B008	135 CROSSBOW PL	232D1 B024	187 CROSSBOW CIR
232D1 B009	145 CROSSBOW PL	232D1 B025	197 CROSSBOW CIR
232D1 B010	155 CROSSBOW PL	232D1 C001	100 CROSSBOW PL
232D1 C002	110 CROSSBOW PL	232D3 B017	2285 CHEROKEE RD
232D1 C003	120 CROSSBOW PL	232D4 003	1845 CHEROKEE RD
232D1 C004	130 CROSSBOW PL	232D4 004	1875 CHEROKEE RD
232D1 C005	140 CROSSBOW PL	232D4 005	1895 CHEROKEE RD
232D1 C006	150 CROSSBOW PL	232D4 006	1915 CHEROKEE RD
232D1 C008	112 CROSSBOW CIR	232D4 007	1925 CHEROKEE RD
232D1 C009	122 CROSSBOW CIR	232D4 008	1935 CHEROKEE RD
232D1 C010	132 CROSSBOW CIR	232D4 009	1945 CHEROKEE RD
232D1 C011	142 CROSSBOW CIR	232D4 010	102 OVERLOOK DR
232D1 C012	152 CROSSBOW CIR	232D4 011	104 OVERLOOK DR
232D1 C013	162 CROSSBOW CIR	232D4 012	2085 CHEROKEE RD
232D1 C014	172 CROSSBOW CIR	232D4 012A	106 OVERLOOK DR
232D1 C016	265 BEAVERDAM DR	232D4 012C	0 OVERLOOK DR
232D1 C017	245 BEAVERDAM DR	232D4 014	109 OVERLOOK DR
232D1 C018	235 BEAVERDAM DR	232D4 015	107 OVERLOOK DR
232D1 C019	225 BEAVERDAM DR	232D4 016	105 OVERLOOK DR
232D2 006	0 CHEROKEE RD	232D4 017	103 OVERLOOK DR
232D2 007	95 CANDY CIR	232D4 018	101 OVERLOOK DR
232D2 008	1775 CHEROKEE RD	232D4 019	1995 CHEROKEE RD
232D2 008A	90 CANDY CIR	232D4 020	2025 CHEROKEE RD
232D2 009	1785 CHEROKEE RD	232D5 A001	101 CANDY CIR
232D2 010	1791 CHEROKEE RD	232D5 A002	107 CANDY CIR
232D2 011	1795 CHEROKEE RD	232D5 A003	113 CANDY CIR
232D2 020	0 CROSSBOW CIR	232D5 A004	117 CANDY CIR
232D3 B001	2215 CHEROKEE RD	232D5 A005	0 CANDY CIR

232D3 B002	2225 CHEROKEE RD	232D5 A006	0 CANDY CIR
232D3 B003	2235 CHEROKEE RD	232D5 A007	0 CANDY CIR
232D3 B004	2245 CHEROKEE RD	232D5 A008	133 CANDY CIR
232D3 B005	125 HILLVIEW TER	232D5 A009	139 CANDY CIR
232D3 B006	185 HILLVIEW TER	232D5 A010	145 CANDY CIR
232D3 B007	205 HILLVIEW TER	232D5 A011	155 CANDY CIR
232D3 B008	220 HILLVIEW TER	232D5 A012	163 CANDY CIR
232D3 B009	200 HILLVIEW TER	232D5 A013	171 CANDY CIR
232D3 B010	180 HILLVIEW TER	232D5 A014	177 CANDY CIR
232D3 B011	160 HILLVIEW TER	232D5 A015	185 CANDY CIR
232D3 B012	140 HILLVIEW TER	232D5 A016	0 CANDY CIR
232D3 B013	120 HILLVIEW TER	232D5 A017	0 CANDY CIR
232D3 B014	2255 CHEROKEE RD	232D5 A018	180 CANDY CIR
232D3 B015	2265 CHEROKEE RD	232D5 A019	174 CANDY CIR
232D3 B016	2275 CHEROKEE RD	232D5 A020	166 CANDY CIR
232D5 A021	158 CANDY CIR	232D5 A027	134 CANDY CT
232D5 A022	150 CANDY CIR	232D5 A028	110 CANDY CIR
232D5 A023	140 CANDY CIR	232D5 A029	100 CANDY CIR
232D5 A025	189 CANDY CT	234 002F	2365 CHEROKEE RD
232D5 A026	184 CANDY CT	234 003	135 BEAVERDAM RD
234 004	145 BEAVERDAM RD	234 007A	725 BEAVERDAM RD
234 005A	2355 CHEROKEE RD	234 007B	725 BEAVERDAM RD
234 005B	365 BEAVERDAM RD	234 008	725 BEAVERDAM RD
234 005C	305 BEAVERDAM RD	234 008B	725 BEAVERDAM RD
234 005D	325 BEAVERDAM RD	234 008D	737 BEAVERDAM RD
234 005E	345 BEAVERDAM RD	234 008E	739 BEAVERDAM RD
234 005F	385 BEAVERDAM RD	234 008F	735 BEAVERDAM RD
234 006	750 BEAVERDAM RD	234 008G	725 BEAVERDAM RD
234 007	715 BEAVERDAM RD	234 010	855 BEAVERDAM RD

A public hearing was held on proposed text amendment to Section 9-26-2 Subdivision Regulations, Procedure for Approval.

Planning Commission recommendation: Approval (unanimous)

Citizen input

There was no citizen input.

A motion was made by Commissioner NeSmith, seconded by Commissioner Girtz, to adopt the following ordinance (#18-12-82) 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 RECORDING FINAL PLATS FOR SUBDIVISIONS; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 9-26-2 of the Code of Athens-Clarke County, Georgia, entitled "*Procedure for approval*," is hereby amended by deleting therefrom paragraph 9 of sub-section (B), and replacing said paragraph as follows:

9. Recordation. All final plats shall be filed through the digital portal to the office of the clerk of superior court. Upon final plat approval, the certifying surveyor shall cause such final plat as approved with all required signatures thereon to be recorded in the office of the clerk of the superior court of Athens-Clarke County at the applicant's expense. Within 14 days of final plat approval, the surveyor shall provide a digital copy of the plat bearing the recording information in

such clerk's records to the director of the planning department. Except as may otherwise be provided by applicable law, the clerk of superior court shall not file or record a final plat of a subdivision until such plat has been approved by the department directors of public works, public utilities, the planning department, and the health department, or their authorized designees, as applicable. No building permits shall be issued for the construction of any building or structure in a subdivision unless such building or structure is located on a lot shown on a final plat that has been approved, recorded, and a digital copy provided to the planning department as provided herein.

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

A public hearing was held on proposed text amendments to Section 9-10 multifamily dwellings in "C" zones.

Planning Commission recommendation: Approval (unanimous)

Citizen input

There was no citizen input.

A motion was made by Commissioner NeSmith, seconded by Commissioner Girtz, to adopt the following ordinance (#18-12-83) 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 MULTIFAMILY DWELLINGS IN COMMERCIAL DISTRICTS; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 9-10-2 of the Code of Athens-Clarke County, Georgia, entitled "*Permitted Uses*," is hereby amended by changing the wording of footnote L(1) so that it now reads as follows:

L(1) = Permitted only on second story and above or in the basement level of the structure. At least 50 percent of the ground floor shall be leasable commercial space not used for parking, none of the ground floor shall be used for self-service storage, and the commercial space shall be accessed only through a publicly accessible building entrance. Access to residential dwellings shall not be through the designated area comprising the minimum 50% commercial space. Multifamily residential uses arranged in any other manner on a commercially-zoned property are permitted only as a special use permit.

SECTION 2. Section 9-10-3 of the Code of the Athens-Clarke County, Georgia, entitled "*General Regulations*," is hereby amended by adding to the row entitled "Maximum residential density (bedrooms per gross acre)" in Table 9-10-3 a new footnote three so that said row and footnote now read as follows:

Table 9-10-3	C-G General	C-D Downtown	C-O Office	C-N Neighborhood	C-R Rural
Maximum residential density (bedrooms per gross acre) ³	24	200	16	16	16

³ No more than 25% of the total number of dwellings within a multifamily development shall have four or more bedrooms per dwelling unit.

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

Citizen input on items other than those listed on this agenda

The following citizen input was received.

1. Sydney Baccus – thanked SPLOST staff for assistance.
2. Mark McConnell – concerned about climate change.
3. Sam Raffell – concerned about EMS service
4. Russell Edwards – thanked Manager Williams, Central Services Director Fluck and staff for assistance with Barrow Elementary 95th birthday celebration.

Mayor Denson presented Commissioner Wright with a proclamation expressing appreciation for the two years she served as Mayor Pro tem.

FROM MAYOR DENSON:

1. Referred to Government Operations Committee review of Boards, Authorities, and Commissions handbook.
2. Announced the appointment of Dr. Shanyse Allen (District 1) to the SPLOST 2020 Citizens Advisory Committee.

FROM MANAGER WILLIAMS:

1. Received for information was Manager proposed operating transfer to Office of Operational Analysis.
2. Received for information was report of contract awards in excess of \$10,000 for October 2018.

Commissioners Dickerson, Bailey, and Bell gave departing remarks and expressed appreciation to the public for allowing them to serve and thanked their fellow elected officials, management, and staff who were always available and willing to help.

Commissioners Parker, Link, Wright, NeSmith, Herod, Girtz, and Hamby thanked Mayor Denson and outgoing Commissioners Dickerson, Bailey, and Bell for their service and the opportunity to serve with them.

The meeting adjourned at 10:08 p.m.

Clerk of Commission