

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, April 2, 2019
6:00 p.m.
City Hall

The Unified Government of Athens-Clarke County, Georgia met this date in regular monthly session. Present: Mayor Girtz; Commissioners Davenport, Parker, Link, Wright, Denson, NeSmith, Edwards, Herod, Thornton, and Hamby. No one was absent.

A motion was made by Commissioner Thornton, seconded by Commissioner NeSmith, to approve Minutes of meetings of Tuesday, March 5 and Tuesday, March 19, 2019. The motion passed by unanimous vote.

Written communications

There were no written communications.

Recognition

Mayor Girtz proclaimed April 8-12 as National Animal Control Officer Appreciation Week. The following Animal Services personnel were recognized and accepted the proclamation.

Kathryn Schoepf, Interim Field Supervisor
James Wes Garrison, Animal Control Officer
Josey Redder, Animal Control Officer (PT)
Danielle Danka, Animal Control Officer (PT)
Eddie Sanders, Animal Control Officer (PT)
Nicollette Watkins, Animal Control Officer (PT)
Sarah Halstead, Shelter Supervisor
Ashley Aguilar, Animal Caretaker (PT)
Selah Gardiner, Volunteer Coordinator (PT)

Old business - Consent

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

Citizen input

The following citizen input was received.

- 1, Paula Loniak – supported Georgia Initiative for Community Housing (tiny houses)
2. Nnenna Onyioha-Clayton - supported energy sustainability program.

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

1. ADOPT: The following ordinance (#19- 04-20) ordinance which was presented by title only reference vehicle length restrictions for on-street parking spaces along Prince Avenue between Satula Avenue and Park Avenue

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO RESTRICTED-LENGTH VEHICLE PARKING ON PRINCE AVENUE; AND FOR OTHER PURPOSES.

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

SECTION 1. Pursuant to Section 3-3-50(a)(1)e. of the Code of Athens-Clarke County, Georgia the east side of Prince Avenue between Satula Avenue and Park Avenue, and as further shown on Attachment 1 incorporated herein by reference, is hereby designated as a restricted-length vehicle parking area. All on-street parking spaces in said area shall be designated by either solid white lines, checkered white lines, or a combination of both, such lines being placed on both sides and the street-side end of said parking spaces. Vehicles shall be positioned entirely within both side lines and the street-side end line of each parking space, and it shall be illegal for any portion of a vehicle to extend over any line designating such a parking space.

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

2. ADOPT: The following ordinances (#19-04-21 and #19-04-22) which were presented by title only with reference to fireworks and noise

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

SECTION 1. Section 3-5-31 entitled "*Disturbing or endangering use of fireworks*" of the Code of Athens-Clarke County, Georgia, subsection (b) entitled "*Prohibition*," is hereby amended by deleting the words "to the disturbance of the public tranquility, except as authorized by O.C.G.A. chapter 25-10, or to use, explode or cause to be exploded any fireworks," so that the subsection is:

"Sec. 3-5-31. – Disturbing or endangering use of fireworks.

(b) *Prohibition*. It shall be unlawful for any person to use, explode or cause to be exploded any fireworks in such a manner so as to endanger the safety of life, limb, health or property of any person within Athens-Clarke County."

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

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

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

SECTION 1. The Commission of Athens-Clarke County, Georgia does hereby reenact its general noise control ordinance, i.e. Sec. 3-5-24 of the Code of Ordinances of Athens-Clarke County, and includes therein provisions regarding consumer fireworks as provided by O.C.G.A. Sec. 25-10-2; such reenactment being approved following public notice being given in accordance with O.C.G.A. Sec. 25-10-2 (c) (2).

SECTION 2. Section 3-5-24 entitled "*Noise control*" of the Code of Athens-Clarke County, Georgia, is deleted in its entirety and the following new section is inserted in lieu thereof:

"Sec. 3-5-24. - Noise control.

- (a) *Purpose*. This section is enacted as a general noise ordinance to protect, preserve and promote the health, safety and welfare of the citizens of Athens-Clarke County through the control of noise. It is the intent of this section to establish standards that will reduce excessive community noises, which are harmful and otherwise detrimental to individuals and to the community in the enjoyment of life and property and in the conduct of business.
- (b) *Sound measurement standards for law enforcement personnel*. For the purposes of this section 3-5-24, "plainly audible" shall mean any sound emanating from the specific sound-producing sources set forth below which can be heard from the distances set forth below, using the following sound measurement standards: Measurement shall be by the auditory senses of a person standing at a distance no less than the required minimum distance from the source of the sound. For music and other noise, words and phrases need not be discernable. For music and other noise, bass reverberations are included.
- (c) *Prohibited conduct*.
 - (1) *Restrictions of 300 feet for 7:00 a.m. through 11:00 p.m. Sunday through Thursday and 7:00 a.m. through 12:00 midnight on Friday and Saturday.*

- a. *Mechanical sound-making devices.* It is unlawful for any person or persons to play, use, operate, or permit to be played, used, or operated any radio receiving device, television, stereo, musical instrument, phonograph sound amplifier or other machines or devices for the producing, reproducing or amplifying of sound and/or noise at such a volume and in such a manner so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 300 feet or more from the building, structure or vehicle, or in the case of real property, beyond the property limits, in which it is located, whichever is farthest, between the hours of 7:00 a.m. and 11:00 p.m. Sunday through Thursday and between the hours of 7:00 a.m. and 12:00 midnight on Friday and Saturday.
 - b. *Human-produced sounds.* It is unlawful for any person or persons to yell, shout, hoot, whistle, or sing on the public streets or sidewalks or on private property so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 300 feet or more from the place, building, structure, or in the case of real property, beyond the property limits, in which the person is located, whichever is farthest, between the hours of 7:00 a.m. and 11:00 p.m. Sunday through Thursday and between the hours of 7:00 a.m. and 12:00 midnight on Friday and Saturday.
 - c. *Commercial advertising.* It is unlawful for any person or persons to use, operate, or permit to be used or operated any radio receiving device, musical instrument, phonograph, loud speaker, sound amplifier or other machine or device for the production or reproduction of sound which is cast upon the public streets or other public property for the purpose of commercial advertising or which serves to attract the attention of the public to any building, structure or vehicle in such a manner so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 300 feet or more from the source of the sound cast upon the public streets or other public property or from the building, structure, or in the case of real property, beyond the property limits, in which it is located, whichever is farthest, between the hours of 7:00 a.m. and 11:00 p.m. Sunday through Thursday and between the hours of 7:00 a.m. and 12 midnight on Friday and Saturday.
 - d. *Party noise.* It is unlawful for any person or persons in charge of a party or other social event that occurs on any private property to allow that party or social event to produce noise in such a manner that such noise is plainly audible at a distance of 300 feet or more from the building or structure from which the noise is emanating or in the case of real property, beyond the property limits, on which the party or social event is located, whichever is farthest, between the hours of 7:00 a.m. and 11:00 p.m. Sunday through Thursday and between the hours of 7:00 a.m. and 12 midnight on Friday and Saturday. For the purposes of this subsection, a "person in charge of a party or other social event" shall mean any adult person who resides in or on the premises involved in such party or social event and is present at such party or social event. For the purposes of this subsection, "noise" shall mean the same sounds, or any combination thereof, as described in paragraphs a. or b. above.
- (2) *Restrictions of 100 feet for 11:00 p.m. through 7:00 a.m. Sunday through Thursday and 12:00 midnight through 7:00 a.m. on Saturday and Sunday.*
- a. *Mechanical sound-making devices.* It is unlawful for any person or persons to play, use, operate, or permit to be played, used, or operated any radio receiving device, television, stereo, musical instrument, phonograph sound amplifier or other machines or devices for the producing, reproducing or amplifying of sound and/or noise at such a volume and in such a manner so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 100 feet or more from the building, structure, or motor vehicle or in the case of real property, beyond the property limits, in which it is located, whichever is farthest, between the hours of 11:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 12:00 midnight and 7:00 a.m. on Saturday and Sunday.
 - b. *Human-produced sound.* It is unlawful for any person or persons to yell, shout, hoot, whistle, or sing on the public streets or sidewalks or on private property so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 100 feet or more from the place on public streets and sidewalks, or in the case of private real property, beyond the property limits, on which the person is located, whichever is farthest, between the hours of 11:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 12:00 midnight and 7:00 a.m. on Saturday and Sunday.
 - c. *Commercial advertising.* It is unlawful for any person or persons to use, operate, or permit to be used or operated any radio receiving device, musical instrument, phonograph, loud speaker, sound amplifier or other machine or device for the production or reproduction of sound which is cast upon the public streets or other public property for the purpose of commercial advertising or which serves to attract the attention of the public to any building, structure or vehicle in such a manner so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 100 feet or more from the source of the sound cast upon the public streets or other public property or from the building, structure, or in the case of real property, beyond the property limits, in which it is located, whichever is farthest, between the hours of 11:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 12:00 midnight and 7:00 a.m. on Saturday and Sunday.

d. *Party noise.* It is unlawful for any person or persons in charge of a party or other social event that occurs on any private property to allow that party or event to produce noise in such a manner so as to such noise is plainly audible at a distance of 100 feet or more from the building or structure from which the party noise is emanating or in the case of real property, beyond the property limits, on which the party or social event is located, whichever is farthest, between the hours of 11:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 12:00 midnight and 7:00 a.m. on Saturday and Sunday. For the purposes of this subsection, a "person in charge of a party or other social event" shall mean any adult person who resides in or on the premises involved in such party or social event and is present at such party or social event. For the purposes of this subsection, "noise" shall mean the same sounds, or any combination thereof, as described in paragraphs a. or b. above.

(3) *Restrictions regarding noise produced by consumer fireworks between 10:00 a.m. and up to and including 11:59 p.m. on all days.* It is unlawful for any person to use, explode or cause to be exploded any consumer fireworks to produce noise in such a manner that such noise is plainly audible at a distance of 100 feet or more from the place, or in the case of real property, beyond the property limits in which the fireworks are being used, exploded or caused to be exploded, whichever is farthest, between the hours of 10:00 a.m. and 11:59 p.m. on all days. For the purposes of this section, the term "consumer fireworks" shall have the meaning set forth in O.C.G.A. § 25-10-1(a)(1), but such term shall not include those items excluded therefrom in O.C.G.A. § 25-10-1 (b) as such code section is enacted as of July 1, 2018 or as may be amended in the future.

(4) *Restrictions for areas within apartments, condominiums, townhouses, duplexes, or other such residential dwelling units.* Except for persons within commercial enterprises that have an adjoining property line or boundary with a residential dwelling unit, it is unlawful for any person to make, continue, or cause to be made or continued any noise in such a manner as to be plainly audible to any other person a distance of five feet beyond the adjoining property line wall or boundary of any apartment, condominium, townhouse, duplex, or other such residential dwelling units with adjoining points of contact.

For the purposes of this subsection, "noise" shall mean human-produced sounds of yelling, shouting, hooting, whistling, singing, or mechanically-produced sounds made by radio-receiving device, television, stereo, musical instrument, phonograph sound amplifier or other machines or devices for the producing, reproducing, or amplifying of sound, or any combination thereof.

For the purposes of this subsection, "property line or boundary" shall mean an imaginary line drawn through the points of contact of (1) adjoining apartments, condominiums, townhouses, duplexes or other such residential dwelling units with adjoining points owned, rented, or leased by different persons; or (2) adjoining common areas or adjoining exterior walls. Said property line or boundary includes all points of a plane formed by projecting the property line or boundary including the ceiling, the floor, and the walls.

(5) *Exclusions.* The prohibitions of this section shall not apply to the following:

- a. Noises and/or sounds caused to be made by manufacturing, governmental, or commercial entities in the normal course of their business;
- b. Noises and/or sounds emanating from any official University of Georgia event on University of Georgia property or any official Clarke County School District event on Clarke County School District property;
- c. Noises and/or sounds that are permitted by a special event permit pursuant to section 6-5-6; provided, however, that the producer or coordinator of the special event must comply with the terms, restrictions and conditions of the special event permit;
- d. Noises or sounds made by domestic animals, which noises or sounds are controlled by section 4-1-4;
- e. Noises or sounds made by wireless telecommunication facilities, the noise levels of which are controlled by section 9-18-6 A.10.;
- f. Noises or sounds caused by industrial uses in the Employment-Industrial (E-I) and Industrial (I) zones established in the Zoning Code, the noise levels of which are controlled by section 9-11-5 A.1.h.;
- g. Sound volumes produced by radio, tape player, or other mechanical sound making device or instrument from within a motor vehicle on a street or highway, which sound is controlled by the O.C.G.A. § 40-6-14; or
- h. Noises or sounds made by law enforcement and other public safety officials performing their public functions.
- i. Noises or sounds made by the exploding of consumer fireworks on January 1, the last Saturday and Sunday in May, July 3, July 4, the first Monday in September, and December 31 of each year after 10:00 a.m. and up to and including the time of 11:59 p.m.; and on

January 1 of each year beginning at the time of 12:00 Midnight and up to and including the ending time of 1:00 a.m.

- (6) *Time restrictions on use of landscape maintenance motorized Devices such as leaf blowers, lawn mowers, or chain saws.* It is unlawful for any person to use or operate any noise-generating, motorized landscape maintenance devices, including, but not limited to, leaf blowers, lawn mowers, or chain saws, within any residential zoning district or in areas within 300 feet of any residential zoning district from 8:00 p.m. to 8:00 a.m. except that within the agricultural-residential zone no person shall use or operate any such devices within 300 feet of any residential dwelling on adjacent property between the hours of 9:00 p.m. and 7:00 a.m.
- (7) Construction noise. Between the hours of 11 p.m. and 6 a.m., construction noise of any type, including, but not limited to, noise caused by the erection (including excavation), demolition, alteration, or repair of any building, as well as the operation of any earth-moving equipment, crane, saw, drill, pile driver, steam shovel, pneumatic hammer, hoist, automatic nailer or stapler, or any similar equipment, shall not be plainly audible within any residential zoning district more than 100 feet beyond the property boundary of the property from which the noise emanates.

A variance from the above-referenced hours of operation for construction noise may be requested, in writing, at least 48 hours prior to the proposed construction operation, for consideration by the Director of the Building Inspections and Permit Department. Such a request shall state:

- 1) The reasons that support a claim of urgent need based on specific loss or inconvenience for such a variation from the allowable work hours;
- 2) The impact that the denial of this request would have on the applicant's project and the surrounding properties;
- 3) The steps which have been taken by the applicant to communicate those needs and impacts to owners of surrounding and nearby properties;
- 4) The steps that have or will be taken to limit the impact of the proposed activity upon surrounding and nearby properties; and
- 5) The possible risks to public health and safety.

If the Director finds that the application adequately demonstrates the urgent need for a variance from the above allowable work hours, adequately provides for mitigation of the impact upon surrounding and nearby properties, and poses no additional risk to public health and safety, then permission shall be granted for a variance to alter the allowable work hours during one ten-day period.

The prohibitions of this subparagraph (7) shall not apply to government road, water, sewer, stormwater construction or maintenance projects or to utility company construction or maintenance projects.

- (8) *Commercial Entities near Single-Family Residential Zoning Districts.*
 - a. Notwithstanding any provisions of this section concerning noises and/or sounds caused to be made by commercial entities in the normal course of their business, the provisions and prohibitions of paragraph (c), "Prohibited Conduct," subparagraph (1), concerning "Restrictions of 300 feet for 7:00 a.m. through 11:00 p.m. Sunday through Thursday and 7:00 a.m. through 12:00 midnight on Friday and Saturday" and its subparts a. through c. shall apply to noises and/or sounds generated by a commercial entity that are plainly audible within any single-family residential zoning district more than 300 feet beyond the property boundary of the property from which the noises and/or sounds emanate.
 - b. Notwithstanding any provisions of this section concerning noises and/or sounds caused to be made by commercial entities in the normal course of their business, the provisions and prohibitions of paragraph (c), "Prohibited Conduct," subparagraph (2), concerning "Restrictions of 100 feet for 11:00 p.m. through 7:00 a.m. Sunday through Thursday and 12:00 midnight through 7:00 a.m. on Saturday and Sunday," and its subparts a. through c. shall apply to noises and/or sounds generated by a commercial entity that are plainly audible within any single-family residential zoning district more than 100 feet beyond the property boundary of the property from which the noises and/or sounds emanate.
- (d) *Registration of outdoor entertainment events.* Registration is required of all outdoor entertainment events that have commercial entertainment and/or electronic amplification. Registration of the event must be 72 hours prior to the event, and must be by the person or persons responsible for the event. Registration is to be with the Athens-Clarke County Police Department, Monday through Friday, from 9:00 a.m. to 4:00 p.m., on an application specified by the chief of police and shall include the organization sponsoring the event, the location, the date and time of the event, and security provisions. Registration shall not be accepted for events that include the hours between 11:00 p.m. and 7:00 a.m. Sunday through Thursday, and between 12:00 midnight and 7:00 a.m. on Saturday and Sunday mornings. Failure to register may result in a fine, forfeiture of the right of future registrations, or both. Registration does not exempt the person or persons registering the event from

ensuring that the event complies with the requirements of this section. Failure to register shall be a violation of this subsection.

- (e) *Penalties.* Any person violating the provisions of this section shall be punished as provided by section 1-1-5.
- (f) *Severability clause.* A determination of the invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, subsection or part of this section shall not affect the validity of the remaining parts of this section.

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

- 3. ADOPT: The following ordinance (#19-04-23) which was presented by title only.

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

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

SECTION 1. Section 1-13-6 of the Code of Athens-Clarke County, Georgia, entitled "*Testing after accidents or injury*," is hereby amended by deleting from the introductory paragraph of such section the phrase "two (2) hours of the accident or incident" and replacing said phrase with "a reasonable time after the accident or incident, or when applicable, within a period of time as prescribed by law or an established ACCUG policy," so that said paragraph now reads as follows:

Whenever any employee of Athens-Clarke County has been involved in a work-related accident, or receives a work-related injury, alcohol and drug testing shall be conducted within a reasonable time after the accident or incident, or when applicable, within a period of time as prescribed by law or an established ACCUG policy, when:

Said section is further amended by deleting therefrom the phrase "requiring medical treatment" from sub-paragraph (E) thereof, so that said sub-paragraph now reads as follows:

E. When an employee sustains a work-related injury; or

SECTION 2. Section 1-13-12 of the Code of Athens-Clarke County, Georgia, entitled "*Testing Procedures*," is hereby amended by adding the phrase "from the time of the initial notice" to the second sentence of sub-section (C) thereof so that said sub-section now reads as follows:

C. Whenever an initial test is found to be positive, an automatic confirmation test will be performed. If result is positive, then that employee has 72 hours from the time of the initial notice to request from the medical review officer that the secondary bottle for split sample testing be sent to a second lab.

Said section is further amended by deleting therefrom sub-section (D) and replacing said sub-section as follows:

D. If the employee does not contest the results, or if the secondary bottle of the split sample also tests positive, then the employers shall, within five (5) working days after receipt of a positive confirmed test result from the laboratory, notify the employee in writing of the positive results. Such notification shall include the results, the option to contest the results within five (5) working days of such notice, and the consequences of such results being suspension for three (3) days with pay pending termination. If the secondary bottle produces a negative result, or for any reason the secondary bottle is not available, then the test shall be considered negative, and no sanctions shall be imposed on the employee.

Said section is further amended in sub-section (F) thereof by changing the word "Opiates" to "Opioid" and by adding "Hydrocodone, Hydromorphone, Oxycodone, and Oxymorphone" to the bulleted list of opioids tested for non-DOT and DOT screenings so that list of drugs tested in such screenings now reads as follows:

Following are the list of drugs tested for in the non-DOT and DOT screenings:

- A. NON-DOT/11—Panel drug screen testing/checks specific gravity and creatinine
 - Amphetamines (speed, uppers—to include MDMA—ecstasy)
 - Methamphetamines

- Barbiturates
- Benzodiazepine (Valium, Xanax)
- Cocaine
- Methadone
- Opioids (Lortab, codeine, morphine—to include 6-Acetylmorphine—heroin-specific metabolite, Hydrocodone, Hydromorphone, Oxycodone, and Oymorphone)
- Oxycodone (Percocet)
- Phencyclidine (PCP)
- Propoxyphene (Darvocet)
- THC (marijuana)

B. DOT/5 panel drug screen testing

- Amphetamines (speed, uppers—to include MDMA—ecstasy)
- Cocaine
- Opioids (Lortab, codeine, morphine—to include 6-Acetylmorphine—heroin-specific metabolite, Hydrocodone, Hydromorphone, Oxycodone, and Oxymorphone)
- Phencyclidine (PCP)
- THC (marijuana)

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

4. a) Approve the list of roadways and associated maintenance activities recommended for the CY19 Pavement Maintenance Program (PMP) project, as shown in Attachment #1 of agenda report revised Marcy 26, 2019;
- b) Adopt the following project resolution, as shown in Attachment #2 of said agenda, authorizing the Mayor and appropriate staff to sign all related contracts, documents, and certifications associated with funding for this project;
- c) Authorize the Mayor to execute a one-year extension to the construction contract with Pittman Construction Company, Inc. for the CY19 PMP project at a cost not to exceed \$5,694,850; and
- d) Authorize Mayor and appropriate staff to execute all related documents.

**RESOLUTION
CY2019 PAVEMENT MAINTENANCE PROJECT**

WHEREAS, The Mayor and Commission of the Unified Government of Athens-Clarke County have specifically determined and found that it is in the public interest to perform rehabilitation on approximately 54 (Fifty Four) lane miles and preventive maintenance on approximately 25 (Twenty Five) lane miles of locally maintained roads (hereinafter referred to as “the project”); and

WHEREAS, The Mayor and Commission of the Unified Government of Athens-Clarke County have further found that the project is necessary and appropriate for the protection of public safety and serves the general welfare of Athens-Clarke County.

NOW THEREFORE BE IT HEREBY RESOLVED that this project is authorized and approved as an official project of the Unified Government of Athens-Clarke County; and

BE IT FURTHER RESOLVED that the Mayor, Clerk of Commission, and Manager, or their lawful designees, are hereby expressly authorized to initiate, certify, and sign all documents and to perform all lawful acts necessary to secure funds from the State of Georgia, or the United States of America, or from any department, agency, or subdivision thereof or from any private individual or entity, to defray, in whole or in part, the cost of the said project; and

BE IT FURTHER RESOLVED that the Manager or his lawful designees are hereby expressly authorized to acquire appropriate interest or title to all real estate necessary for the reasonable execution of said project, by any means allowed by law including, without limitation, the exercise on behalf of the Unified Government of Athens-Clarke County, of the power of eminent domain;

BE IT FURTHER HEREBY RESOLVED that the Manager or his lawful designees are hereby authorized to employ or contract for the professional services of attorneys, accountants, engineers, architects, appraisers, sureties, indemnitors, actuaries, and other professional consultants necessary for the plan, design, construction, execution, and general management of the said project; and,

BE IT FURTHER HEREBY RESOLVED that the Manager or his lawful designees are hereby authorized to seek bids or competitive proposals in the newspaper, on radio stations and television stations, or by other means as they deem appropriate or as may be required by law; and

BE IT FURTHER HEREBY RESOLVED that the Mayor, Clerk of Commission, and Manager or their lawful designees are hereby authorized to execute and file all documents and certifications necessary for the proper completion of the said project.

5. ADOPT: Resolution to designate the ACC jail courtroom to serve as an alternate location for non-jury proceedings of the Superior and State Courts

RESOLUTION

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

WHEREAS, the Superior Court of Athens-Clarke County, Georgia has expanded to include four judges and a senior judge sitting by designation, and the State Court of Athens-Clarke County includes two judges; the Athens-Clarke County Courthouse does not contain adequate courtroom and office space to accommodate all seven judges at all times necessary;

WHEREAS, the Chief Judges of the Superior Courts and State Courts of Athens-Clarke County have requested pursuant to Section 15-6-18(c) of the Official Code of Georgia Annotated that the Mayor and Commission of Athens-Clarke County designate the Athens-Clarke County Jail as an alternative location for conducting non-jury proceedings of the Superior and State Courts of Athens-Clarke County;

WHEREAS, the Athens-Clarke County Jail has a courtroom that is accessible by the public and is a suitable place for holding non-jury proceedings;

WHEREAS, conducting some non-jury proceedings at the jail would ease the burden on the Athens-Clarke County Sheriff's office of providing security at the courthouse;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Commission, acting in lawful session, do hereby designate the Athens-Clarke County Jail courtroom to serve as an alternate location for non-jury proceedings of the Superior Court of Athens-Clarke County and the State Court of Athens-Clarke County.

6. APPROVE: The following neighborhood organization with associated boundaries for registration in the Neighborhood Notification Initiative: Tanglewood Neighborhood Association as identified in Attachment #1 of agenda report dated February 27, 2019.
7. ACCEPT AND APPROVE: The 2019 Americans with Disabilities Act Transition Plan to comply with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990 as a required municipality receiving federal funding as per agenda report dated February 27, 2019.
8.
 - a) APPROVE: Project concept for SPLOST 2011 Project 23: Sub-Project #6 to install solar at the Rocksprings Park Community Center; as per agenda report revised March 26, 2019;
 - b) Accept a rebate of up to \$50,000 from the Georgia Environmental Finance Authority and authorize this rebate be added back to SPLOST 2011 Project 23;
 - c) Authorize the Mayor and appropriate staff to execute all related documents.

9. APPROVE: Acceptance of the final report from the Athens Team of the Network for Southern Economic Mobility as per agenda report dated February 22, 2019.
10. APPROVE: Acceptance of the final report from the Athens Team of the Georgia Initiative for Community Housing as per agenda report dated February 22, 2019.

Public hearing and deliberation on the FY20 Community Development Block Grant (CDBG) annual action plan

Citizen input

The following citizen input was received.

1. Diane Dunston – supported programs.
2. Tommy Valentine – supported Hands on Athens.
3. Cshanyse Allen – supported programs.

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

- a) Approve the proposed FY20 Annual Action Plan for submission to HUD as shown in Attachment #1 of agenda report dated February 19, 2019;
- b) Authorize acceptance of the associated HUD Grant Awards;
- c) Authorize FY19 carry-forward sub-recipient balances and allocation of any additional awarded funds; and
- d) Authorize the Mayor and appropriate Athens-Clarke County staff to execute all related contracts and documents.

The motion passed by unanimous vote.

Projected CDBG Funding FY20 (July 1, 2019 – June 30, 2020)	\$1,255,988
<hr/>	
Affordable Housing Objectives	
1. Athens Area Habitat for Humanity	\$214,600
2. Athens-Clarke Heritage Foundation	\$65,000
3. Athens Housing Authority.....	\$150,000
4. Athens Land Trust.....	\$211,392
Total Affordable Housing.....	\$640,992
<hr/>	
Micro-enterprise, Economic Development, and Neighborhood Revitalization Objectives	
5. Athens Land Trust.....	\$90,000
6. East Athens Development Corporation, Inc.	\$50,000
7. East Athens Development Corporation, Inc.....	\$20,000
8. Goodwill of North Georgia.....	\$60,000
Total Economic Development and Neighborhood Revitalization.....	\$220,000
<hr/>	
Public Services Objectives – Subject to the 15% Cap	
9. Advantage Behavioral Health Systems.....	\$30,000
10. Athens Area Homeless Shelter.....	\$20,000
11. Athens Community Council on Aging.....	\$20,000
12. Athens Land Trust.....	\$38,398
13. Casa de Amistad.....	\$20,000
14. The Ark UMOC.....	\$20,000
15. Chess and Community Conference.....	\$20,000
16. Feed My Sheep.....	\$10,000
17. YWCO.....	\$10,000
Total Public Services.....	\$188,398
<hr/>	
Total Administration	\$251,198

Old and new business – Discussion

Citizen input

The following citizen input was received.

1. Chris Dowd – supported goals and objectives
2. April Brown – supported citizens police review board
3. Brianna Bivens – supported bail bond reform
4. Greg Wagstaff – supported bail bond reform
5. Barbara Benson – supported bail bond reform
6. Alia Ghosheh – supported bail bond reform
7. Debra Brenner - supported bail bond reform
8. Robert Foster- supported bail bond reform
9. Erin Stacer - supported bail bond reform
10. Joe Lavigne - supported bail bond reform
11. Imani Scott-Blackwell - supported bail bond reform
12. Rochelle Berry - supported bail bond reform
13. Mokah Jasmine Johnson - supported bail bond reform
14. Avery Murdie – needs more info on court cases
15. Richard Dean Winfield - supported bail bond reform
16. Carol Myers – supporter 100% energy program
17. David Dupree – supported abandonment of Overlook Drive
18. Clair Bolton – supported goals and objectives and SPLOST 2020 projects
19. Tommy Valentine – supported SPLOST 2020 projects

A motion was made by Commissioner Davenport, seconded by Commissioner Link, to authorize staff to initiate the process to abandon approximately 169 feet of the public roadway at the dead-end on Overlook Drive, as shown in Attachment #1 of agenda report revised March 22, 2019. The motion passed by unanimous vote.

Mayor Girtz held the following item for consideration at a special called session Tuesday, April 16; Addition to the ACCGOV Code of Ordinances: Defined contribution plans.

A motion was made by Commissioner NeSmith, seconded by Commissioner Herod, to adopt FY20 Strategic Commitments and Goals as presented with the following amendment:

Transportation, Mobility and Connectivity

Replace paragraph 2 with the following:

2. Affordable Transit. Study the economics, citizen impact, and budget impact of reducing transit fares and funding those reductions in order to plan and implement reductions in transit fares for segments of the population that would benefit most from fare reductions. Include in the study the elimination of all fares.

A substitute motion was made by Commissioner Denson, seconded by Commissioner Parker, to approve FY20 Strategic Commitments and Goals as submitted.

Commissioner Parker made a motion to amend language as follows:

Under Healthy, Livable and Sustainable Athens:

1. "Invest in human infrastructure by collaborating with stakeholders in education, health and economic development to increase **upward** economic mobility for all."

Under Safe and Prepared Community:

1b) "This could involve changing policy around arrests for low-level crime, **eliminating cash bail**, phasing out of inmate labor-for-free program..."

The amendments were accepted by Commissioner Denson.

Commissioner NeSmith withdrew his motion.

A motion was made by Commissioner Edwards to call the question. The motion died for lack of a second.

A substitute motion was made by Commissioner Wright to hold this item for a special called session Tuesday, April 16. The motion died for lack of a second.

The motion by Commissioner Denson as amended passed by unanimous vote and the following FY20 Strategic Commitments and Goals were declared approved.

FY 20 Mayor and Commission Strategic Commitments and Goals

A "strategic commitment" is made by the Mayor and Commission to the citizens for what the citizens should expect from their local government. All of ACCGOV's services fall under one of these six commitments, and reporting and performance measurement are further organized along these lines as well.

Healthy, Livable, Sustainable Athens-Clarke County

1. Invest in human infrastructure by collaborating with stakeholders in education, health and economic development to increase upward economic mobility for all.
2. Create Mixed Income, Mixed Use neighborhoods, while transforming the most challenged neighborhoods.
3. ACCGOV to aim for 100% clean and renewable energy by 2035 and develop and implement equitable strategies to do so by April 2020.
4. Manage environmentally damaging septic tanks and attention to targeting areas of need.
5. Create a welcoming, inclusive, and prosperous downtown.

Transportation Mobility and Connectivity

1. Air Service Incentive Plan - Encourage new nonstop air service and competition by providing temporary assistance to an airline beginning new nonstop service to an approved destination.
2. Fare Free Transit - Moving in a tiered fashion towards Fare-Free Transit System as we approach the end of life cycle for our fare box system.
3. Enhanced Mobility Corridor Aesthetics - Easy connections between residential and commercial, county-wide. Start this theme in redevelopment areas and then expand outward.

Shared Prosperity

1. Corridor Redevelopment
2. Develop Economic Development Strategy & Framework - Assess economic conditions, consider trends and research, evaluate SWOTs, address weakness and opportunities, determine focus. Filter this all through lens of equity and diversity.
3. Municipal Mobile Network - Ensure wireless high speed broadband access for all parts of the county, stimulate economic development, enhance educational experience, improve services provided by ACCGOV through higher bandwidths.

Safe and Prepared Community

1. Criminal Justice initiatives:
 - a) Explore avenues to decriminalize marijuana.
 - b) Foster a criminal justice system focused on rehabilitation and prevention, both in collaboration with community partners, rather than incarceration. This could involve changing policy around arrests for low-level crime, eliminating cash bail, phasing out inmate labor-for-free program, expanding accountability courts, and matching funding (from grants) to programs serving youth and people with behavior disorders.
 - c) Criminal Justice Outcomes Enhancement: reduction of recidivism, enhanced public safety, reduce jail-nights and greater support for paths away from criminality.
2. Justice and Mental Health Collaborative Grant - Identify programs to improve outcomes and coordinate service delivery amongst community partners involved with mental health and substance abuse

3. Rehabilitation of Offenders - Promote education, work skills, improved social and life skills under strict supervision to promote a positive transition for offenders back into the community.
4. Transparency Initiative - Develop and enhance the Transparency in Policing link on the ACCPD website which includes information on Departmental demographics, complaints, use of force, discipline, etc.
5. Improving water supply resiliency and reliability

Informed and Engaged Citizens

1. Directly engaging citizens on the front end of ACCGOV processes. Developing ownership in "their" County Government, through new and varied forms of public input (written input on agendas, regular town halls)
2. Law Enforcement Advisory Panel - to advise the Chief of Police in matters of community issues, review potential policies and procedures, and provide guidance to the chief on service and police related issues.

Accountable and Responsive Government

1. Re-examine Athens Clarke County pay plan
2. Film Guide & Updated Film Procedures - Develop a guide to filming in Athens-Clarke County and update related filming procedures

A motion was made by Commissioner Wright, seconded by Commissioner Edwards, to adopt the commission-defined option on SPLOST 2020 designated projects as follows.

Mayor and Commission 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. Affordable Housing Infrastructure would include funding to support land acquisition, and/or new and upgraded infrastructure construction. The infrastructure would be developed for the purposes of encouraging the 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.
2. Space Modernization Program totaling \$82,000,000 including:
 - a. 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. This facility should also allow criminal justice system operational evolution that works toward the dignity of all participants and safety of the community. 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. 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, or prioritized for use as mixed-income housing and/or economic development opportunities that will create greater local income and wealth.
 - b. 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. Consolidating Athens-Clarke County municipal functions into the former courthouse will free up space in other locations currently in use by these departments. This estimate does not include any estimated financing cost.
 - c. The estimated spaces for the designated projects (items a and b 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.

3. 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.
4. 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 motion was made by Commissioner Thornton, seconded by Commissioner Hamby, to divide the question with a vote on items 1, 3, and 4 and a vote on item 2. The motion passed by roll call vote with Commissioners Davenport, Parker, Link, Wright, Denson, NeSmith, Edwards, Thornton and Hamby voting YES and Commissioner Herod voting NO. (9 YES; 1 NO).

A motion was made by Commissioner Edwards, seconded by Commissioner NeSmith, to call the question. The motion passed by unanimous vote.

Sections 1, 3, and 4 were approved by unanimous vote.

Section 2 was approved by roll call vote with Commissioners Parker, Link, Wright, Denson, NeSmith, Edwards, Herod, and Hamby voting YES; and Commissioners Davenport and Thornton voting NO. (8 YES; 2 NO)

New business – Consider under suspension of Rules

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

A motion was made by Commissioner Wright, seconded by Commissioner Edwards, to approve a revised proposal for temporary construction easement for The Mark development as per memo dated March 28 2019; approve the execution of the donation agreement, revised to add the option for an additional 15-month term and direct that the Mayor, Manager, and Attorney take the actions necessary to complete the transaction.

A substitute motion was made by Commissioner Parker, seconded by Commissioner Davenport, to deny revised proposal for temporary construction easement for The Mark development as per memo dated March 28 2019.

The substitute motion was withdrawn.

A substitute motion was made by Commissioner Parker, seconded by Commissioner Denson, to HOLD this item until May 7. The motion failed by roll call vote with Commissioners Davenport, Parker, Link and Denson voting YES; and Commissioners Wright, NeSmith, Edwards, Herod, Thornton, and Hamby voting NO. (4 YES; 6 NO)

The original motion passed by roll call vote with Commissioners Wright, Denson, NeSmith, Edwards, Herod, Thornton, and Hamby voting YES; and Commissioners Davenport, Parker, and Link voting NO. (7 YES; 3 NO)

A motion was made by Commissioner Herod, seconded by Commissioner Davenport, to adopt the following ordinance (#19-04-24) which was presented by title only; and authorize the Mayor and Manager to approve contract extensions for Athens-Clarke County-initiated motor vehicle tows for one year. The motion passed by unanimous vote.

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

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

SECTION 1. Subsection (a) of Section 6-15-2 of the Code of Athens-Clarke County, Georgia, entitled "*Provision of services for towing and removal of motor vehicles which have been wrecked, impounded, abandoned or improperly parked on public streets or other public places within Athens-Clarke County; violations; removal.*" is hereby amended by deleting therefrom the sentence: "The contracts shall provide that the parties may renew the agreements by mutual consent for one additional two-year period with any adjustments to the rate structure being made only in accordance with the applicable U.S. Department of Labor Consumer Price Index" and substituting in lieu thereof the sentence: "The contracts shall provide, or the parties may during the term of a contract agree, that the contracts may be renewed by mutual consent for one or more extensions of the original term so long as the total period for all extensions does not exceed two years, with any adjustments to the rate structure being made only in accordance with the applicable U.S. Department of Labor Consumer Price Index" so that subsection (a) of section 6-15-2 is:

Sec. 6-15-2. - Provision of services for towing and removal of motor vehicles which have been wrecked, impounded, abandoned or improperly parked on public streets or other public places within Athens-Clarke County; violations; removal.

(a) Beginning on April 1, 2005 and for two-year periods thereafter Athens-Clarke County shall, after public bid, contract with one or more standard duty wrecker services and one or more heavy duty wrecker services for all Athens-Clarke County-initiated tows. The contracts shall provide, or the parties may during the term of a contract agree, that the contracts may be renewed by mutual consent for one or more extensions of the original term so long as the total period for all extensions does not exceed two years, with any adjustments to the rate structure being made only in accordance with the applicable U.S. Department of Labor Consumer Price Index. Prior to initiation of each public bid process, the mayor and commission shall approve the process and methodology of the contract award proposed by the manager. In the event that the mayor and commission shall contract with more than one wrecker service provider in a wrecker service category, the contract award procedure shall require that each bidder disclose detailed information about the ownership and management of the entity seeking a contract, and the mayor and commission shall have the authority to decline to award contracts to entities that have common ownership or management. Any contract awarded pursuant to this chapter shall not be assigned to any other person, firm or corporation or other entity. Each wrecker service contracting with Athens-Clarke County shall satisfy the minimum requirements set forth below and any other requirements as provided for by the contract.

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

A motion was made by Commissioner NeSmith, seconded by Commissioner Herod, to approve the transfer of ten mobile data terminals and ten vehicle computer mounts; and authorize appropriate staff to execute all documentation prudent to allow for the permanent transfer of such equipment to the custody of the City of Watkinsville as per agenda report dated March 26, 2019. The motion passed by unanimous vote.

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

A public hearing was held on request of Brett Nave, Studio BNA Architects for Baldwin 475, LLC c/o Parker and Associates for rezoning from C-G (PD) (Commercial-General, Planned Development) to C-D (RIV) (PD) (Commercial-Downtown, River Downtown Design Area, Planned Development on 2.91 acres known as 220, 280, and 290 Williams Street and 475 and 485 Baldwin Street. This will require an amendment to the Future Development Map from Main Street Business and General Business to Downtown. Type I

Planning Commission recommendation:

Future Development Map: Approve (unanimous)

Rezoning: Approve w/conditions (unanimous)

The following citizen input was received.

1. Bret Nave, for petitioner – supported.

A motion was made by Commissioner Wright, seconded by Commissioner Link, to adopt the following ordinance (#19-04-25) 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 FOUR PARCELS OF LAND LOCATED AT 220, 280, AND 290 WILLIAMS STREET & 475 AND 485 BALDWIN STREET FROM MAIN STREET BUSINESS AND GENERAL BUSINESS TO DOWNTOWN 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 four parcels of land located at 220, 280, and 290 Williams Street & 475 and 485 Baldwin Street currently designated as either Main Street Business or General Business to Downtown as shown in Exhibit A, which is attached hereto and incorporated herein by reference. The subject parcels are also known as 171B4 F001 (475 Baldwin Street), 171B4 F002 (290 Williams Street), 171B4 F003 (280 Williams Street & 485 Baldwin Street), and 171B4 F004 (220 Williams Street) on the Athens-Clarke County tax maps, which are 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 Wright, seconded by Commissioner Link, to adopt the following ordinance (#19-04-26) 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 FOUR PARCELS OF LAND COMPRISING APPROXIMATELY 2.91 ACRES IN TOTAL LOCATED AT 220, 280, AND 290 WILLIAMS STREET & 475 AND 485 BALDWIN STREET FROM C-G (PD) (COMMERCIAL-GENERAL, PLANNED DEVELOPMENT) TO C-D (RIV) (PD) (COMMERCIAL-DOWNTOWN, RIVER DOWNTOWN DESIGN AREA, PLANNED DEVELOPMENT); AND FOR OTHER PURPOSES.

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

SECTION 1. The map constituting the component part of the Zoning Ordinance of Athens-Clarke County, Georgia, by virtue of and in compliance with Section 9-3-3 and Section 9-3-6 thereof, is hereby amended by changing the zoning of four parcels of land totaling approximately 2.91 acres located at 220, 280, and 290 Williams Street & 475 and 485 Baldwin Street from C-G (PD) (Commercial-General, Planned Development) TO C-D (RIV) (PD) (Commercial-Downtown, River Downtown Design Area, Planned Development); as shown on Attachment A hereto. Said affected parcels of land are more fully described in that certain document entitled "Existing Conditions Map," dated March 11, 2019, prepared by Edward Lane, registered engineer, designated in the lower right-hand corner as Sheet No. EX.1, and being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia.

The four parcels comprising the subject 2.91-acre tract of land are also known as parcel numbers 171B4 F001 (475 Baldwin Street), 171B4 F002 (290 Williams Street), 171B4 F003 (280 Williams Street & 485 Baldwin Street), and 171B4 F004 (220 Williams Street) on the Athens-Clarke County tax maps, being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia. The date of this amendment to the Official Zoning Map of Athens-Clarke County as shown by Attachment A shall be noted on said Official Zoning Map in the office of the Clerk of Commission at 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

SECTION 2. The binding master site plan associated with this ordinance and incorporated herein by reference consists of twenty sheets in total, with each such sheet being numbered and titled in the lower right-hand corner. The respective number, title, and date of each sheet is listed below.

Sheet No.:	Title:	Date:
G0.01	Cover	February 1, 2019
A0.01	Overall Plan	February 1, 2019
A0.02	Area Plans	February 1, 2019
A0.03	Renderings	February 1, 2019
A0.04	Renderings	February 1, 2019
A0.05	Renderings	February 1, 2019
A1.01	Ground Floor Plan	February 1, 2019
A1.02	Second Floor Plan	February 1, 2019
A1.03	Podium/Residential Level 1	February 1, 2019
A1.04	Residential Level 2	February 1, 2019
A1.05	Residential Level 3	February 1, 2019
A1.06	Residential Level 4	February 1, 2019
A1.07	Residential Level 5	February 1, 2019
A2.01	Site Elevations	February 1, 2019
A2.02	Site Elevations	February 1, 2019
A2.03	Site Elevations	February 1, 2019
A3.01	Building Sections	February 1, 2019
A3.02	Building Sections	February 1, 2019
C.10	Master Development Site Plan	March 11, 2019
C.11	Master Development Grading and Utility Plan	March 11, 2019

Each sheet listed above is stamped "Binding 3-13-19," and is on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia.

The binding written report associated with this ordinance and incorporated by reference herein consists of twenty-six pages in total, is entitled "Master PD Submittal," dated February 1, 2019, revised effective March 11, 2019, and stamped "Binding 3-13-19." Said report is on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia.

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

1. Prior to the issuance of any development permits, the applicant shall revise its plans to provide a driveway entrance on Mitchell Street that adheres to the specifications of the Athens-Clarke County Fire Marshal for emergency vehicle access.
2. Prior to the issuance of any development permits, the applicant shall revise its application documents to resolve any conflicting information regarding the proposed sizes and configurations of individual suites.
3. Prior to the issuance of any development permits, the applicant shall revise its Tree Management Plan on Sheet No. A0.01, entitled Overall Plan, to indicate that all trees shown on such sheet shall be planted with review and approval of the Athens-Clarke County Arborist.

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

A public hearing was held on request of James C. Warnes for WALCO Investments, LP for an amendment to C-D* (DHD) (Commercial-Downtown Zoning with Conditions, Downtown Historic District) on 0.15 acres known as 141 East Broad Street. Proposed use is commercial/retail. Type II

Planning Commission recommendation: Approve w/condition (unanimous)

Citizen input

The following input was received.

1. Jim Warnes, representing petitioner – supported.

A motion was made by Commissioner Link, seconded by Commissioner NeSmith, to adopt the following ordinance (#19-04-27) 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 CONDITIONS OF ZONING ASSOCIATED WITH A PARCEL OF LAND COMPRISING APPROXIMATELY 0.15 ACRES AND LOCATED AT 141 EAST BROAD STREET IN THE C-D* (DHD) (COMMERCIAL-DOWNTOWN DISTRICT WITH ZONING CONDITIONS, DOWNTOWN HISTORIC DISTRICT); AND FOR OTHER PURPOSES.

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

SECTION 1. The map constituting the component part of the Zoning Ordinance of Athens-Clarke County, Georgia, by virtue of and in compliance with Section 9-3-3 and Section 9-3-6 thereof, is hereby amended by changing conditions of zoning associated with a parcel of land comprising approximately 0.15 acres and located at 141 East Broad Street, Athens, Georgia. Said affected parcels are more fully described in that certain document entitled "Boundary Survey for Club Babaloo, Inc.," having an original issue date of July 3, 2014, prepared by John Mark Dunlap, registered land surveyor, having been filed with the Clerk of the Superior Court of Athens-Clarke County on July 17, 2014 and recorded in Plat Book H, Page 061C. Said document is also on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia.

The subject parcel comprising approximately 0.15 acres is also known as parcel number 171B5 B003 on the Athens-Clarke County tax maps, being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia. The date of this amendment to the Official Zoning Map of Athens-Clarke County as shown by Attachment A shall be noted on said Official Zoning Map in the office of the Clerk of Commission at 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

SECTION 2. The conditions of zoning in that certain ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO REZONING FROM C-D(PD)(DHD) (COMMERCIAL-DOWNTOWN PLANNED DEVELOPMENT) (DOWNTOWN HISTORIC DISTRICT) TO C-D*(DHD) (COMMERCIAL-DOWNTOWN WITH ZONING CONDITIONS) (DOWNTOWN HISTORIC DISTRICT) ON APPROXIMATELY 0.1556 ACRE OF LAND LOCATED AT 141 EAST BROAD STREET; AND FOR OTHER PURPOSES," which was adopted by the Commission on August 4, 2009, and approved by the Mayor on August 6, 2009 (hereinafter referred to as the "August 2009 Ordinance"), are hereby deleted and replaced with the following condition of zoning:

1. A minimum ten-foot building setback from the western property line shall be required for all floors above the ground floor.

SECTION 3. Except as specifically modified or amended herein, the August 2009 Ordinance is saved from repeal and shall remain in full force and effect.

SECTION 4. Except as set forth in Section 3 above, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

A public hearing was held on request of Kevin Baer/W&A Engineering for Mitchell Allen Nease for rezoning from C-G (Commercial-General), RS-15 (Single-Family Residential) and C-R (Commercial-Rural) to C-G (Commercial-General) on 1.41 and 24.85 acres known as 785 U.S. Highway 29 North and 150 McClung Road. Type II

Planning Commission recommendation: Approve (unanimous)

Citizen input

The following citizen input was received.

1. Kevin Baer, for petitioner – supported.

A motion was made by Commissioner Thornton, seconded by Commissioner Hamby, to adopt the following ordinance (#19-04-28) 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 26.254 ACRES IN TOTAL LOCATED AT 785 U.S. HIGHWAY 29 NORTH AND 150 McCLUNG ROAD FROM C-G (COMMERCIAL-GENERAL), C-R (COMMERCIAL-RURAL), AND RS-15 (SINGLE-FAMILY RESIDENTIAL) TO C-G (COMMERCIAL-GENERAL); 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 located at 785 U.S. Highway 29 North (comprising approximately 1.406 acres) and 150 McClung Road (comprising approximately 24.848 acres) from C-G (Commercial-General), C-R (Commercial-Rural), and RS-15 (Single-Family Residential) so that the two parcels are zoned C-G (Commercial-General) in their entirety.

Said parcels, which comprise approximately 26.254 acres in total, are more particularly described according to that certain document entitled "Administrative Recombination Plat for Allen Nease 29 North Commercial Subdivision Lots 2 and 3, Block B," last revised November 7, 2018, created by John Mark Dunlap, Georgia registered land surveyor, and being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia. Said parcels are also known as parcel numbers 154 038D and 154 036 on the Athens-Clarke County tax maps, which are on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia. The date of this amendment to the Official Zoning Map of Athens-Clarke County as shown by Attachment A hereto shall be noted on said Official Zoning Map in the office of the Clerk of Commission, 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.

Reconsideration

A motion was made by Commissioner Edwards, seconded by Commissioner Link, to reconsider previous action on revised proposal for temporary construction easement for The Mark development as per memo dated March 28 2019. The motion passed by roll call vote with Commissioners Davenport, Parker, Link Denson, and Edwards voting YES; Commissioners Wright NeSmith Herod, and Hamby voting NO; and Commissioner Thornton abstaining. (5 YES; 4 NO, 1 ABSENTION)

A motion was made by Commissioner Parker, seconded by Commissioner Denson, to HOLD this item until May 7.

A substitute motion was made by Commissioner Hamby, seconded by Commissioner NeSmith, to approve revised proposal for temporary construction easement for The Mark development as per memo dated March 28 2019; approve the execution of the donation agreement, revised to add the option for an additional 15-month term and direct that the Mayor, Manager, and Attorney take the actions necessary to complete the transaction.

There was a tie roll call vote with Commissioners Wright, NeSmith, Herod, Thornton, and Hamby voting YES; and Commissioners Davenport, Parker, Link, Denson, and Edwards voting NO. (5 YES; 5 NO). Mayor Girtz broke the tie with a vote of YES. The substitute motion passed.

Citizen input on items other than those listed on this agenda

1. Nnenne Onyioha-Clayton – supported 100% renewable energy
2. Dennis Holmes – problems need to be resolved
3. Carol Myers – concerned about EMS service
4. Sam Rafael – concerned about EMS service
5. Chris Dowd – supported 100% renewable energy
6. Steven Kozlowski – sidewalk need on Riverbend East
7. Stephanie Flores – supported cash bail reform

FROM MAYOR GIRTZ:

1. Assigned to Government Operations Committee a review of ordinance related to Athens-Clarke County-initiated tows.
2. Announced the following appointments to a Corridor Policy Committee. Chair to be chosen by the group.

Commissioner Hamby
Commissioner Wright
Commissioner Thornton
Commissioner Davenport

Charge: Develop policies and practices for collector and arterial roadways that are designed to enhance safety for vehicles, pedestrians, cyclists and other users, reduce vehicular speeds, and create visual enhancements, particularly planted areas.

FROM MANAGER WILLIAMS:

1. Received for information was report of contract awards in excess of \$10,000 for January and February 2019.

FROM COMMISSIONER HAMBY:

1. Announced there will be a Wednesday meeting at the Unitarian Church to discuss Timothy Road. Thanked Chief Spruill and Transportation and Public Works Director Raessler for their assistance.

FROM COMMISSIONER THORNTON:

1. Stated she recently met with 7th graders at Clarke Middle School and was impressed with their understanding of hate.
2. Supported criminal justice reform and truth is needed regarding black on black crime.

FROM COMMISSIONER HEROD:

1. Requested manager investigate the possibility of co-locating E-911 and EMS communications officers.
2. Expressed appreciation to Chief Spruill for recent district 8 community meeting.
3. Invited all to the 2nd annual Eastside spring festival on Saturday, May 4.

FROM COMMISSIONER EDWARDS:

1. Thanked Manager Williams for information on street repaving and sidewalk installations.
2. Noted several UGA football players were recently arrested for misdemeanor marijuana possession.
3. Stated citizens have expressed concern that Timothy Road may be four-laned. It was stated there are no plans for this action.

FROM COMMISSIONER DENSON:

1. Supported establishment of a citizen police accountability board.
2. Requested manager provide more information on operation of 911 system.
3. Requested a resolution reference 100% energy be prepared for signature of commissioners.

FROM COMMISSIONER WRIGHT:

1. Thanked everyone who made the St. Patrick's Day festival a success.

2. Requested Mayor consider assigning to committee a review of the open container ordinance in relation to downtown special events/festivals. Mayor Girtz stated he would consider this request at the end of the current cycle of special events.

FROM COMMISSIONER LINK

1. Thanked Chief Spruill for recent district 3 community meeting.

FROM COMMISSIONER DAVENPORT

1. Congratulated Deborah Lonon on her promotion to assistant manager.
2. Congratulated Auditor Stephanie Maddox on her recent engagement.
3. Announced district 1 community meeting Thursday, April 25 at Cornerstone Church.
4. Announced Winterville Marigold Festival will be held Saturday, May 11.

A motion was made by Commissioner Herod, seconded by Commissioner NeSmith, to enter into executive session for discussion of real estate acquisition and/or disposal. The motion passed by unanimous vote.

The meeting adjourned at 10:00 p.m.

Clerk of Commission