

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Special Called Session
Tuesday, June 18, 2019
6:00 p.m.
City Hall

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

The purpose of the meeting was to conduct a public hearing on SPLOST 2020 candidate projects; consider intergovernmental agreement; resolution for Athens Housing Authority; proposed amendment to intergovernmental agreement; and recommendation for attorney appointment; enter into executive session for discussion of real estate acquisition and/or disposal and personnel issues; and consider any other item in proper order.

Public hearing on proposed SPLOST 2020 projects.

The following citizen input was received by groupings on potential projects recommended as candidate projects.

M&C Designated Projects

- 5 Space Modernization Program
- 58 Athens-Clarke County Affordable Housing Program
- (TBD) General Obligation Bond Debt Service

There was no citizen input.

Public Safety Related Projects

- 11 Public Safety Vehicles Replacement Program
- 32 Fire Department Equipment Project
- 36 Fire Station 5 Replacement Project
- 43 E911 Phone System Replacement Project

There was no citizen input.

Sustainability Related Projects

- 50 Environmental Mitigation & Restoration Program
- 51 Renewable Energy Program
- 52 Sustainability Investment Program
- 84 Energy Sustainability Program

1. Carol Myers – combine #84 and 51.

Leisure Services Related Projects

- 57 Athens West Park Project
- 61 Beech Haven Park Improvements Project
- 79 Tallassee Forest Park Improvements Project
- 77 Sandy Creek Nature Center Exhibit Modernization Project
- 39 Memorial Park Improvements Project
- 69 Holland Youth Sports Complex Improvements Project

1. Nat Kuykendall - supported #61, 79, and 50
2. Karen Porter - supported #79
3. Joan Rowden – supported #69 and #67 – opposed #79
4. Steffney Thompson – supported #79
5. Walter Cook -supported #79
6. Rod Winthrop – supported #79

7. Marissa Chastain – supported #57
8. Tommy Valentine – supported #61

Existing Facilities Renovations / Improvements Projects

- 02 Animal Shelter Improvements Project
- 03 Facilities Equipment/Systems Replacement Program
- 48 ACC Creative Reuse

There was no citizen input.

New Facilities or Infrastructure Projects

- 37 High Speed Wireless Broadband Network Project
- 49 New Recovered Material Processing Facility Project
- 59 Athens-Clarke County Public Libraries Project
- 67 Youth & Community Enrichment Program

1. Sara Thomas – supported #59

Transportation Infrastructure Related Projects

- 01 Airport Capital Improvement Program (CIP) Matching Funds
- 83 Vincent Drive Sidewalk Project

1. Tyler Dewey – supported #83

The following citizen input was received on potential projects not recommended as candidate projects.

1. Peter Norris – supported #88 Upper Oconee Water Trails
2. Joan Sheldon – supported #60 Bear Hollow Wildlife Trail Renovation
3. Chris Smart - presented petition in support of #60 Bear Hollow
4. Melissa Lee – supported #70 Jackson Street Art Walk
5. Evan Mills – supported #55 – ABHS Path to Recovery Residential Program
6. Kathy Short – supported #56 Athens Welcome Center Access Improvements
7. Evelyn Reese – supported #56
8. Ryan Lewis – supported #56
9. Jill Read – supported #56

New business – Consider under suspension of Rules

A motion was made by Commissioner NeSmith, seconded by Commissioner Edwards, 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 NeSmith, seconded by Commissioner Denson, to adopt the following resolution approving and authorizing the award of grants to the Development Authority of the Unified Government of Athens-Clarke County; authorize appropriate staff to take all necessary actions to allow for implementation of the project; and authorize the Mayor and appropriate staff to execute all necessary documents to facilitate the project. The motion passed by unanimous vote.

RESOLUTION OF THE MAYOR AND COMMISSION OF THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA APPROVING AND AUTHORIZING THE AWARD OF GRANTS TO THE DEVELOPMENT AUTHORITY OF THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA AND APPROVING AND AUTHORIZING THE EXECUTION, DELIVERY AND PERFORMANCE OF A PERFORMANCE AND ACCOUNTABILITY AGREEMENT

WHEREAS, the Development Authority of the Unified Government of Athens-Clarke County, Georgia, is a public body corporate and politic (the "**Authority**") created and existing under the Development Authorities Law, O.C.G.A. Section 36-62-1, et seq., as amended (the "**Act**") for the purpose, among other things, of promoting and furthering the public purpose of developing trade, commerce, industry and employment opportunities for the public good and the general welfare and to promote the general welfare of Athens-Clarke County and the State of Georgia; and

WHEREAS, the Act empowers the Authority to make and execute contracts and other instruments necessary to exercise the powers of the Authority, which contracts may be made with the Unified Government of Athens-Clarke County, Georgia (the "**County**"), to receive grants and administer same to promote and further its public purposes, to carry out projects and to expend for the promotion of industry, agriculture and trade within its area of operation any funds of the Authority determined by the Authority to be in excess of those needed for the other corporate purposes of the Authority; and

WHEREAS, Wayfair LLC, a Delaware limited liability company (the "**Company**") is considering the acquisition, installation and equipping of a 45,050 square feet customer contact center to be located in Athens-Clarke County, Georgia, said facility to consist of land, buildings, machinery, equipment and related real and personal property (the "**Project**") that will create new and expanded opportunities for development of trade, commerce, industry and employment in the area served by the Authority, and the Company has indicated that the availability of economic development incentives is an important factor under consideration by the Company in determining the feasibility of the proposed Project from a financial standpoint; and

WHEREAS, the location of the Project in the County will be for the public good and the general welfare of the County and the State of Georgia; and

WHEREAS, after careful study and investigation of the nature of the proposed Project, the County proposes to grant to the Authority an amount up to \$50,000 (the "**Jobs Award**") to be paid to the Company over a period of three calendar years at the rate of \$100 for each new full-time job created by the Company at the Project, to grant to the Authority an amount equal to \$10,000 (the "**Site Award**" and, together with the Jobs Award, the "**Award**") to be paid to the Company for costs of space configuration and design after the Project facility becomes operational and to provide liaison assistance for local permitting, project workforce coordination, marketing and certain other incentives, all in furtherance of developing trade, commerce, industry and employment in Athens-Clarke County; and

WHEREAS, the Authority proposes to accept the Award from the County and to provide the Award funds as incentives for new full-time jobs created and for capital investment by the Company as set forth in the hereinafter defined Performance and Accountability Agreement; and

WHEREAS, in connection with the foregoing assistance provided to the Company by the County and the Authority, the Authority, the County and the Company propose to enter into a Performance and Accountability Agreement (the "**Performance and Accountability Agreement**") pursuant to which the Company will agree, among other things, (i) to invest a defined amount of new private capital into the Project within a specified period of time; and (ii) to create a defined number of jobs at the Project within a specified period of time, all as set forth more fully therein; and

WHEREAS, use of the Award to incentivize creation of new full-time jobs and capital investment at the Project and the provision of other incentives as referenced above are critical to inducing the Company to locate a facility in the County; and

WHEREAS, the County desires that the Mayor, Mayor Pro-Tem, Clerk, Deputy Clerk, and any other member of the Mayor and Commission of the Unified Government of Athens-Clarke County as designated by the County (each an "**Authorized Officer**") be authorized to take any and all actions and to execute and deliver the Performance and Accountability Agreement and any and all additional documents, instruments, orders, and certificates that may be necessary or desirable to carry out or effectuate the execution of the Performance and Accountability Agreement on terms favorable to the County;

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

Section 1. It is hereby ascertained, determined and declared that the County is authorized to grant the Award to the Authority to enable the Authority to provide the Award funds as incentives for new full-time jobs created and for capital investment by the Company, and that the Award is in furtherance of developing trade, commerce, industry and employment in the County and that the County has the power and authority to provide such Award to the Authority.

Section 2. The execution, acknowledgement and delivery of the Performance and Accountability Agreement are hereby authorized. The Mayor is hereby authorized to execute, acknowledge and deliver the Performance and Accountability Agreement on behalf of the County, which Performance and Accountability Agreement shall be in substantially the form attached hereto as

Exhibit A and spread upon the minutes of this meeting, with such minor changes, insertions or omissions as may be approved by the Mayor, and the execution of the Performance and Accountability Agreement by the Mayor, as hereby authorized, shall be conclusive evidence of any such approval.

Section 3. The Mayor and Commission of Athens-Clarke County, Georgia hereby agree to grant the Award to the Authority to enable the Authority to provide the Award funds as incentives for new full-time jobs created and for capital investment by the Company at the Project as set forth in the Performance and Accountability Agreement.

Section 4. The Authorized Officers are authorized to approve the terms and provisions of any document or transaction authorized pursuant to this resolution, and that each such Authorized Officer is hereby authorized to execute and deliver any and all documents approved or contemplated by this resolution, and the execution and delivery by any such Authorized Officer of any such document or instrument shall be conclusive evidence of the approval of the terms thereof.

Section 5. From and after the execution and delivery of the documents herein authorized, the proper officers, agents and employees of the County are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents and certificates as may be necessary to carry out and comply with the provisions of the documents herein authorized and are further authorized to take any and all further actions and to execute and deliver any and all further documents and certificates as may be necessary or desirable in connection the execution, delivery and performance of the documents herein authorized. Without limiting the foregoing, if the Mayor is not available to execute the documents herein authorized, the Mayor Pro-Tem shall execute such documents on the Mayor's behalf.

Section 6. All acts and doings of the officers, agents and employees of the County which are in conformity with the purposes and intents of this resolution and in furtherance of the execution, delivery and performance of the documents authorized herein shall be, and the same hereby are, in all respects, approved and confirmed.

Section 7. This resolution shall take effect immediately upon its adoption. All resolutions or parts thereof in conflict with this resolution are hereby repealed.

A motion was made by Commissioner Hamby, seconded by Commissioner NeSmith, to adopt the following a resolution as per agenda report dated June 5, 2019 authorizing the Athens Housing Authority to acquire the property located at 270 Paris Street by use of eminent domain (condemnation) to clear clouds on the title.

STATE OF GEORGIA,
ATHENS-CLARKE COUNTY

RESOLUTION

BE IT HEREBY RESOLVED by the UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA, that the ATHENS HOUSING AUTHORITY (the "Authority") has found the fee simple title to the below described property necessary for the performance of its duties in the operation of the Authority.

WHEREAS, the Authority has attempted to pay just and adequate compensation for the below described property through negotiation with the owner, but has encountered problems with the record title; and

NOW THEREFORE, BE IT HEREBY RESOLVED that the Authority, in the exercise of its power of eminent domain, is authorized to bring a condemnation action of the below described property at such time as J. Richard Parker, II, the Director of the Authority, deems appropriate in accordance with the State law providing for eminent domain.

All that tract or parcel of land, together with all improvements thereon, lying and being in Athens-Clarke County, Georgia, known as Lot 1 of Jackson's Subdivision, plat of which is recorded in Deed Book 10, pages 632-633 in the office of the Clerk of Superior Court of Athens-Clarke County, Georgia, which plat is incorporated herein for a more particular description. Said tract is identified on the official tax maps maintained by the Tax Commissioner of Athens- Clarke County, Georgia as tax parcel 122D1 E012A.

The above described property is known as 270 Paris Street, according to the present system of numbering houses in Athens-Clarke County, Georgia.

The above described property is known as 270 Paris Street, according to the present system of numbering houses in Athens-Clarke County, Georgia.

A motion was made by Commissioner NeSmith, seconded by Commissioner Parker, to approve a proposed revision to an intergovernmental agreement with Athens Housing Authority as per memorandum dated June 13, 2019 extending the deadline for providing funding that is authorized by an Intergovernmental Agreement (IGA) approved February 27, 2019. The proposed amendment extends the deadline until September 30, 2019. The motion passed by unanimous vote.

Mayor Girtz recommended the appointment of Judd T. Drake as attorney for a two-year term effective July 1, 2019 and requested approval to execute an employment agreement.

A motion was made by Commissioner NeSmith, seconded by Commissioner Thornton, to approve said recommendation and authorize Mayor Girtz to execute an employment agreement. The motion passed by unanimous vote.

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

The meeting adjourned at 7:18 p.m.

Clerk of Commission