

Unified Government of Athens-Clarke County, Georgia  
Mayor and Commission  
Special Called Session  
Tuesday, June 4, 2019  
5:15 p.m.  
City Hall

The Mayor and Commission of 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 enter into executive session for discussion of personnel matters.

A motion was made by Commissioner NeSmith, seconded by Commissioner Denson, to enter into executive session for discussion of personnel matters. The motion passed by unanimous vote.

The meeting adjourned at 5:17 p.m.

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Clerk of Commission

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Unified Government of Athens-Clarke County, Georgia  
Mayor and Commission  
Tuesday, June 4, 2019  
6:00 p.m.  
City Hall

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

A motion was made by Commissioner NeSmith, seconded by Commissioner Thornton, to approve Minutes of meetings of Tuesday, May 7; Wednesday, May 8; Tuesday, May 14; and Tuesday, May 21, 2019. The motion passed by unanimous vote.

Written communications

There were no written communications.

Mayor Girtz announced that Athens-Clarke County Attorney William C. (Bill) Berryman, Jr. will retire effective June 30. He stated the sole finalist to fill the vacancy is Judd T. Drake. Mr. Drake will be recommended for confirmation at a special called session Tuesday, June 18.

Recognition

Mayor Girtz recognized the Public Utilities Department that recently received four platinum awards from the Georgia Association of Water Professionals. Following are the awards and those accepting them.

- Beacham Water Treatment Plant for 10 years continuous permit compliance- Dexter Hunter- Superintendent of Water Treatment/Al Figueroa- Maintenance Administrator
- North Oconee Water Reclamation Facility for 7 years continuous permit compliance- Scott Jones- Interim Superintendent of Water Reclamation/ Al Figueroa- Maintenance Administrator
- Middle Oconee Water Reclamation Facility for 5 years continuous permit compliance- Scott Jones- Interim Superintendent of Water Reclamation/ Al Figueroa- Maintenance Administrator
- Cedar Creek Water Reclamation Facility for 7 years continuous permit compliance- Scott Jones- Interim Superintendent of Water Reclamation/ Al Figueroa- Maintenance Administrator
- Public Educations “Comprehensive Education Program of Excellence in Water & Wastewater”- Jackie Sherry- Water Conservation Program Education Specialist

Public hearing #3 on the proposed FY20 budget as required by the Taxpayer Bill of Rights passed by the Georgia General Assembly in 1999

The following citizen input was received.

1. Wanda Dorsey – spoke for 93 year old senior citizen who is opposed to any increase.

#### 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 citizens spoke either in support of no cash bail or a citizen police advisory board.

1. Mocha Johnson
2. Caryl Sundland
3. April Brown
4. Robert Foster
5. Barbara Benson
6. Erica Stacer
7. Joseph Carter
8. Makecia Ross
9. Mary Bagby
10. Paul Prenovitz

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

A motion was made by Commissioner NeSmith, seconded by Commissioner Link, to consent to action on the following 14 items. The motion passed by unanimous vote.

1. ADOPT: The following ordinance (#19-06-36) which was presented by title only amending Code Section 6-1-24 titled "Insurers," and adding new Section 2-8-1, entitled "Insurance Premium Tax Imposed" as per agenda report dated April 18, 2019.

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

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

SECTION 1. Section 6-1-24 of the Code of Athens-Clarke County, Georgia, entitled “*Insurers*” is hereby amended by deleting therefrom the phrase “occupation tax” and replacing it with the phrase “license fee,” by further deleting from sub-section (a) thereof the sentence “For the purposes of this section, the term ‘insurer’ means a company which is authorized to transact business in the class of insurance designated in paragraph (1) of O.C.G.A. § 33-3-5,” by also deleting the phrase “business license tax” in the second sentence of sub-section (b) thereof and replacing it with the phrase “license fee,” and by adding a new sub-section (d) so that it now reads as follows:

- (a) License fee. In accordance with O.C.G.A. § 33-8-8 et seq., there is hereby levied an annual license fee upon each insurer doing business within Athens-Clarke County in the amount of \$150.00. For each separate business location in excess of one not covered by subsection (b) which is operating on behalf of such insurers within Athens-Clarke County there is hereby levied a license fee in the amount of \$35.00.
- (b) License fee for insurers insuring certain risks at additional business locations. For each separate business location, not otherwise subject to a license fee hereunder, operated and maintained by a business organization which is engaged in the business of lending money or transacting sales involving term financing and in connection with such loans or sales, offers, solicits or takes applications for insurance through a licensed agent of an insurer for insurance, said insurer shall pay an additional license fee of \$10.00 or 35 percent of the company license fee, whichever is greater, per location for each year.
- (c) Agency license fee, independent agencies, brokers, etc. There is hereby levied an annual license fee upon independent agencies and brokers for each separate business location from which an insurance business is conducted and which is not subject to the company license fee imposed by subsection (a) hereof, in the amount of \$35.00 for each location within Athens-Clarke County.
- (d) The license fees imposed herein shall be in addition to any applicable insurance premium taxes imposed by Section 2-8-1 of this Code.

SECTION 2. There is hereby created in Title 2 of the Code of Athens-Clarke County, Georgia a new Chapter 2-8, which shall be entitled “*Insurance Premium Tax*.” Within this new Chapter 2-8, there is hereby created a new Section 2-8-1 of the Code of Athens-Clarke County, Georgia, entitled “*Insurance Premium Tax Imposed*,” that shall read as follows:

Sec. 2-8-1. - Insurance Premium Tax Imposed

- (a) Premium tax for life, accident, and sickness insurers. In accordance with O.C.G.A. § 33-8-8.1, there is hereby levied an annual tax based solely upon gross direct premiums upon each insurer writing life, accident, and sickness insurance within the State of Georgia in an amount equal to one percent (1%) of the gross direct premiums received during the preceding calendar year. Such premium tax shall be in addition to any applicable annual license fee imposed by Section 6-1-24 of this Code.
- (b) Premium tax for all other insurers. In accordance with O.C.G.A. § 33-8-8.2, there is hereby levied upon each foreign, alien, and domestic insurer doing business within the State of Georgia—other than life, accident, and sickness insurers—an annual tax based solely upon gross direct premiums in an amount equal to two and one-half percent (2.5%) of the gross direct premiums received during the preceding calendar year. Such premium tax shall be in addition to any applicable annual license fee imposed by Section 6-1-24 of this Code.
- (c) “Gross direct premium” defined. When used in this section, the term “gross direct premium” shall have the same meaning as used in O.C.G.A. § 33-8-4.

SECTION 3. This ordinance is intended to ratify and continue previous resolutions and ordinances of Clarke County, Georgia, and the City of Athens, Georgia, including, but not necessarily limited to, an August 31, 1983 resolution of the Board of Commissioners of Clarke County, Georgia, and an October 4, 1983 ordinance of the Mayor & Council of the City of Athens, Georgia, pertaining to premium taxes for insurers.

SECTION 4. The Finance Department of the Unified Government of Athens-Clarke County, Georgia shall send a duly certified copy of this ordinance to the Insurance Commissioner of the State of Georgia within forty-five (45) days of its enactment.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

2. ADOPT: The following ordinance (#19-06-37) revising the booting signage requirements as recommended by the Government Operations Committee in report dated April 23, 2019.

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. Section 3-3-67 entitled "*Booting/immobilization of vehicles in private parking lots*" of the Code of Athens-Clarke County, Georgia, subsection (b) entitled "*Definitions*," is hereby amended by adding thereto the following definitions:

"Sec. 3-3-67. – Booting/immobilization of vehicles in private parking lots.

(b) *Definitions*. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this subsection:

*Parking Area (general)* means any area where cars or vehicles are parked.

*Privately owned On-Street Parking* means parking spaces that are adjacent to publicly or privately owned streets or roads but are owned and controlled by private property owners.

*Structured Parking Area* means a structure built specifically or partially to house vehicles. These areas may be stand alone "parking decks" or serve multiple tenants. Structured parking areas may share infrastructure with and be connected to a variety of land uses, including retailers, residences, offices and other uses.

*Surface Parking Lot* means a paved area generally used for vehicle parking."

SECTION 2. Section 3-3-67, entitled "*Booting/immobilization of vehicles in private parking lots*" of the Code of Athens-Clarke County, Georgia, subsection (f), entitled "*Requirements for posting signs*," is hereby deleted in its entirety and the following new subsection is inserted in lieu thereof:

" Sec. 3-3-67. – Booting/immobilization of vehicles in private parking lots.

(f) Requirements for posting signs.

(1) For the purposes of this section, the following definitions apply:

*Entrance Signs* are signs primarily used at each vehicular entry to a surface parking lot or a structured parking area;

*Supplemental signs* are signs used in surface parking lots or structured parking areas to remind the public that they are in a private parking lot and immobilization may be used by the owner or manager of the lot; and

*On street signs* are signs used only in privately owned on-street parking with no designated entrance, and are designed to minimize clutter on streetscapes.

(2) 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. Such signs must have been continuously maintained on the property for not less than twenty-four (24) hours prior to the immobilization of any vehicles.

(3) Where there is a designated entrance to a parking area (including surface parking lots or structured parking areas) where parking prohibitions are to be effective the following standards apply:

a. Entrance signs must be placed at each vehicular entry to the parking area.

b. Entrance signs shall be a minimum of twenty-four inches by thirty-six inches in size.

c. The vertical mid-point of entrance signs located at a designated entrance to a parking lot shall be at least four feet above the site grade.

d. The text on entrance signs shall be visible at ingress and egress from the parking area.

e. Entrance signs shall state in all capital, bold letters at least two inches high "PRIVATE PARKING – UNAUTHORIZED VEHICLES MAY BE BOOTED."

Such signs shall also include the following language in letters at least three quarters of an inch high:

- Boot Removal or Disputes – Call 000-000-0000
- Cost to remove boot - \$50.00
- Fee payable by cash, check, and credit/debit card
- Vehicle may not be impounded if owner/operator returns before boot is attached.
- Private booting regulated by the Code of Athens-Clarke County ([www.accgov.com/booting](http://www.accgov.com/booting))
- Complaints (Non-Emergency): ACC Police 706-546-5900

f. In surface parking lots, a two-sided supplemental sign clearly visible to drivers and pedestrians shall be placed at the entrance to each row of parking. If a parking lot has fewer than 15 spaces and one primary pedestrian ingress and egress point, a two-sided supplemental sign clearly mounted at this point is acceptable. Supplemental signs shall be at least 18 inches wide by 12 inches tall, and shall include the following language on both sides when mounted in a surface lot:

- o Private Parking – Unauthorized Vehicles May Be Booted
- o More Information: [www.accgov.com/booting](http://www.accgov.com/booting)

g. In structured parking areas where immobilization is being used, a one-sided supplemental sign shall be posted at each point of pedestrian egress via stairwells, pedestrian passages and elevators. Supplemental signs shall be at least 18 inches wide by 12 inches tall, and shall include the following language:

- o Private Parking – Unauthorized Vehicles May Be Booted
- o More Information: [www.accgov.com/booting](http://www.accgov.com/booting)

(4) Where there is no designated entry to the parking area (including privately-owned on street parking), on street signs will be used. The following standards apply:

- a. On street signs must be placed a minimum of every seven spaces.
- b. Such signs shall be a minimum of twelve inches by sixteen inches.
- c. Signs must be free of any natural or man-made interference and clearly visible, even if adjacent spaces are occupied.

d. Such signs shall state in all-capital, bold letters at least one and one-half inches high "PRIVATE PARKING." Such signs shall also include the following language in letters at least one-half inch high:

- Unauthorized vehicles may be booted at owner's expense
- Boot Removal and Disputes: 000-000-0000
- \$50.00 to remove boot
- Private booting regulated by the Code of Athens-Clarke County
- Complaints (Non-Emergency): ACC Police 706-546-5900
- More Information: [www.accgov.com/booting](http://www.accgov.com/booting)

(5) Details explaining time limits, parking payment methods and other policies of private parking areas may be included on entrance, supplemental or small signs as well. Such information cannot contradict, obscure, or confuse the language otherwise required by this section.

SECTION 3. Section 3-3-67, entitled "*Booting/immobilization of vehicles in private parking lots*" of the Code of Athens-Clarke County, Georgia, subsection (k), entitled "*Vehicle immobilization generally*," paragraph (4), is hereby amended by deleting the words "three hundred sixty five (365) days per year" and adding the words "every day of the year," so that the new paragraph is:

"Sec. 3-6-67. – Booting/immobilization of vehicles in private parking lots.

- (k) Vehicle immobilization generally.

(4) A vehicle immobilization service must maintain a twenty-four (24) hour a day phone number that is staffed every day of the year by a live operator to communicate immediately with a driver of any vehicle that has been immobilized by the vehicle immobilization service.”

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

3. ADOPT: The following ordinance (#19-06-38) which was presented by title only repealing parking prohibition on Woodlawn Avenue as per agenda report dated April 29, 2019.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO PARTIAL REMOVAL OF PARKING RESTRICTIONS ON WOODLAWN AVENUE; AND FOR OTHER PURPOSES.

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

SECTION 1. Pursuant to Section 3-3-50 of the Code of Athens-Clarke County, Georgia, a section of the previously designated no parking zone on the southern side of Woodlawn Avenue beginning at a point situate 31 feet easterly of its intersection with the east side of Stanton Way and extending therefrom in a easterly direction a distance of 20 feet, as further shown on Attachment 1, incorporated herein by reference, is hereby repealed.

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

4. ADOPT: The following ordinance (#19-06-39) which was presented by title only for Georgia Drive parking prohibition as per Attachment #1 of agenda report dated April 29, 2019.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO PARKING RESTRICTIONS ON GEORGIA DRIVE; 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, parking is hereby prohibited on the south side of Georgia Drive from its intersection with Oconee Street and extending along the southerly side of said street east a distance of 130 feet, as further shown on Attachment 1 incorporated herein by reference.

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

5. ADOPT: The following ordinance (#19-06-40) which was presented by title only for East Broad Street – Relocation of a loading zone, bus stop, and on-street parking spaces as per Attachment #1 of agenda report dated April 29, 2019.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO LOADING AND BUS STOP ZONE MODIFICATIONS ON EAST BROAD STREET; 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)d. of the Code of Athens-Clarke County, Georgia, a freight loading zone shall be established on the north side of East Broad Street beginning at a point situate 75 feet easterly of its intersection with the east side of North Lumpkin Street and extending therefrom along the northerly side of said street east a distance of 90 feet, as further shown on Attachment 1 incorporated herein by reference.

SECTION 2. Pursuant to Section 3-3-50(a)(1)i. of the Code of Athens-Clarke County, Georgia, a bus stop zone shall be established on the north side of East Broad Street beginning at a point situate 165 feet easterly of its intersection with the east side of North Lumpkin Street and extending therefrom along the northerly side of said street east a distance of 60 feet, as further shown on Attachment 1 incorporated herein by reference.

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

6. ADOPT: The following ordinance (#19-06-41) which was presented by title only amending FY19 operating budget for Board of Elections as per agenda report dated May 9, 2019.

AN ORDINANCE TO AMEND THE FY2019 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FOR PERSONAL SERVICES EXPENSE RELATED TO PART-TIME AND OVERTIME EXPENSE OVERAGES IN BOARD OF ELECTIONS DEPARTMENT; 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 General Fund to provide funding personal service expenses for overage of the Board of Elections' Department part-time and overtime expenses. Said Operating and Capital budget is hereby amended as follows:

General Fund:

EXPENDITURES:

Decrease:

Other General Administration	
General Fund Contingency	\$48,222

Increase:

Board of Elections Department	
Personal Service Expenses	\$48,222

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

7. APPROVE: Proposed parking management agreement with Athens Downtown Development Authority as per Attachment #1 of agenda report dated April 23, 2019, and authorize the Mayor and appropriate staff to execute all necessary documents.
8. APPROVE: a) Award of a contract to purchase one Gradall XL3100 hydraulic excavator and associated equipment from Tractor & Equipment Company, through a Sourcewell cooperative purchase agreement, for \$375,044 as per agenda report dated April 23, 2019;
- b) Declare the hydraulic excavator being replaced (Fleet # 28-32-604, a 2001 Gradall XL4100 excavator) as surplus and authorize its disposal consistent with Unified Government of Athens-Clarke County (ACCGov) policies after replacement; and
- c) Authorize Mayor and appropriate staff to execute all related documents.
9. APPROVE: A work authorization with Western Summit Contractors, Inc. in the amount of \$770,780 for the project liquid lime system at the North Oconee Water Reclamation Facility as per agenda report dated May 1, 2019 and; authorize the Mayor and appropriate staff to sign all documents related to the work authorization
10. APPROVE: 2019 Georgia Department of Transportation (GDOT) Multimodal Safety and Access grant for West Broad Street sidewalk as per agenda report revised May 30, 2019.
- a) Approve the proposed project concept for TSPLOST Project #12, Pedestrian Improvement Program, Sub-Project #1, as generally shown in Attachment #1 of agenda report revised May 30, 2019;
- b) Authorize staff to enter into the design phase, complete the design, acquire the necessary right-of-way and easements, and subsequently complete the bid phase for sidewalk project along West Broad Street, as shown in Attachment #1;

- c) Authorize the Mayor and appropriate staff to execute any necessary utility relocation agreements and all other project related documents;
  - d) Authorize the Mayor and appropriate staff to complete all related application documents to apply and secure the \$66,000 Multimodal Safety and Access Grant (MMSAG) funds that are anticipated to be available by Georgia Department of Transportation (GDOT) using the GDOT application, as shown in Attachment #2 of said agenda report; and
  - e) Declare TSPLOST Project #12, Pedestrian Improvement Program, Sub-Project #1, West Broad Street Sidewalk MMSAG, is appropriate for public art elements to be included as part of Project Concepts, with a budget of \$4,200, which is 1% of the anticipated TSPLOST Project #12 portion of the construction amount for Sub-Project #1.
11. APPROVE: Sandy Creek Park Renovation and Development, SPLOST 2011 Project #14, Proposed Sub-Projects #6 and #7 – Proposed project concepts as per agenda report revised May 29, 2019.
- a) Approve the Proposed Project Concept for Sub-Project #6, as described in Facts & Issues #7 & 8, and authorize staff to advance the project to the Bid and Award Phase in accordance with the approved Project Concept, Sandy Creek Park Renovation and Development (SPLOST 2011 Project #14);
  - b) Approve the Proposed Sub-Project #7 as a continuation of and additional expenditure for the previously approved Sub-Project #16, of the Parks Facilities Improvements Project (SPLOST 2011 Project #16); and
  - c) Declare Sub-Project #6, Beach Erosion Repair, is not appropriate for public art elements to be included as part of Project Concepts, described in Facts & Issues #7 & 8, of the Sandy Creek Park Renovation and Development (SPLOST 2011 Project # 14), and;
  - d) Declare Sub-Project #7, Playground Replacement is appropriate for public art elements to be included as part of project concepts, described in Facts and Issues #9 and 10, with a budget of \$3,700 which is 1% of the anticipated construction amount.
12. APPROVE: An exception to Policy/Procedure Statement WS-011: Water and/or Sanitary Sewer Services, to allow public sanitary sewer service to be provided to 229 North Church Street, Winterville, Georgia, as shown on Attachment #1 of agenda report dated April 23, 2019 subject to the property owner meeting the following conditions:
- a) Submittal of properly executed private service line easement conveyances in a form acceptable to the Unified Government of Athens-Clarke County (ACCGov) Attorney and the Chief Plumbing Inspector; and
  - b) Payment of the appropriate fees as identified under Facts and Issues No. 6 for the property.
13. APPROVE: Appointments to the Athens-Clarke County Cultural Affairs Commission
- |                  |                          |
|------------------|--------------------------|
| Darcie St. Onge  | term expiring 03-31-2022 |
| Deborah Gonzalez | term expiring 03-31-2022 |
| Stephanie Raines | term expiring 03-31-2020 |
14. APPROVE: Appointment to the Oconee Rivers Greenway Commission
- Jennifer Gay – term expiring 12-31-2022

Old business – Discussion

Citizen input

The following citizen input was received.

1. Michael Smith – supported Chase Street improvements

A motion was made by Commissioner NeSmith, seconded by Commissioner Link, to adopt the following ordinances (#19-06-42, #19-06-43, and #19-06-44) which were presented by title only amending arrest and bail for Athens-Clarke County ordinance violations and repealing preempted Athens-Clarke County ordinances. The motion passed by unanimous vote.

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

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

SECTION 1. Section 1-1-5 entitled "*General penalty; continuing violations; notice of ordinance violation,*" of the Code of Athens-Clarke County, Georgia, is hereby deleted in its entirety and the following new section is inserted in lieu thereof:

"Sec. 1-1-5. - General penalty; continuing violations; notice of ordinance violation; citation for ordinance violation.

- (a) *General penalty and continuing violations.* Whenever in this Code or in any ordinance of Athens-Clarke County any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Code or in any ordinance the doing of any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of that provision of this Code or that ordinance shall be punished by a fine not to exceed \$1,000.00 or imprisonment for a term not exceeding six months, or any combination thereof, subject to all limitations contained in the Charter of Athens-Clarke County. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.
- (b) *Notice of ordinance violation.* Notwithstanding any other provisions of this Code, violations of Athens-Clarke County Code section 9-30-8 F., regarding parking on unimproved surfaces in single family districts, and violations of Athens-Clarke County Code section 5-2-14(a), regarding leaving trash receptacles out on a non-collection day, may be enforced by a notice of ordinance violation issued by any police officer, marshal, deputy marshal or code enforcement officer as provided below:
  - (1) Ordinance violations charged by means of a notice shall not be punishable by imprisonment but shall be punishable by a fine of \$50.00.
  - (2) A notice of ordinance violation may be served by delivery into the hands of the suspected violator or by leaving the notice of ordinance violation at the suspected violator's residence with a person of suitable age and discretion residing therein, or by leaving the notice of ordinance violation at the suspected violator's place of business if the violation occurs at the business location, with a person of suitable age and discretion employed therein.
  - (3) Alternative to the provisions of subsection (2) above, a notice of ordinance violation may be served by substituted service as follows:
    - a. For violations of Athens-Clarke County Code section 9-30-8 F., the notice of ordinance violation may be placed on the front windshield of the illegally-parked vehicle in a fashion reasonably calculated to secure the notice of ordinance violation in place. Notices served according to this subsection shall be conspicuously marked and placed in a waterproof packet.
    - b. For violations of Athens-Clarke County Code section 5-2-14(a), the notice of ordinance violation may be served by securely attaching the notice of ordinance violation to the front door of the primary residential or business structure on the property served by the illegally-placed receptacle or to other door to said structure reasonably appearing to provide the primary point of egress to said residence or business. A notice of ordinance violation served according to this subsection shall be posted on the upper part of the door, shall be conspicuously marked and shall be placed in a waterproof packet.
  - (4) Violators may respond to a notice of ordinance violation either by signing the notice and returning the notice along with payment of the fine indicated thereon to the Municipal Court of Athens-Clarke County by the date indicated on the notice or by appearing in the Municipal Court to plead not guilty to the charged violation at the date and time provided on the notice. No proceedings for contempt or arrest shall be initiated for failure to appear on the return date on the notice.

- (5) Violators who fail to respond to a notice of ordinance violation as provided for in subsection (4) above may thereafter be served personally with an ordinance violation citation or accusation, and criminally prosecuted pursuant to section 1-1-5(a) above.
- (c) *Citation for ordinance violation.* Except as provided in subsections (1) and (2) below, no person shall be arrested and detained prior to trial for violating any provision of the Athens-Clarke County Code. A law enforcement officer shall issue a citation in lieu of pretrial detention. The citation shall identify the section of the Code violated, the date of the violation, the date and time of the court hearing on the violation, and the address of the Athens-Clarke County Municipal Court where the hearing will be held. Each citation shall have a unique identifying number.
- (1) A person may be detained for a violation of Section 3-5-1(b)-(g), Disorderly Conduct, if the arresting officer has probable cause to believe that the person accused of violating Section 3-5-1(b)-(g) committed an act of violence or threatened an act of violence against another person.
- (2) A person may be detained for a violation of Section 3-5-4, Intoxication, if the arresting officer has probable cause to believe that a person accused of violating Section 3-5-4 is intoxicated to the extent that he or she poses a danger to himself or herself or others, or the property of another.
- (3) Notwithstanding subsections (1) and (2) above, a person may be detained for any offense in the Athens-Clarke County Code when the person:
- a. fails to identify himself/herself/themselves satisfactorily;
  - b. refuses to sign the citation after the law enforcement officer explains that the citation does not constitute an admission of guilt and represents only the accused's promise to appear; or
  - c. has previously failed to appear in response to a citation, summons, or other legal process in the Athens-Clarke County Municipal Court.
- (d) *Section not exclusive.* The infliction of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the Charter of the Unified Government of Athens-Clarke County or this Code.”

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 BAIL FOR ORDINANCE VIOLATIONS; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 3-5-36 entitled “*Reserved*” of the Code of Athens-Clarke County, Georgia, is hereby deleted in its entirety and the following new section is inserted in lieu thereof:

“Sec. 3-5-36. - Bail.

All persons arrested and detained for violation of any provision of the Athens-Clarke County Code as provided in section 1-1-5 shall be released from the Athens-Clarke County Jail on their own recognizance or signature, without the requirement of posting any financial obligation prior to release. All such persons shall be provided with written notice regarding the time and date of their next scheduled court appearance.”

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 REPEAL OF PREEMPTED ORDINANCES; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 3-5-25 entitled “*Domestic Violence*” of the Code of Athens-Clarke County, Georgia, is hereby deleted in its entirety and reserved for future use.

SECTION 2. Section 3-5-28 entitled “*Interference with property of Athens-Clarke County*” of the Code of Athens-Clarke County, Georgia, is hereby deleted in its entirety and reserved for future use.

SECTION 3. Section 3-5-29 entitled "*Interference with property of Housing Authority of Athens-Clarke County*" of the Code of Athens-Clarke County, Georgia, is hereby deleted in its entirety and reserved for future use.

SECTION 4. Section 3-5-30 entitled "*Interference with property of another*" of the Code of Athens-Clarke County, Georgia, is hereby deleted in its entirety and reserved for future use.

SECTION 5. Section 3-5-3 entitled "*Hindering or obstructing Athens-Clarke County officials, employees, or agents*" of the Code of Athens-Clarke County, Georgia, is hereby amended by adding the following new subsection (g):

"Sec. 3-5-3. – Hindering or obstructing Athens-Clarke County officials, employees, or agents.

(g) Nothing in this section shall be construed to apply to state-certified Athens-Clarke County law enforcement officers."

SECTION 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner Link, seconded by Commissioner Parker, to approve the application for and, if awarded, acceptance of the 2020 Transportation Alternatives Program (TAP) grant in the amount of \$6,066,917 to fund the Chase Street Corridor Improvements, as shown in Attachment #1 of agenda report dated April 29, 2019; and authorize the Mayor and appropriate staff to execute all related documents. The motion passed by unanimous vote.

A motion was made by Commissioner Thornton, seconded by Commissioner Denson, as per agenda report dated May 1, 2019 to:

- a) Exempt the wastewater connection fees to facilitate connection of two private wastewater lagoons to the public sanitary sewer system;
- b) Prior to connection, require wastewater flow measurement devices to be installed at the owner's expense for wastewater billing for Pinewood Estates North and/or Country Corners Community;
- c) Prior to connection, require Pinewood Estates North and/or Country Corners Community to repair defects in their private sewage collection system;
- d) Authorize the Public Utilities Department to coordinate connection to public sanitary sewer with the Georgia Environmental Protection Division, other ACCGov departments, and the property owners;
- e) Adopt an ordinance amending Code Section 5-3-76 water system connection fees and Code Section 5-3-79 wastewater connection fees;
- f) Rescind Policy/Procedure WS-006 Waiver of Water and Sewer Related Fees; and
- g) Authorize the Manager with the approval of the Mayor to negotiate an agreement with the park owners that will require payment of the full sewer connection fee if the property is not consistently and legally operated as a mobile home park for five years following connection to the ACCGov sewer.

Commissioner Link offered an amendment to revise item g) from "five years " to "10 years". The amendment was accepted by Commissioners Thornton and Denson.

The motion as amended passed by unanimous vote and the following ordinance (#19-06-45) which was presented by title only was declared adopted.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO WATER AND WASTEWATER CONNECTION FEES; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 5-3-76 of the Code of Athens-Clarke County, Georgia, entitled "Water system connection fee," is hereby amended by adding thereto the following new subsection (c):

"(c) The Mayor and Commission may exempt all or part of particular development projects from water system connection fees if the Mayor and Commission determine that such projects will either: (i)

create substantial economic development and employment growth of benefit to the Athens-Clarke County community, or (ii) preserve existing or provide additional affordable housing resources of substantial benefit to the Athens-Clarke County community.”

SECTION 2. Section 5-3-79 of the Code of Athens-Clarke County, Georgia, entitled “Wastewater connection fees,” is hereby amended by adding thereto the following new subsection (c):

“(c) The Mayor and Commission may exempt all or part of particular development projects from wastewater connection fees if the Mayor and Commission determine that such projects will either: (i) create substantial economic development and employment growth of benefit to the Athens-Clarke County community, (ii) facilitate conversion of existing on-site sewage disposal systems to public sewer which conversion will substantially benefit water quality in the watershed, or (iii) preserve existing or provide additional affordable housing resources of substantial benefit to the Athens-Clarke County community.”

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

A motion was made by Commissioner Hamby, seconded by Commissioner NeSmith, to adopt the following ordinance (#19-06-46) which was presented by title only as recommended by the Government Operations Committee.

#### AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO SIDEWALK CAFES AND FOR OTHER PURPOSES.

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

SECTION 1. Section 6-10-2 entitled “*Definitions*” of the Code of Athens-Clarke County, Georgia, is hereby amended by adding thereto the following definitions:

“Sec. 6-10-2. – Definitions.

(g) *Restaurant.* Any public place kept, used, maintained, and advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment, having employed a sufficient number of cooks and kinds of employees to prepare, cook, and serve suitable food at tables with seating, and holding a certificate of inspection and approval from the county health department. At least one meal per day shall be served at least five days a week, with the exception of holidays, vacations, and periods of remodeling, and the serving of such meals shall be the principal business conducted, with the serving of alcoholic beverages to be consumed on the premises as only incidental thereto. A restaurant shall have 50 percent or more of its total annual gross sales of food and alcoholic beverages from the sale of prepared meals or food. Such gross sales shall not include sales of prepared meals or food sold or delivered off-site as part of a catering business.

(h) *Bar.* The term “bar” shall mean an establishment holding an Athens-Clarke County alcoholic beverages license authorizing consumption of alcoholic beverages on the premises and that is not a restaurant as defined in this Section.

(i) *Banding Strip.* The term “banding strip” shall mean the decorative sidewalk inlay or marking running parallel with the street that delineates the pedestrian path.”

SECTION 2. Section 6-10-7 entitled “*Regulations generally*” of the Code of Athens-Clarke County, Georgia, is hereby deleted in its entirety and the following new section is inserted in lieu thereof:

“Sec. 6-10-7. - Regulations generally.

Except as otherwise provided in section 6-10-8 herein, a sidewalk cafe shall comply with the following regulations:

- (1) *Limitations on area.* The area in which a sidewalk cafe is operated shall abut the outside front wall of the establishment of which it is an extension and shall not extend parallel in either direction beyond the outside front wall of the establishment. The area permitted for a sidewalk cafe shall not extend more than 50% of the minimum sidewalk width, measured from the back of the curb to the face of the building or the property line, whichever is less, measured perpendicular from the outside wall of the establishment; however, a minimum width of five feet shall be provided at all times for continuous unobstructed pedestrian traffic on the sidewalk between the sidewalk cafe area and the edge of sidewalk pavement or fixed obstacles.
- (2) *Divider required.* The area permitted for a sidewalk cafe shall be separated from the remaining sidewalk area by a system of connected rigid metal rails and posts, or other fixed physical features

at the manager's discretion, that would serve to contain crowds and maintain the boundaries of the cafe. The system shall be designed and constructed such that it resists movement and can be disassembled and removed if necessary. The design must be included in the application and must be approved by the manager prior to issuance of a permit. Such divider shall not be less than three feet nor more than four feet in height. All furnishings shall be located totally within the limits of the divider. It shall be the responsibility of the permittee to maintain the divider in its exact/approved location at all times and to ensure that all furnishings remain within the area permitted.

- (3) *Sanitation* . It shall be the responsibility and duty of the establishment to which the sidewalk cafe permit is issued to maintain the area covered by the permit in a clean, neat, and orderly manner at all times. The area shall be cleared of all debris at all times. Pressure washing by permittee shall be conducted using water only. The use of cleaning agents is prohibited. All furnishings are to be kept clean, sanitary, safe, and in structurally sound condition at all times.
- (4) *Removal of furnishings*. All tables, chairs, umbrellas and dividers of a sidewalk cafe shall be removed from the public sidewalk area as notified by the solid waste department for sidewalk cleaning.
- (5) *Suspension or modification of operation*. The manager shall have the authority to require any sidewalk cafe operating in an area created by this section to suspend operation and clear such area, or to move or modify the location or operation of the sidewalk cafe, for reasons such as, but not limited to:
  - a. Any permitted special event;
  - b. Any street, sidewalk, or utility construction;
  - c. Any emergency situation; or
  - d. The protection of the health, safety, and welfare of the public.
- (6) The sale and consumption of alcoholic beverages within sidewalk cafes that abut the establishment's building may be allowed in accordance with Chapter 6-3 of this Code, provided however, that glass bottles having a volume less than 750 ml are prohibited within sidewalk cafes.
- (7) Alcoholic beverages are prohibited in the common area sidewalk cafe areas.
- (8) No items, materials (other than furnishings used in the normal operation of the sidewalk cafe), or trash shall be stored, kept, or maintained within the sidewalk cafe area.
- (9) Smoking is prohibited in sidewalk cafes operated by a restaurant.”

SECTION 3. Section 6-10-8 entitled “*Exceptions*” of the Code of Athens-Clarke County, Georgia, is hereby amended by adding the following new subsection (c):

“Sec. 6-10-8. – Exceptions.

- (c) For sidewalk cafes operated on Clayton Street, the following provisions shall apply:
  - (1) The area permitted for a sidewalk café operated by a restaurant shall not extend beyond the banding strip where present while maintaining a minimum width of five feet at all times for continuous unobstructed pedestrian traffic on the sidewalk between the sidewalk café area and the edge of the sidewalk pavement or any fixed obstacles.
  - (2) The area permitted for a sidewalk café operated by a bar shall not extend more than four feet measured perpendicular from the face of the building or the property line, or to the banding strip where present, whichever is less, while maintaining a minimum width of five feet at all times for continuous unobstructed pedestrian traffic on the sidewalk between the sidewalk café area and the edge of the sidewalk pavement or any fixed obstacles.
  - (3) Café dividers are optional for sidewalk cafes operated by restaurants
  - (4) For sidewalk cafes that do not have dividers, alcohol may be served to, and consumed by, seated patrons only.
  - (5) The permittee or operator of a sidewalk café shall have the responsibility to ensure that patrons are informed that open containers of alcohol, if otherwise permitted, are not allowed outside of the permitted sidewalk café area when no café dividers are present.”

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

A motion was made by Commissioner Hamby, seconded by Commissioner Parker, to approve the removal of the existing part time operational traffic signal, as shown in Attachment #1 of agenda

report dated April 29, 2019; and approve the installation of a full time operational traffic signal at the intersection of Gaines School Road at Barrington Drive/Hilsman Middle School, as shown in Attachment #2 of said agenda report. The motion passed by unanimous vote.

A motion was made by Commissioner Link, seconded by Commissioner Hamby, to adopt a resolution to create the Athens in Motion Commission and approve related by-laws.

Commissioner NeSmith offered an amendment to add to Section 1 of the resolution the following language: and the recommendations of transportation studies.

The amendment was accepted by Commissioners Link and Hamby and the following resolution was declared adopted and by-laws were approved.

#### A RESOLUTION TO CREATE THE ATHENS IN MOTION COMMISSION IN ATHENS-CLARKE COUNTY

BE IT RESOLVED BY THE COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA:

WHEREAS, one of the goals of the Athens-Clarke County Comprehensive Plan is to increase the range of transportation options including biking and walking throughout the community; and

WHEREAS, the Mayor and Commission accepted the Athens in Motion Plan on October 2, 2018 to serve as the bicycle and pedestrian master plan for Athens-Clarke County; and

WHEREAS, the Athens in Motion Plans identifies the following goals: construct connected network of low-stress bicycle and pedestrian facilities, provide equitable access to all citizens of the community, encourage use of active transportation, educate the community about benefits and laws surrounding active transportation, and provide a variety of mechanisms to finance and maintain the network; and

WHEREAS, the Athens in Motion Plan recommends establishment of a citizen committee to be tasked with supporting the implementation of the Athens in Motion Plan as well as the general advancement of and advocacy for active transportation; and

WHEREAS, an Athens in Motion Commission is recommended to provide a citizen committee to oversee the development, implementation, and modification of an Athens in Motion Plan for a safe and connected network of bicycle and pedestrian facilities throughout the community; and

WHEREAS, the implementation of bicycle and pedestrian infrastructure must be coordinated with transportation initiatives through organizations including but not exclusive to Transportation and Public Works, Leisure Services, Athens Transit, the Oconee Rivers Greenway Commission, the Clarke County School District, and the University of Georgia, and

WHEREAS, the membership of the Athens in Motion Commission is recommended to include seven members to be selected by the Mayor and Commission, the University of Georgia President, and the Oconee Rivers Greenway Commission; and

WHEREAS, the Bicycle, Pedestrian, and Safety Coordinator is recommended to serve as the ex-officio member charged with serving as a staff liaison to the Athens in Motion Commission.

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

SECTION 1: That the Athens in Motion Commission be established to advise the Mayor and Commission on the development, implementation, and modification of an Athens in Motion Plan for a safe and connected network of bicycle and pedestrian facilities throughout Athens-Clarke County, Georgia, with consideration for access to transit, employment centers, major public services, amenities and the recommendations of transportation studies.

SECTION 2: That the Manager and staff take all reasonable and necessary measures to implement such Commission.

#### BY-LAWS OF THE ATHENS IN MOTION COMMISSION

##### ARTICLE ONE: Objectives and Purposes

1.1 Objectives of the Athens in Motion Commission (“AiMC”) shall be adhered to strictly and shall be confirmed to the special pursuits and purposes herein and as outlined in the goals of the organization as presented to the Unified Government of Athens-Clarke County, Georgia (“Unified Government”), and to the University of Georgia.

1.2 The goals and purposes of the AiMC may be amended or altered only with expressed written consent of the Mayor and Commission of the Unified Government.

1.3 The AiMC shall be responsible for development, implementation, and modification of an Athens in Motion Plan for a safe and connected network of bicycle and pedestrian facilities throughout Athens-Clarke County, Georgia. Such plan shall also include guidelines for the implementation of the plan.

1.4 The AiMC is advisory in nature and is charged with the responsibility of recommending projects, policies, and initiatives to the Mayor and Commission.

1.5 Authority. The AiMC shall be authorized to:

- (1) Seek federal, state, private foundation, and grant funds to improve the safety and connectivity of bicyclists and pedestrians;
- (2) Conduct educational, safety, and encouragement programs in support of active transportation;
- (3) Coordinate active transportation efforts to support other transportation-related activities including, but not exclusive to: Athens Transit, Oconee Rivers Greenway Commission, and Rails to Trails, Safe Routes to School; and
- (4) Recommend to the Mayor and Commission financial and/or other incentives to preserve, enhance, or further the purposes of the AiMC.

## ARTICLE TWO: Membership and Terms

2.1 There shall be an Athens in Motion Commission which shall consist of seven (7) members appointed for five (5) year terms of office.

2.1.1 The Unified Government shall make an initial call for nominees for five (5) positions on the AiMC. The Mayor and Commission will interview applicants and appoint these five (5) members. Whenever a vacancy exists thereafter, applications for replacements will be solicited, and appointments made, by the Mayor and Commission, as occurs with other Boards, Authorities, and Commissions (“BACs”) to which the Mayor and Commission appoints members.

2.1.2 One (1) additional member shall be appointed initially by the President of the University of Georgia. Whenever a vacancy exists thereafter, the President of the University of Georgia shall appoint a replacement.

2.1.3 One (1) additional member shall be an active member of the Oconee Rivers Greenway Commission and be appointed by a majority vote of the Oconee Rivers Greenway Commission. Whenever a vacancy exists thereafter, the Oconee Rivers Greenway Commission shall select a replacement, whose name will be forwarded to the Mayor and Commission for acceptance or rejection. If the nominee is rejected, the Oconee Rivers Greenway Commission shall nominate a different replacement until a candidate is approved by the Mayor and Commission.

2.1.4 Terms. The term of office of the appointed members of the AiMC shall be five (5) years or until their successors are appointed. *Terms expire on July 31 of the applicable year.* No one may serve on the AiMC more than two (2) full consecutive terms. In order to achieve staggered terms, initial appointments shall be: two members for three years, two members for four years, and three members for five years. Initial appointments to the staggered terms will be determined by a lottery.

2.2 At least five (5) of the voting members of the AiMC shall constitute a quorum at any regular or special meeting of the AiMC, and no proxy vote shall be allowed. Voting members that must be absent for three (3) or more consecutive regular meetings should apply in advance to the chair for a leave of absence. Members on a leave of absence will not be counted as voting members.

2.3 Special meetings of the AiMC may be called by the chair at any time, with three days’ notice, to conduct urgent business and may also be called at the written request of any two voting members of the AiMC. All such special meetings shall be announced in the official legal organ of Athens-Clarke County.

2.4 Any AiMC member may be removed, at any regular meeting, upon the recommendation of the chair, by a majority vote of the voting members, and with consent in writing of the appointing authority. Any AiMC member may also be removed for cause by the Mayor and Commission after a public hearing. All AiMC members are responsible for attending and participating in regular AiMC meetings to accomplish the work of the AiMC. Therefore, after three (3) consecutive, or five (5) of seven (7) consecutive

absences by a Commission member without prior notification of the chair, the chair may recommend removal of that member to the voting members.

2.5 The AiMC shall meet a minimum of six (6) times per year, and no less frequently than once every two-month period. A scheduled time and place shall be designated by the Chair for regular meetings of the AiMC. All members shall be notified at least five (5) days in advance of any change in the time or location of these regular meetings. All meetings will be conducted in accordance with the Georgia Open Meetings Act.

#### ARTICLE THREE: Officers

3.1 The officers of the AiMC shall be: chair, vice chair, and secretary.

3.2 All officers shall be elected by a majority of the voting members at the annual meeting of the AiMC. Officers shall hold office for two (2) years following their election, or until such time as their successors are chosen. The AiMC, by a majority of the voting members, may elect officers to fill vacancies that occur between annual meetings.

3.3 The chair shall be the chief administrative officer of the AiMC.

3.3.1 He/she shall be responsible for general supervision of the policies and activities of the AiMC.

3.3.2 He/she shall preside over AiMC meetings and shall serve as principal communications liaison between the AiMC, the governing authority of the Unified Government, and the leadership of the University of Georgia.

3.3.3 The chair shall conduct all meetings in accordance with Roberts Rules of Order, Tenth Edition, as revised. He/she shall have the authority to determine the need to call for a roll call vote when a voice vote is inconclusive.

3.4 The vice-chair shall perform such duties as are generally performed by vice-chair, and in the event of vacancy of the chair, or at his/her request, or at the direction of the AiMC, shall have the authority and perform the duties of the chair.

3.5 The secretary shall keep the minutes of the AiMC and have charge of the minute records. He/she shall be responsible for all correspondence of the AiMC, authenticating any documents or records of the AiMC, and shall perform such other duties and have such other powers as may be delegated by the chair or the AiMC. The secretary shall cause copies of all minutes, records, and correspondence to be deposited with the Clerk of Commission.

3.6 Assistants to the vice-chair and secretary may be appointed by, and shall have such duties as may be delegated by the chair or the AiMC.

#### ARTICLE FOUR: Annual Meeting and Reporting Procedures

4.1 An annual meeting of the AiMC shall be held each year and at a place to be determined by the chair and members of the AiMC.

4.2 Notice in writing of the annual meeting shall be sent to each member of the AiMC at least five (5) days prior to the date of the meeting and shall be published in the official legal organ of Athens-Clarke County at least three (3) days prior to the date of the meeting time.

4.3 An annual report of the AiMC's activities for the year shall be presented to the AiMC by the chair at the annual meeting, and shall be submitted in writing to each authority responsible for Commission appointments upon approval in text by a majority of the voting members.

4.4 A quorum at the annual meeting shall be defined in the same manner as at regular meetings as specified in section 2.2.

#### ARTICLE FIVE: Amendments

5.1 These by-laws may be amended, altered, or repealed by at least a two-thirds (2/3) vote of the voting members by written ballot or at any regular meeting, with previous notice of such changes, or at any special meeting, provided notice is given of the proposed changes in the notice of such special meeting. Any such amendment, alteration, or repeal shall be approved by the Mayor and Commission prior to its effect.

A motion was made by Commisisoner Parker, seconded by CommisssionerThornton, to adopt a \$1/year rent payment for East Athens Development Corporation, Inc. at the Miriam Moore Community Service Center until a comprehensive assessment of the county's leasing policy is complete. The motion passed by unanimous vote.

A motion was made by Commisisoner Parker, seconded by Commissioner NeSmith, to adopt a \$1/year rent payment for Athens Neighborhood Health Center, Inc. at the Miriam Moore Community Service Center until a comprehensive assessment of the county's leasing policy is complete. The motion passed by unanimous vote.

A motion was made by Commissioner Parker, seconded by Commissioner Davenport, to adopt a \$1/year rent payment for Athens Tutorial Program, Inc. at the Miriam Moore Community Service Center until a comprehensive assessment of the county's leasing policy is complete. The motion passed by unanimous vote.

A motion was made by Commissioner Parker, seconded by Commissioner Thornton, to adopt a \$1/year rent payment for Clarke County Health Department at the Miriam Moore Community Service Center until a comprehensive assessment of the county's leasing policy is complete. The motion passed by unanimous vote.

A motion was made by Commissioner Edwards, seconded by Commissioner Hamby, as per agenda report dated May 14, 2019, to

- a. Adopt an ordinance that will accomplish the below listed actions:
  - (1) Establish the Operating and Capital Budgets for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020 (FY20); and
  - (2) Establish the 2019 property tax (millage) rate for the Unified Government of Athens-Clarke County (ACCGov) at 13.95 mills and the Athens Downtown Development Authority at 1.0 mill; and
  - (3) Establish the annual compensation for the Manager, Attorney and Internal Auditor as set by the Mayor and Commission for FY20; and
  - (4) Establish the rates and structure of the FY20 Health Insurance Program for Employees and Retirees.
- b. Adopt an ordinance amending Section 5-3-77 and Section 5-3-80 of the ACCGov Code of Ordinances to establish water and sewer rates effective for the year beginning July 1, 2019.
- c. Adopt an ordinance amending Section 7-1-550 of the ACCGov Code of Ordinances to establish user fees for Transportation and Public Works Land Development Services effective for the year beginning July 1, 2019.
- d. Designate the following SPLOST 2020 projects: Project #32 - *Fire Department Equipment* (\$2,884,000), Project # 11 - *Public Safety Vehicles Replacement Program* (\$10,609,000) and Project # 3 - *Facilities Life Cycle Equipment/Systems Replacement Program* (\$10,506,000).
- e. Authorize the Manager to transfer budget amounts from Other General Administration pay adjustment budget account to Departmental Budgets to implement Performance Management Pay adjustments.
- f. Approve the renewal of and authorize Mayor and appropriate staff to execute all required documents associated with the annual contract with the Georgia Public Defender Standards Council (GPDSC) to provide indigent defense services in specified courts of the Unified Government of Athens-Clarke County in the estimated amount of \$1,758,384 for FY20 (July 1, 2019 through June 30, 2020).

The motion passed by unanimous vote and the following ordinances (#19-06-47, #19-06-48, and #19- 06-49) ,which were presented by title only were declared adopted.

AN ORDINANCE TO PROVIDE FOR THE RAISING OF REVENUES AND THE APPROPRIATION OF FUNDS FOR ATHENS-CLARKE COUNTY, GEORGIA, FOR THE FISCAL YEAR 2020 BEGINNING JULY 1, 2019 AND ENDING JUNE 30, 2020 TO PROVIDE FOR THE

OPERATIONS OF GOVERNMENT DEPARTMENTS, BOARDS, AGENCIES, ELECTED OFFICES, AND OTHER GOVERNMENTAL ACTIVITIES; TO PROVIDE FOR THE LEVEL OF PERSONNEL AUTHORIZED FOR THE VARIOUS DEPARTMENTS AND AGENCIES; TO PROVIDE FOR A CAPITAL BUDGET; TO ESTABLISH 2019 PROPERTY TAX RATES; TO ESTABLISH COMPENSATION FOR THE CHARTER OFFICERS; TO ESTABLISH RATES AND STRUCTURE OF FISCAL YEAR 2020 HEALTH INSURANCE PROGRAMS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE EFFECTIVE DATES; AND FOR OTHER PURPOSES.

THE COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA, HEREBY ORDAINS AS FOLLOWS

SECTION 1. Pursuant to Section 7-405 of the Charter, the sums of money as summarized in Exhibit A attached hereto and made a part of this Ordinance, shall be and are hereby adopted as the Operating Budget and the Capital Budget for Athens-Clarke County for Fiscal Year 2020 (FY20), beginning July 1, 2019 and ending June 30, 2020.

SECTION 2. The appropriation of funds for all departments and agencies shall be as provided for in Exhibit A and supporting schedules.

SECTION 3. Each of the Enterprise and Internal Service Funds shall be operated in accordance with Proprietary Fund accounting standards and procedures and shall not be governed by the Governmental Fund budgetary accounting principles; however, the budgetary estimates upon which such budgets are adopted shall be retained in memorandum form for budget control purposes and utilized in the preparation of comparative operating statements.

SECTION 4. The personnel levels provided for in the Personnel Authorization Schedule for all departments and agencies, as provided in the budget document entitled "FY2020 Annual Operating and Capital Budget: The Unified Government of Athens-Clarke County July 1, 2019– June 30, 2020" are hereby adopted as the maximum employment levels for such departments and agencies and shall not be increased without the approval of the Mayor and Commission.

SECTION 5. All financial operations shall be accounted for in accordance with Generally Accepted Accounting Principles and Standards.

SECTION 6. In accordance with the Official Code of Georgia Annotated Sections 33-8-8.1 and 33-8-8.2, the proceeds from the tax on insurance premiums, estimated to be \$8,609,000 for FY20, shall be used for the provision of services to all residents of Athens-Clarke County.

SECTION 7. In accordance with the Official Code of Georgia Annotated Section 46-5-133, 46-5-134, and 46-5-134.2; the monthly "9-1-1 charge" of \$1.50 per exchange access facility, the \$1.50 per month "wireless enhanced 9-1-1 charge", and the \$1.50 per retail transaction for the "pre-paid wireless charge" are reaffirmed for the period July 1, 2019 – June 30, 2020.

SECTION 8. The Manager is further authorized to transfer sums up to \$15,000 from the General Fund Contingency to meet unbudgeted obligations of the Government. The Manager is required to notify the Mayor and Commission of each of these transfers from Contingency at the next scheduled regular meeting under the provisions of Section 7-408 of the Charter of the Unified Government of Athens-Clarke County, Georgia.

SECTION 9. The Manager is further authorized to transfer sums within each fund's capital budget among projects and accounts up to \$100,000 to meet project obligations of the government. The Manager is required to notify the Mayor and Commission of each of these transfers at the next scheduled regular meeting under the provisions of Section 7-408 of the Charter of the Unified Government of Athens-Clarke County, Georgia.

SECTION 10. The Manager is further authorized to approve the application for grants and accept grants on behalf of the government up to \$50,000 and to amend the Operating or Capital Budget for the grants as needed. This authority is permitted if the grant meets all of the following conditions: (1) matching funds are appropriated or the grant does not require matching funds; (2) the government will not be required to otherwise commit resources or maintain any services after the end of the grant period; (3) no positions will be added with the grant; and (4) no vehicles will be added to the government's Fleet Replacement Program as a result of acceptance of the grant.

The Manager is required to notify the Mayor and Commission of approval or acceptance of each grant at the next scheduled regular meeting under the provisions of Section 7-400 of the Charter of the Unified Government of Athens-Clarke County, Georgia. The Manager and appropriate staff are authorized to execute all required documents associated with grants accepted under this provision.

SECTION 11. The budget document, entitled "FY2020 Annual Operating and Capital

Budget: The Unified Government of Athens-Clarke County July 1, 2019–June 30, 2020" shall be maintained on file in the Office of the Clerk of Commission.

SECTION 12. The ad valorem tax rate for Athens-Clarke County is hereby levied for the year 2019 upon all real and personal property within the government not exempt from taxation under law as follows:

Maintenance and Operations (General Fund)	13.95 mills
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SECTION 13. Under authority of the Act creating the Downtown Athens Development Authority, 1977 Ga. Laws 3533-3538, there is hereby levied and assessed for the year 2019 on the real property in the downtown Athens area (said downtown area most recently defined in House Bill No. 590, 2017 Ga. Laws 3900-3903), a tax of one (1) mill upon the value of said real estate as fixed by the Tax Digest of Athens-Clarke County.

SECTION 14. Pursuant to Sections 4-101, 4-103, and 4-104 of the Charter of the Unified Government of Athens-Clarke County, the annual compensation of the charter officers, as provided for by ordinance and contract for FY20, shall be \$179,711 plus a \$6,000 car allowance for the Manager, shall be up to \$173,870 plus up to \$4,800 car allowance for the Attorney and \$85,420 plus a \$4,200 car allowance for the Internal Auditor.

SECTION 15. Pursuant to Official Code of Georgia Annotated Section 48-13-93(a)-(2), the proceeds of the excise tax on the rental charge for motor vehicles, projected to be \$200,000 during FY20, shall be used for promoting industry, trade, commerce, and tourism. The proceeds from this tax in FY20 shall be used to support the Athens-Clarke County Economic Development Department, with an estimated budget of \$700,000.

SECTION 16. Pursuant to Section 1-9-19 of the Code of Ordinances of the Unified Government of Athens-Clarke County, the Benefits Summary of the Health Insurance and Health Benefits Program and the premiums or contributions for employees and retirees, as applicable, shall be as follows:

(a) Pursuant to Athens-Clarke County Code Section 1-9-19(a), the government shall provide as an option to employees the plans of health insurance coverage as described in the Summary Plan Document entitled "Consumer Healthy Solutions (CHS) Plan with a Health Savings Account (HSA) Medical Benefit Booklet for the Unified Government of Athens-Clarke County," effective July 1, 2018, and prepared by Anthem for the Unified Government of Athens-Clarke County. This booklet is on file and available for public inspection in the office of the Clerk of Commission, Room 204, City Hall, 301 College Avenue, Athens, Georgia and on file and available for public inspection in the office of the Human Resources Department, 375 Satula Ave., Athens, Georgia. Any plan changes effective January 1, 2020 may result in new summary plan documents, which will be available for public inspection in the office of the Clerk of Commission in or around October, 2019. This Section 16 shall be subject to amendment by the Commission to incorporate any such plan changes prior to the effective date of such changes.

(b) During the first open enrollment period, employees have the option to select from among the following health insurance coverage: the option described in the preceding paragraph or the plans of health insurance coverage as described in the Summary Plan Document entitled "BlueChoice Option Point of Service Open Access dated July 1, 2018 – Conventional Plan Benefit Booklet for the Unified Government of Athens-Clarke County," Administered by BlueCross BlueShield Healthcare Plan of Georgia, incorporated herein by reference. This booklet is on file and available for public inspection in the office of the Clerk of Commission, Room 204, City Hall, 301 College Avenue, Athens, Georgia and on file and available for public inspection in the office of the Human Resources Department, 375 Satula Ave., Athens, Georgia. Any plan changes effective January 1, 2020 may result in new summary plan documents, which will be available for public inspection in the office of the Clerk of Commission in or around October, 2019. This Section 16 shall be subject to amendment by the Commission to incorporate any such plan changes prior to the effective date of such changes.

(c) Pursuant to Athens-Clarke Code Section 1-9-19(b) the Designated Plan for retirees not yet 65 years of age and the Designated Dependent Plan for spouses of retirees not yet 65 years of age, and eligible dependent children, shall be that plan described as the BlueChoice Point of Service (POS) Open Access Plan of health insurance coverage as further described in the Summary Plan Document entitled "BlueChoice Option Point of Service Open Access dated July 1, 2018 – Traditional Plan Benefit Booklet for the Unified Government of Athens-Clarke County," Administered by BlueCross BlueShield Healthcare Plan of Georgia, incorporated herein by reference. This booklet is on file and available for public inspection in the office of the Clerk of Commission, Room 204, City Hall, 301 College Avenue, Athens, Georgia and on file and available for public inspection in the office of the Human Resources Department, 375 Satula Ave., Athens, Georgia. The plan options for retirees and for retiree dependent coverage shall be any other health insurance coverage plans offered to employees in (a) and (b) above. Any plan changes effective January 1, 2020 may result in new summary plan documents, which will be

available for public inspection in the office of the Clerk of Commission in or around October, 2019. This Section 16 shall be subject to amendment by the Commission to incorporate any such plan changes prior to the effective date of such changes.

(d) Those retirees not yet 65 years of age who are eligible for PPO shall be provided the plan of health insurance coverage as described in the Summary Plan Document entitled "Blue Choice PPO Benefit Booklet for the Unified Government of Athens-Clarke County," Administered by BlueCross Blue Shield of Georgia, dated July 1, 2018, incorporated herein by reference. This booklet is on file and available for public inspection in the office of the Clerk of Commission, Room 204, City Hall, 301 College Avenue, Athens, Georgia and on file and available for public inspection in the office of the Human Resources Department, 375 Satula Ave., Athens, Georgia. Any plan changes effective January 1, 2020 may result in new summary plan documents, which will be available for public inspection in the office of the Clerk of Commission in or around October, 2019. This Section 16 shall be subject to amendment by the Commission to incorporate any such plan changes prior to the effective date of such changes.

(e) The premiums to be paid for the programs of health insurance for employees are set forth in the document entitled "The Unified Government of Athens-Clarke County Rate Sheet – July 1, 2019," incorporated herein by reference and on file and available for public inspection in the office of the Clerk of Commission, Room 204, City Hall, 301 College Avenue, Athens, Georgia and on file and available for public inspection in the office of the Human Resources Department, 375 Satula Ave., Athens, Georgia. The premiums to be paid for plans effective January 1, 2020 will be set forth in the document entitled "The Unified Government of Athens-Clarke County 2020 Benefits Enrollment Guide," which will be made available for public inspection in the office of the Clerk of Commission in or around October, 2019. This Section 16 shall be subject to amendment by the Commission to incorporate any such changes in premiums.

(f) The premiums to be paid for the programs of health insurance for those retirees, under age 65, subject to such insurance as described in paragraphs (c) and (d) hereof are set forth in the document entitled "The Unified Government of Athens-Clarke County Retiree Rate Sheet – July 1, 2019," incorporated herein by reference and on file and available for public inspection in the office of the Clerk of Commission, Room 204, City Hall, 301 College Avenue, Athens, Georgia and on file and available for public inspection in the office of the Human Resources Department, 375 Satula Ave., Athens, Georgia. The premiums to be paid for plans effective January 1, 2020 will be set forth in the document entitled "The Unified Government of Athens-Clarke County 2020 Retiree Benefits Enrollment Guide," which will be made available for public inspection in the office of the Clerk of Commission in or around October, 2019. This Section 16 shall be subject to amendment by the Commission to incorporate any such changes in premiums.

(g) Pursuant to Athens-Clarke County Code Section 1-9-19(c) the government shall provide to retirees who are age 65 or older those health benefits as described in the "2019 Enroll in Additional Medicare Coverage for 2019" and "Funding Guide to Reimbursement," and incorporated herein by reference. Such documents are on file and available for public inspection in the office of the Clerk of Commission, Room 204, City Hall, 301 College Avenue, Athens, Georgia and on file and available for public inspection in the office of the Human Resources Department, 375 Satula Ave., Athens, Georgia.

SECTION 17. The effective date of this ordinance shall be July 1, 2019.

SECTION 18. All Ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

## EXHIBIT A

GENERAL FUND

**SUMMARY FY20 ANNUAL OPERATING AND CAPITAL BUDGET  
FOR THE YEAR ENDING JUNE 30, 2020  
COMMISSION APPROVED**

	<b>FY19 Approved Budget</b>	<b>FY20 Approved Budget</b>	<b>\$▲</b>	<b>%▲</b>
<b>Revenues:</b>				
Property Taxes	59,926,533	65,206,378	5,279,845	8.8%
Sales Tax	23,700,000	24,233,425	533,425	2.3%
Other Taxes	22,328,889	22,779,134	450,245	2.0%
Licenses & Permits	1,759,454	1,590,300	(169,154)	-9.6%
Intergovernmental Revenues	1,189,663	1,183,303	(6,360)	-0.5%
Charges for Services	13,071,260	12,954,290	(116,970)	-0.9%
Fines & Forfeitures	3,389,770	3,246,382	(143,388)	-4.2%
Other Revenues	1,086,123	1,118,206	32,083	3.0%
Other Financing Sources	3,520,086	3,881,612	361,526	10.3%
<b>Total Revenues</b>	<b>\$129,971,778</b>	<b>\$136,193,030</b>	<b>\$6,221,252</b>	<b>4.8%</b>
Prior Year Fund Balance - Oper	871,444	4,000,000	3,128,556	359.0%
Prior Year Fund Balance - Capital	3,451,600	0	(3,451,600)	-100.0%
<b>Total Revenues &amp; Other Sources</b>	<b>\$134,294,822</b>	<b>\$140,193,030</b>	<b>\$5,898,208</b>	<b>4.4%</b>
<b>Expenditures:</b>				
General Government	25,269,414	31,188,100	5,918,686	23.4%
Judicial	28,230,295	28,750,525	520,230	1.8%
Public Safety	40,665,626	40,124,700	(540,926)	-1.3%
Public Works	15,592,744	16,043,757	451,013	2.9%
Cultural & Recreation	7,902,488	8,060,667	158,179	2.0%
Housing & Development	3,175,557	3,299,505	123,948	3.9%
Independent Agencies	5,497,269	5,574,443	77,174	1.4%
Debt Service	1,052,561	1,057,855	5,294	0.5%
<b>Total Operating Expenditures</b>	<b>\$127,385,954</b>	<b>\$134,099,552</b>	<b>\$6,713,598</b>	<b>5.3%</b>
Other Financing Uses - Oper.	3,457,268	3,848,478	391,210	11.3%
<b>Total Operating Expenditures &amp; Other Financing Uses</b>	<b>\$130,843,222</b>	<b>\$137,948,030</b>	<b>\$7,104,808</b>	<b>5.4%</b>
Other Financing Uses - Capital	3,451,600	2,245,000	(1,206,600)	-35.0%
<b>Total Operating &amp; Capital Expenditures</b>	<b>\$134,294,822</b>	<b>\$140,193,030</b>	<b>\$5,898,208</b>	<b>4.4%</b>

EXHIBIT A

ALL FUNDS

SUMMARY FY20 ANNUAL OPERATING AND CAPITAL BUDGET  
FOR THE YEAR ENDING JUNE 30, 2020  
COMMISSION APPROVED

	FY20 Operating Budget	FY20 Capital Budget	FY20 Total Budget
<b>Revenues:</b>			
Property Taxes	62,961,378	\$2,245,000	65,206,378
Sales Tax	24,233,425		24,233,425
Other Taxes	26,529,134		26,529,134
Licenses & Permits	2,690,300	\$0	2,690,300
Intergovernmental Revenues	7,210,231		7,210,231
Charges for Services	99,695,462	\$12,345,943	112,041,405
Fines & Forfeitures	4,109,982		4,109,982
Other Revenues	1,642,732		1,642,732
Other Financing Sources	7,865,090	2,245,000	10,110,090
<b>Total Revenues</b>	<b>\$236,937,734</b>	<b>\$16,835,943</b>	<b>\$253,773,677</b>
Prior Year Fund Balance	4,390,582	\$209,500	4,600,082
Use of Unrestricted Net Position	2,207,184	\$20,407,857	22,615,041
<b>Total Revenues &amp; Other Sources</b>	<b>\$243,535,500</b>	<b>\$37,453,300</b>	<b>\$280,988,800</b>
Less Interfund Transfers & Charges	(29,760,982)	(2,245,000)	(32,005,982)
<b>Total Revenues</b>	<b>\$213,774,518</b>	<b>\$35,208,300</b>	<b>\$248,982,818</b>
<b>Expenditures:</b>			
General Government	67,834,227	852,500	68,686,727
Judicial	30,235,974	68,000	30,303,974
Public Safety	43,615,759	518,000	44,133,759
Public Works	58,017,447	\$33,604,800	91,622,247
Cultural & Recreation	8,095,667	160,000	8,255,667
Housing & Development	7,152,170	\$45,000	7,197,170
Independent Agencies	8,814,568		8,814,568
Debt Service	11,530,492		11,530,492
<b>Total Operating Expenditures</b>	<b>\$235,296,304</b>	<b>\$35,248,300</b>	<b>\$270,544,604</b>
Other Financing Uses	7,731,832	2,245,000	9,976,832
<b>Total Expenditures &amp; Other Financing Uses</b>	<b>\$243,028,136</b>	<b>\$37,493,300</b>	<b>\$280,521,436</b>
Less Interfund Transfers & Charges	(29,760,982)	(2,245,000)	(32,005,982)
<b>Total Expenditures</b>	<b>\$213,267,154</b>	<b>\$35,248,300</b>	<b>\$248,515,454</b>
<b>Designated for Future Capital Improvements &amp; Debt Service Requirements</b>	<b>\$507,364</b>	<b>(\$40,000)</b>	<b>\$467,364</b>
<b>Total Expenditures &amp; Designations</b>	<b>\$213,774,518</b>	<b>\$35,208,300</b>	<b>\$248,982,818</b>

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

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

SECTION 1. Section 5-3-77 of the Code of Athens-Clarke County, entitled "Water Rates," is hereby amended by deleting subsection (a) therein entitled "Residential rates for water consumed," subsection (b) therein entitled "Nonresidential rates for water consumed," and subsection (d) therein entitled "Monthly customer service fee based on size of water meter" in their entirety and substituting the following in lieu thereof:

"(a) Residential rates for water consumed. Rates to be charged for the sale of water to

consumers whose property is within the definition of residential user as defined in section 5-3-1 of this chapter shall pay a monthly customer service fee in accordance with subsection (d) herein and a base rate of \$5.73 per 1000 gallons.”

“(b) *Nonresidential rates for water consumed.* Rates to be charged for the sale of water to consumers whose property is not within the definition of residential user, as defined in section 5-3-1 of this chapter, shall pay a monthly customer service fee in accordance with subsection (d) herein and a base rate of \$5.73 per 1000 gallons.”

“(d) *Monthly customer service fee based on size of water meter.* Provided, however, that the monthly customer service fee to each customer for the sale of water, as determined by the size of the water meter, shall be as follows:

Meter Size	Monthly Customer Service Fee
5/8 or ¾ .. ...	\$9.20
1 .....	\$9.67
1½ .....	\$11.53
2 .....	\$28.93
3.....	\$37.51
4 .....	\$48.55
6 .....	\$106.72
8.....	\$138.41

There shall be no additional monthly service fee for residential customers with an outdoor water use meter.

SECTION 2. Section 5-3-80 of the Code of Athens-Clarke County, entitled “*Sewer Rates,*” is hereby amended by deleting subsection (a) therein entitled “*Residential rates for wastewater discharged,*” and subsection (b) therein entitled “*Nonresidential rates for wastewater discharged,*” in their entirety and substituting the following in lieu thereof:

“(a) *Residential rates for wastewater discharged.* Rates to be charged for wastewater discharged by customers of the Athens-Clarke County sewer system whose property is within the definition of residential user, as defined in section 5-1-32 of this chapter, shall be as follows:

Monthly Customer Service Fee . . . \$8.81  
 Base Rate per 1000 gallons . . . . \$6.76”

“(b) *Nonresidential rates for wastewater discharged.* Rates to be charged for wastewater discharged by customers of the Athens-Clarke County sewer system whose property does not fall within the definition of residential user, as defined in section 5-1-32 of this chapter, shall be as follows:

Monthly Customer Service Fee . . \$8.81  
 Base Rate per 1000 gallons . . . . \$6.76”

SECTION 3. The effective date of this ordinance shall be July 1, 2019.

SECTION 4. 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 LAND DEVELOPMENT USER FEES; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 7-1-560 of the Code of Athens-Clarke County, entitled “*User Fees Transportation and Public Works Land Development Services,*” is hereby amended by deleting section and subsections in their entirety and substituting the following in lieu thereof:

“The following fees shall be charged for departmental review and/or inspection of the following permits and plans:

- (1) *Land Disturbance Activity Permit:* Permit for construction and stormwater management plan inspection: \$260.00 per disturbed acre per month (valid for six months).

- a. Permits must be renewed after six months if project is not complete.
- b. Renewal Permit fees will be charged based on site activity as follows:
  - i. Active Grading: \$45.00 per remaining disturbed acres per months remaining;
  - ii. Second Phase Stabilization (second Phase Erosion and Sedimentation Plan Active, paving base material installed, underground infrastructure installed): \$35.00 per total project disturbed acres per months remaining;
  - iii. Final Stabilization (Final Phase Erosion and Sedimentation Plan Active, Paving Complete): \$20.00 per total project acres per months remaining.

(2) *Right-of-Way Encroachment Permit*: Permit for right-of-way encroachment plan review and inspection: \$65.00.

(3) *Driveway permit*: Permit for driveway plan review and inspection: \$65.00, or \$35.00 for repair work on an existing driveway within the right-of-way.

(4) *Construction Plan Review*: Review fee for construction plans: \$390.00. Fee covers two reviews. If plans are not approvable after second review due to applicant, a re-review fee of \$275.00 will be charged to cover remaining submittals.

(5) *Stormwater Management Plan Review*: Review fee for stormwater plans: \$300.00. Fee covers two reviews. If plans are not approvable after second review due to applicant, a re-review fee of \$250.00 will be charged to cover remaining submittals.

(6) *Erosion and Sedimentation Control and NPDES Fees*: Fee is for review of erosion and sedimentation control plans and inspections: \$45.00 per disturbed acre.

(7) *Re-inspection fee*: Fee charged to cover administrative and inspection costs associated with re-inspection of deficient construction practices, deficient erosion and sediment control best management practices, or failed final inspections: \$220.00 per inspection.

(8) *Lane Closure Permit*: Fee is for review and inspection of temporary lane closures within the Athens-Clarke County right-of-way: \$65.00.

(9) *Traffic Control Plan Review*: Review fee for traffic control plans that will require road closures or other rerouting of traffic during construction: \$165.00.

(10) *Flood Plain Construction Permit*: Fee is charged for review of plans and construction in flood plain: \$65.00.

(11) *Traffic Impact Analysis Report Review*: Review fee for traffic impact analysis reports: \$275.00. Fee covers two reviews. If report is not approvable after second review due to applicant, a re-review fee of \$250.00 will be charged to cover remaining submittals.”

SECTION 2. The effective date of this ordinance shall be July 1, 2019.

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

#### New business – Consider under suspension of Rules

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

A motion was made by Commissioner Link, seconded by Commissioner NeSmith, to authorize, as per agenda report dated May 31, 2019, the installation of a mural commissioned by the Athens Cultural Affairs Commission (ACAC) on the west exterior face of the Costa Building that will reflect the history and legacy of Hot Corner. 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 Carter Engineering Consultants, Inc. for Bulldog Estates, LLC for special use in E-I (Employment-Industrial) on 18.05 acres known as 664 Hancock Industrial Way. Proposed use is a RV park. Type II

Planning Commission recommendation: Approve w/conditions (unanimous)

Citizen input

The following citizen input was received.

1. Paula Loniak – will this be a location for tiny houses.
2. Mike McCleary, attorney for petitioner – supported.
3. Steve Miller, petitioner – supported.
4. Latricia Allen – supported.
5. John Labussier – supported.
6. John Hudgins – supported.

A motion was made by Commissioner Parker, seconded by Commissioner Link, to HOLD this item until July 2, 2019. The motion passed by roll call vote with Commissioners Davenport, Parker, Link, Denson, Edwards, Thornton, and Hamby voting YES; and Commissioner NeSmith voting NO. (7 YES; 1 NO)

A public hearing was held on request of R. Carl Martin by Forty Trees, LLC for amendment to C-D (WE) (PD) (Commercial Downtown, West End Downtown Design Area, Planned Development) on 0.43 acres known as 393 North Finley Street. Proposed use is commercial. Type II

Planning Commission recommendation: Approve w/conditions (unanimous)

Citizen input

The following citizen input was received.

1. Carl Martin, petitioner – supported.

A motion was made by Commissioner Link, seconded by Commissioner Edwards, to adopt the following ordinance (#19-06-50) 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 MODIFYING A PLANNED DEVELOPMENT FOR A PARCEL OF LAND IN THE C-D (WE) (PD) (COMMERCIAL-DOWNTOWN, WEST END DOWNTOWN DESIGN AREA, PLANNED DEVELOPMENT) DISTRICT AND LOCATED AT 393 NORTH FINLEY STREET; 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 modifying a planned development for a parcel of land comprising approximately 0.43 acres located at 393 North Finley Street, Athens, Georgia, in the C-D (WE) (PD) (Commercial-Downtown, West End Design Area, Planned Development) District. The affected parcel is more fully described in that certain survey entitled "Survey For: Carl Martin," said survey dated April 10, 1998, prepared by Ben McElroy & Associates, Inc., and being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia. Said parcel is also known as parcel number 171A1 N001 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 original planned development modified by this ordinance is described in that certain ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY,

GEORGIA, WITH RESPECT TO A REZONING FROM RM-1 (MULTIFAMILY RESIDENTIAL) TO CBD (PD) (CENTRAL BUSINESS DISTRICT PLANNED DEVELOPMENT) ON 0.427 ACRE OF LAND LOCATED AT 393 NORTH FINLEY STREET; AND FOR OTHER PURPOSES” which was adopted by the Commission on September 1, 1998, and approved by the Mayor on September 3, 1998 (hereinafter the “September 1998 Ordinance”).

SECTION 2. The September 1998 Ordinance is hereby modified to allow the following additional uses on the subject parcel: Hostels (with designated parking), Bed and Breakfast (with designated parking), Retail Sales and Service, Restaurant or Bar, Professional Services and Office, Printing/Publishing, Bottling Plants, Wholesale Sales, Garden Center, Spa/Sports Gym, Medical Lab, and Bank/ATM.

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

1. The right-of-way for Meigs Street, which lies on the northern boundary of the subject parcel, shall not be used as a loading zone.
2. Prior to issuance of any zoning or building permits, the applicant shall cause to be installed a sight-obscuring hedge screen within the existing vegetative buffer between the driveways that access Meigs Street. Such hedge screen must comply in all aspects with Section 9-10-6(C)(3)(c) of the Code of Athens-Clarke County, Georgia.

SECTION 4. Except as specifically modified or amended herein, the September 1998 Ordinance is saved from repeal and shall remain in full force and effect.

SECTION 5. Except as described in Section 4 above, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Citizen input on items other than those listed on this agenda

1. Mark McConnell – concerned about climate change.
2. Martha Wasserman, UGA students give back to community,
3. Sam Raffell – supported co-location of 911 and EMS communications officers.
4. Mochah Johnson– expressed appreciation to retiring Attorney Berryman.
5. Bob Gadd – 911 supported co-location of 911 and EMS communications officers.
6. Joseph Carter – concerned about climate change.
7. Fred Smith - Friday, June 29, 2:00 p.m., East Athens Development Corporation will unveil a portrait of former Commissioner Miriam Moore.
8. Shirley Taylor – streets are not kept clean.
9. Dyanne Allen Jordan – expressed appreciation for revised lease agreements.

FROM MAYOR GIRTZ:

1. Announced appointments to the Athens Housing Authority.

Charlie Maddox	five-year term expiring 05-31-24 reappointment
Arlene Stern	one-year term expiring 05-31-20 resident appointment
2. Referred to Government Operations Committee: Develop a consistent leasing policy for ACC properties, considering local community benefit provided by the tenant.
3. Referred to Citizens Solid Waste Advisory Committee: Develop a draft ordinance for presentation to the Mayor and Commission by the end of CY 2019 eliminating plastic bags and Styrofoam containers at points-of-purchase, including at least a 12 month phase-in timeline for community-wide education and distribution of alternative items. The committee should engage with retail and restaurant businesses to identify alternatives for their use of these products. They should also develop a timeline for elimination of these items at events on ACC public property.

Mayor Girtz nominated the following for appointments to two-year terms effective July 1, 2019 and requested authority to execute renewals of their employment agreements.

Blaine H. Williams – Manager

Stephanie Maddox – Internal Auditor

Ryan Hope – Municipal Court Judge

Ryan Hope – Administrative Hearing Officer

Denny Galis – Personnel Hearing Officer

A motion was made by Commissioner NeSmith, seconded by Commissioner Link, to approve said recommendations and authorize Mayor Girtz to execute renewal of employment agreements. The motion passed by unanimous vote.

Mayor Girtz expressed appreciation to Attorney William C. (Bill) Berryman, Jr. as he retires June 30, 2019 after 16 years of service.

FROM ATTORNEY BERRYMAN:

Attorney Berryman offered the following comments:

I am proud to have served in this government in a professional capacity for the last 16 years as your attorney. This is the best government anywhere. It has been my pleasure to work for it. I appreciate the patience, and particularly the patience and support that you and your predecessors have given me over the years. Working with you, ACC employees, constitutional officers, and citizens of this great community has been rewarding beyond measure

FROM AUDITOR MADDOX:

1. Received for information was the Audit Status Report for May 2019.
2. Wished Attorney Berryman well in his retirement.

Commissioners expressed appreciation to Attorney Berryman for his guidance and support through the years.

FROM COMMISSIONER DAVENPORT:

1. Invited public to community events:
  - Star Spangled Classic – Saturday June 29
  - Hot Corner Festival – Saturday, June 8
  - Ath Fest – Saturday, June 21
  - Michael Thurmond book signing – Classic Center, Saturday, June 8
  - Deadline for submittal of BAC applications – Friday, June 7
2. Stated he looks forward to EMS discussion at July 9 work session
3. Welcomed to Athens Michael Burnett, new CEO of Piedmont Athens Regional Center.
4. Thanked departing Transportation and Public Works Director Drew Raessler.

FROM COMMISSIONER LINK:

1. Concerned about climate change; consider related building and design guidelines
2. Thanked Mayor Girtz for assigning to committee elimination of plastic bags.

FROM COMMISSIONER DENSON:

1. Requested information as to whether or not the EMS Oversight Committee is covered under the open meetings act.
2. Announced a work session on the prosperity package Thursday, July 13, 4:30 p.m. at 120 Dougherty Street.
3. Requested non-discrimination ordinance be assigned to committee.

FROM COMMISSIONER NESMITH:

1. Stated discussion on emergency medical services is tentatively on work session for July 9.

FROM COMMISSIONER EDWARDS:

1. Stated St. Augustine, Florida has a Black History Museum worthy of a visit.

FROM COMMISSIONER THORNTON:

1. Reported she and Commissioner Davenport distributed food at Rhema Church to 100+ families; expressed appreciation to police officers who assisted.
2. Thanked Chief of Police Spruill for May 30 community meeting.
3. Stated Kroger has indicated they will discontinue use of plastic bags by 2025, suggested conversation with them.
4. Expressed appreciation for providing sewer service availability to Pinewood Estates North and Country Corners.
5. Requested possible consideration of tiny and pre-fab houses.
6. Expressed concern with crime rate at Bethel Midtown Village.
7. Gave shout-out to Mary Arnold, a loyal constituent.

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

The meeting adjourned at 8:30 p.m.

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Clerk of Commission