

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, November 5, 2019
6:00 p.m.
City Hall

The Unified Government of Athens-Clarke County, Georgia met this date in regular monthly session. Present: Mayor Girtz; Commissioners Davenport, Parker, Link, Wright, Denson, NeSmith, Edwards, Herod, Thornton, and Hamby. No one was absent. Commissioner NeSmith came in at 6:02 p.m.

Recognition

The Georgia Recycling Coalition awarded the Athens-Clarke County Commercial Composting Facility the Spirit of Green Award in the Outstanding Government/Community Program Category. Staff received the award on September 17, 2019 at the Georgia Recycling Coalition Annual Conference on St. Simons Island. Accepting was Mark Byrd, Landfill Crew Leader and Suki Janssen, Director.

A motion was made by Commissioner Herod, seconded by Commissioner Link, to approve Minutes of meetings of Tuesday, October 1; Tuesday, October 15; Tuesday, October 22; and Tuesday, October 29, 2019. The motion passed by unanimous vote.

Written communications

There were no written communications.

Old business - Consent

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

Citizen input

There no was citizen input.

A motion was made by Commissioner Denson, seconded by Commissioner Edwards, to consent to action on the following 12 items. The motion passed by unanimous vote.

1. ADOPT: The following resolution in support of the Recreational Trails Program grant;
ADOPT: The following ordinance (#19-11-70) which was presented by title only;
APPROVE: An application for a \$50,000 grant through the Recreational Trails Program from the Georgia Department of Natural Resources as per Attachment #4 of agenda report revised October 16, 2019, accept funding if awarded; and,
AUTHORIZE: Mayor and appropriate staff to execute all related documents.

A RESOLUTION TO SUPPORT THE UPPER OCONEE WATER TRAIL FOR THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY OF GEORGIA

WHEREAS, the citizens of Athens-Clarke County value our natural resources and outdoor recreation opportunities afforded by the Middle Oconee, North Oconee, and Oconee Rivers; and

WHEREAS, the citizens value the Middle Oconee, North Oconee, and Oconee Rivers for water quality and habitat protection; and

WHEREAS, the citizens of Athens-Clarke County will greatly benefit from the recreational and natural experiences provided by water trails; and

WHEREAS, providing access to the seventeen (17) miles of Middle Oconee, eighteen (18) miles of North Oconee and four and a half (4.5) miles of Oconee River within Athens-Clarke County is a desired goal of the Athens-Clarke County Unified Government; and

WHEREAS, the citizens of Athens-Clarke County and visitors from throughout the State of Georgia and the United States have for more than twenty (20) years regularly and openly enjoyed and exercised a right of passage by water craft on the Middle Oconee, North Oconee and Oconee Rivers as they travel through Athens-Clarke County, thereby establishing a public easement of passage on the rivers; and

WHEREAS, the Athens-Clarke County has previously supported activities that promote recreation on the Middle Oconee, North Oconee and Oconee Rivers and has been a partner in the feasibility study for the water trail; and

WHEREAS, this water trail is consistent with the Comprehensive Land Use Plan of Athens-Clarke County for recreational facilities for its citizens; and

WHEREAS, the citizens of Athens-Clarke County have indicated their support for the water trail as part of the Greenway Network Plan; and

WHEREAS, Athens-Clarke County affirms and supports the water trail on the Middle Oconee, North Oconee, and Oconee Rivers to be of value and benefit to the citizens of Athens-Clarke County and its neighboring counties.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Commission of Athens-Clarke County, Georgia;

Section 1: That the public easement of passage established by more than twenty (20) years of regular and open travel by boat on the Middle Oconee, North Oconee, and Oconee Rivers in Athens-Clarke County is hereby recognized and accepted by the Board of Commissioners on behalf of the citizens of Athens-Clarke county, and visitors from throughout the State of Georgia and the United States;

Section 2: That this Resolution shall take effect immediately upon its adoption; and

Section 3: That we hereby direct each department in the Athens-Clarke County to work together and separately to implement this plan.

AN ORDINANCE TO AMEND THE FY2020 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE GEORGIA DEPARTMENT OF NATURAL RESOURCES FOR THE RECREATIONAL TRAILS PROGRAM GRANT AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the Grants Special Revenue Fund to provide grant funding, if awarded, from the Georgia Department of Natural Resources for the Recreation Trail Program Grant in support of water trails. Said Operating and Capital budget is hereby amended as follows:

General Fund:

Expenditures

Decrease:

Other General Administration

General Fund Operating Contingency (\$10,000)

Increase:

Transfers to Grants Special Revenue Fund \$10,000

Grants Special Revenue Fund:

REVENUES:

Increase:

Transfers from General Fund	\$10,000
GDNR – Recreation Trails Program Grant	<u>\$50,000</u>
Total	\$60,000

EXPENDITURES:

Increase:

Leisure Services - Capital	\$60,000
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SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

- ADOPT: The following resolution authorizing the submission of an application to the Georgia Department of Transportation (GDOT) for Federal Transit Administration FY 21 (October 1, 2020-September 31, 2021) Formula Operating assistance of \$2,632,726 and FY 21 (October 1, 2020-September 31, 2021) Capital assistance of \$2,557,000 for a total amount of \$5,189,726 as per agenda report dated September 11, 2019;

AUTHORIZE: Acceptance of the grant at the currently projected level or alternative level, if awarded, and

AUTHORIZE: The Mayor and appropriate staff to execute the resulting contract between the Unified Government of Athens-Clarke County (ACCGov) and GDOT.

AUTHORIZING RESOLUTION

Resolution authorizing the filing of an application with the Department of Transportation, United States of America, and Georgia Department of Transportation, for a grant under Title 49 U.S.C., Section 5307.

WHEREAS, the Secretary of the US Department of Transportation and the Commissioner of the Georgia Department of Transportation are authorized to make grants for mass transportation projects;

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant;

WHEREAS, it is required by the U.S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under Title 49 U.S.C. Section 5307 the Applicant gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and other pertinent directives and the U.S. Department of Transportation requirements there under; and

WHEREAS, it is the goal of the Applicant that Minority Business Enterprise (Disadvantaged Business Enterprise and Women's Business Enterprise) be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that minority business shall have the maximum feasible opportunity to compete for contracts and purchase orders when procuring construction contracts, supplies, equipment contracts, or consultant and other services.

NOW, THEREFORE, BE IT RESOLVED by the Unified Government of Athens – Clarke County, Georgia

- That the Designated Official Kelly Girtz, Mayor, is authorized to execute and file an application on behalf of the Unified Government of Athens-Clarke County, Georgia, with the Georgia Department of Transportation, to aid in the purchase of bus transit vehicles and/or the planning, development, and construction of bus transit-related facilities.
- That the Official is authorized to execute and file with such application and assurance or any other document required by U.S. Department of Transportation and Georgia Department of Transportation.
- That the Official is authorized to furnish such additional information as the U.S. Department of Transportation and the Georgia Department of Transportation may require in connection with the application or the project.
- That the Official is authorized to set forth and execute Minority Business Enterprise, DBE (Disadvantaged Business Enterprise) and WBE (Women Business Enterprise) policies and procedures in connection with the project's procurement needs.

5. That the Official is authorized to execute a grant agreement on behalf of the Unified Government of Athens-Clarke County, Georgia, with the Georgia Department of Transportation to aid in the purchase of bus transit vehicles and/or the planning, development, and construction of bus transit-related facilities.

3. ADOPT: The following resolution authorizing the submission of an application for and the acceptance of the annual Transit Planning Assistance Grant (Title 49 USC Section 5303) for FY 2021 (July 1, 2020 – June 30, 2021,) if awarded, in the estimated maximum amount of \$79,200 as per agenda report dated September 19, 2019; and

AUTHORIZE: The Mayor and appropriate staff to execute the resulting contract between the Unified Government of Athens-Clarke County (ACCGov) and the Georgia Department of Transportation (GDOT).

AUTHORIZING RESOLUTION

Resolution authorized the execution of contracts between the Department of Transportation, United States of America, the Georgia Department of Transportation, and the Unified Government of Athens-Clarke County, for a grant under the title 49 U.S.C., Section 5303, for FY 2021 (July 1, 2020 through June 30, 2021.)

WHEREAS, the Secretary of Transportation and the Commissioner of the Georgia Department of Transportation are authorized to make grants for mass transportation projects;

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local project costs; and

WHEREAS, it is required by the U.S. Department of Transportation and the Georgia Department in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Federal Transit Act, the applicant gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the Applicant that minority Business Enterprise, Disadvantaged Business Enterprise and Women Business Enterprise be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts and purchase orders when procuring construction contracts, supplies, equipment contracts, or consultant and other services; and

WHEREAS, the Federal government and the State of Georgia will provide approximately \$89,100 of the funding for the Transit Planning (Section 5303) contract expenses incurred by the Unified Government subject to a maximum local match of \$19,800.

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

That the Mayor is authorized to execute and file an application on behalf of the Unified Government of Athens-Clarke County with the Georgia Department of Transportation to aid in the financing of a technical study grant pursuant to Section 5303 of the Federal Transit Act to implement specific items of the FY 2021 Madison Athens-Clarke Oconee Regional Transportation Study (MACORTS) Unified Planning Work Program.

That the Mayor is authorized to execute and file with such application an assurance or any other document required by the U.S. Department of Transportation and Georgia Department of Transportation effectuating the purpose of Title VI of the Civil Rights Act of 1964 ;

That the Planning Director of Athens-Clarke County is authorized to furnish such additional information as the U.S. Department of Transportation and the Georgia Department of Transportation may require in connection with the application or the project;

That the Mayor is authorized to set forth and execute Minority Business Enterprise, DBE (Disadvantaged Business Enterprise,) and WBE (Women Business Enterprise) policies and procedures in connection with the projects procurement needs.

That the Mayor and appropriate staff is authorized to apply for a grant, accept such grant, if awarded, and execute these grant agreements on behalf of the Unified Government of Athens-Clarke County with the Georgia Department of Transportation to aid in the financing of a technical study grant to implement specific items of the MACORTS Unified Planning Work Program.

That the Unified Government of Athens-Clarke government while making application to or receiving grants from the Federal Transit Administration will comply with FTA Circular 8100.1D, FTA Certifications and Assurances for Federal Assistance 2021 as listed in this grant application and General Operating Guidelines as illustrated in the Georgia State Management Plan.

That the Unified Government of Athens-Clarke government has or will have available in the General Fund the required non-federal funds to meet local share requirements for this grant application.

4. ADOPT: The following resolution authorizing the application for and acceptance of the Federal Planning (PL) contract associated with the annual Metropolitan Transportation Planning Grant for FY 2021 (July 1, 2020 – June 30, 2021), if awarded, as per agenda report dated September 19, 2019, and;

AUTHORIZE: The Mayor and appropriate staff to execute the resulting contract between the Unified Government of Athens-Clarke County (ACCGov) and the Georgia Department of Transportation (GDOT).

AUTHORIZING RESOLUTION

Resolution authorizing the execution of contracts between the Department of Transportation, United States of America, the Georgia Department of Transportation, and the Unified Government of Athens-Clarke County for the FY 2021 (July 1, 2020 – June 30, 2021) Planning (PL) Contract.

WHEREAS, the Federal Government requires that Urbanized Areas such as Athens have a formal planning process as it relates to the planning of transportation projects; and

WHEREAS, the Federal Government will not authorize the expenditure of funds for said transportation projects unless they come out of this formal transportation planning process; and

WHEREAS, the formal transportation planning process is organized around what is commonly known as the Madison Athens-Clarke Oconee Regional Transportation Study (MACORTS);

WHEREAS, the staff of the Unified Government of Athens-Clarke County Planning Department provides support for MACORTS planning efforts;

WHEREAS, the Federal Government will provide up to an estimated amount of \$196,000 of the funding for the transportation planning (PL) contract expenses incurred by the Unified Government of Athens-Clarke County subject to a 20% local match of the funded amount (estimated to be approximately \$49,000);

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

That the Mayor and appropriate staff are authorized to apply for a grant, accept such grant if awarded, and execute an associated contract with the Georgia Department of Transportation (GDOT) for the FY 2021 Transportation Planning (PL) Contract Funds.

5. ADOPT: The following resolution authorizing the submittal of a grant application, in the amount of \$1,250,000, to the Georgia Department of Transportation (GDOT) for FY21 Bus and Bus Facilities Capital Program Grant (Title 49 U.S.C. Section 5339) funding assistance as per agenda report dated September 24, 2019;

AUTHORIZE: Acceptance of the grant at the currently projected level or alternative level, if awarded; and

AUTHORIZE: The Mayor and appropriate staff to execute the resulting contract between the Unified Government of Athens-Clarke County and GDOT.

AUTHORIZING RESOLUTION

Resolution authorizing the filing of an application with the Department of Transportation, United States of America, and Georgia Department of Transportation, for a grant under Title 49 U.S.C., Section 5339.

WHEREAS, the Secretary of the US Department of Transportation and the Commissioner of the Georgia Department of Transportation are authorized to make grants for mass transportation projects;

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant;

WHEREAS, it is required by the U.S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under Title 49 U.S.C. Section 5339 the Applicant gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and other pertinent directives and the U.S. Department of Transportation requirements there under; and

WHEREAS, it is the goal of the Applicant that Minority Business Enterprise (Disadvantaged Business Enterprise and Women's Business Enterprise) be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that minority business shall have the maximum feasible opportunity to compete for contracts and purchase orders when procuring construction contracts, supplies, equipment contracts, or consultant and other services.

NOW, THEREFORE, BE IT RESOLVED by the Unified Government of Athens – Clarke County, Georgia

1. That the Designated Official Kelly Girtz, Mayor, is authorized to execute and file an application on behalf of the Unified Government of Athens-Clarke County, Georgia, with the Georgia Department of Transportation, to aid in the purchase of bus transit vehicles and/or the planning, development, and construction of bus transit-related facilities.
 2. That the Official is authorized to execute and file with such application and assurance or any other document required by U.S. Department of Transportation and Georgia Department of Transportation.
 3. That the Official is authorized to furnish such additional information as the U.S. Department of Transportation and the Georgia Department of Transportation may require in connection with the application or the project.
 4. That the Official is authorized to set forth and execute Minority Business Enterprise, DBE (Disadvantaged Business Enterprise) and WBE (Women Business Enterprise) policies and procedures in connection with the project's procurement needs.
 5. That the Official is authorized to execute a grant agreement on behalf of the Unified Government of Athens-Clarke County, Georgia, with the Georgia Department of Transportation to aid in the purchase of bus transit vehicles and/or the planning, development, and construction of bus transit-related facilities.
6. ADOPT: Resolution for Athens Downtown Development Authority (ADDA) Intergovernmental Agreement - Downtown Park ;

APPROVE: The proposed Intergovernmental Agreement with the Athens Downtown Development Authority (ADDA) as per Attachment #1 of agenda report dated October 7, 2019; and

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

A RESOLUTION OF THE ATHENS-CLARKE COUNTY COMMISSION TO AUTHORIZE THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE DOWNTOWN ATHENS DEVELOPMENT AUTHORITY RELATED TO THE REDEVELOPMENT OF 125 EAST WASHINGTON STREET AS A DOWNTOWN PARK WITH GREENSPACE; AND FOR OTHER PURPOSES.

WHEREAS, Article IX, Section III, Paragraph I(a) of the Georgia Constitution authorizes, among other things, any county, municipality or other municipal corporation of the State of Georgia to enter into an agreement, for a period not exceeding 50 years, with another county, municipality or municipal corporation or with any other public agency, public corporation or public authority for joint services, for the provision of services, or for the provision or separate use of facilities or equipment, provided that such Intergovernmental Lease Contract deals with activities, services or facilities which the contracting parties are authorized by law to undertake or to provide; and

WHEREAS, the Downtown Athens Development Authority (the “Authority”) has been duly and legally created and organized under the Constitution and laws of the State of Georgia, in particular 1975 Ga. Laws pp. 1698 *et seq.*, as amended by 1976 Ga. Laws pp. 1912 *et seq.*, and 1977 Ga. Laws pp. 3533 *et seq.*, as amended by 1980 Ga. Laws pp. 3053 *et seq.* (the “Authority Act”); and

WHEREAS, pursuant to the Authority Act, the Authority is authorized to buy, acquire, construct, develop, rehabilitate, improve, own, operate, maintain, sell, lease and mortgage land, buildings, parking facilities, malls, arcades, roadways, street lights, sidewalks and property of all kinds and character, including, but not limited to machinery, apparatus, equipment and utilities useful or desirable in connection therewith, within the downtown Athens area which promote the economic improvement and development or redevelopment of the downtown Athens area; and

WHEREAS, the Unified Government of Athens-Clarke County, Georgia (the “Unified Government”) owns property in the Authority’s downtown service area immediately adjacent to the northeast intersection of Lumpkin Street and Washington Street and generally known and identified as 125 East Washington Street (the “Property”); and

WHEREAS, the Property is currently being utilized as a paved parking lot for employees working in the Unified Government’s Public Utilities Department; and

WHEREAS, immediately adjacent to the eastern boundary line of the Property is the Costa Building (also owned by the Unified Government) upon which a mural portraying historically significant local citizens was recently painted as the result of funding provided primarily by the National Endowment of the Arts but which was also funded in part by the Authority; and

WHEREAS, given the mural’s presence and cultural significance, both the Unified Government and the Authority believe the Property could be put to better use in service to the citizens of the Unified Government by being redeveloped by the Authority as a downtown park with green space; and

WHEREAS, for the purpose of seeking a concept design for the Property’s use as a park, the Authority contracted with Downtown Development Studio (a division of the Georgia Department of Community Affairs that provides graphic design services for Main Street Communities in Georgia) and that design has been approved in concept by the Mayor and Commission of the Unified Government (the “Concept Design”); and

WHEREAS, the Concept Design of the Property includes green space, a bandstand, moveable furniture, seating, and updates to both the sidewalk and landscaping on and immediately adjacent to the Property; and

WHEREAS, the Unified Government and the Authority find that the redevelopment of the Property as a park is in the best interests of the citizens of Athens-Clarke County, Georgia;

NOW, THEREFORE, BE IT RESOLVED by the Athens-Clarke County Commission and it is hereby so resolved by the authority of the same, that the Commission authorizes the Mayor to execute an Intergovernmental Agreement with the Downtown Athens Development Authority, in substantially the same form as set forth in Exhibit “A” attached hereto and incorporated herein by reference, related to the redevelopment of 125 East Washington Street as a downtown park with greenspace.

BE IT FURTHER RESOLVED that the Commission hereby declares that the foregoing preamble and whereas provisions set forth hereinabove constitute, and shall be considered to be, substantive provisions of the Resolution and are hereby incorporated by reference into this provision.

BE IT FURTHER RESOLVED that in the event scrivener’s errors shall be discovered in this Resolution after the adoption hereof, the Commission hereby authorizes and directs that each such scrivener’s error shall be corrected in all multiple counterparts of the Resolution.

BE IT FURTHER RESOLVED that the Mayor, County Attorney, County Manager, Finance Director, Public Utilities Director, and such other officials as may be required are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions and intent of this Resolution and the Intergovernmental Agreement.

BE IT FURTHER RESOLVED that except as specifically provided herein, any and all ordinances or resolutions or parts of ordinances or resolutions in conflict with this Resolution shall be and the same hereby are repealed, and this Resolution shall be in full force and effect from and after its adoption.

7. **APPROVE:** A task order with the on-call design firm of Hazen and Sawyer, in the amount of \$810,793 for the design of a thermal dryer at the North Oconee Water Reclamation Facility as per

agenda report dated September 25, 2019; and authorize the Mayor and appropriate staff to sign all documents related to the work authorization.

8. APPROVE: A construction contract with Lichy Commercial Construction in the amount of \$1,345,000 for the Middle Oconee Water Reclamation Facility Maintenance Shop as per agenda report dated September 25, 2019; and authorize the Mayor and appropriate staff to sign all documents related to the work authorization.

9. APPROVE: The preliminary construction plans for the reuse water pump station at the North Oconee Water Reclamation Facility as shown on Attachment #1 of agenda report dated September 25; and authorize staff to complete final construction plans and solicit bids for construction of the reuse water pump station and related improvements.

10. APPROVE: a) The proposed project concept for SPLOST 2011 Project #21, Public Art Program – “Stand Up and Play” as per agenda report revised October 30 2019; and

b) Approve the recommendation of the Athens Cultural Affairs Commission (ACAC) for the selection of the proposed artists as listed in Facts and Issues #5 of said agenda report that would be used for the “Stand Up and Play”.

11. APPROVE: a) An appropriation in the amount of \$11,503,236 for the Upper North Oconee Interceptor Phase 2B Project as per agenda report dated September 25, 2019;

b) Award a unit price construction contract to the apparent low bidder, Garney Companies, Inc., in the amount of \$10,722,722;

c) Award a project management/resident inspection contract to Public Utility Department's Master Planning Consultant, CH2M, for the provision of professional services during construction in the amount of \$780,514 and;

d) Authorize the Mayor and appropriate staff to execute all related contract documents.

12. APPROVE: Keep Athens-Clarke County Beautiful appointments for three year terms beginning July 1, 2019 and expiring June 30, 2022.

Chico Rozier

Heather Memory

A public hearing was held on a text amendment proposal for the Athens-Clarke County Design Guidelines for Historic Districts and Landmark Properties

Citizen input

There was no citizen input.

A motion was made by Commissioner Link, seconded by Commissioner Parker, to approve proposed text amendments to the Athens-Clarke County, Georgia, Design Guidelines for Historic Districts and Landmark Properties addressing standards for Staff-level Certificates of Appropriateness; as per attachment #1 of agenda report dated September 25, 2019; and adopt the following ordinance (#19-11-71) which was presented by title only that amends the Athens-Clarke County, Georgia, Design Guidelines for Historic Districts and Landmark Properties. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO **HISTORIC PRESERVATION – AMENDMENTS TO THE DESIGN GUIDELINES**; AND FOR OTHER PURPOSES.

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

SECTION 1. Pursuant to Section 8-5-4 of the Code of Athens-Clarke County, Georgia, the *Athens-Clarke County, Georgia Design Guidelines for Historic Districts and Landmark Properties* are hereby amended as set forth in Exhibit 1 attached hereto and incorporated herein by reference. The amended guidelines are on file and available for inspection in the offices of the Athens-Clarke County Planning Department at 120 W. Dougherty Street, Athens, Georgia and in the Clerk of Commission's office at Room 204 in City Hall, 301 College Avenue, Athens, Georgia.

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

Old and new business - Discussion

Citizen input

The following citizen input was received.

1. Charlie Maddox – supported renaming of Trail Creek Park to Virginia Callaway-Cofer Walker Park
2. Elliott Walker – supported renaming Trail Creek Park in honor of his late mother Virginia Callaway-Cofer Walker
3. Paul Butchart – supported restoring the trestle for the Firefly Trail
4. Marilyn Estes - supported restoring the trestle for the Firefly Trail
5. Greg Bowdosh – supported restoring the trestle for the Firefly Trail
6. Mark Ralston, Firefly Trail Inc. – supported Firefly Trail design plans

Old business – Discussion

A motion was made by Commissioner Edwards, seconded by Commissioner Link to adopt the following ordinance (#19-11-72) which was presented by title only creating a new Urban Service District to expand solid waste collection services to the single-family portion of Riverbend Parkway. The motion passed by roll call vote with Commissioners Parker, Link, Wright, Denson, NeSmith, Edwards, Herod, Thornton, and Hamby voting YES and Commissioner Davenport voting NO. (9 YES: 1 NO)

AN ORDINANCE TO ESTABLISH THE RIVERBEND PARKWAY URBAN SERVICE DISTRICT WITHIN ATHENS-CLARKE COUNTY, GEORGIA FOR PURPOSES OF EXPANDING SOLID WASTE COLLECTION SERVICES BY THE ATHENS-CLARKE COUNTY SOLID WASTE DEPARTMENT TO THE SINGLE-FAMILY PORTION OF RIVERBEND PARKWAY; AND FOR OTHER PURPOSES.

WHEREAS, the Charter of the Unified Government of Athens-Clarke County, Georgia (the "Charter"), in Section 7-301 creates a General Services Area, an Urban Services Area, and provides for special service areas; and

WHEREAS, pursuant to the authority granted by Sections 7-302, 7-303, and 7-304 of the Charter, the Unified Government has established Policy and/or Procedure Statement Number COM-001, ("COM-001"), which sets forth the general rules, procedures, regulations, requirements, and specification for creating and/or modifying service areas in compliance with Section 7-302 of said Charter; and

WHEREAS, pursuant to Subsection 1. of Section B. of Article I of COM-001, on July 29, 2019, Commissioner Russell Edwards submitted an application requesting that the Mayor and Commission of the Unified Government create a new Urban Services District to expand solid waste collection services provided by the Athens-Clarke County Solid Waste Department to the single-family portion of Riverbend Parkway (the "Application"); and

WHEREAS, on August 6, 2019, the Commission approved a Resolution to accept the Application to create the Riverbend Parkway Urban Service District; and

WHEREAS, pursuant to Section D. of Article I of COM-001, on August 9, 2019, the County Manager presented a report setting forth plans for providing the requested services to the Riverbend Parkway Urban Service District; and

WHEREAS, pursuant to Section E. of Article I of COM-001, on September 20, 2019, and September 27, 2019, a notice of the time and place of the public hearing on the Application was published in the Athens-Banner Herald; and

WHEREAS, pursuant to Section E. of Article I of COM-001, on October 1, 2019, the Commission held a public hearing on the Application for the purposes of determining whether creating the Riverbend Parkway Urban Service District would be in the best interests of the residents and/or property owners of the area, and in the best interests of all the residents of Athens-Clarke County; and

WHEREAS, Section C. of Article I of COM-001 provides that new service areas must be enacted by ordinance at least six (6) months prior to the beginning of a fiscal year and services shall be provided on an effective date set forth in the ordinance creating the new or expanded service area; and

WHEREAS the ordinance contained herein would benefit and promote the health, safety, morals and welfare of the citizens of Athens-Clarke County;

NOW, THEREFORE, the Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1.

That The Code of Athens-Clarke County, Georgia, is hereby amended by adding a section to be numbered 1-18-4, which section reads as follows:

“Sec. 1-18-4. – Creation of Riverbend Parkway Urban Service District.

(a) The Commission hereby determines and finds that the creation of the Riverbend Parkway Urban Service District is in the best interests of the residents and/or property owners of the Riverbend Parkway Service District Area, and in the best interests of all the residents of Athens-Clarke County.

(b) The boundaries of the Riverbend Parkway Urban Service District shall consist of that area identified as the Riverbend Parkway Single Family Residential Housing as shown on the map which is attached hereto as Exhibit “A” and incorporated herein by reference.

(c) The services provided within the Riverbend Parkway Urban Service District shall consist of the same services being provided by the Athens-Clarke County Solid Waste Department to the Urban Service District (“Solid Waste Services”).

(d) The Unified Government of Athens-Clarke County, Georgia shall from time to time review and evaluate such services and may change the nature of the services provided, if deemed necessary or desirable.

(e) The Riverbend Parkway Urban Service District shall be a tax district and the Unified Government shall have the power to assess, levy and collect additional taxes in accordance with the kind, character, type, and degree of services actually provided therein, in accordance with the provisions of said Charter. In addition to or in lieu of said additional taxes, the Unified Government may charge for services provided to the Riverbend Parkway Urban Service District by determining the cost of each service and assess those costs against each citizen receiving said service.

(f) Solid Waste Services shall be provided to the Riverbend Parkway Urban Service District effective as of December 31, 2019.”

SECTION 2.

(a) It is hereby declared to be the intention of the Commission that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Commission to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the Commission that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Commission that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Commission that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent

allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 3.

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

SECTION 4.

This Ordinance shall become effective immediately upon its approval by the Mayor or its adoption into law without such approval.

A motion was made by Commissioner Edwards, seconded by Commissioner Link, to adopt the following ordinance (#19-11-73) which was presented by title only. The motion passed by roll call vote with Commissioners Parker, Link, Wright, Denson, Nesmith, Edwards, Herod, Thornton and Hamby voting YES and Commissioner Davenport voting NO. (9 YES: 1 NO)

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA TO PROVIDE THAT RESIDENTIAL CUSTOMERS IN THE RIVERBEND PARKWAY URBAN SERVICE DISTRICT SHALL USE THE ATHENS-CLARKE COUNTY SOLID WASTE DEPARTMENT AS THEIR FRANCHISEE; AND FOR OTHER PURPOSES.

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

SECTION 1.

That sub-section (1) of Section 5-2-2 (c) of The Code of Athens-Clarke County, Georgia, is hereby amended to read as follows:

“(1) Residential customers. Single-family detached, duplex, and four-plex dwelling structures occupied by either an owner or tenant. All such residential customers within the Urban Service District (USD), as set forth in section 7-301(a) of the Charter, shall use the Athens-Clarke County Solid Waste Department as their franchisee for the collection and disposal of their garbage. All such residential customers within the Riverbend Parkway Urban Service District, as set forth in this Code, shall use the Athens-Clarke County Solid Waste Department as their franchisee for the collection and disposal of their garbage effective as of December 31, 2019.”

SECTION 2.

(a) It is hereby declared to be the intention of the Commission that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Commission to be fully valid, enforceable, and constitutional.

b) It is hereby declared to be the intention of the Commission that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Commission that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Commission that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 3.

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

SECTION 4.

This Ordinance shall become effective immediately upon its approval by the Mayor or its adoption into law without such approval.

A motion was made by Commissioner Edwards, seconded by Commissioner Wright, to adopt the following ordinance (#19-11-74) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA TO PROVIDE FOR THE LEVY AND ASSESSMENT OF MONTHLY FEES FOR SOLID WASTE COLLECTION SERVICES IN THE RIVERBEND PARKWAY URBAN SERVICE DISTRICT; AND FOR OTHER PURPOSES.

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

SECTION 1.

That Section 5-2-5 of The Code of Athens-Clarke County, Georgia, is hereby amended to read as follows:

“Sec. 5-2-5. - Residential collection—Urban Service District and Riverbend Parkway Urban Service District.

- (a) There is hereby levied and assessed a monthly fee for all residential customers receiving backyard pick up of solid waste and curbside pick up of recycling materials within the confines of the urban service district as defined in section 7-301(a) of the Charter of the Unified Government of Athens-Clarke County and within the confines of the Riverbend Parkway Urban Service District as defined in section 1-18-4 of this Code. Customers shall pay according to the size and number of solid waste containers as follows:

1 20-gallon container	\$30.60
1 32-gallon container	\$32.60
2 32-gallon containers	\$36.60
3 32-gallon containers	\$43.60
4 32-gallon containers	\$52.60
5 32-gallon containers	\$65.60

- (b) There is hereby levied and assessed a monthly fee for all residential customers receiving rollcart curbside pickup of solid waste and curbside pick up of recycling materials within the confines of the urban service district as defined in section 7-301(a) of the Charter of the Unified Government of Athens-Clarke County and within the confines of the Riverbend Parkway Urban Service District as defined in section 1-18-4 of this Code. Customers shall pay according to the size and number of solid waste containers as follows:

1 20-gallon container	\$15.60
1 32-gallon container	\$17.60
2 32-gallon containers	\$21.60
3 32-gallon containers	\$28.60
4 32-gallon containers	\$37.60
5 32-gallon containers	\$50.60

- (c) Customers with occasional extra bags of garbage shall be required to purchase a special sticker from the solid waste department to place on their bagged garbage. The fee per sticker shall be \$2.00.
- (d) Customers may change their level of service without charge one time during each calendar year; thereafter, any customers who desire to change said level of service shall be required to pay a fee of \$10.00 per change.
- (e) Customers requiring "dead animal" services defined in section 5-2-2 (b)(4) herein shall be required to purchase a sticker in the amount of \$2.00 to place on the bag to be disposed of.
- (f) Customers who have small appliances or empty corrugated cardboard boxes weighing no more than 40 pounds and no larger than three feet tall by three feet wide may request a special pickup by the solid waste department. Customers shall be required to purchase a sticker in the amount of \$2.00 to place on each item to be disposed of.

- (g) New customer accounts established after September 1, 1995, shall be assessed a security deposit equal to one month's service plus a nonrefundable service fee of \$10.00 to "turn on" the service. The security deposit shall be applied to the customer's last bill."

SECTION 2.

(a) It is hereby declared to be the intention of the Commission that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Commission to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the Commission that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Commission that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Commission that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 3.

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

SECTION 4.

This Ordinance shall become effective immediately upon its approval by the Mayor or its adoption into law without such approval.

A motion was made by Commissioner NeSmith, seconded by Commissioner Link, with reference to the Firefly Trail Project (TSPLOST 2018 Project #06) Sub Project #4 Firefly bridge over Trail Creek: preliminary plan

- a. Approve the proposed preliminary plans for the Firefly Bridge Over Trail Creek (Sub-project #4, TSPLOST 2018 Project #06) as generally shown on Attachment #1 and Attachment #2 with the following modifications
 - i. evaluate minor adjustments to geometry and placement of arches, including radii, anchor locations and height, in order to extend the wooden trestle structure length;
 - ii. rather than using existing steel girders in the structure, salvage them for potential reuse in artistic and/or educational project(s) to be specified in the future
- b. Adopt a resolution (Attachment #3) authorizing the acquisition of temporary construction easements by eminent domain, as necessary;
- c. Approve a supplemental services contract adjustment for final plans and project specifications to Kimley-Horn and Associates, Inc. for the Firefly Bridge Over Trail Creek (Sub-project #4, TSPLOST 2018 Project #06) for the not to exceed value of \$265,705;
- d. Authorize staff to complete final construction plans and enter the bid and award phase for the Firefly Bridge Over Trail Creek (Sub-project #4, TSPLOST 2018 Project #06); and
- e. Authorize the Mayor and appropriate staff to execute all related documents.

A substitute motion was made by Commissioner Herod, seconded by Commissioner Wright, with reference to the Firefly Trail Project (TSPLOST 2018 Project #06) Sub Project #4 Firefly bridge over Trail Creek preliminary plan.

- a. Approve the proposed preliminary plans for the Firefly Bridge Over Trail Creek (Sub-project #4, TSPLOST 2018 Project #06) as generally shown on Attachment #1 and Attachment #2 of agenda report revised October 18, 2019;
- b. Adopt a resolution authorizing the acquisition of temporary construction easements by eminent domain, as necessary;
- c. Approve a supplemental services contract adjustment for final plans and project specifications to Kimley-Horn and Associates, Inc. for the Firefly Bridge Over Trail Creek (Sub-project #4, TSPLOST 2018 Project #06) for the not to exceed value of \$265,705;
- d. Authorize staff to complete final construction plans and enter the bid and award phase for the Firefly Bridge Over Trail Creek (Sub-project #4, TSPLOST 2018 Project #06); and
- e. Authorize the Mayor and appropriate staff to execute all related documents.

A motion was made by Commissioner Davenport, seconded by Commissioner Edwards, to call the question. The motion passed by roll call vote with Commissioners Davenport, Wright, Denson, Edwards, Herod, and Thornton voting YES and Commissioners Parker, Link, NeSmith and Hamby voting NO. (6 YES; 4 NO)

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

The following resolution was declared adopted.

RESOLUTION

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

WHEREAS, on November 5, 2019, Mayor and Commission of the Unified Government of Athens-Clarke County ("Mayor and Commission") approved revised preliminary plans for Sub-Project #4 of the Firefly Trail Project (Firefly Bridge Over Trail Creek) (TSPLOST 2018 Project #06) and, with respect to Sub-Project #4, directed staff of the Unified Government to begin the Land Acquisition Phase necessary for temporary construction easement acquisition, all pursuant to an agenda report with attachment presented to the Mayor and Commission at such meeting, such agenda report and the minutes of such meeting being incorporated herein by reference; and

WHEREAS, the improvements to be constructed in accordance with Sub-Project #4 as described hereinabove are for transportation purposes and are intended to be used for enjoyment by the public and for the passage of vehicles, excluding motorized vehicles with certain exceptions; and

WHEREAS, the Mayor and Commission of Athens-Clarke County, Georgia have specifically determined and found that it is in the public interest and for a public purpose to construct Sub-Project #4 of the Firefly Trail Project (Firefly Bridge Over Trail Creek) (TSPLOST 2018 Project #06) as described hereinabove; and

WHEREAS, the Unified Government shall engage in negotiations with all of the property owners whose property or interests therein is needed for construction of the Firefly Trail Sub-Project and desires to acquire such temporary construction easements through voluntary conveyance from such owners where reasonably possible; and

WHEREAS, construction of the Firefly Trail Sub-Project cannot proceed without the temporary construction easements from all property owners, and

WHEREAS, the Mayor and Commission further find that the acquisition of the necessary temporary construction easements is an integral component of the Firefly Trail Sub-Project and such acquisition is necessary and appropriate to meet the needs of the citizens of Athens-Clarke County and that the use of eminent domain to acquire the necessary temporary construction easements is required for the completion of the Firefly Trail Sub-Project; and

WHEREAS, Article 9, Section 2, Paragraph 5 of the Georgia Constitution authorizes local governments to exercise the power of eminent domain for any public purpose; and

WHEREAS, the Mayor and Commission have determined that in order to accomplish the public purpose of the Firefly Trail Sub-Project it is necessary to exercise the right of eminent domain to acquire such temporary construction easements; and

WHEREAS, all questions of necessity, public purpose and public convenience with respect to the acquisition and construction of the Firefly Trail Sub-Project and the necessity of acquiring through eminent domain the temporary construction easements hereinabove described are hereby determined and established by the Mayor and Commission of Athens-Clarke County;

WHEREAS, the necessary temporary construction easements are more specifically shown on plans entitled "Trail Creek Crossing Project" Preliminary Plans for Athens-Clarke County Department of Leisure Services", dated September 12, 2019 made by Kimley-Horn, as may be amended from time to time for corrections and technical adjustments, attached hereto as Exhibit A; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that condemnation of the above-described easements for the public purpose stated hereinabove as shown on the Proposed Preliminary Plans is hereby approved and authorized and that the acquisition procedure shall proceed under Title 32 of the Official Code of Georgia, as the Firefly Trail Sub-Project's schedule of completion requires acquisition of such easements quickly and without delay. Time is of the essence.

It IS FURTHER RESOLVED that the plans be kept on file at the Unified Government of Athens-Clarke County, SPLOST Program Management Office, and that any interested party may obtain a copy of same by writing to the Unified Government of Athens-Clarke County, SPLOST Program Management Office at 300 College Avenue, Athens, Georgia, 30601, and paying a nominal cost therefor.

IT IS FURTHER RESOLVED that the Unified Government of Athens-Clarke County and its employees and agents may negotiate for and acquire the property needed for this project by gift, sale, or condemnation, and that the County Attorney and other proper agents or attorneys of the County, including but not limited to Special Counsel Gregory C. Sowell, Cook & Tolley, LLP, are hereby directed to prepare the necessary deeds, easements, closing documents, petitions, and/or declarations of taking, and/or orders and any other documents required to effectuate the foregoing.

IT IS FURTHER RESOLVED that the Mayor of the Unified Government of Athens-Clarke County, the Manager, the County Attorney, Special Counsel, and other agents as aforesaid, are authorized to sign any of the documents referenced in the preceding paragraph on behalf of the governing authority of the Unified Government of Athens-Clarke County, Georgia to complete the acquisition of the property required for the FireFly Trail Sub-Project.

A motion was made by Commissioner Parker, seconded by Commissioner Link, to approve the application to rename Trail Creek Park to Virginia Callaway-Cofer Walker Park as per agenda report dated October 9, 2019. The motion passed by unanimous vote.

A motion was made by Commissioner Davenport, seconded by Commissioner NeSmith, to HOLD until December 3, 2019 the proposed departmental recycling policy. The motion passed by unanimous vote.

A motion was made by Commissioner Wright, seconded by Commissioner Denson, as per agenda report revised October 16, 2019, to

- a) Approve the creation of two grant specialists to be housed within the Department of Housing and Community Development to assist with obtaining additional resources to leverage the impact of the Prosperity Package;
- b) Approve a budget ordinance to allocate General Fund Fund Balance budgeted in the FY20 Prosperity Package to fund the positions, grant software, and associated office expenses;
- c) Approve an agreement with Family Connection-Communities in Schools to administer a Neighborhood Leaders Program in the sixteen elementary school empowerment zones;
- d) Approve a budget ordinance to allocate \$800,000 of General Fund Fund Balance budgeted in the FY20 Prosperity Package to fund a one year operation of the Neighborhood Leaders Program; and

- e) Approve the creation of a workforce development specialist position to be housed within the Economic Development Department to assist with creating avenues to employment for citizens of Athens-Clarke County.

A substitute motion was made by Commissioner Hamby, seconded by Commissioner NeSmith, to HOLD until December 3, 2019.

A motion was made by Commissioner Edwards, seconded by Commissioner Link, to call the question.

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

The substitute motion to HOLD until December 3, 2019 passed by unanimous vote.

New business – Consider under suspension of Rules

Under suspension of Rules, a motion was made by Commissioner Herod, seconded by Commissioner Davenport, to approve the Nominating Committee report for appointments to various boards, authorities and commissions. The motion passed by unanimous vote.

Athens-Clarke County Industrial Development Authority	Rashe Malcolm Two-year term expiring 12-31-21
Athens-Clarke County Library Board	Hayley Cox Five-year term expiring 12-31-24
	Holly Kaplan Five-year term expiring 12-31-24
	Jane Russell Five-year term expiring 12-31-24 Reappointment
Board of Elections	Willa Fambrough Four-year term expiring 12-31-23
Construction Board of Appeals	David Matheny Five-year term expiring 11-30-24 Reappointment- Architect/Engineer
Hearings Board	Joseph Powell Partial term expiring 06-30-20
Historic Preservation Commission	Bobbie Epting Partial term expiring 06-30-20
	Caitlyn Hungate Partial term expiring 06-30-20

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

A public hearing was held on request of Koons Environmental Design for Oconee Street United Methodist Church for rezoning from C-G (Commercial-General) to C-G (PD) (Commercial-General, Planned Development) on 0.75 acre known as 717 Oconee Street and 205-215 Georgia Drive. Proposed use is church and parking lot. Type II

Planning Commission recommendation: Approve w/conditions (unanimous)

Commissioner Wright exited the chamber at 7:51 p.m. and returned at 7:53 p.m.

Commissioner Link exited the chamber at 7:51 p.m. and returned at 7:53 p.m.

Commissioner Thornton exited the chamber at 7:52 and returned at 7:57 p.m.

Citizen input

The following citizen input was received.

1. Chad Clark – supported.
2. Josh Koons, representing petitioner – supported.

A motion was made by Commissioner Wright, seconded by Commissioner Link, to adopt the following ordinance (#19-11-75) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO REZONING THREE PARCELS OF LAND COMPRISING APPROXIMATELY 0.75 ACRES IN TOTAL LOCATED AT 717 OCONEE STREET AND 205-215 GEORGIA DRIVE FROM COMMERCIAL-GENERAL (C-G) TO C-G (PD) (COMMERCIAL-GENERAL; PLANNED DEVELOPMENT); AND FOR OTHER PURPOSES.

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

SECTION 1. The map constituting the component part of the Zoning Ordinance of Athens-Clarke County, Georgia, by virtue of and in compliance with Section 9-3-3 and Section 9-3-6 thereof, is hereby amended by changing the zoning of three parcels of land located at 717 Oconee Street, 205 Georgia Drive, and 215 Georgia Drive, Athens, Georgia from C-G (Commercial-General) to C-G (PD) (Commercial-General, Planned Development), as shown on Attachment A hereto. Said affected parcels of land are more fully described in that certain document entitled "Site Plan," initially dated June 27, 2019 and most recently updated October 4, 2019, prepared by Joshua H. Koons, registered landscape architect, designated in the lower right-hand corner as Sheet No. L2.0, and being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia.

The three parcels comprising the subject planned development are also known as Tax Parcel Nos. 171D2 B003 (717 Oconee Street), 171D2 B004 (205 Georgia Drive), and 171D2 B005 (215 Georgia Drive) 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, and together comprise approximately 0.75 acres. The date of this amendment to the Official Zoning Map of Athens-Clarke County as shown by Attachment A shall be noted on said Official Zoning Map in the office of the Clerk of Commission at 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

SECTION 2. The binding master site plan associated with this ordinance and incorporated by reference herein consists of one sheet entitled "Site Plan," initially dated June 27, 2019 and most recently updated October 4, 2019, prepared by Joshua H. Koons, registered landscape architect, designated in the lower right-hand corner as Sheet No. L2.0, and stamped "Binding 10-8-19."

The binding written report associated with this ordinance and incorporated by reference herein consists of twelve pages in total, is entitled "Oconee Street United Methodist Church Planned Development Application Report," most recently dated August 30, 2019, and stamped "Binding 10-8-19."

The binding site plan and binding report are on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia.

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

1. The applicant shall revise the site plan to include the porous grass and porous gravel areas in the proposed lot coverage calculation and shall provide an engineering detail for these areas.
2. The applicant shall revise its written report to indicate that the future land use designation of the affected parcels is General Business.

3. The applicant shall revise its written report to remove the reference to a waiver for “paving material” on the fourth page of said report.
4. The applicant shall revise its site plan to denote a future right-of-way along Poplar Street and to denote the future rights-of-way along Poplar Street, Oconee Street, and Georgia Drive shall be dedicated to the Unified Government of Athens-Clarke County.

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

A public hearing was held on request of Kiersten Lurer, PM&A for Freddie Massey for special use in AR (Agricultural Residential) District on 0.557 acre of a 34-acre tract known as 855 Nowhere Road. Proposed use is a telecommunications facility. Type II

Planning Commission recommendation: Approve (unanimous)

Citizen input

The following citizen input was received.

1. Troy Simon – opposed
2. Aura Morris – opposed
3. Kiersten Lurer, representing Verizon – supported

A motion was made by Commissioner Denson, seconded by Commissioner NeSmith, to approve said special use request. The motion was withdrawn.

A motion was made by Commissioner Denson, seconded by Commissioner Wright, to HOLD this special use request until Tuesday, December 3, 2019. The motion passed by unanimous vote.

Citizen input on items other than those on this agenda

The following citizen input was received.

1. Dennis Holmes – he is honest
2. Drew Dekle - supported western historic downtown district

Commissioner Denson exited the chamber at 8:22 and returned at 8:30.

3. Scott Reid – supported western historic downtown district
4. Andrea Farnham – supported having a political debate at the jail
5. Kim Long, Flicker Theatre – supported western historic downtown district
6. Sam Rafal – concerned about EMS and supported ACC handling all 911 calls
7. Brooke Trogdon – supported parallel ordinance
8. Zoey Love – supported parallel ordinance
9. Avery Murdie – supported prosperity package and economic development
10. Broderick Flanagan – supported addressing poverty and baby bonds
11. Stephanie Flores – supported addressing poverty
12. Carol Myers, 100% Athens – supported funding renewable energy project and eastside library first
13. Carter Vest – supported grants for education and business opportunities
14. Allen Jones – supported reconsideration of definition of family ordinance

FROM MAYOR GIRTZ:

1. Stated more information on a parallel ordinance will be forthcoming.

2. Referred to Government Operations Committee a review of short term rentals: tax payments same as hotels; possible permitting process; health and safety related issue.
3. Referred to Legislative Review Committee a review of ordinance reference loud or unruly gatherings in residential neighborhoods.

FROM MANAGER WILLIAMS:

1. Received for information was a report of contract awards in excess of \$10,000 for month of September 2019.

FROM AUDITOR MADDOX:

1. Received for information was an audit status of work plan activity.
2. Announced the Audit Committee will meet Friday, November 8.

FROM COMMISSIONER DAVENPORT:

1. Thanked everyone who recently participated in District 1 community meeting.

FROM COMMISSIONER LINK:

1. Supported Western Downtown Historic District.

FROM COMMISSIONER WRIGHT:

1. Stated review of definition of family ordinance could be referred to committee.
2. Stated Legislative Review Committee will continue discussion on minimum drink price.
3. Invited everyone to attend special vendors' meeting on responsible alcohol sales and service, Thursday, November 21.

FROM COMMISSIONER DENSON:

1. Thanked everyone for success of Wild Rumpus event.
2. Stated Police Chief Spruill is working on training for crisis intervention.
3. Requested assignment to committee of a human rights ordinance.

FROM COMMISSIONER NESMITH:

1. Supported Police Chief Spruill's work on crisis intervention.
2. Stated problems with recent emergency call from Barrow Elementary involved several issues.
3. Stated average response time for EMS is 8.92 minutes.

FROM COMMISSIONER EDWARDS:

1. Thanked Commissioner Hamby and Garrett Yeager for assistance with a recent forum.

FROM COMMISSIONER THORNTON:

1. Thanked everyone who applied for a board, authority, or commission.
2. Stated there are security issues at the mental health day care facility.
3. Requested consideration of tiny homes be referred to committee.
4. Expressed appreciation for justice pop-up clinics.

5. Supported renewable energy.

FROM COMMISSIONER HAMBY:

1. Supported ordinance for loud and unruly behavior.
2. Requested a crosswalk on Alps Road at the bus stop.
3. Requested Board of Elections make every effort to notify voters of changes in polling locations.
4. Requested a status report on citations issued by the police department; how are they tracked, and what amount is outstanding.

The meeting adjourned at 9:27 p.m.

Clerk of Commission