

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, April 7, 2020
6:00 p.m.
City Hall/WebEx

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 Hamby came in at 6:06 p.m.

Due to the COVID-19 pandemic, the meeting was remote. It could be viewed live at www.accgov.com/videos, on YouTube at www.youtube.com/accgov, on Facebook at www.facebook.com/accgov, and on ACTV Cable Channel 180 or the live ACTV stream at www.accgov.com/actvlive

A motion was made by Commissioner Wright, seconded by Commissioner Thornton, to approve Minutes of meetings of Tuesday, March 3; Monday, March 16; Thursday, March 19; and Tuesday March 31, 2020. The motion passed by unanimous vote.

Written communications

There were no written communications.

A motion was made by Commissioner NeSmith, seconded by Commissioner Edwards, to suspend Rules of Commission, due to the COVID-19 virus, with reference to citizen input other than that required for a zoning related issue; and for consideration of items of new business. The motion passed by unanimous vote.

Manager Williams gave an update on the resiliency package with regard to the COVID-19 pandemic.

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.

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

1. ADOPT: The following ordinance (#20-04-14) which was presented by title only removing approximately 68 feet of existing yellow curb on the north side of Henderson Avenue adjacent to 397 Henderson Avenue as per agenda report dated February 26, 2020;

AUTHORIZE: Traffic Engineering staff to install three additional parking stalls adjacent to 397 Henderson Avenue; and

DESIGNATE: The three additional parking stalls for use by Gamma Phi Beta Sorority House following restrictions as stipulated in the Residential Parking Program (TE-005).

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO PARTIAL REMOVAL OF PARKING RESTRICTIONS ON HENDERSON 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, the previously designated no parking zone on the north side of Henderson Avenue beginning at a point situate 50 feet easterly from its intersection with the east side of South Milledge Avenue and

extending therefrom along the northerly side of said street a distance of 68 feet, as further shown on Attachment 1, incorporated herein by reference, is hereby repealed.

SECTION 2. Pursuant to Section 3-3-48 of the Code of Athens-Clarke County entitled, "Privileges and restrictions on residential parking permits," the Henderson Avenue Residential Parking District is hereby amended by adding thereto that portion of Henderson Avenue beginning at a point situate 50 feet easterly from its intersection with the east side of South Milledge Avenue and extending therefrom along the northerly side of said street a distance of 68 feet, as further shown in Attachment 1, incorporated here by reference.

SECTION 3. Traffic Engineering Division is hereby authorized to install three additional parking stalls in the portion of Henderson Avenue described in Section 2 above and to designate those three additional parking stall for use by Gamma Phi Beta Sorority following restrictions as stipulated in the Residential Parking Program.

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

2. a) ADOPT: The following ordinance (#20-04-15) which was presentd by title only reallocating up to \$20,000 from the Jail Expansion Project (SPLOST 2011 Project #01) to the Animal Shelter Expansion (SPLOST 2011 Project #19) for fiber connectivity as per revised agenda report dated March 26, 2020;
- b) Approve the proposed Fiber Connectivity Project Concept for Public Safety Communication Systems Improvements (SPLOST 2011 Project #05) and Animal Shelter Expansion (SPLOST 2011 Project #19), as described in Facts & Issues #3 and 4 of said agenda report;
- c) Authorize Staff to advance the project concept directly to the construction phase; and,
- d) Authorize the Mayor and appropriate staff to execute all necessary documents.

AN ORDINANCE TO AMEND THE SPECIAL PURPOSE LOCAL OPTION SALES TAX 2011 BUDGET FOR ATHENS-CLARKE COUNTY SO AS TO PROVIDE ADDITIONAL FUNDING FOR THE SPECIAL PURPOSE LOCAL OPTION SALES TAX 2011 PROJECT #19 – ANIMAL SHELTER EXPANSION PROJECT; 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 SPLOST 2011 Capital Projects Fund to provide additional funding for the SPLOST 2011 project #19 – Animal Shelter Expansion project. Said Operating and Capital budget is hereby amended as follows:

SPLOSTax 2011 Capital Projects Fund:

EXPENDITURES:

DECREASE:

Project #01	
Jail Expansion	up to (\$20,000)

INCREASE:

Project #19	
Animal Shelter Expansion	up to \$20,000

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

3. APPROVE: Transfer of a surplus Athens Transit Department Ford mini-bus to the Leisure Services Department as per agenda report dated February 25, 2020; and assume associated maintenance and replacement costs as part of the Fleet Management Program.
4. APPROVE: Signal modification change order to the original contract for Baxter Street,

Southview Drive, and North Chase Street sidewalk gap project with Sol Construction, LLC for a unit cost not to exceed \$132,742 as per agenda report dated March 4, 2020; and authorize the Mayor and appropriate staff to execute all related documents.

5. APPROVE: Acceptance of the Corridor Landsdcape Master Plan as recommended by the Corridor Policy Committee report dated March 4, 2020; and consider including the cost of \$243,239 in the FY 2021 annual operating and capital budget.

Old and new business – Discussion

A motion was made by Commissioner NeSmith, seconded by Commissioner Link, to approve revisions to The Code of Athens-Clarke County, Georgia concerning lost or stolen property as per agenda report dated February 26, 2020 with the addition of requirement for public service announcements and posting to the ACC Police website.

The motion was withdrawn.

A motion was made by Commissioner NeSmith, seconded by Commissioner Link, to HOLD his item for 30 days. The motion passed by unanimous vote.

A motion was made by Commissioner NeSmith, seconded by Commisisoner Link, to adopt the following ordinance (#20-04-16) which was presented by title only as per agenda report dated Feruary 21, 2020. The motion passed by unaimous vote.

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

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

SECTION 1. Section 5-4-1 entitled “*Purpose and intent.*” of the Code of Athens-Clarke County, Georgia, subsection (6) is hereby amended by adding to said section the words “and the Transportation and Public Works Department Technical Standards” so that said subsection is:

“**Sec. 5-4-1. – Purpose and intent.**”

(6) Encourage the advantages of urban and brownfield redevelopment and adaptive re-use to reduce the loss of natural areas and open space elsewhere and avoid the need for additional infrastructure to support new development. Follow guidance in the Georgia Stormwater Management Manual and the Transportation and Public Works Department Technical Standards to utilize legal mechanisms to allow more land to be left in a natural state by using incentives or regulatory measures to promote infill and redevelopment in areas already served by infrastructure;”

SECTION 2. Section 5-4-2 entitled “*Definitions*” of the Code of Athens-Clarke County, Georgia is hereby amended by deleting the words “Appendix B” from the definition for Hydrologic Soil group (HSG) so that said definition is:

“**Sec. 5-4-2. – Definitions.**”

Hydrologic soil group (HSG) means the U.S. Natural Resource Conservation Service (NRCS) classification system in which soils are categorized into four runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce much more runoff. NRCS HSG information may be found in the Georgia Stormwater Management Manual.”

SECTION 3. Section 5-4-2 entitled “*Definitions*” of the Code of Athens-Clarke County, Georgia is hereby amended by deleting the words “and disposal” and adding the words “infiltration, evaporation, re-use or,” to the definition for Stormwater management so that said definition is:

“Sec. 5-4-2. – Definitions.

Stormwater management means the collection, conveyance, storage, treatment, infiltration, evaporation, re-use or removal of stormwater runoff in a manner intended to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.”

SECTION 4. Section 5-4-6 entitled “*Permit procedures and requirements*” of the Code of Athens-Clarke County, subsection (c), is hereby amended by adding the words “or as provided for in the Transportation and Public Works Department Technical Standards” so that said subsection is:

“Sec. 5-4-6. – Permit procedures and requirements.

(c) *Stormwater management plan requirements.* The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this article, including the performance criteria set forth in Section 5-4-7.

This plan shall be in accordance with the criteria established in this section and must be submitted with the stamp and signature of a professional engineer (PE) or landscape architect licensed in the state of Georgia, who must verify that the design of all stormwater management facilities and practices meet the submittal requirements outlined in the submittal checklist(s) found in the *Georgia Stormwater Management Manual* or as provided for in the Transportation and Public Works Department Technical Standards.

The stormwater management plan must ensure that the requirements and criteria in this article are being complied with and that opportunities are being taken to minimize adverse post-development stormwater runoff impacts from the development. The plan shall consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan shall include all of the information required in the Stormwater Management Site Plan checklist found in the *Georgia Stormwater Management Manual* or as provided for in the Transportation and Public Works Department Technical Standards. This includes:

- (1) Common address and legal description of site.
- (2) Vicinity map.
- (3) Existing conditions hydrologic analysis. The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of existing site conditions with the drainage area boundaries indicated; acreage, soil types and land cover of areas for each sub-drainage areas affected by the project; all perennial and intermittent streams and other surface water features as noted through field investigation; all existing stormwater conveyances and structural control facilities that impact design and/or construction of proposed development; direction of flow and inputs to and exits from the site; analysis of runoff provided by off-site areas upstream of the project site; and methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. For redevelopment sites, predevelopment conditions shall be modeled using the established guidelines determined by the Department for the portion of the site undergoing land development activities.
- (4) Post-development hydrologic analysis. The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map

of developed site conditions with the post-development drainage area boundaries indicated; total area of post-development impervious surfaces and other land cover areas for each sub-drainage area affected by the project; calculations for determining the runoff volumes that need to be addressed for each sub drainage area for the development project to meet the post-development stormwater management performance criteria in section 5-4-7; location and boundaries of proposed natural feature protection and conservation utilized; methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.

- (5) Stormwater management system. The description, scaled drawings and design calculations for the proposed post-development stormwater management system, which shall include: A map and/or drawing or sketch of the stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes; a narrative describing how the selected structural stormwater controls will be appropriate and effective; cross-section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria; a hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs); documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in [section 5-4-7](#); drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels, swales and areas of overland flow; and where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local greenspace program, greenway network plan, and park development.
- (6) Post-development downstream flow analysis. A downstream flow analysis will be prepared by the applicant to provide an overview of potential impacts from post development run-off from the site. At a minimum the downstream flow analysis will include:
 - a) A map of each and every point or area along the project site's boundaries at which runoff will exit the property.
 - b) The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage area where the project area is ten percent of the total downstream drainage area.
 - c) Delineation of all downstream structures and property adjacent or within the flow path of the downstream flow analysis.
 - d) Identification of known flooding problems from Athens-Clarke County Stormwater Master Plan or other sources.
 - e) If determined through this preliminary review of the items above that the potential exists for downstream flooding resulting from post development conditions, the Director of the Department can require the applicant to conduct and submit a downstream hydrologic assessment in accordance with the criteria listed in the *Georgia Stormwater Management Manual* criteria or as provided for in the Transportation and Public Works Department Technical Standards for post development downstream analysis.
- (7) Reserved.
- (8) Landscaping and open space plan. A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices. The landscaping plan must also include: the arrangement of planted areas, natural and greenspace areas and other landscaped features

on the site plan; information necessary to construct the landscaping elements shown on the plan drawings; descriptions and standards for the methods, materials and vegetation that are to be used in the construction; density of plantings; descriptions of the stabilization and management techniques used to establish vegetation; and a description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.

- (9) Operations and maintenance plan. Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved. These plans will identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan shall include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.
- (10) Maintenance access easements. The applicant must ensure access from public right-of-way to stormwater management facilities and practices requiring regular maintenance at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis. Such access shall be sufficient for all necessary equipment for maintenance activities. Upon final inspection and approval, a plat or document indicating that such easements exist shall be recorded and shall remain in effect even with the transfer of title of the property.
- (11) Inspection and maintenance agreements. Unless an on-site stormwater management facility or practice is dedicated to and accepted by the Unified Government of Athens-Clarke County as provided in [section 5-4-6\(d\)](#), the applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice in accordance section 5-4-6(d).
- (12) Evidence of acquisition of applicable local and non-local permits. The applicant shall certify and provide documentation to the Department that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.”

SECTION 5. Section 5-4-7 entitled “*Post-development stormwater management performance criteria*” of the Code of Athens-Clarke County, Georgia, subsection (a), is hereby deleted in its entirety and the following new subsection is inserted in lieu thereof:

“Sec. 5-4-7. – Post-development stormwater management performance criteria.

- (a) The following performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this article:
 - (1) *Water quality and runoff reduction.* All stormwater runoff generated from a site shall be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:
 - a. For projects with a stormwater concept meeting before December 6, 2020, the system is designed to treat the prescribed water quality treatment volume from the site, which is defined as the runoff volume resulting from the first 1.2 inches of rainfall from a site, or it retains the first 1.0 inch of rainfall onsite using approved runoff reduction methods;
 - b. For projects with a stormwater concept meeting on or after December 6, 2020, the stormwater management system shall be designed to retain the

first 1.0 inch of rainfall on the site, to the maximum extent practicable. The determination by the MS4 that it is infeasible to apply the runoff reduction standard in part or in whole or that an alternate strategy will reduce pollutant loadings from the site to the maximum extent practicable must be documented with the site plan review documents. If the entire 1.0 inch of rainfall cannot be retained onsite using runoff reduction methods, the remaining runoff from a 1.2 inch rainfall event must be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as designed in the Georgia Stormwater Management Manual or the Transportation and Public Works Department Technical Standards. Treatment of runoff from hotspots on the site such as fueling stations requires special attention to address the expected pollutants of concern.

- c. Appropriate structural stormwater controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the *Georgia Stormwater Management Manual* or as provided for in the Transportation and Public Works Department Technical Standards; and
 - d. Runoff from hotspot land uses and activities identified by the Department are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.
- (2) *Stream channel and aquatic habitat protection.* Protection of stream channels from bank and bed erosion and degradation shall be provided by using all of the following three approaches:
- a. Preservation, restoration and/or reforestation with native vegetation of the applicable stream buffer;
 - b. 24-hour extended detention storage of all stormwater runoff generated from a site by the one-year, 24-hour return frequency storm event; and
 - c. Post development erosion prevention measures such as energy dissipation and velocity control. These measures shall take into consideration location and size of outlet control structure.
- (3) *Overbank flood protection.* Downstream overbank flood protection and property protection shall be provided by controlling the site's post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour return frequency storm event. If control of the one-year, 24-hour storm under section 5-4-7(3) is exempted, then peak discharge rate attenuation of the two-year through the 25-year return frequency storm event must be provided.
- (4) *Extreme flooding protection.* Extreme flood and public safety protection shall be provided by controlling and safely conveying the site's 100-year, 24-hour return frequency storm event such that flooding is not exacerbated.
- (5) *Structural stormwater controls.* All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the *Georgia Stormwater Management Manual* and any local addenda. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the *Georgia Stormwater Management Manual* or the Transportation and Public Works Department Technical Standards, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and

receive approval from the Department before being included in the design of a stormwater management system.

Applicants shall consult the *Georgia Stormwater Management Manual* for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

- (6) *Stormwater credits for nonstructural measures.* The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under section 5-4-7(1). The applicant may, if approved by the Department, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. Credits shall be made available pursuant to the provisions governing credits in the *Georgia Stormwater Management Manual* or as provided for in the Transportation and Public Works Department Technical Standards.
- (7) *Drainage system guidelines.* Stormwater conveyance facilities, which may include, but are not limited to, culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters shall be provided when necessary for the protection of public right-of-way, public properties, and private properties adjoining project sites and/or public right-of-ways. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:
 - a. Methods to calculate stormwater flows shall be in accordance with the stormwater design manual;
 - b. All culverts, pipe systems and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the stormwater design manual; and
 - c. Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the stormwater design manual.
- (8) *Dam design guidelines.* Any land disturbing activity that involves a site which proposes a dam shall comply with the provisions of O.C.G.A. § 12-5-370 et seq. (the "Georgia Safe Dams Act") and the rules for dam safety promulgated thereunder, as applicable."

SECTION 6. Section 5-4-7 entitled "*Post-development stormwater management performance criteria*" of the Code of Athens-Clarke County, Georgia, subsection (b), part (1), is hereby deleted in its entirety and the following new subsection is inserted in lieu thereof:

"Sec. 5-4-7. – Post-development stormwater management.

- (b) The Transportation and Public Works Director may determine that redevelopment on a developed site that includes all stormwater management measures necessary to satisfy all of the postdevelopment stormwater management performance criteria as provided in section 5-4-7(a) is fully or partially infeasible.
 - (1) An applicant for such an infeasibility determination shall provide justification demonstrating how the redevelopment satisfies the Better Site Design and smart growth principles, as defined in the *Georgia Stormwater Management Manual* or as provided for in the Transportation and Public Works Department Technical Standards. The Transportation and Public Works Director shall consider the application and existing site conditions to determine full or partial infeasibility on a site by site basis. At least one of the following criteria shall be satisfied:

- a. The redevelopment site is situated on parcel(s) with impervious cover in excess of 40 percent of the maximum allowable lot coverage for the applicable zoning category, as calculated considering only the adjusted tract acreage;
- b. The redevelopment site includes mitigating circumstances including shallow bedrock, contaminated soils, high groundwater, or presence of existing utilities; or
- c. Conformance with post-development stormwater management performance criteria on the redevelopment site would damage a community resource or impact threatened or endangered species habitat.”

SECTION 7. Section 5-4-7 entitled “*Post-development stormwater management performance criteria*” of the Code of Athens-Clarke County, Georgia, subsection (c), part (2), is hereby deleted in its entirety and the following new subsection is inserted in lieu thereof:

“Sec. 5-4-7. – Post-development stormwater management.

- (c) Any site determined to be fully or partially infeasible for post-development performance criteria for post-development performance criteria according to section 5-4-7(b) shall be exempt from satisfying any criteria deemed infeasible by the Transportation and Public Works Director. In such case, and unless otherwise provided for in this article, the following post-development stormwater management performance criteria shall apply at a minimum:

(2) *Special standards for replaced impervious surface area.* All stormwater runoff generated from the replaced impervious surface shall be adequately treated before discharge. A stormwater management system will be presumed to comply with this standard if:

- a. it is designed to treat the REIS volume from the site in a way that minimizes this pollutant loading; and
- b. Appropriate structural stormwater controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the *Georgia Stormwater Management Manual* or as provided for in the Transportation and Public Works Department Technical Standards.
- c. The design shall utilize green infrastructure, low impact design, and runoff reduction to the maximum extent practicable. All stormwater runoff that is either infiltrated or evaporated may be counted as double in treating the REIS volume requirements.”

SECTION 8. Section 5-4-7 entitled “*Post-development stormwater management performance criteria*” of the Code of Athens-Clarke County, Georgia, subsection (c), part (4), is hereby deleted in its entirety and the following new subsection is inserted in lieu thereof:

“Sec. 5-4-7. – Post-development stormwater management.

- (c) Any site determined to be fully or partially infeasible for post-development performance criteria for post-development performance criteria according to section 5-4-7(b) shall be exempt from satisfying any criteria deemed infeasible by the Transportation and Public Works Director. In such case, and unless otherwise provided for in this article, the following post-development stormwater management performance criteria shall apply at a minimum:

(4) *Additional impervious surface less than 5,000 square feet.* Many redevelopment projects involve not only the replacement of impervious surfaces but also the net

creation of impervious surfaces. These new surfaces can impact streams and neighboring properties. All stormwater runoff generated from the new impervious surface shall be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if it is sized to provide treatment as defined in Section 5-4-7(a)(1) of this ordinance.”

SECTION 9. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner Parker, seconded by Commissioner Wright, to HOLD Athens-Clarke County Department of Corrections (ACCDC) and Georgia Department of Transportation (GDOT) corridor beautification agreement. The motion passed by unanimous vote.

A motion was made by Commissioner Wright, seconded by Commissioner Davenport to:

- a) Approve the renewal of the Unified Government of Athens-Clarke County (ACCGov) and the University of Georgia (UGA) Transportation Agreement for FY21 for UGA student, faculty, and staff use of the ACCGov Transit system as per Attachment #1 of agenda report dated February 20, 2020;
- b) Authorize a discounted bulk fare rate of \$1.422 per trip for all fixed-route UGA affiliated passengers with valid UGA ID card;
- c) Authorize a continuation of an intra-campus discount of fifty percent of the discounted bulk fare rate per trip for UGA student, faculty, and staff “intra campus” trips;
- d) Authorize a credit in the amount equal to 60% of the total Small Transit Intensive Cities (STIC) funding received by ACCGov to reflect UGA’s participation in the National Transit Database Ridership reporting program; and
- e) Authorize the Mayor and appropriate staff to execute the resulting contract between ACCGov and UGA.

The motion passed by unanimous vote.

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

- a) Approve the submission of an application per Attachment #1 of agenda report dated February 26, 2020 by the Athens-Clarke County Police Department (ACCPD) for the 2020 Community Policing Development (CPD) Microgrants Program;
- b) Accept the grant funds, if awarded;
- c) Adopt the following ordinance (#20-04-17) which was presented by title only; and
- d) Authorize the Mayor and appropriate staff to execute all documents associated with the grant.

The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE FY2020 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING AND AUTHORIZATION, IF AWARDED, FROM THE COMMUNITY POLICING DEVELOPMENT MICROGRANTS PROGRAM FOR ONE ADDITIONAL FULL-TIME NEIGHBORHOOD SERVICE OFFICER AND UP TO 8 PART-TIME YOUTH POLICE CADETS 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 and authorization, if awarded, from the Community Policing

Development Microgrants Program for one additional full-time neighborhood service officer and up to 8 part-time youth police cadets. Said Operating and Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:
DOJ Community Policing Development Microgrants \$100,000

Expenditures:

Increase:
Police Department – Personal Services \$100,000

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

New business – Consider under previously suspended Rules of Commission

A motion was made by Commissioner Wright, seconded by Commissioner Link, to adopt the following ratification of local emergency orders reference sale of beer and wine for take-out consumption off premises and deadline for payment of occupation tax and regulatory fees. The motion passed by unanimous vote.

LOCAL EMERGENCY ORDER

WHEREAS, beginning in late 2019, the severe acute respiratory syndrome coronavirus 2, SARS-CoV-2, emerged causing a novel coronavirus disease, COVID-19, which has now become a worldwide pandemic; and

WHEREAS, the Governor of the State of Georgia declared a State Public Health Emergency on March 14, 2020; and

WHEREAS, on March 19, 2020, pursuant to their authority under the Athens-Clarke County Emergency Management Ordinance, the Athens-Clarke County Mayor and Commission adopted a Second Declaration of Local Emergency activating certain emergency powers in order to allow Athens-Clarke County to quickly respond to the COVID-19 pandemic;

WHEREAS, on March 27, 2020, pursuant to his authority under the Athens-Clarke County Emergency Management Ordinance and the Second Local Declaration of Local Emergency, the Manager of Athens-Clarke County ordered that certain provisions of the Code of Athens-Clarke County, Georgia prohibiting the sale of unopened bottles/cans of beer and wine for take-out consumption be temporarily suspended;

WHEREAS, on March 30, 2020, pursuant to his authority under the Athens-Clarke County Emergency Management Ordinance and the Second Local Declaration of Local Emergency, the Manager of Athens-Clarke County ordered that the April 1, 2020 deadline to pay Occupation Tax Fees be extended until June 1, 2020;

WHEREAS, the COVID-19 pandemic has resulted in disruptions to resident and community affairs as well as changes to how governmental services are provided; and

WHEREAS, Athens-Clarke County's businesses, including thousands of small businesses, have also been impacted by the COVID-19 pandemic through business closures and reduction of hours; and

WHEREAS, the temporary suspension of certain provisions of the Alcoholic Beverages Ordinance will assist local businesses in responding to and coping with COVID-19 Emergency; and

WHEREAS, the temporary suspension of certain provisions of the Occupation Tax Ordinance will assist local businesses in responding to and coping with COVID-19 Emergency; and

WHEREAS, The Mayor and Commission of Athens-Clarke County believe it is in the best interest of Athens-Clarke County, its residents, and its businesses to temporarily suspend the enforcement of certain provisions of the Alcoholic Beverage Ordinances and the Occupation Tax Ordinance in order to assist local business and residents coping with the COVID-19 Emergency;

IT IS HEREBY ORDERED, that the order related to the suspension of provisions of the alcohol beverage ordinance issued by the Manager on March 27, 2020 and the order related to the extension of the deadline for the payment of the Occupation Tax fee issued by the Manager on March 30, 2020 are hereby ratified and adopted by the Mayor and Commission of Athens-Clarke County.

IT IS FURTHER ORDERED, that any provisions of the Alcoholic Beverages Ordinance prohibiting an establishment licensed to sell beer and or wine on premises from selling unopened bottles/cans of beer and wine for take-out consumption off premises shall be temporarily suspended for the duration of the COVID-19 Local Emergency. It is the intent of this order that any establishment licensed to sell beer and/or wine shall be authorized to sell unopened bottles/cans of such beverages for take-out consumption off premises through the duration of the declared Local Emergency, including any extension thereof. All other provisions of the Alcoholic Beverages Ordinance not in conflict with this order shall remain in full force and effect.

IT IS FURTHER ORDERED, that the April 1, 2020 deadline for payment of Occupation Tax and regulatory fees be extended to June 1, 2020. Any provisions of Athens-Clarke County's Occupation Tax in conflict in with the extension granted herein are hereby temporarily suspended. All other provisions of the Occupation Tax Ordinance remain in full force and effect.

A motion was made by Commissioner Link, seconded by Commissioner Parker, to adopt an ordinance amending the FY20 annual operating and capital budget for Athens-Clarke County, Georgia so as to provide funding for legal fees expenses (\$41,633) related to the hearing before the State Election Board.

A substitute motion was made by Commissioner NeSmith, seconded by Commissioner Edwards, to deny the ordinance amending the FY20 annual operating and capital budget for Athens-Clarke County, Georgia so as to provide funding for legal fees expenses (\$41,633) related to the hearing before the State Election Board.

Commissioner NeSmith amended his motion to provide funding for legal fees expenses in the amount of \$18,015.42.

The substitute motion failed by roll call vote with Commissioners NeSmith and Edwards voting YES; and Commissioners Davenport, Parker, Link, Wright, Denson, Herod, Thornton and Hamby voting NO; (2 YES; 8 NO)

The original motion passed by roll call vote with Commissioners Davenport, Parker, Link, Wright, Denson, Edwards, Herod, Thornton and Hamby voting YES; and Commissioner NeSmith voting NO. (9 YES; 1 NO). The following ordinance (#20-04-18) which was presented by title only was declared adopted.

AN ORDINANCE TO AMEND THE FY2020 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FOR LEGAL FEES EXPENSES RELATED TO THE HEARING BEFORE THE STATE ELECTION BOARD; 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 Operating Budget to provide funding for legal fees expenses related to the hearing before the State Election Board and related expenses. Said Operating and Capital budget is hereby amended as follows:

General Fund:

EXPENDITURES:

Decrease:

Other General Administration	
General Fund Contingency	(\$41,633)

Increase:

Attorney's Office	
Operating Expense	\$41,633

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

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

A public hearing was conducted on request of Michael A. Morris/Blasingame, Burch, Garrard & Ashley, PC for H.A. Cook for special use in C-G (Commercial-General) on 43.35 acres known as 469 and 471 Hull Road. Proposed use is multifamily. Type II

Planning Commission recommendation:

Variance: Approve (unanimous)

Special use: Approve w/conditions (unanimous)

Citizen input

The following citizen input was received.

1. Michael Morris, attorney for petitioner – supported.
2. Grant Whitworth – supported

A motion was made by Commissioner Thornton, seconded by Commissioner NeSmith, to approve the following variance:

The applicant shall not be required to construct a plaza or public space as described in Section 9-25-8(F)(2) of the Code of Athens-Clarke County, Georgia.

The motion passed by unanimous vote.

A motion was made by Commissioner Link, seconded by Commissioner NeSmith, to adopt the following ordinance (#20-04-19) 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 APPROVAL OF A SPECIAL USE PERMIT IN THE C-G (COMMERCIAL-GENERAL) DISTRICT FOR TWO PARCELS OF LAND LOCATED AT 469 AND 471 HULL ROAD COMPRISING APPROXIMATELY 43.35 ACRES IN TOTAL; AND FOR OTHER PURPOSES.

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

SECTION 1. The current C-G (Commercial-General) District, 469 and 471 Hull Road, Athens, Georgia, is hereby amended to provide for special use approval of ground-floor residences. The subject parcels, which together comprise approximately 43.35 acres, are known as tax parcel numbers 154 038E (469 Hull Road) and 154 038R (471 Hull Road) on the Athens-Clarke County Tax Map, being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia. The date of this amendment to the Official Zoning Map of Athens-Clarke County as shown by Attachment A hereto shall be noted on said Official Zoning Map in the office of the Clerk of Commission and duly noted in the minutes of the Commission meeting.

The subject parcel is further described in that certain site plan entitled “Special Use Permit Site Plan,” most recently revised on March 10, 2020, prepared by Michael Bret Thurmond, Georgia registered professional engineer, 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.

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

Sheet No.:	Title:	Date (most recent revision):
N/A	Special Use Permit Site Plan (Note: contains vicinity map)	March 10, 2020
N/A	Special Use Permit Site Plan (Note: contains project notes, parking requirements, site coverage data, and zoning requirements)	March 10, 2020
A100	Front Elevations	February 7, 2020
A101	Front Elevations	February 7, 2020
A102	Front Elevations	February 7, 2020

Each sheet of this binding master site plan is stamped "Binding 3-10-20," and the entire document is on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia.

The binding written report associated with this ordinance and incorporated herein by reference consists of three pages in total (inclusive of an addendum), being entitled "Report," and stamped "Binding 3-10-20." The binding written report includes an "Addendum to Written Report," which is dated February 7, 2020 and consists of one page.

SECTION 3. The variance associated with approval of the requested special use permit is as follows:

1. The applicant shall not be required to construct a plaza or public space as described in Section 9-25-8(F)(2) of the Code of Athens-Clarke County, Georgia.

SECTION 4. The conditions associated with approval of the requested special use permit are as follows:

1. The grantees of the shared access easement—shown as the "Ingress-Egress & Utility Easement" on the binding master site plan—must provide consent for its proposed modification. Any additional modifications to the binding site plan for this driveway may be addressed through the administrative action process.
2. There shall be no grading and/or clearing of the first two-hundred feet of depth along the length of Hull Road prior to approval of site-specific plans for its development; provided, however, that grading and/or clearing shall be allowed to the extent necessary to construct driveways and utility easements for the adjacent residential development.
3. Prior to issuance of any permits, the applicant shall amend its binding written report to clarify the affected tax parcel numbers and to clarify the precise amount of acreage subject to this ordinance.

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

FROM MAYOR GIRTZ:

1. Stated Magistrate's Court has announced eviction hearings will be suspended through May 13.
2. Stated the Audit Committee will meet April 16.
3. Encouraged everyone to participate in the 2020 census.

Mayor Girtz requested he be allowed to give direction to staff to process a Type One Rezoning Application for the property currently owned by Columbia Properties to request rezoning from RM-2 to CD (DS) Commercial Downtown – Dougherty Street Design Area and from Residential Mixed Use to Downtown Future Land Use Designation in order to meet the Planning Commission process timeline, to support the Housing Authority's attempt to submit a timely LIHTC application.

A motion was made by Commissioner NeSmith, seconded by Commissioner Edwards, to approve said request. The motion passed by unanimous vote.

FROM MANAGER WILLIAMS:

1. Gave a progress report on the Clayton Street Infrastructure project.

FROM COMMISSIONER DAVENPORT:

1. Stated the landfill hours have been adjusted, call ahead.

FROM COMMISSIONER LINK:

1. Thanked police for increased patrol in the downtown area.

FROM COMMISSIONER DENSON:

1. Requested Board of Elections provide adequate drop-off points for absentee ballot requests.

FROM COMMISSIONER NESMITH:

1. Expressed appreciation to citizen groups such as Masks for Athens, Georgia Health Care Heroes who are volunteering to fabricate masks.

FROM COMMISSIONER EDWARDS:

1. Stated he believes Athens-Clarke County was the first municipality on the east coast to adopt a shelter in place resolution which has prevented possible cases of COVID-19.

FROM COMMISSIONER HEROD:

1. Encouraged citizens to continue washing hands and safely distancing.

FROM COMMISSIONER THORNTON:

1. Expressed appreciation to Public Information Officer Jeff Montgomery for yard signs which are available and provide information on COVID-19 virus.
2. Requested work continue on plans for homeless.
3. Requested development of theme to encourage community safety.

FROM COMMISSIONERS HEROD, THORNTON, AND HAMBY:

1. Requested information on 10 reported virus-related nursing home deaths. Commissioner Hamby also requested information from the Department of Public Health regarding precautions for long term health care facilities.

Commissioners expressed appreciation to management and staff for their excellent service in this trying time.

The meeting adjourned at 9:22 p.m.

Clerk of Commission