

Unified Government of Athens-Clarke County, Georgia
 Mayor and Commission
 Tuesday, May 5, 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 Thornton came in at 6:13 p.m.

Due to the COVID-19 pandemic, the May 5 Mayor and Commission session will be remote. The meeting can 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

Online comments were received until 5:00 p.m.

A motion was made by Commissioner Denson, seconded by Commissioner Davenport, to approve Minutes of meetings of Tuesday, April 7; Tuesday, April 14; and Tuesday, April 21, 2020. 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.

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

1. ADOPT: The following ordinance (#20-05-21) which was presented by title only as per agenda report dated January 22, 2020.

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

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

SECTION 1. Section 5-1-2 of the Code of Athens-Clarke County, Georgia, entitled “*General sewer use requirements*,” section (e), entitled “*Specific pollutant limitations*,” is hereby deleted in its entirety and the following new subsection is inserted in lieu thereof”

“Sec. 5-1-2. - General sewer use requirements.

- (e) *Specific pollutant limitations*. The following pollutant limits in Table 5-1-2(e) are established to protect against pass through, interference and sludge contamination at the North Oconee and Middle Oconee WRFs. Other than hauled waste, no person shall discharge wastewater containing in excess of the following maximum daily average concentrations and the instantaneous maximum allowable concentration for cyanide unless allowed by a wastewater discharge permit.

Table 5-1-2(e). Specific Pollutant Limitations for North Oconee and Middle Oconee WRF Indirect Discharges

Pollutant	North Oconee WRF Collection System		Middle Oconee WRF Collection System	
	Maximum Daily	Maximum Instantaneous	Maximum Daily	Maximum Instantaneous

	Average Concentration (mg/l)	Concentration (mg/l)	Average Concentration (mg/l)	Concentration (mg/l)
Arsenic	0.14		0.48	
Cadmium	0.15		0.11	
Chromium	32.6		10	
Copper	3.40		0.91	
Cyanide	Not applicable	1.05	Not applicable	1.15
Lead	2.64		0.48	
Mercury	0.00025		0.0072	
Nickel	8.77		5.7	
Selenium	0.30		1.0	
Silver	0.25		0.76	
Zinc	13.6		16	
Phenol	Not applicable		42	

- (1) Specific pollutant limitations apply at the point where the waste is discharged to the POTW (or to an upstream collection system such as the one owned and operated by the University of Georgia). All concentrations include soluble and particulate forms and all oxidation states (as applicable) unless indicated otherwise.
- (2) The mercury concentration limit for the North Oconee WRF collection system is less than the reporting limit for EPA method 245.7. Compliance must be demonstrated using a "low level" analytical method with reporting limit no higher than the concentration limit."

SECTION 2. Section 5-1-2 of the Code of Athens-Clarke County, Georgia, entitled "General sewer use requirements," section (f), entitled "Conventional pollutant limitations," is hereby deleted in its entirety and the following new subsection is inserted in lieu thereof"

"Sec. 5-1-2. - General sewer use requirements.

- (f) *Conventional pollutant limitations.* The conventional pollutant limits in Table 5-1-2(f) are established to protect the POTW throughout the wastewater collection system and at all WRFs. Other than hauled waste, no person shall discharge wastewater containing in excess of the following maximum daily average concentrations.

Table 5-1-2(f). Conventional Pollutant Limitations for All Indirect Discharges

Pollutant	Domestic Wastewater Concentration (mg/l)	Maximum Daily Average Concentration (mg/l)
5-Day biochemical oxygen demand (BOD)	250	1,100
Total suspended solids (TSS)	250	1,100
Total Kjeldahl nitrogen (TKN)	50	180
Total phosphorus (TP)	6	60
Polar fats, oils, and grease (FOG)	100	200
Non-polar oils	Not applicable	100

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

2. ADOPT: The following resolution for Northeast Georgia Regional Solid Waste Management Plan.

**ATHENS-CLARKE COUNTY RESOLUTION TO
PARTICIPATE IN THE UPDATE
OF THE NORTHEAST GEORGIA REGIONAL SOLID WASTE MANAGEMENT PLAN**

WHEREAS, the Georgia General Assembly enacted the Georgia Comprehensive Solid Waste Management Act, as amended in 2011, which requires county and municipal governments to develop or be included in a comprehensive solid waste management plan; and

WHEREAS, the update of the Northeast Georgia Regional Solid Waste Management Plan will be prepared on behalf of and includes the solid waste management plans of all municipalities within the jurisdiction of the Northeast Georgia Regional Solid Waste Management Authority; and

WHEREAS, the update of the Northeast Georgia Regional Solid Waste Management Plan will be prepared in compliance with the Georgia Comprehensive Solid Waste Management Act, as amended in 2011, and the minimum public participation and other procedural requirements will be met or exceeded.

NOW, THEREFORE, BE IT RESOLVED by Athens-Clarke County that the recommendation to participate as a member county in the 2020 update of the Northeast Georgia Regional Solid Waste Management Plan is accepted, and furthermore, that the Northeast Georgia Regional Commission shall be notified of said adoption in writing within seven (7) days of the adoption of this resolution.

3. APPROVE: As per agenda report dated March 24, 2020
- a) Submittal of a FY21 Georgia Juvenile Justice Incentive Grant for Juvenile Court in the amount of approximately \$75,000 as per agenda report dated March 24, 2020 to continue evidence-based or evidence-informed program models that have been shown to reduce juvenile recidivism;
 - b) Authorize staff to accept the grant funds, if awarded; and
 - c) Authorize the Mayor, Juvenile Court Judge, and appropriate staff to execute all related documents.
4. APPROVE: Georgia Accountability Court Funding Program Grants – Western Judicial Circuit as per agenda report dated March 26, 2020.
- a) Authorize Superior Court to submit an application to the Criminal Justice Coordinating Council for an Accountability Court Grant in an amount of \$197,000 to continue current funding and operation of Felony Drug Court;
 - b) Authorize Superior Court to submit an application to the Criminal Justice Coordinating Council for an Accountability Court Grant in an amount of \$100,000 to continue current funding and operation of Treatment and Accountability Court;
 - c) Authorize Superior Court to submit an application to the Criminal Justice Coordinating Council for an Accountability Court Grant in an amount of \$112,000 to continue current funding and operation of Veterans Court;
 - d) Authorize State Court to submit an application to the Criminal Justice Coordinating Council for an Accountability Court Grant in an amount of \$68,000 to continue current funding and operation of DUI/Drug Court;
 - e) Authorize Juvenile Court to submit an application to the Criminal Justice Coordinating Council for an Accountability Court Grant in an amount of \$170,000 to continue current funding and operation of Family Dependency Treatment Court;
 - f) Authorize staff to accept the grant funds, if awarded; and
 - g) Authorize the Mayor, Superior Court Judges, State Court Judge, Juvenile Court Judge and appropriate staff to execute all related documents.

5. APPROVE: Staff to initiate the process to abandon the old road bed of the realigned Morton Road and its associated excess right of way at US 78 as shown in Attachment #1 of agenda report dated March 27, 2020.

6. APPROVE: Mayor and appropriate staff to complete all related application documents to apply, and if awarded, accept the \$25,000,000 BUILD Grant Program funds for the North Avenue Improvement BUILD Grant Project that are anticipated to be available by US Department of Transportation (USDOT) using the USDOG application shown in Application #1 of agenda report dated April 2, 2020.

7. APPROVE: Appointments to the Community Tree Council as recommended by their Nominating Committee.

Tori Goff	term expiring 12-31-2020
Jack Hagan	term expiring 12-31-2020
Nina Wurzburger - reappointment	term expiring 12-31-2020
Philip Hale– reappointment	term expiring 12-31-2022
Edith Jackson	term expiring 12-31-2022
Pamela Knox - reappointment	term expiring 12-31-2022
Mary Songster	term expiring 12-31-2022
Jim Weck	term expiring 12-31-2022

Public hearing and deliberation on the Community Development Block Grant Annual Action Plan

Citizen input

There was no citizen input.

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

- a) Approve the proposed FY21 Annual Action Plan for submission to HUD as per Attachment #1 shown below of agenda report revised February 25, 2020;
- b) Authorize acceptance of the associated HUD Grant Awards;
- c) Authorize FY20 carry-forward sub-recipient balances and allocation of any additional awarded funds; and
- d) Authorize the Mayor and appropriate ACCGOV staff to execute all related contracts and documents.

The motion passed by unanimous vote;

Projected CDBG Funding FY21 (July 1, 2020 – June 30, 2021): \$1,409,876

Reprogrammable CDBG Funds: \$22,251

Total FY21 CDBG Recommendation: \$1,432,127

Affordable Housing Objectives

1. Athens Area Habitat for Humanity	\$190,000
2. Athens Housing Authority.....	\$157,105
3. Athens Land Trust.....	\$195,000
4. Historic Athens (Formerly Athens-Clarke Heritage Foundation)	\$82,000
Total Affordable Housing.....	\$624,105

Micro-enterprise, Economic Development, and Neighborhood Revitalization Objectives

5. Athens Land Trust.....	\$62,000
6. East Athens Development Corporation, Inc.	\$90,000
7. East Athens Development Corporation, Inc.	\$30,000

8. East Athens Development Corporation, Inc.....	\$35,000
9. Goodwill of North Georgia.....	\$60,000
Total Economic Development and Neighborhood Revitalization.....	\$267,000

Public Services Objectives – Subject to the 15% Cap

10. Acceptance Recovery Center.....	\$20,000
11. Advantage Behavioral Health Systems.....	\$30,000
12. Athens Community Council on Aging.....	\$20,000
13. Athens Land Trust.....	\$30,000
14. Casa de Amistad.....	\$22,000
15. The Ark UMOC.....	\$25,000
16. Chess and Community Conference.....	\$25,000
17. Family Connection.....	\$22,000
18. YWCO.....	\$10,000
Total Public Services.....	\$204,000

Public Facilities Objectives

19. Athens-Clarke County Leisure Services.....	\$45,047
Total Public Facilities	\$45,047

Total Administration.....	\$281,975
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Old business – Discussion

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

- a) Adopt the following resolution as per Attachment # 1 of agenda report dated April 7, 2020 authorizing the submission of an application to the Georgia Department of Transportation (GDOT) for Federal Transit Administration FY20 (January 2020 - June 30, 2020) and FY21 (July 1, 2020- June 30, 2021) formula operating assistance of \$7,748,915 and FY 21 (July 1, 2020 - June 30, 2021) capital assistance of \$1,318,915 for a total amount of \$9,067,731;
- b) Authorize the acceptance of the grant at the currently projected level or alternative level, if awarded; and
- c) Authorize the Mayor and appropriate staff to execute the resulting contract between the Unified Government of Athens-Clarke County (ACCGov) and GDOT.

The motion passed by unanimous vote.

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 and the CARES Act of March 27, 2020.

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

- 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 funding the operating and capital expenses incurred beginning on January 20, 2020 for the Athens-Clarke County Transit department's eligible expenses, including operating expenses to maintain transit services as well as paying for administrative leave for transit personnel due to reduced operations during an emergency.

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.

A motion was made by Commissioner Parker, seconded by Commissioner Link, to authorize staff to execute change order #3 to the construction contract with CMES, Inc. for the Firefly Trail - Winterville Section (TSPLOST 2018 Project 06 Sub-Project #3.1) in an amount of \$150,000.00 as per agenda report revised April 30, 2020; and authorize the Mayor and appropriate staff to execute all project-related documents. The motion passed by unanimous vote.

A motion was made by Commissioner Link, seconded by Commissioner Wright, to a) adopt the following ordinance (#20-05-22) which was presented by title only amending the Code of Athens-Clarke County, Georgia to allow for sale or disposal proceedings for abandoned property to commence after a 90 day retention period as per Attachment #1 of agenda report dated February 26, 2020;

- b) Name Athens-Clarke County's Central Services Department as the recipient of abandoned property after 90 days from the date items came into the possession of the police department;
- c) Allow for release of claimed items with a signed "receipt" declaring ownership instead of an "affidavit," and
- d) Authorize the Mayor and appropriate staff to execute all related documents.

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

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

SECTION 1. Subsection (c) of section 3-11-1 of the Code of Athens-Clarke County, Georgia, entitled "*Return to rightful owner; temporary retention as evidence*" is hereby amended by deleting the words "an affidavit" and adding the words "a receipt," so that the new subsection is:

"Sec. 3-11-1. – Return to rightful owner; temporary retention as evidence.

(c) Any person claiming ownership of any abandoned or lost property shall furnish satisfactory proof of ownership and adequately identify themselves, whereupon the property shall be delivered to such person. The person to whom property is delivered shall sign a receipt declaring ownership of the property which shall be retained by the police department. If there is no other documentary proof of ownership available, such a declaration shall be deemed satisfactory proof of ownership of the property. The delivery of the property shall be without prejudice to the rights of any other person who may claim an interest in such property."

SECTION 2. Section 3-11-1 of the Code of Athens-Clarke County, Georgia, entitled "*Return to rightful owner; temporary retention as evidence*," is hereby amended by adding the following new subsection (e):

“Sec. 3-11-1. – Return to rightful owner; temporary retention as evidence.

(e) The Athens-Clarke County Police Department shall maintain a publically accessible summarized announcement of this process, as well as the process outlined in 3-11-2, on the Public Announcements page of their website and circulate this information via social media on a quarterly basis.”

SECTION 3. Subsection (a) of section 3-11-2 of the Code of Athens-Clarke County, Georgia, entitled “*Advertisement and sale*” is hereby amended by deleting the words “180” and “department of general services,” and adding the words “90,” and “central services department,” so that the new subsection is:

“Sec. 3-11-2. – Advertisement and sale.

(a) Lost or stolen property being held by the police department which is not claimed by the rightful owner thereof within 90 days from the date it came into possession of the police department shall be turned over by the police department to the central services department for sale. Any property not sold at such a sale may be held for use or future sale by Athens-Clarke County and if it appears that such property is unusable by Athens-Clarke County and that the expense of holding and retaining such property would exceed any proceeds derived from its sale, then Athens-Clarke County may destroy such property. Appropriate records shall be maintained concerning such destruction.”

SECTION 4. Subsection (b) of section 3-11-2 of the Code of Athens-Clarke County, Georgia, entitled “*Advertisement and sale*” is deleted in its entirety and the following new subsection inserted in lieu thereof:

“Sec. 3-11-2. – Advertisement and sale.

(b) When any such property is to be sold, the central services department shall then publish a notice of sale once a week for four (4) consecutive weeks in the newspaper in which sheriff’s sales are advertised. The notice of sale shall give a full and complete description of the property to be sold; the time date, place and terms of the sale; and shall state that the property to be sold was lost or stolen and recovered by the police department more than 90 days prior to the date of publication of the notice. A copy of the notice of sale shall be posted in the courthouse at least 30 days prior to the sale. The notice of such sale with a link to the property descriptions, time, date, place, and terms of sale shall be posted on the ACC Civic Alerts web page 30 days prior to the sale with social media alerts circulated via the Public Information Office once a week until the date of the sale.”

SECTION 5. Subsection (c) of section 3-11-2 of the Code of Athens-Clarke County, Georgia, entitled “*Advertisement and sale*” is hereby amended by deleting the word “general” and adding the word “central,” so that the new subsection is:

“Sec. 3-11-2. – Advertisement and sale.

(c) All sale shall be reported by the central services department to the mayor and commission at the next regular meeting following such sale.”

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

A motion was made by Commissioner Parker, seconded by Commissioner Denson, to DENY Athens-Clarke County Department of Corrections (ACCDC) and Georgia Department of Transportation (GDOT) corridor beautification agreement.

A substitute motion was made by Commissioner Hamby, seconded by Commissioner NeSmith, to HOLD this item until Tuesday, June 2.

The substitute motion passed by unanimous vote.

. A motion was made by Commssioner Denson, seconded by Commissioner NeSmith, to approve the proposed expansion of the Athens Cultural Affairs Commission’s Arts in Community awards to free up more funds to support local artists amid the COVID-19 Pandemic, with \$15,000 funded through the Athens Cultural Affairs capital budget as per agenda report dated April 3, 2020 and an additional \$85,000 from the resiliency package. The motion passed by unanimous vote.

A motion was made by Commissioner NeSmith, seconded by Commissioner Link, to adopt the following ordinance (#20-05-23) which was presented by title only as per agenda report revised May 1, 2020. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO ELECTED OR APPOINTED OFFICIALS; AND FOR OTHER PURPOSES.

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

SECTION 1. Sub-section (d) of Section 1-9-1 of the Code of Athens-Clarke County, Georgia, entitled "*General Provisions*," is hereby amended by adding a paragraph (4) to read as follows:

(4) *Elected or Appointed Official.* Where an elected or appointed official who is not subject to the manager's chain of command has employees under the personnel system and the personnel system gives final authority to the manager for disciplinary action or the selection of an individual to fill a position through appointment, promotion, or transfer, then, such final authority will reside with the authorized elected or appointed official. However, and unless otherwise specified, the authorized elected or appointed official shall implement all personnel decisions, including disciplinary action or the selection of an individual to fill a position through appointment, promotion, or transfer, in accordance with the applicable provisions of the personnel system.

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

A motion was made by Commissioner Link, seconded by Commissioner Herod, to award a construction contract for the CY20 Pavement Maintenance Project to Pittman Construction Company for a unit cost of \$6,137,701.91 as per agenda report revised April 27, 2020; and authorize the Mayor and appropriate staff to execute all related documents. The motion passed by unanimous vote.

A motion was made by Commissioner Wright, seconded by Commissioner Herod, as per agenda report revised April 29, 2020 to

- a) Approve the designation of Georgia Development Partners LLC as the apparent low responsive and responsible bidder for the construction of TSPLOST 2018 Project 06 - Firefly Trail, Sub-Project #2/Recycled Watermain;
- b) Award a Unit Price Construction Services Contract in the amount of \$3,772,746.61 to Georgia Development Partners LLC, as the lowest responsive and responsible bidder for the TSPLOST 2018 Project 06 - Firefly Trail, Sub-Project #2/Recycled Watermain; and
- c) Authorize the Mayor and appropriate staff to execute all project-related documents.

The motion passed by unanimous vote.

A motion was made by Commissioner NeSmith, seconded by Commissioner Davenport, with reference to TSPLOST 2018 Project #12 – Pedestrian Improvement Program, West Broad Street Sidewalk Gap – construction service contract award as per agenda report revised April 27, 2020

- a) Approve the designation of Tri Scapes, Inc. as the apparent low responsive and responsible bidder for the construction sidewalk gap project along West Broad Street;
- b) Award a unit price construction services contract in the amount of \$176,241.05 to Tri Scapes, Inc. as the lowest responsive and responsible bidder for the West Broad Street sidewalk gap project;
- c) Authorize the extra work contingency allowance in the amount of \$30,000; and
- d) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

A motion was made by Commissioner Link, seconded by Commissioner Edwards, to return to the Audit Committee an update of the process for receiving and reviewing audit reports. The motion passed by unanimous vote.

A motion was made by Commissioner NeSmith, seconded by Commissioner Herod, to adopt the following ordinance (#20-05-24) which was presented by title only under home rule powers granted to Athens-Clarke County to amend the Charter of the Unified Government of Athens-Clarke County, Georgia with respect to the police power of Athens-Clarke County, Georgia, and for other purposes. The motion passed by unanimous vote.

Charter amendments require adoption at two regular sessions. The final and second reading is scheduled for Tuesday, June 2.

AN ORDINANCE UNDER THE HOME RULE POWERS GRANTED TO ATHENS-CLARKE COUNTY TO AMEND THE CHARTER OF THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO THE POLICE POWER OF ATHENS-CLARKE COUNTY, GEORGIA, AND FOR OTHER PURPOSES.

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

SECTION 1. The Charter of the Unified Government of Athens-Clarke County is hereby amended by striking Sub-Section (15) of Section 8-114, which Sub-Section is entitled "Police power," in its entirety, and substituting the following new Sub-Section (15) in lieu thereof:

"(15) Police power: To exercise the police power for the public safety and well-being of the citizens of the unified government; without limitation, the unified government is authorized to make contributions out of funds appropriated therefor to eligible organizations for purely charitable purposes as defined by O.C.G.A. Sec. 36-1-19.1(d) to be used for payment of costs related to the relief of indigent, impoverished or distressed citizens of the unified government in order to promote the public safety and well-being of the citizens of the unified government by thereby preventing the spread of disease; promoting the welfare of its citizens, including particularly children and families; and mitigating the burdens of government arising from indigency, sickness and illnesses among the citizens of the unified government;"

SECTION 2. All ordinances or local laws and parts of ordinances or local laws in conflict with this Ordinance are hereby repealed.

SECTION 3. In the event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The Unified Government of Athens-Clarke County, Georgia hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

New business – Consider under suspension of Rules

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

A motion was made by Commissioner Wright, seconded by Commissioner NeSmith, to adopt the following ordinance (#20-05-25) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO **SHAREABLE DOCKLESS MOBILITY DEVICES**, AND FOR OTHER PURPOSES.

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

SECTION 1. *Findings.* The Mayor and Commission initiated emergency legislation on December 4, 2018, to temporarily prohibit all shareable dockless mobility devices, including electric scooters and

bicycles, in order to address concerns related to public peace, health, and safety due to the sudden and unexpected influx of shareable dockless mobility devices until a more permanent solution could be put in place to safeguard the traveling public and ensure compliance with all local and state laws. Staff of the Unified Government of Athens-Clarke County, Georgia, have worked diligently since the moratorium was first put in place to research the impacts of shareable dockless mobility devices, to explore regulations that would ensure that they could be operated safely within our community, and to propose a structure for the proposed pilot program. However, due to the complexity of the issues surrounding shareable dockless mobility devices and the need to carefully consider the potential impacts of these devices upon our community, the Unified Government required additional time to finish developing the proposed pilot program and implement the RFP process. Given the serious concerns raised by the deployment of shareable dockless mobility devices regarding public safety and accessibility and the complexity of the regulatory process, on October 1, 2019, the moratorium was modified and extended by six months to June 4, 2020, in order to continue to protect the community and to ensure compliance with all state and local laws while the Unified Government continued to explore options for a pilot program. Since that time, staff and members of the Mayor and Commission have continued to work diligently to develop a pilot program crafted to meet the needs of the Athens-Clarke County community. On October 8, 2019, the Mayor and Commission heard a staff presentation on proposed pilot terms and issued feedback. On October 15, 2019, representatives of the Unified Government testified before the Senate Study Committee on Evaluating E-scooters and Other Innovative Mobility Options for Georgians, and the Unified Government has continued to monitor proposed state legislative efforts and reports issued by the committee with regards to public safety and potential regulations of shareable dockless mobility devices. Given the complexity of the subject and the importance of evaluating the specific needs and challenges of the Athens-Clarke County community, on November 21, 2019, the Legislative Review Committee directed the Athens in Motion Commission, an advisory commission that is tasked with recommending policies for a safe and connected network of bicycle and pedestrian facilities within Athens-Clarke County, to use their expertise to research and evaluate health and safety concerns for all transportation users with regards to shareable dockless mobility devices. On February 27, 2020, the Athens in Motion Commission issued a statement providing guidance to the Unified Government's Legislative Review Committee after having performed a substantial amount of work reviewing the potential impacts of shareable dockless mobility devices on the Athens-Clarke County community. Shortly thereafter and before the Legislative Review Committee could meet again to consider this report, the COVID-19 pandemic began, resulting in the cancellation of the Legislative Review Committee's regularly scheduled March and April meetings. The next meeting will be May 21, 2020; however, this will not allow sufficient time for the committee to establish a pilot program before the moratorium expires on June 4, 2020. As a result of the unanticipated impacts of COVID-19 on regular government operations and in light of the continued need to gather information about how shareable dockless mobility devices would impact Athens-Clarke County, the Unified Government requires that the moratorium be extended for an additional six months. For all of these reasons, and in order to reaffirm our commitment to healthy, safe, and environmentally-friendly alternative transportation options, the Commission intends through this ordinance to extend the moratorium for six months to provide additional time for the development of the Unified Government's pilot program.

SECTION 2: Section 3-3-68 of the Code of Athens-Clarke County, Georgia, entitled "Shareable dockless mobility devices," is hereby amended by deleting from sub-section (a) the phrase "eighteen (18) months" and replacing said phrase with "twenty-four (24) months from the date that the original moratorium ordinance was passed. This moratorium shall automatically expire on December 4, 2020, unless extended or terminated sooner by Athens-Clarke County's Board of Commissioners," so that said paragraph now reads as follows:

"Sec. 3-3-68. – Shareable dockless mobility devices.

(a) *Purpose.* The purpose of this ordinance is to prohibit Shareable Dockless Mobility Devices from being placed in the public right-of-way or on public property, operated in the public right-of-way or on public property, or offered for use anywhere in Athens-Clarke County, for a maximum period of twenty-four (24) months from the date that the original moratorium ordinance was passed. This moratorium shall automatically expire on December 4, 2020, unless extended or terminated sooner by Athens-Clarke County's Board of Commissioners. This will allow for adequate pedestrian traffic flow and will protect the traveling public until additional regulations can be put in place through a franchise or licensing system to safeguard the community and establish a pilot program to test the operation of these devices within Athens-Clarke County in a controlled and safety-conscious manner that ensures compliance with all local and state laws."

SECTION 3. If any section, subsection, subdivision, sentence, clause, phrase or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this ordinance shall be and remain in full force and effect.

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

FROM MAYOR GIRTZ:

1. Stated the epidemiological group will meet Wednesday, May 6 for an update on Covid-19.
2. Stated May 5 Community Conversation will feature Labor Commissioner Mark Butler.

FROM MANAGER WILLIAMS:

1. Received for information was a manager proposed operating transfer.

<u>Amount</u>	<u>To</u>	<u>For</u>
\$15,000	Special Programs Fund	FY19 part-time salary charges made to the Law Library in error

Commissioners encouraged citizens to be vigilant in washing hands, wearing face masks, and taking precautions to remain healthy.

FROM COMMISSIONER HAMBY:

1. Stated the Mayor's video updates have been well received by and helpful to the community.

FROM COMMISSIONER HEROD:

1. Stated the opening of RWDC will bring 200+ jobs to the community.

FROM COMMISSIONER EDWARDS:

1. Stated the recently approved joint development authority will provide opportunities for small businesses to operate.

FROM COMMISSIONER WRIGHT:

1. Thanked Judge Norris for recent ACC courts update on safety and jail release efforts relating to COVID pandemic.

FROM COMMISSIONER DENSON:

1. Stated Athens Cultural Affairs Commission will shortly begin second round of grant applications.
2. Requested a work session with judiciary.
3. Requested adoption of a resolution agreeing to reimburse U S. Post Office for absentee ballots sent without affixed postage.

FROM COMMISSIONER PARKER:

1. Stated a schedule of food distribution is available on her website.
2. Stated concern about jail population during COVID pandemic.

A motion was made by Commissioner Link, seconded by Commissioner Denson, to enter into executive session for discussion of real estate acquisition and/or disposal, attorney/client conference to discuss pending or threatened litigation, and personnel matters. The motion passed by unanimous vote.

The meeting adjourned at 8:43 p.m.